

The Donation of Constantine and the Church in Late Byzantium

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It enunciates better than any monument the kind of honors which emperors who do not neglect the pursuit of piety would justly bestow on the church of Christ.

—Matthew Blastares, *Syntagma* (Rhalles-Potles, 6:260)

The Donation of Constantine (*Constitutum Constantini*) is doubtless one of the most famous forgeries of the Middle Ages.¹ The historical genesis of the Donation and the history of its exploitation in the medieval West have been much studied and discussed: the composition during the late fourth or fifth century in Rome of the *Actus Silvestri*, the source of the first part of the Donation (the *confessio*), narrating Emperor Constantine's miraculous recovery from leprosy and subsequent Christian baptism by Pope Sylvester;² the forging of the Donation itself (the hagiographical *confessio* and the legally substantive *donatio*), which some scholars have dated to the second half of the eighth century and others have attributed to circles close to the Lateran church in Rome;³ the textual dissemination of various versions of the document in Latin canon law;⁴ the usage of the Donation by the papacy and its ideologues;⁵ the commentaries on it by jurists and glossators;⁶ and finally, the definitive exposure of the forgery between 1433 and 1460 by Renaissance humanists and church reformers.⁷ The dissemination of the Donation in the Byzantine Empire and the Orthodox East is an intriguing side story in the history of this spurious document. In the East, as in the West, the Donation entered the ideological arsenal of ambitious ecclesiastics. As the words of the fourteenth-century canonist Matthew Blastares suggest, the Donation of Constantine was considered to

have established a model for the relationship between emperors and the church. The question naturally arises of how the Donation—a constitutional cornerstone of the papal monarchy after the eleventh century—supported the claims and ambitions of late Byzantine ecclesiastics, whose authority and prestige were steadily rising in the period of the thirteenth, fourteenth, and fifteenth centuries.

The present article tackles this question and in the process raises new ones, some of which will be addressed here, while others go beyond the scope and ambitions of this investigation. Aspects of the reception of the Donation in Byzantium have been treated in seminal studies by George Ostrogorsky,⁸ Francis Dvornik,⁹ Paul Alexander,¹⁰ Viktor Tiftixoglu,¹¹ Hans-Georg Krause,¹² and Gilbert Dagron.¹³ These studies have been far from exhaustive, however. Scholars have been mostly interested in the circumstances of the initial Byzantine encounter with the Donation in the period before 1204. The role of the Donation after the Latin conquest of Constantinople has received less attention, which is in no way warranted by the wide textual dissemination of the Greek versions of the Donation in the later period. It is to the thirteenth century that the earliest surviving Greek manuscripts of the Donation date. Our study of the late Byzantine responses to the Donation will involve two interrelated investigations. First, we will examine the textual transmission of the Greek versions of the Donation, an examination which sheds illuminating light on contemporary interest in the forgery. Second, we will trace diverse lines of interpretations of the Donation in the domestic context of legal writing, political rhetoric, and court ceremonies, as well as in the broader confessional context of polemic with the Latins. This two-pronged investigation should enable us to draw some general conclusions about the role and place of the Donation in late Byzantium.

Byzantine receptivity to the Donation may appear paradoxical at first sight. The origins of the Donation are traditionally considered to lie in the political climate of eighth-century Rome, a climate close to the Greek East, yet hostile to Byzantine imperial interests in the era of the iconoclast controversy and papal-Frankish rapprochement. As a polemical tool in papal hands from the eleventh century onward, the Donation was a weapon used against the Byzantine church. At the same time, one should not forget that elements of the story of Constantine and Sylvester as reported by the Donation sounded plausible to Byzantine audiences. By the middle Byzantine period, the Sylvester legend had become the dominant version of the baptism of Constantine and had supplanted the historically true, but

embarrassing, story of Constantine's baptism on his deathbed by the Arian bishop Eusebius. The Sylvester legend is regularly reported by Byzantine world chronicles composed from the ninth century onward.¹⁴ The story retained vitality in the later Byzantine period, both among historians and hagiographers.¹⁵ The first part of the Donation, the *confessio*, thus presented elements of the Constantine story which were thoroughly familiar to the Byzantines. The second part, the *donatio*, would have sounded more fantastic and certainly less appealing to Byzantine ears. After all, the privileges granted to Pope Sylvester and his successors on the throne of St. Peter meant papal supremacy in Christendom and a quasi-imperial status of the popes. Even so, the *donatio* agreed with the Byzantine ideology of the *translatio imperii* by presenting Constantine as transferring his empire to the East. Furthermore, Byzantine learned audiences and readers of hagiography were aware of a story of how Constantine had acted as a legislator immediately after his miraculous healing and baptism by Sylvester. The source of this story is the Latin *Actus Silvestri*, a hagiographical account translated into Greek probably as early as the sixth century, and continually popular in the middle and late Byzantine periods.¹⁶ The Greek vitae of Sylvester (derived from the translation of the Latin *Actus*) relate how following his baptism Constantine issued a law prescribing partial confiscation of the property of blasphemers and another law entitling poor neophytes to receive from the imperial treasury funds and vestments necessary for their baptism.¹⁷ During the late Byzantine period the story of the baptismal legislative measures enacted by Constantine made its way outside the context of the *Lives of Sylvester*, both in hagiography and historiography.¹⁸ Thus, the *donatio* contained elements of the Constantine story acceptable to the Byzantines. In fact, it was this part of the document rather than the *confessio* that circulated more widely in the Greek East.

Greek Versions of the Donation and Their Circulation in Late Byzantium

Byzantium knew four different versions of the Donation of Constantine: three solely of the *donatio* and one complete with the *confessio*. Three of the versions are translations from Latin, while the fourth version represents an abridged adaptation of what, in all probability, is the oldest surviving Greek translation, the Balsamon version. Several Byzantine scholars and political figures are closely associated, whether through their written works or public

careers, with each of the four versions of the Donation. Therefore, for convenience's sake we will refer to these versions as "the Balsamon version," "the Blastares version," "the Kydones version," and "the Chrysoberges version."¹⁹ These handy designations do not imply authorship of the translation or the redaction, an issue which, unfortunately, is not resolvable with certainty for any of the four texts. Hypotheses with varying degrees of plausibility have already been proposed regarding the circumstances of production of each version. It will be our task here to assess these hypotheses and put forward some new ones.

1. THE BALSAMON VERSION (THE *DONATIO* ONLY)

Inc. δέον ἐκρίναμεν μετὰ πάντων τῶν σατραπῶν ἡμῶν καὶ πάσης τῆς συγκλήτου²⁰

The earliest Greek translation of the Donation is found in the canonical commentaries of Theodore Balsamon (ca. 1130–40 to after 1195), *nomophylax* and *chartophylax* in the patriarchal bureaucracy of Constantinople during the later years of the reign of Emperor Manuel I Komnenos (1143–80) and subsequently patriarch of Antioch resident in the imperial capital. When commenting on title 8, chapter 1, of the *Nomokanon in Fourteen Titles* (the *Nomokanon* of Pseudo-Photios), which includes the provision that the see of Constantinople ought to enjoy the same prerogatives as those of Rome, Balsamon noted the Donation "presents to us the kind of prerogatives of the see of Rome."²¹ Then Balsamon quoted the text of the Donation (the *donatio* only) and followed it up with an interesting commentary regarding the applicability on Byzantine soil of Constantine's concessions to the papacy. The text Balsamon quoted was a translation of the *donatio* as it appears in the famous polemical pamphlet (*libellus*) addressed in 1053 by Pope Leo IX (1049–54) to Patriarch Michael I Keroularios (1043–58) and Archbishop Leo of Ohrid.²² The authorship of the *libellus* has been attributed to Leo IX's cardinal and envoy to Constantinople, Humbert of Silva Candida.²³ Hans-Georg Krause has shown that the Greek translation was made from a secondary branch of the textual tradition of the *libellus* associated with a group of manuscripts known as "the southern Italian collection."²⁴

On the basis of his careful textual study Krause drew far-reaching conclusions. According to him, the translation of the Donation which came to be incorporated into Balsamon's canonical commentaries could not have been produced at the request of Patriarch Michael I Keroularios at the time of the Eastern Schism in 1054, as a traditional theory maintained.²⁵ Further

Krause argued that Pope Leo's *libellus* never reached Keroularios and that the Donation remained unknown to the Byzantine prelate.²⁶ The latter argument, in my opinion, overstates Krause's meticulous construction of his case. One needs to distinguish between the time and circumstances surrounding the translation of the Balsamon version, on the one hand, and Byzantine knowledge of the Donation at the time the Eastern Schism, on the other. One ought to agree with Krause that the translation which was incorporated into Balsamon's canonical commentaries should be dated after the confrontation between the papal legates and the Byzantine patriarch in 1054, if we exclude the highly unlikely possibility that the legates brought an already contaminated version of the text. The post-1054 date of the translation of the Balsamon version does not necessarily mean, however, that the legates could not have brought along to Constantinople Pope Leo's *libellus* and that the Donation remained unknown to Keroularios. Circumstantial evidence makes it virtually certain that Keroularios was aware of the Donation. Balsamon explicitly states that Keroularios and "other patriarchs" used the Donation of Constantine to legitimize their political ambitions.²⁷ Keroularios's political ambitions encroached on imperial prerogative. According to eleventh-century Byzantine historians, Keroularios put on purple imperial buskins, assumed the role of powerful political mediator by arranging for the accession of Isaac I Komnenos (1057–59) on the imperial throne, and asserted the authority of the patriarchal office in managing the wealth of the church.²⁸ Artistic evidence from the middle of the eleventh century indicates contemporary Byzantine familiarity with the Donation. The illuminations in a Vatican psalter copied in 1058/59 pay unusually high attention to the figure of St. Sylvester and seek to raise the position of priestly authority above secular power, a circumstance which can be explained in the light of current political discussions fueled by the Donation.²⁹ If Keroularios knew about the Donation, as we are suggesting here, one should assume one of the following two possibilities: either Keroularios became familiar with the Donation through oral communication or the Balsamon version was not the first translation of text into Greek.

There is a wide time span in which the translation of the Balsamon version could have been produced. There is no reason why it could not have come into existence soon after 1054, as the "southern Italian collection" of texts relating to the schism was already put together by about 1070.³⁰ The translation could also have been made during the twelfth century, when pro-papal circles readily capitalized on the Donation as a proof of the primacy of the see of St. Peter. For example, Pope Paschal II's letter of 1112 to Emperor Alexios I Komnenos (1081–1118) made a reference to the Donation,

although without actually citing it.³¹ Any of the numerous debates between Byzantine and Western ecclesiastics on healing the schism during the twelfth century could have brought back the *libellus* of Leo IX in its secondary version, which was a basis for the translation. It also cannot be ruled out that the translation could have emerged in the bilingual Greek- and Latin-speaking environment of southern Italy. In any case, familiarity with the Donation increased in Byzantium during the twelfth century. The first allusion to the Donation by a Byzantine historian dates to the twelfth century.³² To the twelfth century, too, belongs the first use of the Donation in a Byzantine polemical work against the Latins, the *Sacred Arsenal* of Andronikos Kamateros.³³ Whatever the circumstances of production of the Balsamon version, we can securely say that during the lifetime of Balsamon it already circulated independently as a legal document.³⁴ It is interesting to observe that the Balsamon version does not always adhere closely to the Latin and makes some free interpretations. For example, the translator rendered the Latin expression *corona clericatus* (the clerical crown of Sylvester) rather loosely as “στεφάνη ἥτοι παπαλήθρα” (the latter being a rare word meaning “tonsure”). In approximately the same section of the document the translator did not render literally into Greek the Latin word *phrygium*, which designated the headgear presented by Constantine to Sylvester in lieu of the imperial crown. Instead Constantine placed on the pope’s head a *loros*, a mistaken translation of the word *phrygium*, probably induced by the fact that in the Latin original the *phrygium* is said to symbolize the Resurrection, while in Byzantium (according to the tenth-century *Book of Ceremonies* of Constantine Porphyrogennetos) the imperial *loros* was too a symbol of the Resurrection. In reality, the *loros* was not a piece of imperial headgear, but a bejeweled scarf embroidered with gold and worn on ceremonial occasions.³⁵

The Balsamon version of the Donation was transmitted after 1204 both in Balsamon’s commentaries on the *Nomokanon in Fourteen Titles* and as a self-contained, independently circulating document. Within Balsamon’s commentaries on the *Nomokanon*, the special interest which the Donation raised among reading audiences is attested by the occasional appearance of marginalia consisting of the Donation’s title³⁶ or an elaborately drawn index finger meant to attract in an instant the reader’s attention to the document.³⁷ In a thirteenth-century manuscript which is especially important for the history of Balsamon’s commentaries (Vaticanus Palatinus 384), the folio containing most of the text of the Donation was torn off and pasted toward the beginning of the manuscript.³⁸

A. The Balsamon Version as a Self-Contained Text

The independent circulation of the Balsamon version, which I have been able to trace in more than ten post-1204 manuscripts, highlights in particular a late Byzantine fascination with the Donation. Important patterns in its independent circulation should be mentioned here, while appendix 1 (below) examines the cases in greater detail. The post-1204 copies bear signs of the provenance of the text: a note preceding the Donation and stating that “this [text] has been extracted from the eighth title of [the *Nomokanon* of] the most holy patriarch of Constantinople Photios.”³⁹ The self-contained Balsamon version of the Donation circulated in predominantly legalistic contexts. First, it appears in manuscripts which contain Balsamon’s canonical works other than his commentaries on the *Nomokanon in Fourteen Titles*. A representative example is Ambrosianus graecus 682 (Q. 76 sup.) copied in 1287/88.⁴⁰ Here the Donation was copied after Balsamon’s responses to the inquiries of Patriarch Mark of Alexandria and just before his commentaries on the ecumenical and the local councils; the impression created by this sequence of texts is that the Donation opens Balsamon’s commentaries. Second, the Balsamon version was copied in codices transmitting the *Hexabiblos* of Constantine Harmenopoulos and the *Syntagma* of Matthew Blastares, the two most important compendia of secular and religious legislation produced in the late Byzantine period. The Balsamon version was copied in these manuscripts despite the fact that an abridged text of the Donation was an integral part of Blastares’ *Syntagma* and that this abridged text was often appended to the *Hexabiblos* of Harmenopoulos, as we will see later on. Third, the Balsamon version made its way into an interpolated late Byzantine redaction of the *Nomokanon in Fifty Titles*, the earliest Byzantine *nomokanon* composed in the late sixth century. Here the Donation was inserted into title 1, which contains legislation of general constitutional nature.⁴¹ Finally, the Balsamon version was copied in miscellaneous manuscripts containing predominantly non-legal texts.

B. Latin Retranslation of the Balsamon Version

A curious aspect of the transmission of the Balsamon version in the late Byzantine world was its copying by Latin prelates resident in the Greek East and the reverse translation of a portion of it into Latin. Soon after 1204 Latin polemicists realized that the Donation, in its Greek version found in Balsamon’s canonical commentaries, enjoyed credibility in the eyes of churchmen of the conquered empire. The positive Byzantine attitude

to the Donation must have been a welcome discovery. A scribal colophon accompanying the Balsamon version of the Donation in three manuscripts copied in southern Italy provides unique information about the Latin interest. In the years 1205 to 1207 the Roman cardinal Benedict of Sancta Susanna visited Constantinople as a legate of Pope Innocent III and learned of the existence of a Greek text of the Donation. The cardinal commissioned his interpreter, Nicholas of Otranto—a Greek monk from the monastery of St. Nicholas of Casole near Otranto in Apulia—to make a copy of the text. The colophon, of which two slightly different versions survive in the three manuscripts, states that Nicholas of Otranto produced the copy in December 1206 in the Great Palace of Constantinople at the instigation of the Roman cardinal.⁴²

The story does not finish here, however. Extracted from its original context, the Balsamon version of the Donation was retranslated into Latin. In 1934 Raymond-Joseph Loenertz showed that the Latin quotation from the Donation in *Tractatus contra Graecos*—a polemical treatise composed by an anonymous Dominican friar resident in Latin-held Constantinople in 1252—does not belong to the Western tradition of the text, but represents a reverse translation into Latin of a part of the Balsamon version.⁴³ The *Tractatus* of 1252 cites the Balsamon version from its beginning up to the point where Constantine designates the see of Rome as head of the universal church. Then, after a substantial hiatus, the excerpted text jumps to the section where Constantine transfers the capital of his empire to the East, citing henceforward the document until its end.⁴⁴ The fate of the retranslation of the Balsamon version was closely related to that of the *Tractatus contra Graecos*. The *Tractatus* was copied in numerous manuscripts and gained immense popularity as a polemical pamphlet against the Greek church, influencing a score of Latin authors of the late Middle Ages.⁴⁵ It certainly continued to be read by Dominicans in Constantinople after the re-establishment of a Dominican friary in the imperial capital in 1299, as witnessed by the redaction of the work which Friar Bartholomew prepared there in 1305. The same retranslated segment of the Donation, along with the accompanying commentary in the *Tractatus*, appears in the *Thesaurus veritatis fidei*, a bilingual anti-Orthodox florilegium compiled between 1275 and 1292 on the island of Euboea by the Dominican friar Buonaccorsi (Bonaccursius) of Bologna.⁴⁶ The Greek text of the Donation in Buonaccorsi's *Thesaurus* follows word-for-word the Balsamon version.⁴⁷

Who was the author of the Latin retranslation? By his own admission, the anonymous Dominican author who composed the *Tractatus* of 1252

combed through Greek manuscripts in libraries in Constantinople and traveled to Nicaea, presumably in order to participate in a religious disputation.⁴⁸ These self-referential remarks indicate knowledge of Greek and suggest that the author himself might have translated into Latin some or all of the numerous quotations from Greek patristic authors found in the four books of the *Tractatus*. Was the anonymous author of the *Tractatus* also the translator of the Donation excerpt? Without adducing any evidence, Loenertz considered this a certainty.⁴⁹ We would prefer to regard it as a plausible hypothesis rather than an established fact. On the one hand, the Donation excerpt found in the *Tractatus* of 1252 is not related to Nicholas of Otranto's copy of the Balsamon version, because it lacks the salient textual features of the 1206 apograph.⁵⁰ Therefore, the translation was clearly not made on this occasion. On the other hand, Latin ecclesiastics in Constantinople are known to have been interested in the Donation soon after 1204 (see below, pp. 114–15, 119), and it is entirely possible that the reverse Latin translation was made by another author well before 1252.

The reverse Latin translation circulated mostly among Dominican friars living in the Greek East rather than audiences in the West. Buonaccorsi's biography exemplifies this readership. Born in Bologna during the first half of the thirteenth century, Buonaccorsi joined the Dominican order in his early youth and spent forty-five years in the Greek-speaking East. In the last years of his life he resided in a Dominican friary on the island of Euboea, where after his death a certain Andreas Doto (a Dominican friar from Crete who visited the place not long before 1323) came across the polemical florilegium and produced an edition of the work, giving it in the process the title *Thesaurus veritatis fidei*, by which it is known today.⁵¹ The anonymous Dominican friar resident in Constantinople who composed in 1305 the polemical treatise *Tractatus contra errores Orientalium et Graecorum* provides another example of the circulation of the retranslation among Dominicans in the East.⁵² He cited a brief excerpt from the retranslation of the Balsamon version of the Donation.⁵³ The author most probably filched the text from the *Tractatus contra Graecos* of 1252, which we know was re-edited in Constantinople in 1305. Indeed, the retranslation had a long history among Latin ecclesiastics settled in the Greek East. In 1442 the Latin archbishop of Crete, Fantinus Vallaresso (ca. 1392–1443), who was trying to enforce the implementation of the Union of Ferrara–Florence on the Venetian-held island, cited parts of the retranslation in his treatise on Christian unity, specifically in the section on Roman primacy.⁵⁴

2. BLASTARES VERSION (ABRIDGEMENT OF THE BALSAMON VERSION) (THE *DONATIO* ONLY)

Inc. θεσπίζομεν σὺν πᾶσι τοῖς σατράπαις καὶ τῇ συγκλήτῳ τῆς ἡμῶν βασιλείας⁵⁵

The late Byzantine period saw the production of a shorter Greek text of the *donatio*. Similar phraseology with the Balsamon version indicates that the briefer text is nothing but an abridged redaction based on the former.⁵⁶ The abridged version of the Donation was incorporated into the *Syntagma* of Matthew Blastares completed in 1335, an alphabetically arranged compilation of canons and imperial legislation dealing with matters of predominantly ecclesiastical interest—hence the designation “the Blastares version.” The author of this version of the Donation is unknown. Circumstantial evidence seems to point to Blastares and his legal team: the text’s succinctness fits with one of the overall objectives of the *Syntagma*, namely, facility of usage; Balsamon’s commentaries on the *Nomokanon in Fourteen Titles* are known to have been a source for Blastares’ *Syntagma*.⁵⁷ Yet internal textual evidence points away from Blastares and should, in my opinion, be given priority over other considerations. The Donation is cited in the *Syntagma* along with a rhetorical preface, which lacks legal substance and begins with the words “having arrived at this point of the oration (*logos*), how could we keep silent about the ordinance of the great Constantine?”⁵⁸ The preface continues by praising Constantine for his virtues, mostly piety and respect for the church, but mention is also made of his inner and outer virtues (a component standard for encomia). Only then does the text of the Donation follow. That Blastares calls his work an oration or a speech (*logos*) is worth noticing and suggests that in the preface he is not referring to his legal oeuvre, which he calls elsewhere *syntagma* or more generally *syngamma*.⁵⁹ A likely explanation of this inconsistency would be that Blastares extracted the preface and the abbreviated version of the Donation from another work, probably an unknown laudatory oration or saint’s life in honor of Constantine the Great, and hence inserted it into the *Syntagma*.⁶⁰

Whoever the author of the Blastares version may have been, the succinct text of the Donation achieved rapid success in legal circles. Soon after its appearance in the *Syntagma*, and without its rhetorical preface, the Blastares version became part of the appendices (the so-called *epimetra*) to Constantine Harmenopoulos’s *Hexabiblos*, an important codification of secular law completed in Thessaloniki in 1345.⁶¹ Contemporaries and fellow Thessalonians, Blastares, and Harmenopoulos must have known about each other’s work, and this could explain their shared knowledge of the same succinct

version of the Donation. The Donation normally figures as the first appendix to the *Hexabiblos* and is accompanied in some manuscripts by other texts dealing with the relations between secular and ecclesiastical authority: a list of three synodal decrees (*tomoi*) on the excommunication of anti-imperial rebels and the refutation of this practice by Patriarch Philotheos Kokkinos (1353–54, 1364–76). It has been argued that Harmenopoulos himself arranged for the inclusion of the Donation and some of the other appendices during a second publication of the *Hexabiblos* prepared sometime before December 1351.⁶² This component of intentionality is important, because it implies that Harmenopoulos and his team wished to disseminate the Donation among contemporary lawyers and considered it an important constitutional document on church-state relations. As an appendix to the *Hexabiblos*, the Blastares version of the Donation circulated widely as a self-contained text and, in rare cases, was also copied in non-legal manuscripts.⁶³

The Blastares version of the Donation is more than three times shorter than the Balsamon one, yet it succeeds in giving a summary account of the most important privileges granted by Constantine to the see of Rome. Only a few omissions in content were allowed. The praise of St. Peter, which occupies a large part of the initial section of the *donatio* and adds nothing of legal import, was shortened. Relatively insignificant concessions to the pope were bypassed. For example, no mention is made of the *loros* which (according to the mistranslation in the Balsamon version) Constantine granted to the pope. Nor is there any mention of the military standards—scepters, *signa*, and *banda*—conceded by Constantine to Sylvester. Missing, too, is the entitlement of the clergy of the Roman church to appoint officials of imperial rank, such as *koubikoularioi*, *portarioi*, *exkoubitoi*, even though the permission to use senatorial attire such as white shoes and white caparisons is still there. A slight addition of content was made. According to the Blastares version, Constantine performed groom service to the pope in a specific location, the pope's courtyard, and then led the papal horse by its reins out of the courtyard.

3. KYDONES VERSION⁶⁴ (BOTH THE *CONFESSIO* AND THE *DONATIO*)

Inc. (*confessio*): ἐν τῷ ὀνόματι τῆς ἀγίας καὶ ἀδιαίρετου Τριάδος, τοῦ Πατρὸς δευλαδῆ καὶ τοῦ Υἱοῦ

Inc. (*donatio*): δέον ἐκρίναμεν σὺν πᾶσι τοῖς ἡμετέροις σατράπαις καὶ τῇ συγκλήτῳ

The Kydones version is the only Greek translation of the full text of the Donation. It is found without any accompanying commentary in six Vatican

manuscripts.⁶⁵ Five of them date to the fourteenth and fifteenth centuries, and the copyist of the text in the fourteenth-century Vaticanus graecus 1102 was none else than the scholar, statesman, and unionist Demetrios Kydones (ca.1324–ca.1398). Since Kydones is not known to have copied works other than his own, Giovanni Mercati has plausibly suggested that Kydones was the author of the translation.⁶⁶ Enzo Petrucci has further hypothesized that Kydones prepared the translation during 1369–71, when he was accompanying Emperor John V Palaiologos (1341–91) in the official capacity of his chief minister (*mesazon*) during a visit to Rome.⁶⁷ John V traveled to Italy to solicit a crusade against the Turks and converted privately to Catholicism, thus reassuring the pope in the imminent Union of the churches.⁶⁸ It is indeed possible that Kydones, who was already a convert to Latin Christianity, became somehow acquainted in Rome with the full text of the Donation and prepared the Greek translation in order to familiarize his Byzantine compatriots with the “original,” unbroken version of the document. Kydones (if indeed the translator) succeeded partly in his intention. The full Greek translation was copied in the late fourteenth and the fifteenth century not only by Kydones’s Byzantine contemporaries, but it entered the culture of Byzantium’s Orthodox neighbors in the Balkans and became the preferred basis for Slavic translations. An old Bulgarian and an old Serbian translation appeared during the later years of the fourteenth century. After the Ottoman conquest of the Balkans, the two translations found their way to Russia, where in the course of time a conflated version appeared; this conflated version was appended in 1653 to the official *nomokanon* of the Russian church.⁶⁹ The old Serbian translation of the Kydones version is noteworthy for an interesting change in content unparalleled in any Greek text. Constantine is said to have legislated that all emperors should perform groom service (*officium stratoris*) to the successors of Sylvester rather than that the popes should always wear a *phrygium* (that is, the papal tiara), which is found both in the Latin prototype and in Kydones’s translation.⁷⁰

4. CHRYSOBERGES VERSION⁷¹ (THE DONATIO ONLY)

INC: ὠφέλιμον ἔγνωμεν εἶναι σὺν πᾶσι τοῖς σατράπαις καὶ ἐλλογίμοις ἀπάσης τῆς γερουσίας

The Chrysoberges version circulated least widely from among the four Greek versions of the Donation, yet it is the version which has aroused the most heated discussion. The text is found without any accompanying commentary in three Vatican manuscripts (Vaticani graeci 81, 606, and 1115)

copied in the fourteenth century. As with the Balsamon and the Blastares versions, the Chrysoberges version consists solely of the *donatio* without the *confessio*. Only two incontrovertible facts are certain regarding this text. First, Andreas Chrysoberges, a Greek Dominican and Catholic archbishop of Rhodes, had this version of the Donation at his disposal during the Council of Ferrara-Florence (1438–39)—hence the designation “the Chrysoberges version.” The deliberations held in Florence on 20 June 1439 focused on the issue of papal primacy, and on that day the Latins are reported to have raised the subject of the Donation. After the Latin discussants asked the Greeks whether they were familiar with the Donation, Chrysoberges brought forth the Greek text of the document and solemnly read it aloud. Subsequently Chrysoberges made a Latin translation of the text from the Greek codex available to him, Vaticanus graecus 606.⁷² The second known circumstance surrounding this mysterious text, definitively established by Krause, is that the Chrysoberges version represents a translation of the *donatio* from the secondary, southern Italian manuscript branch of Leo IX’s *libellus* of 1053.⁷³ In this, the Chrysoberges version is no different from Balsamon’s, although the translation is much more precise. For example, the translator rendered correctly the Latin word *phrygium* into Greek, thus avoiding the flight of imagination taken by the translator behind the Balsamon version who called it a *loros*. The Latin expression *corona clericatus* was translated quite literally as “στέμμα ιερωσύνης,” again in contrast to the loose translation in the Balsamon version. Nonetheless, the translator of the Chrysoberges version, too, is responsible for a minor omission and an occasional misunderstanding.⁷⁴

The Chrysoberges version has long been the focal point of controversy, as some scholars considered it closely related to the early medieval origins of the forgery. In 1966 Werner Ohnsorge developed a theory already put forward in a tentative fashion in 1919 by Augusto Gaudenzi. According to Ohnsorge, the Chrysoberges version reflected an eighth-century Greek draft of the *dispositio* of the document. The author of this draft was considered to be none else than Pope Leo III (795–816), who Ohnsorge thought might have been a Greek-speaker.⁷⁵ Ohnsorge’s interpretation was immediately and justly criticized on philological grounds.⁷⁶ Most importantly, as the Chrysoberges version follows a contaminated textual tradition of Pope Leo IX’s *libellus*, it is a translation made after 1054 (assuming, again, that in 1054 the papal envoys did not bring a contaminated text).

When and by whom was the Chrysoberges version produced? Unfortunately, we are not, and may never be, in the position to answer this question

with certainty, although I would like to offer here some pertinent observations. Petrucci's hypothesis that Cardinal Humbert of Silva Candida arranged for the production of this translation at the time of the onset of the Eastern Schism in 1054 is unsubstantiated.⁷⁷ The hypothesis is also highly unlikely. All three manuscripts of the Chrysoberges version date to the fourteenth century, and even though this circumstance alone is not indicative of the period of production of the translation, it increases the probability that this version postdates the widely disseminated Balsamon version. Some of the fourteenth-century audience of this translation is detectable. As Krause has observed, Andreas Chrysoberges, an avid bibliophile, acquired a number of Greek and Latin manuscripts once belonging to his brother Maximos Chrysoberges and to Manuel Kalekas, both students and friends of Demetrios Kydones. Among these manuscripts was Vaticanus graecus 606, the codex which Andreas Chrysoberges used during the Council of Florence for his reverse translation.⁷⁸ Thus, the Chrysoberges version circulated during the fourteenth century within the unionist circle of Demetrios Kydones. At that time, the text may have been copied from older manuscripts or may have been produced by members and associates of this intellectual circle. Whatever the case, one can conclude that Byzantine unionists of the late fourteenth century had an agenda similar to that of fourteenth-century lawyers: they wished to popularize and disseminate the Donation among their compatriots.

The examination of the Greek versions of the Donation leads to several conclusions. The Donation circulated widely in the late Byzantine period. Both lawyers and advocates of a union with the Roman church made vigorous efforts to propagate knowledge of the Donation among their contemporaries. Two of the Greek versions, the Balsamon and the Blastares, were the most frequently copied; they circulated mainly in legalistic context. By contrast, the two other versions—the Kydones and the Chrysoberges—belong mostly to the context of unionist activity. This distinction is important, yet it was not absolute when it came to actual usage of the Donation. As we saw, the Balsamon version was known to Dominican polemicists. It was known, too, to Orthodox apologists—in the early fifteenth century, Makarios of Ankara, a Greek polemical author, preferred to quote from the Balsamon version of the Donation rather than from any other version.⁷⁹ The wider dissemination of the Balsamon and the Blastares versions hint at the prominent role the Donation played in internal discussions within the Byzantine church, a subject to which we must now turn.

The Donation and the Power Claims of the Church

The domestic use of the Donation, that is, its use in support of the power claims of the church and high churchmen, took three distinct forms in late Byzantium. First, the Donation fostered legal arguments enhancing the standing of the clergy and the church as a corporate body vis-à-vis secular authority. Second, the Donation affected the political rhetoric of ambitious ecclesiastics who saw in it a model of imperial political conduct. Third and finally, it brought symbolic powers to the patriarch of Constantinople through the introduction of the ceremony of groom service (*officium stratoris*) in his honor.

1. LEGALISTIC INTERPRETATIONS

The original forger gave the Donation the outward form of an imperial diploma, calling it an *imperiale constitutum* or *constitutum pragmaticum*.⁸⁰ The latter phrase was translated in the Balsamon version as “πραγματικὸν σύστημα,” or pragmatic sanction, and imparted legal credibility to the Donation in Byzantine eyes (pragmatic sanctions were a type of imperial legislation commonly enacted in late antiquity).⁸¹ An appropriate starting point for examining the late Byzantine legalistic interpretations of the Donation is the canonical commentaries of Theodore Balsamon. In the twelfth century the Donation evoked different, sometimes contrary, opinions among canonists as to its legal applicability. Within the wide spectrum of views Balsamon appears to have taken the middle ground. He rejected one of the more extreme views immediately after citing the text of the Donation in his commentary on title 8, chapter 1, of the *Nomokanon in Fourteen Titles*. Here Balsamon explained that the Donation entitled the popes to wear every imperial insignia except the imperial crown, and specified that contemporary pontiffs had the habit of riding horses equipped with purple reins and of appointing dignities of exalted imperial rank. Then Balsamon objected to the view (apparently held by some Byzantine churchmen and canonists) that the patriarch of Constantinople, too, held legal title to the same papal privileges on the ground of having been granted “all prerogatives of the pope of Rome” by the Second Ecumenical Council. He pointed to the example of Patriarch Michael I Keroularios and “other patriarchs” who had made an attempt to avail themselves of “all prerogatives” of the papacy, but failed in this effort.⁸² The enigmatic reference to “other patriarchs” is not explained; yet, it suggests that the supporters of this extreme

view were not solely Keroularios and his associates in the middle of the eleventh century.

While Balsamon did not subscribe to this view, he also did not accept the opposite and equally radical opinion that the Donation lacked any legal validity. In his commentary on canon 28 of the Fourth Ecumenical Council in Chalcedon (which grants the patriarchal see of Constantinople the same primacy of honor as that of Rome), Theodore Balsamon mentioned that some people objected to this canon, because they observed that the patriarch of Constantinople enjoyed none of the privileges conceded by the Donation, and the Donation thus lacked practical implementation in Byzantium. Balsamon rejected this interpretation by saying that as a resident of Constantinople he found such reasoning entirely unacceptable.⁸³ In his treatise *On the Prerogatives of the Patriarchs* Balsamon again considered this reasoning (based on the lack of practical implementation of the Donation in Byzantium) “useless” when employed as an objection to the view that the pope and the patriarch of Constantinople were equally entitled to the epithet “ecumenical.”⁸⁴

Elsewhere Balsamon revealed his own personal opinion on the utility of the Donation, a law which pertained first and foremost to the standing and prerogatives of the patriarchal clergy (the clergy of the Great Church). Only on one occasion did Balsamon use the Donation to defend the status of the patriarch of Constantinople vis-à-vis the emperor: the Donation, according to Balsamon, strengthened the judicial authority of the patriarchal law court, and made its rulings final and not subject to appeal at the imperial tribunal.⁸⁵ The main use of the Donation, however, which Balsamon favored, was boosting the authority of the patriarchal clergy, which he considered equal to the college of Roman cardinals. In the section of his commentaries on the *nomokanon* where he cites the text of the Donation, Balsamon notes that “there is nothing to prevent the patriarchal clergy to be honored with [imperial] dignities, although limited ones.” Thus, during the feast of the Notary saints Markianos and Martyrios on October 25 the *chartophylax*, a high patriarchal official, was entitled to ride the horse of the patriarch furnished with a white caparison, because the Donation decreed that the clergy of the holy Roman church ought to imitate the senate by riding horses with white caparisons and by wearing white shoes.⁸⁶ Balsamon further notes that the *chartophylax*, whose rank was equal to that of “a patriarchal cardinal,” had the right to wear a gilded tiara. Balsamon himself served as *chartophylax* for part of his career, and his self-serving agenda is evident. In his treatise *On the Two Offices of Chartophylax and Protekdikos* Balsamon adds that in the

recent past the *chartophylax* had used the tiara on many public occasions, for the Donation entitled him to do so, but envious opponents objected to this admirable and legitimate custom. As a consequence, during Balsamon's own day, the gilded tiara was hidden from public view and was kept stored in the chest of the *chartophylax*.⁸⁷ Further, Balsamon notes that by virtue of the Donation the status of the *megaloi archontes* of the church (that is, the clergy of the patriarchate) was equal to that of imperial dignitaries, and hence the *megaloi archontes* were freed from the control of the *paterfamilias*, because imperial dignitaries were also not subject to the power of the *paterfamilias* according to Byzantine legislation.⁸⁸ The logic of this argument is twisted, yet it certainly demonstrates Balsamon's beliefs regarding who should benefit from the privileges of the Donation. Doubtless Balsamon's views of the applicability of the Donation reflect the ideological and political ambitions of the ecclesiastical officials of the Great Church, who in the course of the twelfth century grew to become a highly educated and influential patriarchal bureaucracy.⁸⁹

In comparison with the wide-ranging legalistic discussions of the twelfth century, the reception of the Donation among late Byzantine canonists seems disappointing, even if we take into account the fact that the canonical commentaries produced after 1204 are fewer than the large output of the preceding period. Theodore Balsamon brings up the subject of the Donation nine times in his commentaries, something which no late Byzantine canonist repeated.⁹⁰ When between 1356 and 1361 Neilos Kabasilas, the future metropolitan of Thessaloniki, refuted Balsamon's view regarding the supreme status of the patriarchal law court (whose decisions, according to Balsamon, were to be final and irrevocable), he omitted mentioning the Donation.⁹¹ This omission is conspicuous both because his opponent, Balsamon, used the Donation to back up his opinion and since the Donation was widely available to fourteenth-century lawyers.

Still, the Donation continued to attract legal commentary after 1204, with one key difference from the twelfth century. In the late Byzantine period the Donation served predominantly to lend support to the standing of the patriarch of Constantinople and the institution of the patriarchate rather than to enhance the status of the patriarchal clergy. Thus, in his *Synagma* Matthew Blastares cites the abbreviated version of the Donation in order to support the authority of the patriarch of Constantinople vis-à-vis the autocephalous archbishopric of Ohrid. Special considerations motivated Blastares to invoke the Donation in this context. A legend commonly accepted among the Byzantines since the twelfth century identified the

archiepiscopal see of Ohrid with that of Justiniana Prima, a city newly founded by Emperor Justinian I, which in historical reality lay near his village of birth and had ceased to exist during the Slavic invasions of the seventh century.⁹² Justinian's novel 131 granted the archbishop of Justiniana Prima the right to ordain bishops of dioceses lying in the western Balkans (the prefecture of Illyricum) and mentioned, rather vaguely, that the see of Justiniana Prima had the rights of the pope in this area. In the early thirteenth century, during the meteoric rise of the state of Epiros, the archbishop of Ohrid and Justiniana Prima Demetrios Chomatenos availed himself of what he considered to be "papal rights" granted by Justinian's novel 131 and went so far as to claim the prerogative of crowning and anointing emperors.⁹³ Blastares dismissed any high ambitions of the see of Ohrid. After citing the provisions of novel 131 regarding the see of Justiniana Prima he noted that judicial disputes in Illyricum were "under the jurisdiction of the patriarch of Constantinople and his synod which enjoy the prerogatives of the ancient Rome" (a statement based on *Codex Iustinianus*, 1.2.6). It is in order to support this opinion that Blastares cited the text of the Donation along with its rhetorical preface.⁹⁴ The context in which Blastares invoked the Donation is partly traditional and partly new. One can find the same provision of *Codex Iustinianus*, 1.2.6, stating that "arising judicial disputes in Illyricum ought not to be settled against the will of the archbishop of Constantinople and its synod which enjoys the prerogatives of the ancient Rome," in title 1, chapter 8, of the *Nomokanon in Fourteen Titles* (this is the very same chapter and title where, in his commentaries, Balsamon cited the text of the Donation).⁹⁵ Yet Blastares invoked the Donation for a different reason than what had been Balsamon's agenda. Blastares wished to restrict the judicial autonomy of the see of Ohrid and strove to strengthen the power of the patriarch over the episcopal hierarchy rather than support the standing of the patriarchal officials.

The same view of the patriarch of Constantinople as beneficiary of the Donation is implicit in an anonymous commentary transmitted in a fifteenth-century Harmenopoulos manuscript (BnF, Cod. gr. 1388).⁹⁶ The Balsamon version of the Donation was copied at the very beginning of the codex as a self-contained text preceding Harmenopoulos's *Hexabiblos*. Thus, the Donation created the impression of special constitutional significance, an impression reinforced by the fact that one of the other excerpted legal texts preceding the *Hexabiblos* is the famous preamble of Justinian's novel 6 on the twin powers of kingship (*basileia*) and priesthood (*hierosyne*).⁹⁷ Immediately after the text of the Donation one finds the gloss "read the

twenty-eighth canon of the six hundred and thirty holy fathers of the Fourth Ecumenical Council.” Then follows the whole of the mentioned canon of Chalcedon, which legislates that the see of Constantinople, New Rome, ought to have the same primacy of honor as the papacy being second in rank after it.⁹⁸ This gloss on the Donation does not specify any precise application, yet the implication is clear: the privileges granted to the see of Rome by Constantine should pertain to the see of Constantinople by virtue of being the New Rome.

Another late Byzantine law collection, the interpolated redaction of the *Nomokanon in Fifty Titles*, also implies that the Donation of Constantine pertains to the authority of the patriarch, although, again, further details as to more precise applicability are missing. The *Nomokanon in Fifty Titles* is the earliest Byzantine *nomokanon* produced in the late sixth century.⁹⁹ In the fourteenth century a new redaction of the *Nomokanon* appeared, which features additional legal texts, mostly pieces of imperial legislation.¹⁰⁰ The Balsamon version of the Donation was inserted into title 1, which carries provisions on general issues about the relations between imperial and ecclesiastical authority, between laws and canons.¹⁰¹ Thus, title 1 opens with the mentioned preamble of novel 6 of Justinian and features the ruling of Justinian’s novel 131 that the canons of the first four ecumenical councils ought to have the force of law. The fourteenth-century interpolator inserted the Donation and a few other laws dealing with aspects of church-state relations, including excerpts from the ninth-century legal collection *Eisagoge* of Patriarch Photios, specifically from title 1 (“On Laws and Justice”), title 2 (“On the Emperor”), and title 3 (“On the Patriarch”). Indeed, one of the two extant manuscripts of the interpolated redaction of the *nomokanon* features the Donation and the provisions of the *Eisagoge* copied next to each other.¹⁰² The implied relationship between the two legal texts is significant. Photios’s *Eisagoge* grants the ecumenical patriarch of Constantinople ideological attributes and legislative rights traditionally reserved for imperial authority, something which is unparalleled in the entire Byzantine legal literature.¹⁰³ Therefore, the joint inclusion of the chapters from the *Eisagoge* and the Donation in the *Nomokanon in Fifty Titles* suggests that the goal of the compiler was to bolster up the authority of the patriarch of Constantinople vis-à-vis the imperial office.

The use of the Donation as a source of empowerment of the patriarchal clergy was more limited in late Byzantium than it had been in the twelfth century. No surviving canonical text of the period advocates this line of interpretation. To find fading echoes of this approach, one needs to look

beyond legal literature. An imperial ordinance (*prostagma*) issued in 1270 by Emperor Michael VIII Palaiologos and addressed to Patriarch Joseph I Galesiotes (1266–75, 1282–83) ruled that the judicial post of *dikaioophylax*, which Michael VIII had revived after 1261 and assigned initially to the imperial clergy, should rank among the leading officials of the patriarchal administration (the so-called *exokatakoiloi*). According to the justification used in the ordinance, the Donation of Constantine decreed “not unclearly, but in the best fashion” that the ecclesiastical hierarchy of officials should mirror the imperial one.¹⁰⁴ One should not seek here any general legal implications. The imperial charter pertains solely to the specific case of the appointee, Theodore Skoutariotes, and paradoxically presents the emperor as acting contrary to the hierocratic spirit of the Donation. Michael VIII’s decision to reform the hierarchy of officials in the Great Church is justified through his priestly epithet of *epistemonarches*, which refers to the emperor’s powers over ecclesiastical administration.¹⁰⁵

The textual history of the Balsamon version of the Donation also hints at a lingering view in late Byzantium that the Donation could pertain to the clergy of the Great Church. Several late Byzantine apographs of the Balsamon version feature an interesting variant reading in a section of the text which refers to the ceremonial privilege of the clerics of the Roman church to ride horses outfitted with a white caparison. Instead of the original text (a literal translation from Latin) “θεσπίζομεν καὶ τοῦτο, ἵνα οἱ κληρικοὶ τῆς ἁγίας Ῥωμαίων ἐκκλησίας καβαλικεύωσιν ἄλογα κεκοσμημένα διὰ ὀθονίων λευκῶν,” four manuscripts of the Balsamon version transmit the phrase differently, as “θεσπίζομεν καὶ τοῦτο, ἵνα οἱ κληρικοὶ τῆς μεγάλης ἐκκλησίας καβαλικεύωσιν ἄλογα κεκοσμημένα διὰ ὀθονίων λευκῶν.”¹⁰⁶ In other words, “the clerics of the holy church of the Romans” have become “the clerics of the Great Church.” This variation, in my view, is not an innocent slip committed by a scribe. The clerics of the Great Church are synonymous with the patriarchal clergy and officialdom, and the substitution highlights the role of the patriarchal clergy as a beneficiary from the Donation. We may be reminded here of Balsamon’s view that the Donation entitled the *chartophylax* to ride the patriarchal horse with a white caparison and to wear a gilded tiara. Only the eventual critical edition of Balsamon’s commentaries may provide an answer as to the likely time of introduction of this textual variation. It is to be emphasized for the time being that all four manuscripts containing this reading date to the period between the thirteenth and the fifteenth century, and in all cases they transmit the Donation as a self-contained text outside the *Nomokanon in Fourteen Titles*.

It is perhaps noteworthy that the same variant reading, although in another part of the text, appeared in a manuscript of Balsamon's commentaries on the *Nomokanon in Fourteen Titles* copied in 1311 in Trebizond.¹⁰⁷

2. POLITICAL RHETORIC OF CHURCHMEN

The second kind of domestic use of the Donation was at the level of what can be called political rhetoric. Late Byzantine churchmen were willing and eager to tout the Donation as a historical example of how emperors should respect, endow, and submit to the church. No political rhetoric fueled by the Donation is attested before 1204, even though this silence of the sources does not necessarily indicate a change of approach to the Donation in the later period, if we trust Balsamon's words that Michael I Keroularios and "other patriarchs" wished to obtain all the prerogatives which could be derived from the Donation. The political rhetoric which we can assume only hypothetically to have existed during the eleventh century found its fulfillment in late Byzantium. The saintly patriarch Athanasios I (1289–93, 1303–9) is a case in point. Athanasios is well-known for his far-reaching plans for social and monastic reform during his second patriarchate as well as for his hierocratic thinking.¹⁰⁸ At a time when the Turks were overrunning Byzantine Asia Minor and refugees swamped the imperial capital, Athanasios organized social support networks, presided over a law court judging cases of social oppression, and drafted an imperial novel dealing with secular issues.¹⁰⁹ The patriarch eventually had to resign from his office after facing opposition from the imperial authorities and his own administration. In his letter of resignation (1309) Athanasios claimed that the emperor had given him honors comparable only to the privileges which Constantine had granted to Pope Sylvester.¹¹⁰ Athanasios thus looked up to the relations between Pope Sylvester and Constantine as a model for his powerful position.

The preface to the Donation in Matthew Blastares' *Syntagma* also portrays Constantine and Pope Sylvester as having established a model relationship between emperors and the church. The preface extols lavishly the Donation. It is said that no contemporary could know "a more divine ordinance" and "a worthier thing to be announced in public." The Donation is further said to "enunciate better than any monument the kind of honors which emperors who do not neglect the pursuit of piety would justly bestow on the church of Christ." Having issued the Donation, Constantine "set himself in public as a good example of piety to everyone."¹¹¹ The preface thus puts forward the view that contemporary rulers should follow up in the footsteps

of Constantine and the church should benefit from the support, both symbolic and financial, from secular authority.

The Donation is also presented as an example worth emulating by Archbishop Symeon of Thessaloniki (d. 1429). Born and raised in Constantinople, Symeon spent most of his life in the imperial capital having taken the habit of a Hesychast monk, most probably in the monastery of the Xanthopouloi.¹¹² In 1416 or 1417 Symeon was ordained archbishop of Thessaloniki and led the church of the second city of the empire shortly before its second and final fall to the Turks in 1430. In his large epitome of Orthodox faith and liturgical practice entitled *Dialogue in Christ* Symeon assumes a hostile perspective to imperial involvement in church matters.¹¹³ Symeon refers twice to the Donation of Constantine. He mentions, as we will shortly see, the ceremony of groom service to the patriarch of Constantinople and also invokes the Donation to criticize the conduct of those Byzantine emperors whom he considered disrespectful toward the church. He makes this critical comment in his treatise *On the Sacred Ordinations* (a part of the *Dialogue in Christ*) while giving an account of the custom by which newly ordained bishops traveled to Constantinople from the provinces to present themselves to the emperor and deliver a prayer. Symeon describes both the current ritual, of which he disapproved, and “the God-pleasing and appropriate way” in which the ritual had been conducted in the past.¹¹⁴ According to Symeon, in the past a reception took place in the palace, where the newly ordained bishop delivered the prayer and censed the emperor. Then the emperor bowed his head and the bishop blessed him. After exchanging a kiss, the bishop in turn bowed his head out of respect for the emperor’s secular authority and departed from Constantinople, oftentimes loaded with lavish gifts. Symeon points to ancient models for such pious imperial conduct. He refers his readers to the Greek lives of St. Ambrose for an example of how emperors bowed their heads to ecclesiastics.¹¹⁵ Then he points to the Donation of Constantine which, according to him, established a paragon for imperial generosity toward the church. According to Symeon, Constantine granted generous gifts not only to Sylvester, but to almost every bishop in the synod, presumably the patriarchal synod of Constantinople.¹¹⁶ This was in contrast to the emperors of Symeon’s day, who did not carry out the ceremony in the proper way and fell short of the ancient models of imperial piety. In a manner which Symeon found scandalous, they made bishops bow without themselves bowing and had bishops kiss their callous and unholy hands.¹¹⁷ Symeon thus used the Donation to teach his readers a lesson of how emperors should conduct themselves in the company of high ecclesiastics.

3. RITUAL GROOM SERVICE IN BYZANTIUM

A usage of the Donation in late Byzantium, which contrasts most prominently with the period before 1204, is the adoption of the Western ceremony of ritual groom service (*officium stratoris*). The Donation describes how Constantine displayed his respect for Pope Sylvester by attending him as his groom (*stratoris officium illi exhibuimus*). This account in the Donation inspired a special ritual, which appears in the coronation ceremony of the Western emperor during the ninth century, and which was regularly performed from the twelfth century onward in ceremonial encounters between popes and emperors as well as between popes and other secular rulers.¹¹⁸ Twelfth-century Byzantine attitudes to *officium stratoris* seem to have been mostly dismissive and derisory. In his *History* John Kinnamos ridiculed the way the Western emperor acted as the pope's squire "in a fashion unworthy of himself." According to Kinnamos, this ritual served to demonstrate that the pope and the Western emperor were decorated with false titles.¹¹⁹ By the middle of the thirteenth century, however, Byzantine views of the ritual had changed, and there was willingness to adopt the ceremony as a way of rendering honor to the patriarch of Constantinople. The earlier doubts regarding the legitimacy of this ritual did not disappear fully, however. Rather, one can distinguish over the course of the fourteenth and the fifteenth century the emergence of a clerical perspective favoring the ritual and an imperial one which opposed it.

The historian George Pachymeres describes an episode of ritual squire service on behalf of the patriarch of Constantinople in Nicaean exile, which was performed in the city of Magnesia in Asia Minor during the early autumn of 1258.¹²⁰ When Patriarch Arsenios Autoreianos (1254–60, 1261–64) came from Nicaea to meet for the first time Michael Palaiologos, the newly elected regent of the underage Nicaean emperor John IV Laskaris, Palaiologos honored the arriving leader of the church by holding the reins of his mule and led him in a solemn procession to the palace in the city, where Patriarch Arsenios took residence in a sumptuous "imperial tent" (βασιλική σκηνή). Pachymeres does not provide any explanation as to when and by whom this ceremony was adopted in the empire of Nicaea, nor does he mention how contemporaries viewed it. Writing much later, Pachymeres reports the episode matter-of-factly, almost in passing, in the context of his disapproving description of how Palaiologos curried Arsenios's favor in preparation of his usurpation of the throne. The ceremony is doubtless a re-enactment of the *officium stratoris* as practiced in the medieval West, with the difference that Arsenios was riding a mule, not a horse—and with the

further distinction that Palaiologos was not yet a supreme ruler, but still a regent.

The reason for the thirteenth-century change in attitude toward *officium stratoris* lies, in my opinion, in the continual popularization of the Donation among ecclesiastics and especially in the closer contacts between Latins and Greeks after 1204. The Latin origin of *officium stratoris* was never forgotten. After the conclusion of the Union of Lyons in 1274 Michael Palaiologos, now emperor, became target of criticism for his Latin-mindedness. An anti-Latin pamphlet attributed to a certain Panagiotes describes the ritual squire service as a foreign, Latin rite. It ridicules the unionist Byzantine emperor, who is said to have held the reins of a mule carrying an image of Pope Gregory X (1271–76).¹²¹ Interestingly, the Byzantine polemicist dates this episode to the patriarchate of Arsenios, something which could never have occurred in reality—Arsenios was deposed in 1264, seven years before Gregory X was elected pope in 1271.

Latin customs were well known to the two main participants in the ritual in Magnesia in 1258, Michael Palaiologos and Patriarch Arsenios. Palaiologos had made his career in the Nicaean army as *meγas konostaulos*, a military office whose main function was command over the Latin mercenaries in imperial service. Patriarch Arsenios had participated in a Nicaean embassy to Rome in the early 1250s, which discussed the possibility of a union with Pope Innocent IV (1243–54).¹²² At that time the Nicaean delegation was ready to restore the unity of the church by recognizing papal primacy in exchange for the return of Constantinople.¹²³ Arsenios's visit to Rome coincided with dramatic events in the struggle between the papacy and the Hohenstaufen over political hegemony in Italy. At the first Union of Lyons in 1245, Innocent IV had taken the extreme measure of deposing Frederick II Hohenstaufen from the imperial office. Innocent IV, who received Arsenios and fellow Nicaean diplomats, was a systematic proponent of the hierocratic papal doctrine and made use of the Donation in the ideological struggle with the Western emperor.¹²⁴ During his pontificate, for instance, scenes from the Donation of Constantine, including that of *officium stratoris*, were depicted in the church of SS. Quattro Coronati in Rome, which was dedicated in 1246 as a visual statement of papal propaganda.¹²⁵

In the same decade of the 1250s Latin ecclesiastics in the Empire of Constantinople propagated legends about the acceptability of *officium stratoris* in Byzantium in the distant past. The *Tractatus contra Graecos*, composed in 1252, mentions a curious story of how before the schism Byzantine emperors regularly rendered honor to papal legates in Constantinople, whom

they served ceremonially as squires and whose horses they led on foot to a palace called “the Cardinals’ Palace.” Thus, Byzantine emperors are said to have imitated Constantine’s act described in the Donation.¹²⁶ The *Tractatus* dates the beginning of the schism to about AD 872 (that is, in the era of Patriarch Photios), and thus imparts longevity and historical credibility to the ceremony of *officium stratoris*.¹²⁷ The story, of course, is invented, yet it makes sense when set in the context of the Latin Empire of Constantinople. Roman cardinals serving as papal legates to the Latin Empire held higher authority than the Latin patriarchs of Constantinople. For example, in contrast to the patriarchs, papal legates held the exclusive right to excommunicate the Latin emperor.¹²⁸ The legates wore sumptuous red garments and shoes, an entitlement which they explained by referring to the Donation.¹²⁹ It is in my view not an accident that the earliest case of *officium stratoris* rendered to the Byzantine patriarch dates to 1258, shortly after the composition of the *Tractatus contra Graecos*. Confronted with stories of the historicity of *officium stratoris* and contemporary Western examples, the Byzantines became amenable to adopting the foreign ritual.

The encounter between Palaiologos and Arsenios in Magnesia in 1258 did not lead to the permanent introduction of Donation-based ceremonial into the Palaiologan court. The mid-fourteenth-century ceremonial handbook of Pseudo-Kodinos is silent about the ritual. At about the same time, Emperor John VI Kantakouzenos distanced himself from the performance of ritual groom service when visiting Serbia. The episode occurred during the famous encounter between Kantakouzenos and the Serbian king Stephan IV Dušan at Tao near Pristina in 1342. At that time, the king met on foot the arriving archbishop of Serbia, Ioannikios, held the reigns of his horse, and led him to the house where Kantakouzenos was waiting. In the meantime, Kantakouzenos insisted on waiting inside the house and thus, as he himself explains, followed “the custom of the Byzantine emperors.” It appears that the *officium stratoris* had made its way to Serbia, and Kantakouzenos considered it a foreign custom which he did not recognize, or at least did not wish to witness.¹³⁰

Yet, Kantakouzenos’s flat refusal to witness the performance of ritual groom service seems to reflect only the imperial perspective on the matter. In the early fifteenth century Byzantine ecclesiastics continued to regard the emperor’s groom service to the patriarch of Constantinople as legitimate and acceptable. Symeon of Thessaloniki refers to *officium stratoris* in his work *On the Holy Ordinations*, specifically in a section describing the ceremony of election and investiture of the ecumenical patriarch of Constantinople. The

reported electoral procedure differs in nothing from the traditional: the emperor nominates the patriarch from among three candidates proposed by the synod and invests him with the bishop's staff and pallium.¹³¹ After the election a festive procession follows—a procession which Symeon describes somewhat differently from the version found in the ceremonial book of Pseudo-Kodinos. According to Pseudo-Kodinos, the patriarch mounts his horse outside the imperial palace and leads imperial officials and dignitaries in a procession to the church of Saint Sophia. In Symeon of Thessaloniki's version, after his investiture the patriarch mounts his horse inside the imperial courtyard, and then a special groom leads on foot the patriarch's horse out of the imperial courtyard and proceeds in this fashion publicly to the patriarchate (near the church of Saint Sophia). In addition to imperial officials, the emperor's son is said to take part in the procession. Symeon explains that the groom represented the emperor and rendered the patriarch the same homage which Constantine once had rendered to Sylvester.¹³² Thus, Symeon added new elements to a well-known ceremony and interpreted them through the Donation of Constantine.

The question arises of whether Symeon described a real ceremonial procession with the staging of *officium stratoris* or made up an attractive story. After all, it was Symeon's agenda throughout his commentaries to attack and humble imperial authority. There is no reason, in my view, to cast doubt on Symeon's testimony. In the first place, as monk resident in Constantinople before he was ordained archbishop of Thessaloniki in 1416 or 1417, Symeon should be considered a credible eyewitness to events in the imperial capital and especially to church rituals. The ordination of at least five ecumenical patriarchs must have been in Symeon's living memory: Patriarch Anthony IV in 1391; Kallistos II Xanthopoulos in 1397; Matthew I in 1397; Euthymios II in 1410; and Joseph II in 1416. Two of these patriarchs are particularly worthy of note. Patriarch Kallistos II was one of two Xanthopouloi brothers (Ignatios and Kallistos), influential Hesychast monks, in whose monastery in Constantinople Symeon is likely to have resided. Therefore, Symeon would have been close to this patriarch.¹³³ Patriarch Joseph II is known to have been ordained on the feast day of Saints Constantine and Helena, that is, 21 May 1416.¹³⁴ The celebration of the memory of Constantine would fit perfectly well with the staging of Donation-based ritual during the ordination. Therefore, it is plausible to suggest that Symeon saw the ceremony he described at least once, shortly before his departure for Thessaloniki. In the second place, Symeon's description is not the only piece of evidence that the ceremony of *officium stratoris* was acceptable for late

Byzantine ecclesiastics. We are reminded here of the episode of 1258, and therefore we should not hasten to belittle Symeon's testimony as suspect. In fact, when comparing Symeon's and Pachymeres' descriptions, we may observe a compromise on how to apply the Donation to Byzantine court ceremonial. Unlike the case of Michael Palaiologos and Arsenios, the secular dignitary no longer attended to the patriarch as his squire. Instead, a special agent performed the groom service in lieu of the emperor—a substitution which seems to have had the purpose of ensuring that the emperor avoided a public humiliation. In the third place and most importantly perhaps, Symeon's account displays curious closeness with the abridged Blastares version of the Donation. This version introduces the unique detail of how Constantine, serving Sylvester as his squire, led the papal horse out of the imperial courtyard. The detail corresponds to the patriarch being led out of the imperial palace in Symeon's account and is likely to reflect a conscious effort to fashion *officium stratoris* in a way fitting its original model, the Donation of Constantine.

*The Donation in Anti-Latin Polemics:
From Lukewarm Adoption to Outright Rejection*

Confronted with the Donation in their polemics with the Latins, Byzantine ecclesiastics devised an ingenious way of challenging its pro-papal spirit. The Donation naturally lent support to the thesis that the Roman primacy was of human, not divine origin. For according to the Donation, the papacy received its exalted status from the Byzantine emperor Constantine by means of imperial legislation.¹³⁵ This anti-Latin interpretation of the Donation is first seen during the second half of the twelfth century. In his *History* John Kinnamos, the official chronicler of Emperor Manuel I, used the Donation to argue that Constantine the Great had created the dignity of the pope. In addition, as Paul Alexander suggests, Kinnamos might have alluded to the Donation in two other instances in his *History*: in his contention that the true imperial office was Constantinople's and in his claim that the pope lacked the right to appoint emperors, having once accepted the move of the seat of the empire to the East.¹³⁶ Kinnamos's central argument is found also in Andronikos Kamateros's *Sacred Arsenal*—a polemical collection supporting the emperor's debates with representatives of the Roman and the Armenian church conducted during the 1170s.¹³⁷ The *Sacred Arsenal* presents Manuel I as explaining to the Roman cardinals that the primacy of Rome derived from its associations with the imperial office rather than from St. Peter and

that the Donation pointed to the great privileges the papacy gained from imperial authority.¹³⁸

The twelfth-century Byzantine argument persisted after 1204, as is clearly seen in Nicholas Mesarites' account of the disputations between Greeks and Latins in 1214. Holding the twin title of metropolitan of Ephesos and exarch of Asia, Mesarites represented the interests of the persecuted Orthodox clergy during negotiations he conducted in Constantinople in 1214 with the Roman cardinal Pelagius of Albano. After the end of the negotiations Mesarites set off for the city of Herakleia Pontike in Paphlagonia in the company of a two-man delegation consisting of a learned Spanish lawyer and his interpreter, Nicholas of Otranto. In a new disputation that took place in Herakleia Pontike Mesarites made a frontal attack on the doctrine of papal primacy. He denied the validity of the Petrine claim by arguing that St. Peter was not the only apostle and Rome was not the only city he honored with his presence. He argued that the popes could claim supremacy over the universal church only through their associations with Rome and the Roman imperial office, as the Donation of Constantine clearly demonstrated. Mesarites evidently adopted his arguments from Kamateros's *Spiritual Arsenal*, which he seems to have read in preparation for the disputation.¹³⁹

After 1214 we have to wait for one hundred years to encounter another case of Byzantine polemical usage of the Donation. In the 1330s Barlaam of Calabria referred to the Donation (the "chrysobull of Constantine," as he called it) in one of the anti-Latin treatises on papal primacy that he composed while serving as Emperor Andronikos III's envoy and negotiator, and before his eventual conversion to Catholicism.¹⁴⁰ Barlaam argued that Constantine could have bestowed on the pope only something that the latter lacked. Therefore, the grant of primacy through the Donation meant that previous popes had not enjoyed supreme status in Christendom and that they had been equal to all other bishops of the early church. Just as Andronikos Kamateros and Nicholas Mesarites had, Barlaam used the Donation to diminish the importance of the Petrine claim and the divine origin of papal power.¹⁴¹

The rarity of late Byzantine polemical use of the Donation contrasts starkly with the situation on the Latin side. Latin polemical authors made exceedingly frequent references to the Donation and formulated various arguments on its basis. In the following pages I will discuss the most prominent cases and identify distinct lines of Latin polemical interpretation and commentary in the period 1204–1453.

The earliest attested Latin use of the Donation after the conquest of Constantinople dates to 1206 when the Roman cardinal Benedict of Sancta Susanna ordered Nicholas of Otranto to make a copy of the document from Balsamon's commentaries. That this copy was produced with polemical purposes in mind is suggested by its preface found in Vaticanus gr. 1416, according to which the Donation shows that "every church is administered by the pope of Rome."¹⁴² In the Latin Empire of Constantinople, the Donation played the double role of lending support to the doctrine of papal primacy in the eyes of the subject population and of backing the authority of Roman legates and cardinals sent to the Latin Empire. We already saw the emergence of the legend of a "traditional" groom service rendered to Roman cardinals visiting Constantinople. Nicholas Mesarites' report of the negotiations in 1214 illustrates how the Donation served the purposes of the Roman legates. As metropolitan of Ephesos and exarch of Asia, Mesarites voiced his annoyance at the poor reception for a man of his rank that he received from Cardinal Pelagius during an official audience at the Great Palace: the cardinal and papal legate did not stand up to meet the Nicaean bishop, but remained sitting on a sumptuous throne. Furthermore, Pelagius was wearing red shoes and a red robe, and explained to Mesarites that the cardinal bishops of Rome were entitled to use the imperial red color on account of the privileges the Donation granted to the popes and the papal clergy. Mesarites' response is most interesting. The Nicaean prelate reports that once he heard the words of the cardinal, he turned inside out the upper part of his simple-looking shoes and pointed to the red-colored leather stitched to the inside. In this way, Mesarites showed that Byzantine high ecclesiastics enjoyed, too, some of the insignia of imperial power, yet they behaved more humbly than their Roman counterparts. (Earlier in his report, Mesarites mentions how on arriving in Constantinople he demonstratively declined to mount a horse equipped with red saddle and red reins.) Mesarites wished thus to embarrass the cardinal and to show that the privileges granted by the Donation to the Roman church devolved also on the Byzantine one, although they did so much less conspicuously.¹⁴³

The fall of the Latin Empire of Constantinople in 1261 put an end to the usage of the Donation for the benefit of visiting Roman cardinals. Instead, the Donation continued to play a role as a key document supporting papal primacy during disputes between Latins and Greeks. Latin polemical treatises that mention the Donation do so always in the context of a discussion of papal primacy. It should come no surprise that the two unions

between the churches—the Union of Lyons (1274) and the Union of Ferrara-Florence (1438–39)—witnessed pro-Latin use of the Donation. We have already seen how in 1439, during the sessions of the Council of Florence, the Latin party brought up the subject of the Donation, and the Chrysoberges version was read and retranslated.¹⁴⁴ As for the Council of Lyons, we need to turn to the activities of Humbert de Romans (ca. 1200–77), who was one of the chief ideologues of the union and a fervent crusade propagandist. Commissioned by Pope Gregory X to articulate the objectives of the union, Humbert de Romans composed between 1272 and 1274 his *Opus tripartitum*, where he mused upon the future of the crusading movement, the attainment of the union, and the reform of the church. Humbert believed that the success of the union passed through Byzantine recognition of papal primacy and referred to the Donation as evidence that the Byzantines had, in fact, accepted papal primacy in the past.¹⁴⁵

The Latins approached imaginatively the polemical potential of the Donation. The four treatises that cite the retranslation of the Balsamon version, starting with *Tractatus contra Graecos* of 1252, state that Constantine had promulgated the Donation in Latin as well as in Greek.¹⁴⁶ This statement reflects the bilingual circulation of the Donation and advertises its relevance with regard to the Eastern churches. All four treatises add that after the promulgation of the Donation, the First Ecumenical Council followed in its footsteps and decreed that Rome ought to be the head of all churches. The *Tractatus* of 1305 goes as far as claiming that “the universal councils” confirmed the validity of the Donation itself.¹⁴⁷ The legend of the role of the First Ecumenical Council in sanctioning papal primacy appears in a polemical context already in Pope Leo IX’s *libellus* of 1053, and therefore it is not surprising that Latin polemicists of the late Middle Ages continued to link the two important “historical” events of the reign of Constantine.¹⁴⁸

Latin authors flaunted fondly the Donation as evidence in support of the Petrine theory, in complete contrast to the Greek claim that the Donation served to show the exact opposite, namely, the human origin of papal primacy. For the Donation indeed describes Constantine’s veneration for the apostles Peter and Paul and refers to Pope Sylvester as St. Peter’s successor. The pro-Petrine interpretation emerges clearly in the thirteenth-century anonymous polemic *De erroribus graecorum*, a practical guide on conducting disputations with the Greeks, which Dondaine attributes to Buonaccorsi of Bologna and dates to the year 1292.¹⁴⁹ In the section on papal primacy, it is said that the Greeks could argue on the basis of the Second and the Fourth Ecumenical Councils as well as the Quinisext Council (not

recognized in the West) that the see of Constantinople ought to have the same rights as Rome. Buonaccorsi advises the Latin disputants to counter-argue that the primacy of Rome was not derived from the imperial dignity, but stemmed from the Petrine doctrine, as “the privilege of Constantine manifestly testifies.”¹⁵⁰ In this way, a response emerged to the Byzantine interpretation of the Donation.

The polemical treatise of Manuel Kalekas (d. 1410) commonly known as *Contra Graecos* also invokes the Donation in support of the Petrine theory. A Byzantine teacher and theologian whose adamant anti-Palamism and close association with his teacher, Demetrios Kydones, led to his conversion to Catholicism, Manuel Kalekas composed the treatise in Greek, completing it in the period 1403–10 when he resided at a Dominican friary on Genoese Lesbos.¹⁵¹ This treatise in four books deals mostly with the issue of the procession of the Holy Spirit and addresses briefly other points of disagreement, including papal primacy, where Kalekas refers to the Donation.¹⁵² He states that by issuing the Donation at the time of his conversion, Constantine acknowledged a prior “custom” of the Christians, namely, that the pope headed the universal church by virtue of being the successor of St. Peter. In order to illustrate how the Donation supported the Petrine theory, Kalekas refers to relevant passages, which, surprisingly, do not correspond to any known Greek text. While this may suggest the existence of yet another Byzantine version of the Donation, the question should be left open for the time being, for there are indications that Kalekas might have simply paraphrased very loosely the Kydones version.¹⁵³

The massive Latin usage of the Donation provides the background for understanding the remarkable refutation of its genuineness by a Byzantine polemical author, the metropolitan of Ankara Makarios, in the early fifteenth century. Makarios was not the first person in the Middle Ages to put into doubt the authenticity of the Donation. In the West such doubts were voiced as early as 1001 in a charter issued by Emperor Otto III (996–1002). A few additional attacks on the Donation followed in the twelfth century, although none was carefully argued and could establish effectively the fact that the Donation was a forgery unworthy of credence.¹⁵⁴ In Byzantium itself, the twelfth century also witnessed such questioning. In his treatise *On the Prerogatives of the Patriarchs* Theodore Balsamon cites the opinion of unnamed adversaries who diminished the rank of the patriarch of Constantinople vis-à-vis the pope; they are said to have used the “alleged” Donation (“τὸ νομιζόμενον θέσπισμα”), deemed by them inapplicable on Byzantine soil and relevant only to the Roman see, to argue for the inferior status

of the patriarch of Constantinople.¹⁵⁵ Balsamon's language implies doubts as to the authenticity of the Donation. It must be stressed, however, that elsewhere Balsamon regarded the Donation as a valid imperial law. One may plausibly suppose that in his treatise *On the Prerogatives of the Patriarchs* Balsamon was reporting views current among fellow canonists (whose identity, unfortunately, we do not know) rather than his own conviction. And it is noteworthy that neither Balsamon nor any of his contemporaries is known to have picked up on the spirit of questioning the authenticity of the Donation.¹⁵⁶

By contrast, during the early fifteenth century Makarios of Ankara embarked on a decisive and well-argued refutation of the Donation's authenticity in his work *Against the Latins*. His exposure of the forgery has been noticed by scholars, although so far there has been no analysis of the argumentation.¹⁵⁷ Precious little is known of the biography of Makarios (fl. ca. 1400), including his mysterious family background and life span.¹⁵⁸ He originated from Thessaly and came to Constantinople sometime during the second half of the fourteenth century, taking the monastic habit and joining the official Palamite faction of the church. In inner church politics Makarios displayed extraordinary zeal and contentiousness, which appear to have been prominent traits of his character. In 1397, having already been placed once under ecclesiastical interdict, Makarios became metropolitan of Ankara resident in Constantinople. He was close enough to Emperor Manuel II Palaiologos (1391–1425) to join his entourage during his long sojourn in the West in 1400–1403. On his return to Constantinople, Makarios had the misfortune of re-involving himself in the controversy over the legitimacy of Patriarch Matthew I (1397–1410), whose ordination was seen as uncanonical, because this was the third episcopal see he had occupied. Makarios opposed vigorously the patriarch by producing lengthy canonical writings, and his opposition led ultimately to his own undoing. In 1405 Makarios was deposed from the metropolitan bishopric of Ankara and in 1409 was excommunicated. His traces in the documentary record disappear after this year.

Makarios completed his polemical treatise *Against the Latins* during the years 1403–4, shortly after his return from the West.¹⁵⁹ There are solid reasons for dating the work to this period. His treatise makes it seem apparent that he has traveled to the West.¹⁶⁰ At the same time, the specific views Makarios embraced bespeak a date prior to his close entanglement in the church controversy over the legitimacy of Patriarch Matthew. In *Against the Latins* Makarios defended the administrative powers of the Byzantine emperors over the church and the quasi-priestly character of imperial au-

thority, whereas during the controversy over the legitimacy of Patriarch Matthew, Makarios criticized the emperor's support of his opponent and composed a treatise seeking to limit the emperor's ecclesiastical rights.¹⁶¹ It is probable that Makarios began composing *Against the Latins* while journeying in the West with the emperor. During his stay in Italy, France, and England Manuel II fostered the spirit of Christian unity in the hope of motivating western monarchs to rally to Constantinople's defense, yet he did not favor any doctrinal concessions by the Byzantine church. Manuel II's writings composed at the time include a treatise explaining the Orthodox position on the procession of the Holy Spirit and papal primacy.¹⁶² A member of the emperor's traveling suite, Makarios adopted a similar intransigent attitude toward the union.

Makarios opens *Against the Latins* by attacking the doctrine of papal primacy and soon comes to tackle the subject of the Donation. In chapter 3 he remarks that the fathers of the Council of Nicaea did not ever mention the "so-called Donation" either because they considered it invalid or because the document was forged subsequently when it was deceitfully attributed to Constantine.¹⁶³ The latter comment anticipates the full-scale exposure of the forgery in chapter 6, which is entitled "On the So-Called Ordinance of the Holy and Great Emperor Constantine." Makarios starts by adducing historical arguments discrediting the authenticity of the Donation and continues with canonical ones aimed at showing its legal invalidity. Constantine, Makarios notes, issued the Donation before founding Constantinople, and therefore could not have legislated on the order of precedence of the five patriarchates, including the patriarchate of Constantinople.¹⁶⁴ Nor could Emperor Constantine have granted the papacy judicial primacy in Christendom, for this judicial primacy was not honored by the First Ecumenical Council, nor was it by any other ecumenical council.¹⁶⁵ Further, Makarios notes, Constantine did not leave Rome and the West to be ruled by popes, as the Donation claims, but appointed his third son, Constans, as an emperor over Rome, Italy, and southern Gaul, and entrusted his first son, Constantine, with the governance of northern Gaul. When the latter died, Constans took over the rule of the entire Western empire. Additionally, Makarios notes, the successors of Constantine and Constans continued to reside inside the city of Rome, a circumstance contradicting the provisions of the Donation.¹⁶⁶

The legalistic discussion which follows seems to address a segment of Makarios's readership still left unconvinced by the historical attack on the forgery. Citing the designation of the Donation in the Balsamon version as

“a pragmatic sanction” (πρακτικὸν σύστημα), Makarios notes that it was never confirmed by subsequent canons and therefore lacked legal force. In support of this interpretation he refers to the eighth canon of the Third Ecumenical Council in Ephesos, which states that “if someone shall bring forward a rule contrary to what is here determined, the synod decrees it shall be to no effect.”¹⁶⁷ He notes that a similar provision was found in the acts of the Fourth Ecumenical Council and cites specifically “an ordinance of Justinian,” stating that “the privileges of the churches ought to be maintained, but the pragmatic sanctions that are contrary to the canons ought to be rejected” (*Codex Iustinianus* 1.2.12).¹⁶⁸

Makarios of Ankara is among the first authors of the waning Middle Ages to subject the Donation to systematic historical criticism. It is remarkable that Makarios composed his work more than twenty years before the series of attacks on the Donation undertaken in the Renaissance West, which began with Nicholas of Cusa’s *Concordantia catholica* presented at the Council of Basel in 1433.¹⁶⁹ Seven years later, in 1440, the Italian humanist Lorenzo Valla composed his famous treatise which exposed, in greater detail and in a more vitriolic fashion, the Donation as a forgery.¹⁷⁰ In the 1450s Aeneas Sylvius Piccolomini, the future Pope Pius II (1458–64), and Reginald Pecock followed in the footsteps of Valla, in Italy and England, respectively.¹⁷¹ Did Makarios’s work influence these Latin humanists of the later fifteenth century? No trace is found of Makarios’s arguments against the Donation during the deliberations of the Council of Ferrara-Florence, neither among the Latins nor among the Greeks. We hear of no protest of the Byzantine delegation against the use of the Donation. While it is unlikely, in my view, that Makarios influenced his quattrocento contemporaries, it is interesting to note that the latter debunked the forgery by using a similar historical approach and historical arguments. Nicholas of Cusa, for example, argued that the Donation could not be genuine, because the jurisdiction of the Roman emperors prevailed in Italy long after the grant to the pope was supposed to have been made.¹⁷² Makarios of Ankara had stated just the same. In a manner similar to Makarios of Ankara, Lorenzo Valla wondered how the Donation could speak of Constantinople as one of the patriarchal sees, when it was not yet a patriarchate, nor a Christian city, nor named Constantinople, nor founded and planned.¹⁷³ These objections against the authenticity of the Donation are rational and rest on an acute historical and chronological consciousness. Makarios of Ankara shared with his renowned Renaissance contemporaries a common historical approach to textual critique, a central feature of the new age of humanism.¹⁷⁴

Conclusion

The Donation of Constantine reached the peak of its popularity in Byzantium during the period after 1204, when it became well known to a wide array of churchmen ranging from canonists and compilers of legal manuscripts to bishops and patriarchs of Constantinople. The Donation circulated among late Byzantine audiences in the form of four Greek versions, versions copied in numerous manuscripts and in various contexts well beyond the legalistic. Two or possibly three of these versions were produced during the late Byzantine period. The textual history of the Greek versions demonstrates by itself a contemporary fascination with this “document,” which was thought to have been issued by the eponymous and saintly founder of Constantinople.

The Donation mattered for the late Byzantine church from both a constitutional and an ideological point of view. The range of its discussion and application broadened in this period. The Donation fueled the rhetoric of politically assertive high ecclesiastics, something which we can only suppose for earlier times, and inspired churchmen to adopt from the West the ceremony of groom service, which in Byzantium was to render honor to the ecumenical patriarch of Constantinople. The general tendency of the legal and ceremonial uses of the Donation in the period was toward enhancing the powers of the patriarch of Constantinople vis-à-vis imperial authority and the episcopal hierarchy. Thus, the predominant domestic application of the Donation corresponded to the centralization of the Byzantine church under the patriarchate of Constantinople in the course of the fourteenth century.¹⁷⁵ The use of the Donation was one of the ideological expressions and underpinnings of this historical process.

Still, in spite of its rising popularity, late Byzantine attitudes toward the Donation were marked by ambivalence. For one, use of the Donation was far more common in a domestic context than it ever became on the pages of confessional polemic with the Latins. The reason for this tendency appears to have been the natural realization, one never explicitly expressed, that the Donation served more effectively the polemical goals of the Latin opponents. Indeed, the Donation assisted numerous Latin authors of the late Middle Ages in advocating the subject status of the Byzantine church. It is, therefore, not surprising that the twelfth-century line of Orthodox polemical interpretation petered out in the course of time, and eventually in the early fifteenth century a Byzantine author sought to disprove the authenticity of the Donation. One may even wonder whether the pro-papal spirit of the

Donation did not impede it from attaining a more critical internal importance in Byzantium. In any case, the ambivalent attitude toward the Donation is also evident from the fact that the legal commentaries on it never matched the promise of the twelfth century, despite the massive copying of the legalistically oriented Balsamon and Blastares versions. Finally, the ambivalence of late Byzantine attitudes is seen in the hesitant adoption of the ceremony of groom service to the patriarch of Constantinople, a ceremony that faced opposition from imperial circles and was unable to establish itself as a regularly staged court ritual, apart from what appears to have been a brief moment in the late fourteenth and the early fifteenth centuries.

Even so, for an anti-Byzantine forgery imported fairly recently into the Greek-speaking East, the Donation left an extraordinarily deep imprint on late Byzantine law, ceremonial, and political imagination. The Donation buttressed the ideological status of the patriarch of Constantinople at a time when, outside the empire, it actively served to undermine Orthodox doctrine. The Donation worked its way into Byzantium largely against the current, and in this its success is doubly remarkable.

Appendix 1

The Balsamon Version of the Donation: Codicological and Textual Observations

The observations here do not rest on a complete study of all manuscripts of the Balsamon version of the Donation, but aim to provide a basis for future work and critical edition. The following eighteen manuscripts of the Balsamon version of the Donation have been consulted:

MSS of the *Nomokanon in Fourteen Titles* (*Nomokanon* of Pseudo-Photios):

Basel, Universitätsbibliothek, A III 6 (13th c.)
 British Library, Arundel 533 (14th c.)
 Barocci gr. 205 (14th c.)
 Esphigmenou, 4 (13th c.)
 Vaticanus Palatinus gr. 384 (13th c.)
 Vaticanus gr. 844 (13th–14th c.)
 Vaticanus Reginensis gr. 51 (16th c.)

MSS of the Balsamon version of the Donation as a self-contained text:

Ambrosianus gr. 682 (Q. 97 sup.) (copied in 1287/88)
 BnF, Codex gr. 1263 (14th or 15th c.)
 BnF, Codex gr. 1388 (15th c.)
 Laurentianus gr. 8, 17 (15th or 16th c.)
 Laurentianus lat. 16, 40 (16th c.)
 Vaticanus gr. 1416 (16th c.)
 Vaticanus gr. 1276 (13th c.)
 Vaticanus gr. 640 (14th c.)
 Vaticanus Reginensis gr. 57 (copied in 1358/59)
 Vindobonensis juridicus gr. 6 (15th c.)
 Vindobonensis historicus gr. 34 (copied in 1430)

1. THE GENESIS OF BALSAMON'S COMMENTS ON THE DONATION IN THE *NOMOKANON IN FOURTEEN TITLES*

There still is no critical edition of Theodore Balsamon's commentaries on the *Nomokanon in Fourteen Titles*. The best edition so far is the one by Rhalles and Potles published in Athens in 1852 in the first volume of their

Σύνταγμα τῶν ἱερῶν καὶ θείων κανόνων. The two editors compared earlier editions of the *nomokanon* and Balsamon's running commentaries on it (editions by Christophore Justel in 1610, Gentian Hervet in 1650, and Henri Justel and Gulielmus Voellius in 1661) with the version of the text found in what today is Cod. 1379 of the National Library of Greece in Athens, itself a copy of a manuscript produced in Trebizond in 1311. Rhalles and Potles's edition does not make use of some of the earliest textual witnesses. An early redaction of Balsamon's commentaries datable to ca. 1179 is found in a thirteenth-century manuscript, to which Viktor Tiftixoglou first drew our attention: Vaticanus Palatinus gr. 384. This early redaction features marginal glosses by Balsamon, some of which entered the subsequent final redaction, while others did not. It is the second redaction which has become widely known through the printed editions.¹⁷⁶ The text of the Donation in Vaticanus Palatinus gr. 384 begins on folio 21r-v. and continues on folio 37v. The reason for this sequence is that the current folio 21 has been torn off and pasted toward the front of the manuscript before the beginning of the *nomokanon*. Folio 37 has also been torn off and has been rebound vice versa, that is, the recto has become verso, and the verso recto. My examination of the text of the Donation in Vaticanus Palatinus gr. 384 has not revealed any significant variations from the printed text by Rhalles and Potles. What is different is that the entire known text of Balsamon's commentary on the Donation is absent. In other words, we do not find Balsamon's statements that Michael I Keroularios and other patriarchs attempted to use the Donation for their own benefit, that the Donation should pertain to the rights of the patriarchal *chartophylax*, etc. Instead Vaticanus Palatinus gr. 384 features marginal glosses on the upper and right-hand margins of folio 37v. Unfortunately, most of the marginalia are not legible in the current state of binding of the manuscript, because the folio has been reversed and the glosses of the right-hand margin make space for the stub and thus lie hidden from sight. In addition, the three lines of glosses on the upper margin have largely faded and the uppermost line has been partially destroyed on account of clipping. I was able to make out only a few words: "ἐνομοθετήθη . . . οὐτε γὰρ οἱ ἀρχιερεῖς διὰ τούτων πατριαρχικοὺς εἰς τὴν βασιλεῦσαν ἐνδημοῦσαν . . . οὕτω τῆς μεγαλοπόλεως . . . ἀπὸ πολὺν δὲ χρόνον ἐν αὐτῇ διατρίβοντι οὐδεμίαν κάκωσιν ὑπομένουσι. . . ." Fragmentary as it is, this legible text in the upper margin clearly does not correspond to the known commentary of Balsamon. Furthermore, it is notable that four of the six examined manuscripts of Balsamon's commentaries on the *Nomokanon in Fourteen Titles* omit the commentary on the Donation and do not feature any marginalia. The

codices in question are Basel, Universitätsbibliothek, Cod. A III 6; British Library, Cod. Arundel 533; Cod. Barocci gr. 205; Esphigmenou, Cod. 4. Only two of the examined MSS—Vat. gr. 844 and Vat. Regin. gr. 51—transmit Balsamon’s commentaries of the Donation known to us from the printed editions.

The following conclusions naturally arise. Balsamon quoted the text of the Donation in both redactions of his commentaries on the *Nomokanon in Fourteen Titles* at title 8, chapter 1. He made different comments in each edition. The comments in the first edition are still to be identified fully, which is to be achieved through the disassembling of the quire and examination of the marginal glosses trapped in the stub. Dependent on the first edition are a number of early manuscripts of the *nomokanon*, which do not copy the marginal glosses and omit entirely Balsamon’s early comments on the Donation. In his subsequent, final redaction of his commentaries Balsamon voiced his well-known opinion, from which another group of manuscripts is derived.

An important note needs to be made regarding the intentionality of Balsamon when he cited the Donation in the *Nomokanon in Fourteen Titles*. The anonymous Byzantine canonist of Sinaiticus gr. 1112, who was Balsamon’s rival and contemporary during the 1180s and commented on the *nomokanon*, followed Balsamon in mentioning that the Donation demonstrated the privileges enjoyed by the church of old Rome.¹⁷⁷ However, he omitted to quote the text of the Donation and instead referred his readers elsewhere to “Title 557” of an unknown legal collection: “οἱα δέ εἰσι τὰ προνόμια τῆς ἐν τῇ παλαιᾷ Ῥώμῃ ἀγίας ἐκκλησίας παρίστησιν ἡμῖν τὸ παρὰ τοῦ ἰσαποστόλου ἀγίου μεγάλου Κωνσταντίνου γεγονὸς ἔγγραφον θέσπισμα πρὸς τὸν ἀγιώτατον Σίλβεστρον τὸν τότε πάπαν τῆς Ῥώμης, ὅπερ ζήτει ἐν τίτλῳ φνζ’.”¹⁷⁸ The anonymous canonist of Sinaiticus gr. 1112 seems to have envisaged a mysterious collection of imperial laws and patriarchal decisions with uniquely high title numbers.¹⁷⁹ The reference to this collection indicates that the Balsamon version of the Donation circulated as an independent, self-contained legal document already before or at least during the time of Balsamon.

2. TEXTUAL VARIATIONS

The examination of the late Byzantine manuscripts of the Balsamon version of the Donation has not uncovered any large-scale contamination of the text. Two curious cases of variation are worthy of note here, as they are suggestive of contemporary interpretations. The first is the substitution of

the phrase “οἱ κληρικοὶ τῆς μεγάλης ἐκκλησίας” for the correct expression “οἱ κληρικοὶ τῆς Ῥωμαίων ἐκκλησίας” in a section of the Donation referring to the ceremonial privileges of the clerics of the Roman church. This variation crops up in four codices transmitting the Balsamon version as a self-contained text: Ambros. gr. 682 (Q. 76 sup.), fol. 19r; BnF, Cod. gr. 1388, fol. 3v; Laur. gr. 8, 17, fol. 456r; and Vindob. hist. gr. 34, fol. 373r–v. Another interesting variation appears in two late Byzantine manuscripts of the *Nomokanon in Fourteen Titles*. In most codices, as well as in the Rhalles and Potles edition (1:147, lines 6–7), the successors of Sylvester on the papal throne are referred to as “πᾶσι τοῖς διαδόχοις αὐτοῦ μακαρίοις ἐπισκόποις.” However, Esphigmenou, Cod. 4, and Vatic. gr. 844 feature an interpolation: “πᾶσι τοῖς διαδόχοις αὐτοῦ ὀρθοδόξοις μακαρίοις ἐπισκόποις.” We can plausibly hypothesize that this modification, too, was likely to have been provoked (whether consciously or not) by confessional considerations rather than being an innocent copying slip. The specific reference to Sylvester’s successors as “orthodox” excluded the popes from being worthy recipients of privileges of the Donation.¹⁸⁰

In addition to textual variants informed by contemporary realities, there are variations that are less significant from a purely historical point of view; nonetheless they contribute to the establishment of distinct textual families and thus help the eventual establishment of a *stemma* of the Balsamon version. I note below some unique textual features in manuscripts of the late Byzantine interpolated redaction of the *Nomokanon in Fifty Titles* (see below, appendix 1, part 3C) and in the Nicholas of Otranto group of manuscripts (see below appendix 2, part 2).

3. THE SELF-CONTAINED BALSAMON VERSION: CONTEXTS OF CIRCULATION

A. Balsamon Codices without the *Nomokanon in Fourteen Titles*

Ambrosianus gr. 682 (Q. 97 sup.). The codex has been described in Martini and Bassi, *Catalogus*, 2:780–88. See also Turyn, *Dated Greek Manuscripts of the Thirteenth and Fourteenth Centuries in the Libraries of Italy*, 1:57–58. Copied in 1287/88, probably in Cyprus, this codex contains various canonical writings of Balsamon without his commentaries on the *Nomokanon in Fourteen Titles*. The Donation was copied on folios 18v–19v after Balsamon’s canonical responses to Patriarch Mark of Alexandria and immediately before the beginning of his commentaries on the canons of the councils. The Donation thus gives the impression of opening Balsamon’s commentaries.

Vaticanus Reginensis gr. 57. The fourteenth-century codex has been described in Henry Stevenson, *Codices manuscripti Graeci reginae Svecorum et Pii PP. II* (Rome: Ex Typographeo Vaticano, 1888), pp. 48–51. See also Alexander Turyn, *Codices Graeci Vaticani saeculis XIII e XIV scripti annorumque notis instructi* (Vatican City: Biblioteca Apostolica Vaticana, 1964), pp. 154–56. The great bulk of the codex (fols. 47–489) was executed in 1358/59. This was the time when the Donation was copied near the end of the codex on folios 454v–55v together with various other legal texts. The codex contains various canonical writings, such as the *Nomocanon in Fourteen Titles*, although without Balsamon's commentaries, as well as the canons of the councils and the apostles, with the commentaries of Zonaras.

B. Harmenopoulos and Blastares Codices

Moscow, State Historical Museum (formerly Sinodal'naya biblioteka), no. 327. This codex containing Blastares' *Syntagma* has been described by Arkhimandrit Vladimir, *Sistematicheskoe opisaniie rukopisei Moskovskoi sinodal'noi biblioteki* (Moscow: Sinodal'naia tipografia, 1894), pp. 476–77. I have not been able to examine a reproduction of this manuscript. See also Pavlov, "Podlozhnaia darstvennaia gramota," pp. 22–23, who refers to the codex as no. 149. The codex has been dated to 1342 on the basis of the copyist's note, that is, still during the lifetime of Blastares and soon after the completion of the *Syntagma* in 1335. The Donation is found on folio 1 and is followed immediately by the text of Blastares' *Syntagma*, thus serving as a prolegomenon to the *Syntagma*. It is certain that this version is the Balsamon one, because the accompanying note published by both Arkhimandrit Vladimir and Pavlov states that the text has been excerpted from the *Nomocanon of Photios* (that is, the *Nomocanon in Fourteen Titles*).

Vindobonensis hist. gr. 34. This codex, a legal miscellany copied in 1430, has been described in Herbert Hunger, *Katalog der griechischen Handschriften der Österreichischen Nationalbibliothek*, Teil 1, *Codices historici, codices philosophici et philologici* (Vienna: Prachner, 1961), pp. 35–38. Hunger mistakenly identified this version of the Donation with the one edited by Augusto Gaudenzi, *Bullettino dell'Istituto Storico Italiano* 39 (1919): 108–112, which in fact is the *donatio* of the Kydones version, not the Balsamon version. The opening work in the codex is Blastares' *Syntagma* (fols. 1r–164r), which is followed shortly by Harmenopoulos's *Hexabiblos* (fols. 177r–310r). The latter work does not feature the abbreviated Blastares version of the Donation in its appendices. The Donation (fols. 372v–74r) was copied at a great distance

from the *Hexabiblos*. One wonders whether the compiler of the manuscript included the Balsamon version as an afterthought, having had no access to the abbreviated one.

Vindobonensis jur. gr. 6. The miscellaneous codex, copied in the fifteenth century and featuring the legal works of Harmenopoulos, has been described by Herbert Hunger, *Katalog der griechischen Handschriften der Österreichischen Nationalbibliothek*, Teil 2, *Codices juridici, codices medici* (Vienna: Prachner, 1969), pp. 11–13. The Balsamon version of the Donation is copied on folios 194v–95v at a certain distance after Harmenopoulos's *Hexabiblos* (fols. 2v–136v) and his epitome of the canons (fols. 141r–182r). As in the above case, Harmenopoulos's *Hexabiblos* does not feature the abbreviated version of the Donation in its appendices.

BnF, Cod. gr. 1388. This fifteenth-century codex containing Harmenopoulos's *Hexabiblos* and other legal works has been described in Omont, *Inventaire*, 2:34–35. The *Hexabiblos* of Harmenopoulos does not feature the abbreviated Blastares version of the Donation in its appendices. The Balsamon version of the Donation (fols. 2v–4v) is the opening work copied in the codex.

C. Interpolated Redaction of the *Nomokanon in Fifty Titles*

Vaticanus gr. 640. This codex, a judicial miscellany dating to the fourteenth century, has been described by Robert Devreesse, *Codices Vaticani Graeci*, vol. 3, *Codices 604–833* (Vatican City: Biblioteca Apostolica Vaticana, 1950), pp. 60–63. See also Benešević, *Sinagogá v 50 titulov*, p. 187 and n. 1. The Donation is found on folios 43v–45r and forms part of several legal documents interpolated into title 1 of the *nomokanon*. The Donation is preceded, although not immediately, by excerpts from the first three titles of Photios's *Eisagoge* (fols. 39v–40r).

BnF, Cod. gr. 1263. This codex, a judicial miscellany dating to the fourteenth or the fifteenth century, has been described by Omont, *Inventaire*, 1:281. See also Benešević, *Sinagogá v 50 titulov*, p. 187 and n. 1. Unlike the Vatican manuscript, the interpolations are not incorporated into the text, but are written in the margins of the manuscript. The Donation is found on folios 25r–27r. Again unlike the Vatican manuscript, the Donation is preceded immediately by the excerpts from Photios's *Eisagoge* on folios 23r–24v.

The apographs of the Donation in the two manuscripts of the *Nomokanon in Fifty Titles* belong to the same textual family. Both contain the variant reading “διὰ ταύτην τὴν θεῖαν κέλευσιν καὶ πραγματικὸν θέσπισμα

ἐψηφίσαμεν” instead of the correct “διὰ ταύτην τὴν θείαν κέλευσιν καὶ πραγματικὸν σύστημα ἐθεσπίσαμεν” (Rhalls-Potles, 1:148, lines 4–5). This variation is found also in the fifteenth-century Vindob. jur. gr. 6, fol. 195v. (See above, appendix 1, section 3B)

D. Miscellany

Laurentianus gr. 8, 17. The codex has been dated to the fourteenth century and described by Angelo Maria Bandini, *Catalogus codicum manuscriptorum Bibliothecae Mediceae Laurentianae varia continens opera Graecorum patrum*, 3 vols. (Florence, 1764; repr. Leipzig: Zentralantiquariat der Deutschen Demokratischen Republik, 1961), 1:358–62. Contrary to Bandini, Jean Verpeaux, *Pseudo-Kodinos: Traité des offices* (Paris: CNRS, 1966), p. 351 n. 1, dated the manuscript to the fifteenth or the sixteenth century. Marco Petta, “Codici greci della Puglia trasferiti in biblioteche italiane ed estere,” *Bollettino della Badia Graeca di Grottaferrata*, n.s., 26 (1972): 83–129 (p. 118), assigned the production of this manuscript to the scriptorium of the abbey of St. Nicholas of Casole near Otranto in Apulia, although this attribution is doubtful, as it is based on the hypothesis, no longer sustainable (see below, appendix 2), that the text of the Donation here belongs to the Nicholas of Otranto group. The manuscript contains mostly works of John Chrysostom along with other theological and miscellaneous works, including the account of the coronation of Manuel II Palaiologos in 1392 on folios 421r–23r. The Donation of Constantine was copied at the very end of the codex on folios 454r–57v and does not seem to bear any relation with other works copied.

E. The Copy by Nicholas of Otranto (1206) and the Southern Italian Tradition

(see appendix 2)

Appendix 2

Nicholas of Otranto's Group of the Balsamon Version of the Donation

Nicholas of Otranto copied the Balsamon version of the Donation when serving as an interpreter to the Roman cardinal and papal legate Benedict of Sancta Susanna during his official embassy to Constantinople in the years 1205–7. This apograph was subsequently brought to Apulia, where Nicholas was a monk in the monastery of St. Nicholas of Casole near Otranto, and was further reproduced together with two slightly different notes, stating that Nicholas copied the Balsamon version in December 1206 at the Great Palace of Constantinople after being commissioned to do so by the papal cardinal and legate. Johannes Hoeck and Raymond-Joseph Loenertz, *Nikolaos-Nektarios von Otranto, Abt von Casole: Beiträge zur Geschichte der ost-westlichen Beziehungen unter Innozenz III. und Friedrich II.* (Ettal: Buch-Kunstverlag, 1965), p. 53 n. 11, thought that the copy made by Nicholas of Otranto survived in four manuscripts: Vaticanus gr. 1416, Vaticanus gr. 1276, Laurentianus gr. 8, 17, and Laurentianus lat. 16, 40. In fact, the Nicholas of Otranto family should be restricted to three manuscripts. Laurentianus gr. 8, 17 clearly does not belong to this group. Not only does this codex lack the note on the circumstances of production of Nicholas of Otranto's copy, but it does not present the salient textual features which all three remaining manuscripts share (see below, appendix 2, part 2).

1. THE CODICES OF THE NICHOLAS OF OTRANTO GROUP

A. Vaticanus gr. 1276

The codex dates to the thirteenth century and was copied in the abbey of St. Nicholas of Casole near Otranto. Although this manuscript has not yet been described in the series *Codices Vaticani Graeci*, relevant information as to its features can be found in Robert Devreesse, *Les manuscrits grecs de l'Italie méridionale* (Vatican City: Biblioteca Apostolica Vaticana, 1955), pp. 19, 45; Petta, "Codici greci della Puglia," pp. 88, 91, 115, 124–25; Hoeck-Loenertz, *Nikolaos-Nektarios von Otranto*, pp. 22–23, 113–16. A large fragment of the Balsamon version of the Donation is found on folios 96r–97v, with the beginning missing, doubtless because of the loss of a folio. The colophon on the date and circumstances of execution of Nicholas of Otranto's copy

found on folios 97v–98r. has been published by Petrucci, “I rapporti,” p. 59 n. 2.

B. Vaticanus gr. 1416

This codex has been dated to the late sixteenth century by Petrucci, “I rapporti,” p. 57. The relevant volume from *Codices Vaticani Graeci* is still outstanding. The Balsamon version of the Donation on folios 121r–24r features a preface (see below, part 3) and is followed by a note on the date and circumstances of execution of Nicholas of Otranto’s copy published by Petrucci, “I rapporti,” p. 59 n. 2. The *confessio* from the Kydones version was copied on folios 127–32.

C. Laurentianus lat. 16, 40

This little codex (partly Latin, partly Greek) dates to the sixteenth century and has been described by Antonio Maria Bandini, *Catalogus codicum latinorum Bibliothecae Mediceae Laurentianae*, 5 vols. (Florence: n. pub., 1774–78), vol. 1, cols. 295–96. The Donation is found on folios 5r–12r. It is followed (fols. 12r–v) by the same note as the one in Vat. gr. 1416.

2. COMMON CHARACTERISTICS OF THE GROUP

The three manuscripts of the group refer to the Lateran palace in Rome as “τὸ ἡμέτερον βασιλικὸν παλάτιον τὸ Λατερανένσιον” (Vat. gr. 1276, fol. 96r, Vat. gr. 1416, fol. 122r, Laur. lat. 16, 40, fol. 7v). By contrast, the form “τὸ Λατερανέσιον” (Rhalles-Potles, 1:146, line 12) appears in all other examined manuscripts of the Balsamon version. The word *Λατερανένσιον* is a Latinism formed by analogy with the adjective *lateranensis* and evokes the bilingual environment of southern Italy. In addition, this group of manuscripts features two cases of *lectio simplicior* that are unique to it: a scribal error known as *saut du même au même* or omission due to *homoteleuton*, that is, the omission of text framed between identical words or endings.¹⁸¹

The boldface text below framed by the word *τὴν γῆν* indicates the words that dropped out in the copying process due to this scribal error. (Note that the entire section quoted below is missing from the fragment of the Donation preserved in Vat. gr. 1276.)

Rhalles-Potles, 1:145, lines 3–10: “[Δέον ἐκρίναμεν . . .] ἵνα ὡς ὁ ἅγιος Πέτρος ἐκ προσώπου τοῦ υἱοῦ τοῦ Θεοῦ ἐστιν εἰς τὴν γῆν, **οὕτω καὶ οἱ ἐπίσκοποι, οἱ διάδοχοι τοῦ κορυφαίου τῶν Ἀποστόλων ἀρχιεπὴν**

ἐξουσίαν εἰς τὴν γῆν ἔχωσι, πλέον παρ' ὃ ἔχει ἡ βασιλεία τῆς δόξης ἡμῶν, καὶ τοῦτο παρεχωρήθη ἀφ' ἡμῶν καὶ ἀπὸ τῆς βασιλείας ἡμῶν. Καὶ θέλομεν. . . .”

Vat. gr. 1416, fol. 121r, and Laur. lat. 16,40, fol. 5r: “[Δέον ἐκρίναμεν . . .] ἵνα ὡς ὁ ἅγιος Πέτρος ἐκ προσώπου τοῦ υἱοῦ τοῦ Θεοῦ ἐστιν εἰς τὴν γῆν, ἔχων πλέον παρ' ὃ ἔχει ἡ βασιλεία τῆς δόξης ἡμῶν καὶ τὸ παρεχωρηθὲν ἀφ' ἡμῶν καὶ ἀπὸ τῆς βασιλείας ἡμῶν. Καὶ θέλομεν. . . .”

In another case cited below, the phrase in boldface text, “διὰ τοῦτο δὲ χρήσιμον ἐννοήσαμεν,” has been omitted on account of the similar ending –σαμεν in the verbs *παρεχωρήσαμεν* and *ἐννοήσαμεν*. It is interesting that the omission of the phrase through a scribal error (hardly intentional) modifies the text in such a way as to create the impression that the pope was given the imperial office itself! The Donation never makes such a radical statement. The syntax of the sentence has become garbled as result of the omission, yet an attempt was made to fix this in the version of the text in *Vat. gr. 1276*. Here the infinitive *μεταφέρειν* dependent on *χρήσιμον ἐννοήσαμεν* has been modified into an indicative, and the verb *ἐσπουδέυσουμεν* has been inserted to smoothen the flow of the text.

Rhalles-Potles, 1:148, lines 4–11: “διὰ ταύτην τὴν θεῖαν κέλευσιν καὶ πραγματικὸν σύστημα ἐθεσπίσαμεν διαμένειν, καὶ τοῖς ἀνδράσι τῆς ἁγίας τῶν Ῥωμαίων ἐκκλησίας εἰς τὸν αἰῶνα παρεχωρήσαμεν. **Διὰ τοῦτο δὲ χρήσιμον ἐννοήσαμεν** τὴν βασιλείαν ἡμῶν καὶ τὸ κράτος τῆς βασιλείας εἰς τὰς ἀνατολικὰς χώρας μεταφέρειν, καὶ ἐν τῇ Βυζαντίῳ χώρᾳ, τόπῳ χρησίμῳ, τὴν πόλιν ἐπὶ τῷ ὀνόματι ἡμῶν ἰδρυθῆναι καὶ τὴν ἡμῶν βασιλείαν ἐκεῖ συστήναι.”

Vat. gr. 1416, fol. 123v, and Laur. lat. 16,40, fol. 11r–v: “διὰ ταύτην τὴν θεῖαν κέλευσιν καὶ πραγματικὸν σύστημα ἐθεσπίσαμεν διαμένειν, καὶ τοῖς ἀνδράσι τῆς ἁγίας τῶν Ῥωμαίων ἐκκλησίας εἰς τὸν αἰῶνα παρεχωρήσαμεν [*sic*] τὴν βασιλείαν ἡμῶν καὶ τὸ κράτος τῆς βασιλείας, εἰς τὰς ἀνατολικὰς χώρας μεταφέρειν καὶ ἐν τῇ Βυζαντίᾳ χώρᾳ, τόπῳ χρησίμῳ, τὴν πόλιν ἐπὶ τῷ ὀνόματι ἡμῶν ἰδρυθῆναι καὶ τὴν ἡμῶν βασιλείαν ἐκεῖ συστήναι.”

Vat. gr. 1276, fol. 97v: “διὰ ταύτην τὴν θεῖαν κέλευσιν καὶ πραγματικὸν σύστημα ἐθεσπίσαμεν διαμένειν, καὶ τοῖς ἀνδράσι τῆς ἁγίας τῶν Ῥωμαίων ἐκκλησίας εἰς τὸν αἰῶνα παρεχωρήσαμεν τὴν βασιλείαν ἡμῶν καὶ τὸ κράτος τῆς βασιλείας εἰς τὰς ἀνατολὰς μεταφέρομεν καὶ ἐν τῇ Βυζαντίῳ χώρᾳ, τόπῳ χρησίμῳ, τὴν πόλιν ἐπὶ τῷ ὀνόματι ἡμῶν ἰδρυθῆναι ἐσπουδέυσουμεν καὶ τὴν ἡμῶν βασιλείαν ἐκεῖ συστήναι.”

3. THE PREFACE TO THE DONATION IN VAT. GR. 1416

The copy of the Balsamon version of the Donation in the sixteenth-century Vat. gr. 1416 contains a unique preface, according to which the Donation demonstrates that the universal church should be subject to the see of Rome. Most of the preface, in fact, is an excerpt from title 8, chapter 1, of the *Nomokanon in Fourteen Titles* and the attendant commentaries of Theodore Balsamon. It is probable, therefore, that the original apograph of Nicholas of Otranto in 1206 consisted of the Donation along with the attendant text in the work from which it was excerpted. It is important again to note that the entire opening part of the Donation is missing in the thirteenth-century Vat. gr. 1276, the earliest of the three manuscripts of the group.

A. Vaticanus gr. 1416, fol. 120r–121r:

Διαθήκη τοῦ μεγάλου Κωνσταντίνου

Ἐκ τοῦ νομοκανόνος τῆς βίβλου τῆς συνοψισθείσης¹⁸² ἐκ προτροπῆς τοῦ μακαριωτάτου πατριάρχου Κωνσταντινουπόλεως κυροῦ Μιχαὴλ καὶ θεοσεβοῦς βασιλέως κυροῦ Μανουὴλ παρὰ
 5 Θεοδώρου τοῦ Βαλσαμῶν τοῦ πρώτου διακόνου τῆς μεγάλης ἐκκλησίας καὶ χαρτοφύλακος χρηματίσαντος, ὅτε καὶ τὴν βίβλον ταύτην συνέθετο, ὕστερον δὲ γεγονότος πατριάρχου μεγάλης Ἀντιοχείας, ἀποδεικνύοντος, ὅτι πᾶσα ἐκκλησία ὑπὸ <τοῦ> πάπα Ῥώμης δικαιούται, ὡς ἐκ τοῦ μεγάλου Κωνσταντίνου διατάξεως
 10 ἔξεστιν εἰδεῖν· τῆς δὲ βίβλου ἡ ἀρχὴ "πείθεσθε τοῖς ἡγουμένοις" ἐστίν, ἣτις διαίρεται εἰς ἰδ' τίτλους. ἐν δὲ τῷ ὀγδόῳ δηλοῦται ταῦτα, ἅτινα βασανίζων οὕτω φησίν.

Ἦ σ' διάταξις τοῦ β' τίτλου τοῦ α' βιβλίου τοῦ κώδικός φησιν, ὅτι τὰς ἀναφυομένας κανονικὰς ἀμφισβητήσεις ἐν ὧν τῷ Ἰλλυρικῷ¹⁸³
 15 οὐ δεῖ τέμνεσθαι παρὰ γνώμην τοῦ ἀρχιεπισκόπου Κωνσταντινουπόλεως καὶ τῆς αὐτοῦ συνόδου, ἣτις ἔχει τὰ προνόμια τῆς ἀρχαίας Ῥώμης . . .¹⁸⁴ οἷα δὲ εἰσι τὰ προνόμια τῆς ἐν παλαιᾷ Ῥώμῃ ἀγίας ἐκκλησίας, παρίστησιν ἡμῖν τὸ ἰσαπόστολον ἀγίου μεγάλου Κωνσταντίνου γεγονὸς ἐγγραφον θέσπισμα πρὸς τὸν ἅγιον Σίλβεστρον
 20 τὸν τότε πάπαν τῆς Ῥώμης, ὃ καὶ ἔχει οὕτως. Δέον ἐκρίναμεν μετὰ πάντων τῶν σατραπῶν ἡμῶν καὶ πάσης τῆς συγκλήτου καὶ τῶν ἀρχόντων [the text of the Donation follows].

NOTES

1. Horst Fuhrmann, ed., *Das Constitutum Constantini, Konstantinische Schenkung*, MGH: Fontes iuris Germanici antiqui in usum scholarium 19 (Hannover: Hahn, 1968). An English translation can be found in Mark Edwards, trans., *Constantine and Christendom* (Liverpool: Liverpool University Press, 2003), pp. 92–115. See also Johannes Fried, *Donation of Constantine and Constitutum Constantini: The Misinterpretation of a Fiction and Its Original Meaning*, with a contribution by Wolfram Brandes (Berlin: de Gruyter, 2007), pp. 129–37 (Latin text); 138–45 (English translation).

2. Wilhelm Levison, “Konstantinische Schenkung und Silvester-Legende,” *Aus rheinischer und fränkischer Frühzeit* (Düsseldorf: Schwann, 1948), pp. 390–473, esp. pp. 409–10; Wilhelm Pohlkamp, “*Privilegium ecclesiae Romanae pontifici contulit*: Zur Vorgeschichte der Konstantinischen Schenkung,” in *Fälschungen im Mittelalter: Internationaler Kongress der Monumenta Germaniae Historica, München 16.–19. September 1986*, vol. 2, *Gefälschte Rechtstexte—Der bestrafte Fälscher* (Hannover: Hahn, 1988), pp. 413–90, esp. pp. 482–86; Wilhelm Pohlkamp, “Textfassungen, literarische Formen und geschichtliche Funktionen der römischen Silvester-Akten,” *Francia* 19, no. 1 (1992): 115–96, esp. p. 149 n. 160.

3. For a discussion of some of the extensive historiography on the date of the Donation, see Horst Fuhrmann, “Das frühmittelalterliche Papsttum und die Konstantinische Schenkung,” in *I problemi dell’Occidente nel secolo VIII*, 2 vols., Settimane di studio del Centro italiano di studi sull’alto medioevo 20 (Spoleto: Presso la sede del Centro, 1973), 1:257–92. On its association with the Lateran church, see Nicolas Huyghebaert, “La Donation de Constantin ramenée à ses véritables dimensions: À propos de deux publications récentes,” *Revue d’histoire ecclésiastique* 71 (1976): 45–69; Nicolas Huyghebaert, “Une légende de fondation: Le *Constitutum Constantini*,” *Le Moyen Âge* 85 (1979): 177–209; Raymond-Joseph Loenertz, “Le *Constitutum Constantini* et la basilique du Latran,” *BZ* 69 (1976): 406–10. Fried, *Donation of Constantine and Constitutum Constantini*, pp. 53–72, has recently argued, however, for a Frankish origin of the forgery. The Donation was originally forged in Latin, not Greek, as an earlier theory held. See here p. 103.

4. Johanna Petersmann, “Die kanonistische Überlieferung des *Constitutum Constantini* bis zum Dekret Gratians: Untersuchung und Edition,” *Deutsches Archiv* 30 (1974): 356–449.

5. Frank Zinkeisen, “The Donation of Constantine as Applied by the Roman Church,” *English Historical Review* 9 (1894): 625–63; Walter Ullmann, *The Growth of Papal Government in the Middle Ages* (London: Methuen, 1955), pp. 74–86, 144–48, 160, 326, 416–18; Michael Wilks, *The Problem of Sovereignty in the Late Middle Ages* (Cambridge: Cambridge University Press, 1963), pp. 543–47; Fried, *Donation of Constantine and Constitutum Constantini*, pp. 11–33.

6. Domenico Maffei, *La Donazione di Costantino nei giuristi medievali da Graziano a Bartolo* (Milan: Giuffrè, 1958); Cecil Woolf, *Bartolus of Sassoferrato: His Position in*

the *History of Medieval Political Thought* (Cambridge: Cambridge University Press, 1913), pp. 94–100, 315–23, 343–50.

7. See here p. 124.

8. George Ostrogorsky, “Zum Stratordienst des Herrschers in der byzantinisch-slavischen Welt,” *Seminarium Kondakovianum* 7 (1935): 187–204, drew attention to the importation of the papal ceremony of groom service (*officium stratoris*) and traced the continual application of this ritual under different circumstances in seventeenth-century Russia.

9. Francis Dvornik, *The Idea of Apostolicity in Byzantium and the Legend of the Apostle Andrew* (Cambridge, Mass.: Harvard University Press, 1958), pp. 252, 288–99, pointed to cases of usage of the Donation in polemical exchanges between Latins and Greeks.

10. Paul Alexander, “The Donation of Constantine at Byzantium and Its Earliest Use against the Western Empire,” *ZRVI* 8 (1963): 11–26, demonstrated that the first mention of the Donation by a Byzantine historian dates to the twelfth century and not earlier as had traditionally been assumed.

11. Viktor Tiftixoglu, “Gruppenbildungen innerhalb des konstantinopolitanischen Klerus während der Komnenenzeit,” *BZ* 62 (1969): 25–72, esp. pp. 60–72, examined the twelfth-century canonical debate on the implications of the Donation.

12. Hans-Georg Krause, “Das Constitutum Constantini im Schisma von 1054,” in *Aus Kirche und Reich: Festschrift für Friedrich Kempf*, ed. Hubert Mordek (Sigmaringen: Thorbecke, 1983), pp. 131–58, studied meticulously the circumstances of the earliest Byzantine translation of the Donation.

13. Gilbert Dagron, *Empereur et prêtre: Études sur le “césaropapisme” byzantin* (Paris: Gallimard, 1995), pp. 248–55 (Gilbert Dagron, *Emperor and Priest: The Imperial Office in Byzantium*, trans. Jean Birrell [Cambridge: Cambridge University Press, 2003], pp. 240–47) argued that the Donation inspired the ambitious Patriarch Michael I Keroularios and discussed aspects of the domestic Byzantine usage of the Donation in the eleventh and the twelfth century.

14. John Malalas (sixth century), *Ioannis Malalae chronographia*, ed. Ioannes Thurn (Berlin: de Gruyter, 2000), p. 243; George the Monk (ninth century), *Georgii monachi chronicon*, ed. Carolus de Boor, 2 vols. (Leipzig: Teubner, 1904), 2:485–87; Theophanes (ninth century), *Theophanis chronographia*, ed. Carolus de Boor, 2 vols. (Leipzig: Teubner, 1883–85), 1:17–18, who says that he finds the version of Constantine’s baptism by Sylvester more believable than the version of his baptism by Eusebius; John Zonaras (twelfth century), *Ioannis Zonarae epitomae historiarum libri XIII–XVIII*, ed. Theodor Büttner-Wobst (Bonn: Weber, 1897), pp. 7–12 (a particularly lengthy report).

15. Ephraim of Ainos (fourteenth century), *Ephraem Aenii historia chronica*, ed. Odysseus Lampsides (Athens: Academy of Athens, 1990), pp. 17–18; John Kantakouzenos (fourteenth century), *Ioannis Cantacuzeni eximperatoris historiarum libri IV*,

ed. Ludwig Schopen, 3 vols. (Bonn: Weber, 1828–32), 3:18, lines 5–9. The earliest extant Greek vitae of Constantine featuring the Sylvester legend date to the ninth century. See Alexander Kazhdan, “‘Constantin Imaginaire’: Byzantine Legends of the Ninth Century about Constantine the Great,” *Byzantion* 57 (1987): 196–250, esp. pp. 200–202, 239–40. In late Byzantium, the Sylvester legend is reported in the vitae of Constantine by Constantine Akropolites (see Constantine Simonides, *The Panegyric of That Holy, Apostolic, and Heaven-Crowned King Constantine the Great, Composed by His Head Logothetes Constantine Acropoliti* [London: Longman, Brown, Green, and Longmans, 1853], pp. 15–17), and John Chortasmenos (see below, n. 18). Constantine Acropolites also mentions Constantine’s baptism by Sylvester in his life of St. Zotikos. See Timothy Miller, “The Legend of Saint Zotikos According to Constantine Akropolites,” *Analecta Bollandiana* 112 (1994): 352–53.

16. Levison, “Konstantinische Schenkung,” pp. 445–54, pointed to Latinisms in the Greek text of the vita. Cf. also Louis Duchesne, *Liber pontificalis*, 2 vols. (Paris, 1886–92; repr. Paris: Boccard, 1955), 1:cix–cx, cxv. Garth Fowden, “Constantine, Silvester and the Church of S. Polyeuctus in Constantinople,” *Journal of Roman Archaeology* 7 (1994): 274–84 (p. 279), has argued that the *Actus Silvestri* was known in Constantinople already in the early sixth century. In any case, the earliest Greek manuscripts are tenth-century, and the Greek vita survives in over ninety manuscripts. For a brief overview of the Greek and Syriac translations, see Levison, “Konstantinische Schenkung,” p. 396; Pohlkamp “Textfassungen,” pp. 136–37.

17. The various Greek vitae of Sylvester have been surveyed by François Halkin, *Bibliotheca hagiographica graeca*, 3rd ed. (Brussels: Société des Bollandistes, 1957), nos. 1628–34; François Halkin, *Auctarium* (Brussels: Société des Bollandistes, 1969), nos. 1629–34. For the legislation of Constantine as reported in the middle Byzantine vitae, see *Illustrium Christi martyrum lecti triumphi*, ed. François Combefis (Paris: A. Bertier, 1660), pp. 282–83 (based on a tenth-century manuscript); *Le ménologe impérial de Baltimore*, ed. François Halkin (Brussels: Société des Bollandistes, 1985), pp. 26–27 (eleventh-century imperial *menologion*); John Zonaras’s twelfth-century vita in *Roma e l’Oriente* 6 (1913): 346–47. A difference between the Byzantine East and the Latin West is worthy of note. In its original Latin redaction (A1), the *Actus Silvestri* reports an eight-day period of legislation after Constantine’s baptism; on the fourth day Constantine is said to have instituted the pope as the head of all priesthood. This part of the *Actus Silvestri* stirred the imagination of papal ideologues, including the forger of the Donation, yet it is missing from the Greek vitae of Sylvester, because the Greek translation rests on the abridged Latin redaction (B1), which in fact never circulated widely in the West. See Levison, “Konstantinische Schenkung,” pp. 446–49. Pohlkamp, “*Privilegium ecclesiae Romanae*,” p. 420 n. 1, notes that the original A1 redaction probably remained unknown in Byzantium and supplies (pp. 445 n. 120 and p. 467) the much briefer Latin text of redaction B1, corresponding to the eight-day period of legislation found in redaction A1. A study of the textual history the Greek vitae and their relations to the *Actus Silvestri*

is a desideratum following the critical edition of the Latin versions announced by Wilhelm Pohlkamp.

18. We find this story in the ecclesiastical history of Nikephoros Kallistos Xanthopoulos (d. ca. 1335), PG, vol. 145, cols. 1284C–85B, and in the vita of Constantine by John Chortasmenos (ca. 1370–before 1439), in Theophilos Ioannou, ed., *Mnemeia Hagiologica* (Venice, 1884; repr. Leipzig: Zentralantiquariat der Deutschen Demokratischen Republik, 1973), pp. 185–86. For the attribution of the authorship of this vita to Chortasmenos, see Herbert Hunger, *Johannes Chortasmenos (ca. 1370–ca. 1436/37): Briefe, Gedichte und kleine Schriften* (Vienna: Österreichische Akademie der Wissenschaften, 1969), p. 8.

19. Most of these designations have been introduced by Krause, “Das Constitutum Constantini,” pp. 147–48.

20. Published in Rhalles-Potles, 1:145–48 (reprinted in Werner Ohnsorge, “Das Constitutum Constantini und seine Entstehung,” *Konstantinopel und der Okzident* [Darmstadt: Wissenschaftliche Buchgesellschaft, 1966], pp. 108–22); PG, vol. 104, cols. 1077B–81D, which purports to be a reprint from Gulielmus Voellius and Henri Justel, *Bibliotheca iuris canonici veteris*, 2 vols. (Paris: L. Billaine, 1661), 2:929–33.

21. Rhalles-Potles, 1:148. On the *Nomokanon in Fourteen Titles*, see Hans-Georg Beck, *Kirche und theologische Literatur im byzantinischen Reich* (Munich: Beck, 1959), pp. 146, 423, with further bibliography.

22. Already in 1896 Aleksei Pavlov, “Podlozhnaia darstvennaia gramota Konstantina Velikago pape Silvestru v polnom grecheskom i slavianskom perevode,” *IV* 3 (1896): 24–29, showed that Balsamon’s text is a translation from the *libellus*. For the Latin text of the Donation in the *libellus*, see *Acta et scripta quae de controversiis ecclesiae Graecae et Latinae saeculo undecimo composita extant*, ed. Cornelius Will (Leipzig, 1861; repr. Frankfurt am Main: Minerva, 1963), pp. 72–74 (= PL, vol. 143, cols. 753B–55D).

23. Anton Michel, *Humbert und Kerullarios*, 2 vols. (Paderborn: Schöningh, 1924–30), 1:44–53, 66–76, attributed authorship of the *libellus* to Humbert.

24. Krause, “Das Constitutum Constantini,” pp. 143–47, 152–53. For the designation “southern Italian collection,” see Anton Michel, “Lateinische Aktenstücke und -sammlungen zum griechischen Schisma (1053/54),” *Historisches Jahrbuch* 60 (1940): 46–64, esp. pp. 62–64. A critical edition of Leo IX’s *libellus* still remains a desideratum. Cf. Krause’s observations on the manuscript tradition (differing from Michel’s) in *Historische Zeitschrift* 217 (1974): 671–77.

25. For this traditional theory, see Augusto Gaudenzi, “Il Costituto di Costantino,” *Bullettino dell’Istituto Storico Italiano per il medio evo e Archivio Muratoriano* 39 (1919): 9–112 (p. 70); Enzo Petrucci, “I rapporti tra le redazioni latine e greche del Costituto di Costantino,” *Bullettino dell’Istituto Storico Italiano per il medio evo e Archivio Muratoriano* 74 (1962): 45–160 (p. 58).

26. Krause, "Das Constitutum Constantini," pp. 153–56.

27. Rhalles-Potles, 1:148–49. Tiftixoglu, "Gruppenbildungen," p. 62 n. 37, considers that Balsamon's testimony means that Keroularios was acquainted with the Donation. *Contra*, see Alexander, "The Donation of Constantine at Byzantium," pp. 25–26. Franz Tinnefeld, "Michael I. Kerullarios, Patriarch von Konstantinopel (1043–1058): Kritische Überlegungen zu einer Biographie," *JÖB* 39 (1989): 95–127, esp. pp. 105–7, considers the possibility that the written text of the *libellus* never reached Keroularios, who knew about the Donation by word of mouth.

28. Michael Attaleiates, *Historia*, ed. Wladimir Brunet de Presle and Immanuel Bekker (Bonn: Weber, 1853), p. 60; Scylitzes Continuatus, in Eudoxos Tsolakes, ed., *Ἡ συνέχεια τῆς χρονογραφίας τοῦ Ἰωάννου Σκυλίτση* (Thessaloniki: Hetaireia Makedonikon Spoudon, 1968), p. 105.

29. Ioli Kalavrezou, Nicolette Trahoulia and Shalom Sabar, "Critique of the Emperor in the Vatican Psalter gr. 752," *DOP* 47 (1993): 195–219, esp. pp. 212–15. Cf. Dagron, *Emperor and Priest*, pp. 240–41.

30. Michel, "Lateinische Aktenstücke," p. 63.

31. *Acta Romanorum Pontificum*, vol. 1, *A S. Clemente I, an. c.90, ad Celestinum III*, ed. Aloysius Tăutu, Pontifica commissio ad redigendum codicem iuris canonici orinetalis, ser. 3 (Vatican City: Typis Polyglottis Vaticanis, 1943), p. 797. On the date of the letter, see Jean Darrouzès, "Les documents byzantins du XII^e siècle sur la primauté romaine," *REB* 23 (1965): 42–88 (p. 52). For other twelfth-century Latin polemicists who referred to the Donation when urging the subordination of the Eastern churches to Rome, see Jannis Spiteris, *La critica bizantina del primato romano nel secolo XII* (Rome: Pontificium Institutum Orientalium Studiorum, 1979), pp. 119–20, 125, 191–93.

32. See here p. 117 and n. 136.

33. See here p.117 and nn. 137–38.

34. See the testimony of the anonymous commentator of Sinaiticus gr. 1117 in appendix 1, part 1, p. 129.

35. The differences are most clearly seen in Ohnsorge's facing edition of various versions of the Donation: the Balsamon, the Chrysoberges, the text of the Donation in Leo IX's *libellus* of 1053 (based on Cornelius Will's edition) and the text of the *donatio* from the full text of the Donation (based on Karl Zeumer's 1888 edition). See Ohnsorge, "Das Constitutum Constantini und seine Entstehung," pp. 114–15 (§ 14), 118–19 (§ 16). Cf. *ibid.*, pp. 157–60, for Ohnsorge's good observations on the translation and the identification of other misunderstandings. On the *loros* and its symbolism, see Maria Parani, *Reconstructing the Reality of Images: Byzantine Material Culture and Religious Iconography (11th–15th Centuries)* (Leiden: Brill, 2003), pp. 18–27.

36. In Cod. A. III. 6 of the Universitätsbibliothek, Basel (thirteenth century), fol. 18v, one reads in the margins "τὸ πρὸς τὸν ἄγιον Σίλβεστρον πάπαν Ῥώμης

θέσπισμα τοῦ μεγάλου καὶ ἰσαποστόλου βασιλέως τοῦ ἁγίου Κωνσταντίνου.” In another manuscript of Balsamon’s commentaries of the *Nomokanon in Fourteen Titles*, Vat. gr. 844 (thirteenth–fourteenth century), fol. 30r, Balsamon’s words “τοῦ μεγάλου Κωνσταντίνου γεγονὸς ἔγγραφον θέσπισμα” are underlined for the sake of drawing attention.

37. Cod. Barocci 205 (fourteenth century), fol. 44r.

38. See appendix 1, part 1, pp. 128–29. On the special importance of this codex, see Viktor Tiftixoglu, “Zur Genese der Kommentare des Theodoros Balsamon mit einem Exkurs über die unbekannten Kommentare des Sinaiticus gr. 1117,” in *Byzantium in the 12th Century: Canon Law, State and Society*, ed. Nicolas Oikonomides (Athens: Society of Byzantine and Post-Byzantine Studies, 1991), pp. 483–532, esp. p. 484 n. 5, and pp. 489–90.

39. Ambros. gr. 682 (Q. 76 sup.), fol. 18v: παρεξεβλήθη ἀπὸ τοῦ ἡ’ τίτλου τοῦ παναγιωτάτου πατριάρχου Κωνσταντινουπόλεως κῦρ Φωτίου ταῦτα. The same note precedes the self-contained text of the Donation in the Balsamon version in Laur. gr. 8, 17, fol. 454r (fifteenth–sixteenth century) and in Moscow, State Historical Museum (formerly Sinodal’naya biblioteka), Cod. gr. 327, fol. 1r (fourteenth century). See appendix 1, part 3, pp. 131, 133.

40. Alexander Turyn, *Dated Greek Manuscripts of the Thirteenth and Fourteenth Centuries in the Libraries of Italy*, 2 vols. (Urbana: University of Illinois Press, 1972), 1:57–58, mentions that the handwriting has Cypriot appearance, and it is probable that the manuscript originates from Cyprus. Cf. Emidio Martini and Domenico Bassi, *Catalogus codicum graecorum Bibliothecae Ambrosianae*, 2 vols. (Milan: Hoepli, 1906), 2:780–88.

41. See Vladimir N. Benešević, *Sinagoga v 50 titulov i druge juridičeskie sborniki Joanna Scholastika* (St. Petersburg, 1914; repr. Leipzig: Zentralantiquariat der Deutschen Demokratischen Republik, 1972), p. 187 n. 1. Cf. appendix 1, part 3, pp. 132–33. On the date of production of the interpolated redaction of the *Nomokanon in Fifty Titles*, see below, n. 100.

42. The two versions have been published by Petrucci, “I rapporti,” p. 59 n. 2. For a further discussion of the copy made by Nicholas of Otranto, see appendix 2, pp. 134–37.

43. PG, vol. 140, cols. 536B–37A. See Raymond-Joseph Loenertz, “Autour de traité de fr. Barthélémy de Constantinople contre les Grecs,” *Archivum Fratrum Praedicatorum* 6 (1939): 361–71, esp. pp. 366–68. Dvornik, *The Idea of Apostolicity*, p. 293, wrongly calls the excerpt found in the *Tractatus contra Graecos* of 1252 “the full text of the *Donatio Constantini*.”

44. The excerpted text corresponds to Rhallés-Potlès, 1:145, line 3; 1:146, line 2; 1:148, lines 7–14.

45. The fundamental study on the *Tractatus* remains Antoine Dondaine, “Contra Graecos, premiers écrits polémiques des Dominicains d’Orient,” *Archivum Fratrum*

Praedicatorum 21 (1951): 320–446. Dondaine disproved Loenertz's attribution of authorship (see above, n. 43), listed twenty known manuscripts, and traced the impact of the work on Latin polemical literature. Friedrich Stegmüller, "Bonacursius Contra Graecos: Ein Beitrag zur Kontroverstheologie des XIII. Jahrhunderts," in *Vitae et Veritatis: Festgabe für Karl Adam* (Düsseldorf: Patmos-Verlag, 1956), p. 58 n. 1, signaled yet another manuscript.

46. This section of the *Thesaurus* (yet unpublished in its entirety) was edited by Franz Reusch, *Die Fälschungen in dem Traktat des Thomas von Aquin gegen die Griechen* (Munich: Königliche Akademie der Wissenschaften, 1889), pp. 702–4. On the date of composition of the *Thesaurus*, see Dondaine, "Contra Graecos," pp. 409–18. Buonaccorsi cites Theokistos, unionist metropolitan of Adrianople active at the time of the Union of Lyons, which provides an idea of the date of the *Thesaurus*. See the considerations of Vitalien Laurent, "Un théologien unioniste de la fin de XIIIe siècle: Le métropolitain d'Adrinople Théoctiste," *REB* 11 (1953): 187–204 (pp. 192–96).

47. The original redaction of the *Tractatus contra Graecos* of 1252 appears, too, to have been bilingual, although bilingual manuscripts have not survived. See Dondaine, "Contra Graecos," p. 328.

48. PG, vol. 140, cols. 528A and 566C.

49. See Loenertz, "Autour de traité," p. 368.

50. On these features, see appendix 2, part 2, pp. 135–36.

51. Information about Buonaccorsi's life comes from Andreas Doto's preface to the *Thesaurus veritatis fidei*. See Jacques Quéatif and Jacques Echard, *Scriptores Ordinis Praedicatorum*, 2 vols. (Paris, 1719; repr. New York: Franklin, 1961), 1:158. Andreas Doto's redaction is found in BnF, Cod. gr. 1251, a codex which he presented with special dedication to Pope John XXII in Avignon in 1326 while serving as an envoy of Andronikos II in the course of unionist negotiations (1324–27). See Philippe Hoffmann, "Contribution à l'étude des manuscrits du 'Thesaurus veritatis fidei' de Buonaccorsi de Bologne, O.P.: description et histoire des *Parisini graeci* 1251 et 1252," *Bollettino della Badia Greca di Grottaferrata*, n.s., 46 (1992): 65–99; Angeliki E. Laiou, *Constantinople and the Latins: The Foreign Policy of Andronicus II, 1282–1328* (Cambridge, Mass.: Harvard University Press, 1972), pp. 315–29.

52. On the date of composition, see Dondain, "Contra Graecos," pp. 418–22. The text has been published by Friedrich Stegmüller, "Ein lateinischer Kontroverstraktat gegen die Griechen aus der Universitätsbibliothek Uppsala," *Kyrkohistorisk Årsskrift* 1 (1954): 123–50. The author was most probably Guilelmus Bernardi de Gaillac, who founded in 1299 Dominican houses in Constantinople and Pera. See Marie-Hélène Congourdeau, "Note sur les dominicains de Constantinople au début du 14e siècle," *REB* 45 (1987): 175–81 (pp. 176–78).

53. Stegmüller, "Ein lateinischer Kontroverstraktat," p. 145, lines 4–7. Stegmüller did not notice that the Donation-excerpt came from the Latin retranslation of the Balsamon version. One may observe minor variant readings between the *Trac-*

tatus contra errores Orientalium et Graecorum of 1305 and the *Tractatus contra Graecos* of 1252 (readings from the latter are given in brackets): “Terrenam [aeternam: PG, vol. 140, col. 536B] sedem sanctam cathedram beati Petri volumus exaltari et glorificari. Et decernentes [discernentes: PG, vol. 140, col. 536C] sancimus, ut habeat potestatem principalem, et sit ipsa caput quattuor sedium, scilicet [sedis: add. PG, vol. 140, col. 536C] Alexandriae, Antiochia, Hierosolymorum et Constantinopolis.”

54. Fantinus Vallaresso, *Libellus de ordine Generalium Conciliorum et Unione Florentina*, Concilium Florentinum: documenta et scriptores, ser. B, 2, fasc. 2, ed. Bernard Schultze (Rome: Pontificium Institutum Orientalium Studiorum, 1944), chap. 68, p. 91, line 23–p. 92, line 4. Bernard Schultze noticed that the Latin text is a translation of the Balsamon version. Cf. p. liii.

55. Published in Matthew Blastares, *Syntagma*, in Rhalles-Potles, 6:261–62, and in *Const. Harmenopuli Manuale legum, sive, Hexabiblos*, ed. Gustav Ernst Heimbach (Leipzig: Weigel, 1851), pp. 820–22.

56. Compare, for example, the expression “ὡμοφόριον ὅπερ περικυκλοῖ τὸν βασιλικὸν τράχηλον” in the Balsamon version (Rhalles-Potles, 1:146, lines 14–15) to “τὸ κυκλοῦν τὸν τράχηλον ὡμοφόριον” in the Blastares version (Rhalles-Potles, 6:261, lines 10–11).

57. Spiros Troianos, “Περὶ τὰς νομικὰς πηγὰς τοῦ Ματθαίου Βλάσταρη,” *EEBS* 44 (1979–80): 305–29.

58. Rhalles-Potles, 6:260: “ἀλλ’ ὥδε τοῦ λόγου γενόμενος, τὸ τοῦ μεγάλου θεόπισμα σιωπήσωμεν Κωνσταντίνου”; the fourteenth-century Serbian translation of the *Syntagma* renders *logos* quite literally as *slovo*. See Stojan Novaković, *Matije Vlastara Sintagmat* (Belgrade: Srpska Akademija Nauka i Umetnosti, 1907), p. 273.

59. See Blastares’ preface to the *Syntagma* in Rhalles-Potles, 6:27.

60. Such saints’ lives are known to have been produced during the period. See above, nn. 15 and 18.

61. The text in Blastares’ *Syntagma* and the appendix to Harmenopoulos are nearly fully identical. Only the sworn promise of Constantine to observe the provisions of the Donation found in Blastares’ *Syntagma* (Rhalles-Potles, 6:262, lines 1–2: “πίστεις ἐνόρκους ποιούμεθα, ἡ μὴν ὅλως πάντα ταῦτα μὴ παραβῆναι”) is missing from the appendix to the *Hexabiblos* as published by Heimbach. On the date of publication of the *Hexabiblos*, see Marie Theres Fögen, “Die Scholien zur Hexabiblos im Codex vetustissimus Vaticanus Ottobonianus gr. 440,” *Fontes Minores* 4 (1981): 256–345.

62. On the basis of BnF, Cod. gr. 1361 copied in the year 1351, Konstantinos Pitsakes, *Κωνσταντίνου Ἀρμενοπούλου Πρόχειρον νόμων ἢ Ἑξάβιβλος* (Athens: Dodone, 1971), pp. 48–50 (Greek pagination of the preface), has argued that Harmenopoulos himself arranged for some of the appendices, including the Donation and the Farmer’s law, which appear in this manuscript. See Henri Omont, *Inventaire*

sommaire des manuscrits grecs de la Bibliothèque nationale, 4 vols. (Paris: Picard, 1886–98), 2:24.

63. See, for example, BnF, Cod. gr. 1310 (XV c.), fols. 407v–8r and Ambros. 598 (O 123 sup.) (XVI c.) fol. 58r–v. Cf. Henri Omont, *Inventaire*, 1:295–97; Martini and Bassi, *Catalogus*, 2:689–94.

64. Published on the basis of Vat. Ottob. gr. 309 (sixteenth century) by Pavlov, “Podlozhnaia darstvennaia gramota,” pp. 59–80, and on the basis of Vat. gr. 789 and Vat. gr. 614 (both fourteenth century) by Gaudenzi, “Il Costituto di Costantino,” pp. 87–97, line 28, and pp. 108–12.

65. Vat. gr. 614, 778, 789, 973, 1102, and Vat. Ottob. gr. 309. See Petrucci, “I rapporti,” pp. 56–57.

66. Giovanni Mercati, *Notizie di Procoro e Demetrio Cidone, Manuele Caleca e Teodoro Meliteniote ed altri appunti per la storia della teologia e della letteratura bizantina del secolo XIV* (Vatican City: Biblioteca Apostolica Vaticana, 1931), pp. 162–65. Cf. Erich Gamillscheg, *Repertorium der griechischen Kopisten 800–1600*, vol. 3, *Handschriften aus Bibliotheken Roms mit dem Vatikan*, Teil A, *Verzeichnis der Kopisten* (Vienna: Verlag der Österreichischen Akademie der Wissenschaften, 1997), p. 74; Franz Tinnefeld, *Demetrios Kydones: Briefe*, 4 vols. (Stuttgart: Hiersemann, 1981–2003), 1:69–70.

67. Petrucci, “I rapporti,” pp. 151–60.

68. Frances Kianka, “Byzantine-Papal Diplomacy: The Role of Demetrius Cydones,” *International History Review* 7 (1985): 175–213, esp. pp. 194–200. See also John W. Barker’s article in the present volume, pp. 159–64.

69. Francis Thomson, “The Intellectual Difference Between Muscovy and Ruthenia in the Seventeenth Century: The Case of the Slavonic Translations and the Reception of the Pseudo-Constantinian *Constitutum* (*Donatio Constantini*),” *Slavica Gandensia* 22 (1995): 63–107, esp. pp. 67–70.

70. Ostrogorsky, “Zum Stratordienst des Herrschers,” p. 201 n. 43; Thomson, “The Intellectual Difference,” p. 68. In Serbia the Donation was known already through the translation of Blastares’ *Syntagma* produced during the reign of Stephan IV Dušan.

71. Published by Gaudenzi, “Il Costituto di Costantino,” p. 97, line 29, and p. 107, hence reprinted in Ohnsorge, “Das Constitutum Constantini,” pp. 108–23, and Helmut Boese, “Die Konstantinische Schenkung in den Verhandlungen des Florentiner Konzils,” *Deutsches Archiv* 21 (1965): 586–92. Krause, “Das Constitutum Constantini,” pp. 149–50 n. 93, has corrected Gaudenzi’s critical apparatus.

72. See the Latin account of the acts of the council by Andreas de Santacroce, *Acta Latina Concilii Florentini*, ed. Georg Hofmann, *Concilium Florentinum: documenta et scriptores*, ser. B, 6 (Rome: Pontificium Institutum Orientalium Studiorum, 1955), p. 247, lines 34–39. Helmut Boese, “Die Konstantinische Schenkung,” pp. 576–92,

edited the Latin retranslation along with the Greek prototype and commented on the circumstances of its production. Krause, "Das Constitutum Constantini," p. 151 n. 91, has shown that the Latin retranslation was based on the version in Vat. gr. 606. On Andreas Chrysoberges, see Raymond-Joseph Loenertz, "Les dominicains byzantins Théodore et André Chrysobergès et les négociations pour l'union des églises grecque et latine de 1415 à 1430," *Archivum Fratrum Praedicatorum* 9 (1939): 5–61. Joseph Gill, *The Council of Florence* (Cambridge: Cambridge University Press, 1959), did not mention the use of the Donation. Deno Geanakoplos errs when saying that during the Council of Ferrara-Florence "papal champions made no use of the famous Donation of Constantine to support papal claims of supremacy." See Deno John Geanakoplos, "The Council of Florence (1438–39)," *Church History* 24 (1955): 324–46 (p. 331) (reprinted with revisions in Deno John Geanakoplos, *Constantinople and the West* [Madison: University of Wisconsin Press, 1989], pp. 224–54 [pp. 238–40]).

73. Krause, "Das Constitutum Constantini," pp. 152–53.

74. The phrase *pro reverentia beati Petri* found in the Latin text at the point where Constantine renders groom service to Pope Sylvester was omitted in the Chrysoberges version. See the facing reprint of the Greek and Latin texts in Ohnsorge, "Das Constitutum Constantini und seine Entstehung," p. 118 (§ 16). For a minor misunderstanding in the translation, see Krause, "Das Constitutum Constantini," pp. 155–56 n. 133.

75. Ohnsorge, "Das Constitutum Constantini und seine Entstehung," pp. 93–162. On the ethnic origins of Pope Leo III see Hans-Georg Beck, "Die Herkunft des Papstes Leo III.," *Frühmittelalterliche Studien* 3 (1969): 131–37.

76. Horst Fuhrmann, "Konstantinische Schenkung und abendländisches Kaisertum," *Deutsches Archiv* 22 (1966): 63–178, esp. pp. 103–9. Cf. the response by Werner Ohnsorge, "Zur Dispositio des Constitutum Constantini in den Codd. Vat. Graec. 81 und 1115," *BZ* 61 (1968): 277–84.

77. Petrucci, "I rapporti," pp. 145–51.

78. Krause, "Das Constitutum Constantini," p. 151; Mercati, *Notizie*, pp. 159–60. Cf. Mercati, *Notizie*, pp. 165–66, regarding Vat. gr. 1115, a codex which contains the Chrysoberges version and also belonged to Kydones.

79. Makarios of Ankara, *Against the Latins*, chap. 5, in Patriarch Dositheos, *Tomos katallages* (Iasi, 1692), p. 9, lines 7–12. On this work, see pp. 121–24.

80. Fuhrmann, *Das Constitutum Constantini*, p. 57, line 11; p. 94, line 268.

81. Franz Dölger and Ioannes Karayannopulos, *Byzantinische Urkundenlehre* (Munich: Beck, 1968), pp. 78–79, note that the term first appears at the beginning of the sixth century. See also Adolf Berger, *Encyclopedic Dictionary of Roman Law* (Philadelphia: American Philosophical Society, 1953), p. 648.

82. Rhallés-Potles, 1:148. An English translation of Balsamon's interesting comments can be found in Dagron, *Emperor and Priest*, pp. 244–45.

83. Rhalles-Potles, 2:285–86.

84. Rhalles-Potles, 4:553.

85. Rhalles-Potles, 3:149–50 (on the patriarchal court of justice; commentary on canon 12 of Antioch).

86. Rhalles-Potles, 2:149. On the feast day of Saints Markianos and Martyrios called “the Notary saints,” see *Synaxarium Ecclesiae Constantinopolitanae*, in *Propylaeum ad AASS Novembris*, ed. Hippolyte Delehaye (Brussels: Société des Bollandistes, 1902), cols. 161–62.

87. Rhalles-Potles, 4:540.

88. Rhalles-Potles, 1:79–80. See also Balsamon’s opinion based on the Donation that the ecclesiastical officials of the Great Church should belong to the same rank as bishops and imperial dignitaries in Rhalles-Potles, 2:323–24.

89. See Tiftixoglu, “Gruppenbildungen,” pp. 53–60.

90. Rhalles-Potles, 1:79, 80, 148–49; 2:175, 285, 324; 3:149; 4:539, 553.

91. Albert Failler, “Une réfutation de Balsamon par Nil Kabasilas,” *REB* 32 (1974): 211–23 (p. 221). After invoking the acts of the Fourth Ecumenical Council and the Apostolic Canons, Kabasilas argued that the decisions of the patriarchal tribunal ought to be subject to appeal before the emperor, who should refer the matter for adjudication to a supreme court consisting of bishops and high dignitaries. It is likely that this supreme court consisting of laymen and ecclesiastics was the General Judges of the Romans, although Kabasilas did not mention them by name.

92. Günter Prinzing, “Entstehung und Rezeption der Justiniana-Prima-Theorie im Mittelalter,” *Byzantinobulgarica* 5 (1978): 269–87.

93. *Demetrii Chomateni Ponemata diaphora*, ed. Günter Prinzing, *Corpus Fontium Historiae Byzantinae* 38 (Berlin: de Gruyter, 2002), pp. 376–77, no. 114. See Günter Prinzing, “A Quasi Patriarch in the State of Epiros: The Autocephalous Archbishop of ‘Boulgaria’ (Ohrid) Demetrios Chomatenos,” *ZRVI* 41 (2004): 165–82; Ruth Macrides, “Bad Historian or Good Lawyer? Demetrios Chomatenos and Novel 131,” *DOP* 46 (1992): 187–96.

94. Rhalles-Potles, 6:260, lines 3–6: “Τὰς ἀναφρομένους κανονικὰς ἀμφισβητήσεις ἐν ὅλῳ τῷ Ἰλλυρικῷ οὐ δεῖ τέμνεσθαι παρὰ γνώμην τοῦ ἀρχιεπισκόπου Κωνσταντινουπόλεως, καὶ τῆς αὐτοῦ Συνόδου, ἥτις ἔχει τὰ προνόμια τῆς ἀρχαίας Ῥώμης.”

95. Rhalles-Potles, 1:143.

96. See appendix 1, part 3, p. 132.

97. Cf. Francis Dvornik, *Early Christian and Byzantine Political Philosophy: Origins and Background*, 2 vols. (Washington, D. C.: Dumbarton Oaks, 1966), 2:815–18; John Meyendorff, “Justinian, the Empire and the Church,” *DOP* 22 (1968): 43–60.

98. Paris, BnF, Cod. gr. 1388, fols. 4v–5r. See Rhalles-Potles, 2:280–81.

99. Beck, *Kirche und theologische Literatur*, pp. 145–46, 423; Ruth Macrides, “*Nomos and Canon on Paper and in Court*,” in *Church and People in Byzantium*, ed. Rosemary Morris (Birmingham: Centre for Byzantine, Ottoman and Modern Greek Studies, 1990), pp. 62–85 (p. 67).

100. The production of this interpolated edition of the *Nomokanon in Fifty Titles* should be dated to the fourteenth century for the following reasons. The interpolated legal texts (see Benešević, *Sinagoga v 50 titulov*, pp. 185–89) contain several late Byzantine documents: a synodal *tomos* of 1229, a *prostagma* of Andronikos II of 1312 and the treatise of John Pediasimos *On Marriage*. The *prostagma* of Andronikos II of 1312 on the inviolability of church properties provides a *terminus ante quem non*. On this *prostagma*, see Franz Dölger, *Regesten der Kaiserurkunden des oströmischen Reiches von 565–1453*, vol. 4, *Regesten von 1282–1341* (Munich: Beck, 1960), no. 2336. The earliest manuscript of the interpolated edition (Vat. gr. 640) dates to the fourteenth century (see appendix 1, part 3, p. 132), which is, therefore, the century of production of the interpolated redaction.

101. Gulielmus Voellius and Henri Justel, *Bibliotheca iuris canonici veteris*, 2 vols. (Paris: L. Billaine, 1661), 2:604–7. See the synopsis in Benešević, *Sinagoga v 50 titulov*, p. 293.

102. *Eisagoge*, 1.1–6; 2.1–12; 3.1–11, in JGR, 2:240–43. On BnF, Cod. gr. 1263, see appendix 1, part 3, p. 132.

103. See *Eisagoge*, 3.1–3, in Zepos, JGR, 2:242. Andreas Schminck, *Studien zu mittelbyzantinischen Rechtsbüchern* (Frankfurt am Main: Löwenklau, 1986), pp. 12–14, has shown that the original title of the legal collection was *Eisagoge*, not *Epanagoge* as previously thought. On the connection between Photios and the *Eisagoge*, see J. Scharf, “Photios und die Epanagoge,” *BZ* 49 (1956): 385–400. On the ideological attributes and constitutional rights with which the *Eisagoge* vests the patriarch of Constantinople, see Dagron, *Emperor and Priest*, pp. 229–35; Spyros Troianos, “Nomos und Kanon in Byzanz,” in *Kirche und Staat im christlichen Osten*, Kanon 10 (Vienna: Verband der wissenschaftlichen Gesellschaften Österreichs, 1991), pp. 39–42.

104. Miklosich-Müller, 5:247–48. On the office of *dikaiophylax*, see Ruth Macrides, “Dikaiophylax,” in *The Oxford Dictionary of Byzantium*, ed. Alexander Kazhdan, 3 vols. (New York: Oxford University Press, 1991), 1:634.

105. On the title of *epistemonarches*, see Dagron, *Emperor and Priest*, pp. 252–53, with further bibliography.

106. See Ambros. gr. 682 (Q. 76 sup.) (dated to 1287/88), fol. 19r; BnF, Cod. gr. 1388 (fifteenth century), fol. 3v; Laur. gr. 8, 17 (fourteenth century), fol. 456r; Vindob. hist. gr. 34 (dated to 1430), fol. 373r–v. For the standard text, see Rhalles-Potles, 1:146, line 32.

107. See Rhalles-Potles, 1:146 n. 3. Rhalles and Potles used an apograph of the manuscript copied in 1311 in Trebizond, which is now lost.

108. Alice-Mary Talbot, "The Patriarch Athanasios (1289–1293; 1303–1309) and the Church," *DOP* 27 (1973): 11–28; John Boojamra, *Church Reform in the Late Byzantine Empire: A Study in the Patriarchate of Athanasios of Constantinople* (Thessaloniki: Patriarchal Institute of Patristic Studies, 1982). On the political ideas of Athanasios, see Dimiter Angelov, *Imperial Ideology and Political Thought in Byzantium, 1204–1330* (Cambridge: Cambridge University Press, 2007), pp. 393–409.

109. George Pachymeres, *History*, XI.1, in *Georges Pachymères: Relations historiques*, ed. Albert Failler, 5 vols. (Paris: Belles Lettres, 1984–2000), 3:405, lines 1–32, speaks of Athanasios both transmitting appeals to the emperor as well as adjudicating cases of social oppression. The novel of Athanasios has survived in a long version (Zepos, JGR, 1:533–36) and a short one (Heimbach, *Manuale Legum sive Hexabiblos*, pp. xxii–xxviii). The form of the novel is that of petition presented by the synod to the emperor with a list of legislative measures.

110. Alice-Mary Talbot, ed. and trans., *The Correspondence of Athanasius I, Patriarch of Constantinople* (Washington, D.C.: Dumbarton Oaks, 1975), p. 286, no. 112. Patriarch Athanasios may be referring here to the emperor's formal promise to follow the reform program, a promise made at the beginning of Athanasios's second patriarchate. See Vitalien Laurent, "Le serment de l'empereur Andronic II Paléologue au patriarche Athanase Ier, lors de sa seconde accession au trône oecuménique (Sept. 1303)," *REB* 23 (1965): 124–39.

111. Rhalles-Potles, 6:260.

112. David Balfour, "Saint Symeon of Thessalonike as a Historical Personality," *Greek Orthodox Theological Review* 28 (1983): 55–72.

113. On Symeon of Thessaloniki as a hierocrat, see Angelov, *Imperial Ideology and Political Thought*, pp. 392, 415–16.

114. Symeon of Thessaloniki, *De Sacris Ordinationibus*, PG, vol. 155, cols. 429D–33A.

115. Halkin, *Bibliotheca hagiographica graeca*, nos. 67–70.

116. Symeon of Thessaloniki, PG, vol. 155, col. 432B: "Κωνσταντῖνος ὁ Μέγας οὐ τὸν θεῖον Σίλβεστρον μόνον, ἀλλὰ καὶ τοὺς ἐν τῇ συνόδῳ πάντας σχεδὸν προπέμπων αὐτοὺς καὶ τιμῶν καὶ δωρούμενος καθεωρᾶτο."

117. In the middle of the fourteenth century Pseudo-Kodinos mentions bishops kissing the emperors cheek and hand during the Holy Friday, while only the patriarch exchanged a kiss with the emperor on the mouth. See Jean Verpeaux, ed. and trans., *Pseudo-Kodinos: Traité des offices* (Paris: Editions du Centre national de la recherche scientifique, 1966), p. 238, line 20, and p. 239, line 2.

118. Ullmann, *Growth of Papal Government*, p. 160. The earliest case of *officium stratoris* on behalf of the pope is said to have occurred in 754 at Ponthion before the

Pippin the Short's coronation as king of the Franks. See *ibid.*, pp. 56, 59. The classical study on this ritual is by Robert Holtzmann, *Der Kaiser als Marschall des Papstes* (Berlin: de Gruyter, 1928).

119. John Kinnamos, *Ioannis Cinnami epitome rerum ab Ioanne et Alexio Comnenis gestarum*, ed. Augustus Meineke (Bonn: Weber, 1836), p. 219.

120. George Pachymeres, *History*, 1.26, in *Georges Pachymères*, 1:103. Cf. Ostrogorsky, "Stratordienst," pp. 191–92.

121. See *Anecdota Graeco-Byzantina, pars prima*, ed. Afanasii Vasil'ev (Moscow: Universitas Caesarea, 1893), p. 179. Cf. Deno John Geanakoplos, "A Greek *Libellus* against Religious Union with Rome after the Council of Lyons (1274)," *Interaction of the "Sibling" Byzantine and Western Cultures in the Middle Ages and Italian Renaissance (330–1600)* (New Haven: Yale University Press, 1976), pp. 156–70.

122. Antonio Franchi, *La svolta politico-ecclesiastica tra Roma e Bisanzio (1249–1254). La legazione di Giovanni da Parma. Il ruolo di Federico II* (Rome: Pontificium Athenaeum Antonianum, 1981), pp. 138–39, 232, with further sources on the participants in the Byzantine embassies.

123. The proposals of the Greek delegation have been discussed by Joseph Gill, *Byzantium and the Papacy, 1198–1400* (New Brunswick: Rutgers University Press, 1979), pp. 92–96.

124. See Innocent IV's encyclical letter *Eger Cui Lenia*, in Peter Herde, ed., "Ein Pamphlet der päpstlichen Kurie gegen Kaiser Friedrich II. von 1245/46 ('Eger cui lenia')," *Deutsches Archiv* 23 (1967): 468–538 (pp. 521–22), published earlier by Eduard Winkelmann, ed., *Acta imperii inedita saeculi XIII et XIV*, 2 vols. (Innsbruck, 1880–85; repr. Aalen: Scientia, 1964), 2:696–98, translated in part in Brian Tierney, *The Crisis of Church and State 1050–1300* (Englewood Cliffs, 1964; repr. Toronto: University of Toronto Press, 1988), pp. 147–49. Cf. Maffei, *La Donazione di Costantino*, pp. 46–49, 76–81.

125. John Mitchell, "St. Silvester and Constantine at the Ss. Quattro Coronati," in *Federico II e l'arte del Duecento italiano*, ed. Angiola Romanini, 2 vols. (Galatina: Congedo, 1981), 2:15–32.

126. *Tractatus contra Graecos*, PG 140, cols. 537D–38A. The text printed in PG refers to Emperor Constantius I, although one should read Constantine. The Latin retranslation of the Balsamon version is cited immediately afterward.

127. *Tractatus contra Graecos*, PG 140, col. 539A–B, makes mention of "three hundred and eighty years or more" having elapsed since the beginning of the schism. The expression "or more" brings us to the time of the Photian Schism (863–69). The dating of the beginning of the schism to the era of Photius is not surprising. See Tia Kolbaba, "The Legacy of Humbert and Cerularius: The Tradition of the 'Schism of 1054' in Byzantine Texts and Manuscripts of the Twelfth and Thirteenth Centuries," in *Porphyrogenita: Essays on the History and Literature of Byzantium and the Latin East in Honour of Julian Chrysostomides*, ed. Charalambos Dendrinos,

Jonathan Harris, Eirene Harvalia-Crook, and Judith Herrin (Aldershot: Ashgate, 2003), pp. 47–61.

128. See Leon Santifaller, *Beiträge zur Geschichte des lateinischen Patriarchats von Konstantinopel (1204–1261) und der venezianischen Urkunde* (Weimar: Böhlau Nachfolger, 1938), p. 196 (letter of Pope Honorius III to King Robert of Courtenay dated 27 September 1222)

129. See here p. 119 and n. 143.

130. John Kantakouzenos, *Ioannis Cantacuzeni*, 2:274: “κατὰ τὸ Ῥωμαίων βασιλέων ἔθος ὑπῆντα τε ἔνδον τοῦ οἰκήματος.” According to Ostrogorsky, “Zum Stratordienst des Herrschers,” pp. 203–4, the introduction of this ceremony into the Serbian court was related to the appearance of a Serbian translation of the *Syntagma* of Matthew Blastares.

131. Symeon of Thessaloniki, *De Sacris Ordinationibus*, PG, vol. 155, cols. 437C–44B.

132. PG, vol. 155, col. 441D: “Καὶ ὑπὸ πεζοῦ τοῦ κόμητος τὸν χαλινὸν τοῦ ἵππου κατέχοντος ἄντι τοῦ βασιλέως αὐτοῦ, ὡς ὁ μέγας ἐν βασιλεῦσι Κωνσταντίνος τῷ ἱερῷ πεποιήκε Σιλβέστροφ.” Cf. Verpeaux, *Pseudo-Kodinos*, pp. 281–82.

133. Balfour, “Saint Symeon of Thessalonike,” p. 59. See Raymond Janin, *La géographie ecclésiastique de l'Empire byzantin*, vol. 3, *Les églises et les monastères*, pt. 1, *Le siège de Constantinople et le patriarcat oecuménique*, 2nd ed. (Paris: Institut français d'études byzantines, 1969), pp. 378–79; Venance Grumel, “Notes sur Calliste II Xanthopoulos,” *REB* 18 (1960): 199–204.

134. Vitalien Laurent, *Les “Mémoires” du grand ecclésiarque de l'Eglise de Constantinople Sylvestre Syropoulos sur le Concile de Florence (1438–1439)* (Paris: Editions du Centre national de la recherche scientifique, 1971), p. 104, lines 17–20. See Jean Darrouzès, *Les registres des actes du patriarcat de Constantinople*, vol. 1, *Les actes des patriarches*, fasc. 7, *Les registres de 1410 à 1453* (Paris: Institut français d'études byzantines, 1991), no. 3300. The election and ordination of Patriarch Joseph II in 1416 was preceded by discussions and ratification of the traditional privileges of the emperor in ecclesiastical administration. See Laurent, *Les “Mémoires,”* pp. 102–4; Darrouzès, *Les registres*, no. 3299.

135. A point rightly emphasized by Dvornik, *The Idea of Apostolicity*, p. 288.

136. See John Kinnamos, *Ioannis Cinnami epitome*, pp. 219–20; Alexander, “The Donation of Constantine at Byzantium,” pp. 19–22. Cf. Ostrogorsky, “Zum Stratordienst,” p. 190.

137. On the *Sacred Arsenal* of Andronikos Kamateros, see Paul Magdalino, *The Empire of Manuel I Komnenos, 1143–1180* (Cambridge: Cambridge University Press, 1993), pp. 290–91; Darrouzès, “Les documents byzantins du XIIe siècle,” pp. 72–78.

138. Andronikos Kamateros, *Sacred Arsenal*, in Monacensis gr. 229, fol. 11r.: “μετὰ γὰρ τὸ κήρυγμα πάντως ἀκόλουθον ἂν ἦν ἐπομένως τῇ βασιλείᾳ καὶ τὴν

ταύτης ἱερωσύνην, τὴν τε τιμὴν καὶ τὴν τῶν ἄλλων ἀपाσῶν ἐκκλησιῶν προκαθεδρίαν κληρώσασθαι · μὲν οὖν γε καὶ μείζονα προσεπιφιλοτιμηθῆναι ταύτην αὐτῇ παρὰ τοῦ μεγάλου Κωνσταντίνου γνωρίζομεν ἐκ τῆς αὐτοῦ διατάξεως ἐκτεθείσης ὅτ' ἐξ ἐκείνης πρὸς ταύτην τὴν μεγαλόπολιν τὰ τῆς βασιλείας πάντα παράσχημα μετεβίβασε, τῷ οἰκείῳ τιμίῳς ταύτην ὀνόματι καὶ βασιλίδα καταξιώσας καλεῖσθαι τῶν πόλεων.” I am grateful to Dr. Alessandra Bucossi for enabling me to consult the text of Kamateros’s work, part of which she has edited in her “Prolegomena to the Critical Edition of Hiera Hoplotheke—Sacred Arsenal by Andronikos Kamateros” (PhD dissertation, Oxford University, 2006).

139. August Heisenberg, *Neue Quellen zur Geschichte des lateinischen Kaisertums und der Kirchenunion*, vol. 3, *Der Bericht des Nikolaos Mesarites über die politischen und kirchlichen Ereignisse des Jahres 1214* (Munich: Bayerische Akademie der Wissenschaften, 1923), pp. 34–35. For a probable reference to the Sylvester legend, see *ibid.*, p. 9, lines 20–23 (fragmentary text). Yannis Spiteris, “I dialoghi di Nicolas Mesarites coi Latini: opera storica o finzione letteraria,” *Orientalia Christiana Analecta* 204 (1977): 181–86, considered Mesarites’ report fictional rather than real on account of the similarities of the arguments with those reported by Kamateros, although a simpler explanation would be that the disputation in Herakleia Pontike was carried along familiar lines.

140. Tia Kolbaba, “Barlaam the Calabrian: Three Treatises on Papal Primacy, Introduction, Edition, and Translation,” *REB* 53 (1995): 41–115 (p. 85). On the date and possible context of the treatise (the debates of 1334/35), see *ibid.*, pp. 61–62.

141. On the Latin view of the Donation as lending support to the Petrine claim, see here pp. 120–21.

142. See appendix 2, part 3, p. 137.

143. August Heisenberg, *Der Bericht des Nikolaos Mesarites*, pp. 20–23.

144. See here p. 103.

145. Humbert de Romans, *Opus Tripartitum*, in Ortuinus Gratius, *Fasciculus rerum expetendarum et fugiendarum*, 2 vols. (London: Chiswell, 1690), 2:212: “Unde Constantinus summe Romanam Ecclesiam sublimavit et ordinavit quod Ecclesiae omnes subessent Ecclesiae Romanae.” On Humbert’s ideas regarding the union and the crusading movement, see Edward Brett, *Humbert of Romans: His Life and Views in Thirteenth-Century Society* (Toronto: Pontifical Institute of Mediaeval Studies, 1984), pp. 176–94. In his interpolated paraphrase of the *Opus Tripartitum* Bernard Gui (1261/62–1331) kept the reference to the Donation. See Giovanni Domenico Mansi, *Sacrorum conciliorum nova et amplissima collectio*, 54 vols. (Graz: Akademische Druck- und Verlagsanstalt, 1960–62), vol. 24, col. 123D; Fritz Heitke, *Humbert von Romans, der fünfte Ordensmeister der Dominikaner* (Berlin: Ebering, 1933), pp. 138–44.

146. *Tractatus contra Graecos*, PG, vol. 140, col. 537A–B; Buonaccorsi’s *Thesaurus veritatis fidei*, in Reusch, *Die Fälschungen*, p. 704, line 31, and p. 705, line 9; the anonymous *Tractatus contra errores Orientalium et Graecorum* of 1305, in Stegmüller,

“Ein lateinischer Kontroverstraktat,” p. 145, lines 1–4; Fantinus Vallaresso, *Libellus de ordine Generalium Conciliorum et Unione Florentina*, chap. 68, p. 91, lines 20–23.

147. Stegmüller, “Ein lateinischer Kontroverstraktat,” p. 145, lines 7–10.

148. Leo IX’s *libellus* states (PL, vol. 143, col. 751A–C) that the First Ecumenical Council confirmed the judicial primacy of the papacy decreed upon earlier by Pope Sylvester (the *Constitutum Silvestri*). This passage of Leo IX’s *libellus* is found also in the *Tractatus* of 1305 (Stegmüller, “Ein lateinischer Kontroverstraktat,” p. 145, line 16, and p. 146, line 9). The *Constitutum Silvestri* is one of the so-called Symmachian forgeries of the early sixth century. See W. T. Townsend, “The So-Called Symmachian Forgeries,” *Journal of Religion* 13 (1933): 165–74; PL, vol. 8, col. 840. Krause, “Das Constitutum Constantini,” p. 136 n. 30, shows that the legend of the First Ecumenical Council confirming the judicial primacy of the papacy is found in the Pseudo-Isidorian Decretals of the ninth century.

149. For the plausible attribution of authorship and date to this work, see Dondaine, “Contra Graecos,” pp. 409–18. See the relevant text in Stegmüller, “Bonacsius contra Graecos,” pp. 68–69.

150. Stegmüller, “Bonacsius contra Graecos,” p. 69, lines 10–18, esp. lines 15–18: “quia Roma non est caput ecclesiae propter regalem dignitatem, sed quia beatus Petrus, vicarius Jesu Christi, ibi sedit et ibi vitam finivit et officium suum ibi exercuit, sicut testatur manifeste privilegium Constantini.”

151. Raymond-Joseph Loenertz, *Correspondance de Manuel Calécas* (Vatican City: Biblioteca Apostolica Vaticana, 1950), pp. 16, 45–46. Cf. Jean Gouillard, “Manuel Calécas,” in *Dictionnaire d'histoire et géographie ecclésiastiques*, 29 vols. to date (Paris: Letouzey et Ané, 1909–), vol. 11, cols. 380–84; “Les influences latines dans l’oeuvre théologique de Manuel Calécas,” *Echos d'Orient* 37 (1938): 36–52. Only the Latin translation of the treatise made by the Italian humanist Ambrogio Traversari in 1423–24 has so far been published (PG, vol. 152, cols. 11–258). The Greek text is found in several manuscripts, among which notable are Venice, Bibl. Marc., Fondo antico, Cod. gr. 159 (an autograph copy of Kalekas), Vat. gr. 727 (sixteenth century), Vat. gr. 1112 (fifteenth century); Basel, Universitätsbibliothek, B VI 20 (fifteenth century). I have been able to consult the text in Vat. gr. 727 and Vat. gr. 1112.

152. The section is found in Vat. gr. 727, fol. 287r–v. and Vat. gr. 1112, fol. 163r–v. For the Latin translation, see PG, vol. 152, cols. 243C–44A.

153. Thus, Kalekas cites a text allegedly from the Donation where St. Peter is called Christ’s vicar (βικάριος), a term used solely in the Kydones version. In addition, Kalekas cites from the *sanctio* of the Donation (that is, the eternal damnation of those who fail to observe it); the *sanctio* is found only in the Chrysoberges and the Kydones versions. However, Kalekas “reports” different phraseology of the *sanctio* than the one found in any known Greek version. One hopes that a critical edition of Kalekas’s treatise would illuminate Kalekas’s use of his sources and can help to solve the mystery.

154. Christopher Coleman, *Constantine the Great and Christianity* (New York: Columbia University Press, 1914), pp. 185–88; Fuhrmann, *Das Constitutum Constantini*, pp. 11–12. Cf. also Johann Döllinger, *Fables Respecting the Popes in the Middle Ages: A Contribution to Ecclesiastical History*, trans. Alfred Plummer (London: Rivingtons, 1871), pp. 140–42; Zinkeisen, “The Donation of Constantine,” pp. 628–30.

155. Rhallès-Potles, 4:553, lines 24–25.

156. Tiftixoglu, “Gruppenbildungen,” pp. 71–72, exaggerates, therefore, when crediting Balsamon for being the first medieval thinker to unmask the Donation as a forgery.

157. Pavlov, “Podlozhnaia darstvennaia gramota,” p. 37 n. 1, noted Makarios’s refutation of the Donation without exploring its context and argumentation. Cf. also Dvornik, *The Idea of Apostolicity*, p. 295 n. 103.

158. On the little that is known about Matthew’s biography, see Louis Petit, “Macaire d’Ancyre,” in *Dictionnaire de théologie catholique*, 15 vols. (Paris: Letouzey et Ané, 1899–1950), vol. 9, pt. 1, cols. 1441–43; Loenertz, *Correspondance de Manuel Calécas*, p. 94; Vitalien Laurent, “Le trisépiscopat du patriarche Matthieu Ier (1397–1410): Un grand procès canonique à Byzance au début du XVe siècle,” *REB* 30 (1972): 9–15; PLP, no. 16254. The full edition of Makarios’s canonical works could shed additional light on his life.

159. Laurent, “Le trisépiscopat du patriarche Matthieu Ier (1397–1410),” p. 19, considered it likely that Makarios began the treatise in Paris (which Makarios calls a “famous” city) and assigned the completion of the treatise to the years 1403–4. Dositheos, patriarch of Jerusalem, published the treatise in 1692 in *Tòmos katallages*, pp. 1–205, attributing it to an anonymous author. The treatise is currently being re-edited by Christos Triantaphyllopoulos of Royal Holloway, University of London, as a PhD project.

160. Dositheos, *Tòmos katallages*, p. 175.

161. See Angelov, *Imperial Ideology and Political Thought*, pp. 372–73.

162. This treatise in 156 chapters explaining the Greek point of view on the Holy Spirit and papal primacy has been edited by Charalambos Dendrinis, “An Annotated Critical Edition (editio princeps) of Emperor Manuel II Palaeologus’ Treatise *On the Procession of the Holy Spirit*” (PhD dissertation, Royal Holloway, University of London, 1996) (unavailable to me). Cf. John W. Barker, *Manuel II Palaeologus (1391–1425): A Study in Late Byzantine Statesmanship* (New Brunswick: Rutgers University Press, 1969), pp. 192–93, 437. I inspected the content of the treatise in Vaticanus gr. 1107, fols. 1r–134v, and came across no reference to the Donation.

163. Dositheos, *Tòmos katallages*, p. 3.

164. Dositheos, *Tòmos katallages*, p. 9, lines 4–12.

165. Dositheos, *Tòmos katallages*, p. 9, lines 13–17.

166. Dositheos, *Tomos katallages*, p. 9, lines 17–33.

167. Dositheos, *Tomos katallages*, p. 9, lines 36–40.

168. Dositheos, *Tomos katallages*, p. 9, line 40, and p. 10, line 1. On *Codex Iustinianus*, 1.2.12 (which Makarios of Ankara calls *diataxis* 34 of Justinian), see *Codex Iustinianus*, ed. Paul Krüger, *Corpus Iuris Civilis* 2 (Berlin: Weidmann, 1929), p. 13 (Latin text), and *Nomokanon in Fourteen Titles*, title 1, chapter 2, in Rhalles-Potles, 1:36 (Greek text). In the eleventh century Niketas of Ankara cited the same wording of the provision as the one cited by Makarios. According to Jean Darrouzès, *Documents inédits d'ecclésiologie byzantine* (Paris: Institut français d'études byzantines, 1966), p. 194, lines 19–20 (see *apparatus*), this wording appears in some yet unknown Byzantine legal compendium.

169. Coleman, *Constantine the Great and Christianity*, pp. 188–91 and 238–42 (appendix 3: “The Text of Nicholas of Cusa’s Attack on the Donation”).

170. Valla’s *Oration on the Falsely-Believed and Forged Donation of Constantine* has been edited by Christopher Coleman, *The Treatise of Lorenzo Valla on the Donation of Constantine* (New Haven: Yale University Press, 1922). Cf. Riccardo Fubini, “Humanism and Truth: Valla Writes against the Donation of Constantine,” *Journal of the History of Ideas* 57 (1996): 79–86.

171. Reginald Pecock’s refutation has been dated to the years 1449–55, while Aeneas Sylvius Piccolomini composed his *Dialogus pro Donatione Constantini* circa 1453. See Coleman, *Constantine the Great and Christianity*, pp. 199–200; Joseph Levine, “Reginald Pecock and Lorenzo Valla on the Donation of Constantine,” *Studies in the Renaissance* 20 (1973): 118–43.

172. Nicholas of Cusa quoted from papal letters to prove his point. See Coleman, *Constantine the Great and Christianity*, pp. 239–30.

173. Coleman, *The Treatise of Lorenzo Valla*, pp. 94–95.

174. See Anthony Grafton, *Defenders of the Text: The Tradition of Scholarship in an Age of Science, 1450–1800* (Cambridge, Mass.: Harvard University Press, 1991), pp. 29–30.

175. See my introduction to this volume, p. 4.

176. See Tiftixoglu, “Zur Genese der Kommentare,” p. 484 n. 5, and pp. 489–90. Cf. the discussion of the two different versions by Gilbert Dagron, “Le caractère sacerdotal de la royauté d’après les commentaires canoniques de XIIe siècle,” in *Byzantium in the 12th Century* (see n. 38, above), pp. 165–78 (pp. 168–69).

177. According to Tiftixoglu, “Zur Genese der Kommentare,” p. 502, the anonymous commentator began his work during the reign of Emperor Alexios II (1180–83).

178. Sinait. gr. 1112, fol. 20r.

179. See Viktor Tiftixoglu and Spyros Troianos, “Unbekannte Kaiserurkunde und Basilikentestimonien aus dem Sinaiticus 1117,” *Fontes Minores* 9 (1993): 138–39, with specific examples in n. 4. I am grateful to Dr. Andreas Schminck of the Max

Planck Institute for European Legal History in Frankfurt am Main for his assistance with the title number.

180. Rhallès-Potles, 1:147, line 14 and n. 1, signal the insertion of the word ὀρθόδοξοι before διάδοχοι in a different passage of the Donation, following shortly after the case we noted. Rhallès and Potles mention that their source was Herve's edition of the *Nomokanon* in 1650 (unavailable to me). The edition by J. P. Migne, PG, vol. 104, cols. 1080D, 1081A, features the adjective *orthodox* in both of the noted cases, even though the 1661 edition by Justel and Voellius (which Migne purports to follow) does not give the variation.

181. Martin West, *Textual Criticism and Editorial Technique Applicable to Greek and Latin Texts* (Stuttgart: Teubner, 1972), p. 24; Elpidio Mioni, *Introduzione alla paleografia greca* (Padua: Liviana, 1973), p. 101.

182. Ms. συνωπισθεισης.

183. Ms. ἑλλενικῶ.

184. What follows is the full text of title 8, chapter 1, of the *Nomokanon in Fourteen Titles* along with most of the commentary of Balsamon prior to the citation of the Donation. See Rhallès-Potles, 1:143, line 20–p. 144, line 29.