

## Papal Documents

~ *Bull*. The term 'bull' (*bullā*) means in the strict sense the seal attached to papal documents, and, by extension – only from around the 14<sup>th</sup> century, it comes to be applied to all papal documents to which such a seal is attached. According to some scholars, 'bulls' constitute a documentary class between 'privileges' and 'letters'. In this [intermediate] category are classified *litterae solemnes*, which are first found under Innocent IV (1243-1254), which are more elegant than *litterae de gratia*, and *litterae consistoriales* which resulted from decisions in the consistory [council] of pope and cardinals, who put their signatures on the document itself, the document being sealed with a lead seal, but without the 'bene valete' formula. It was not uncommon to make a bull by binding together a number of parchment folios to make a booklet, to the margin of the binding of which a seal was attached: the name for this is 'bulls in the form of a booklet', *bullā in forma libelli*. The script of bulls is, from the fifteenth century, the so-called *bastarda*, which in the sixteenth century gave way to the *littera sancti Petri* or *bollatica*, a form of writing characterised by a highly distinctive system of abbreviations and a rather fragmented *ductus*. The evolution towards ever more disjointed forms of this kind of writing, which made it so hard to read the bulls that in many cases, in the 18<sup>th</sup> and 19<sup>th</sup> centuries, a paper transcription (*transumptum*) of the original parchment document was added to it. The abolition of the *bollatica* was one of the very first acts of the pontificate of Leo XIII (1878-1903).

~ *Brief*. This is one of the three principle kinds of papal documents, alongside the *privilege* and the *letter*. The name seems to be derived from the manner in which it was sent (*expeditio brevis*), much faster than the methods used for other documents. This particular form of document, the oldest surviving example of which goes back to 1390, appeared at Rome at the time of the schism of the West, when Urban VI (1378-1389), abandoned by almost all the cardinals and deprived of the staff of the chancery, found himself obliged to have recourse to the labour of secretaries external to the Curia, who imported into the documentary tradition of the papal curia a practice which was common in Italy at the time, producing a document quite similar to the political letters of Italian despots. Among the most characteristic features of the *breve* are the material on which it was written, virgin parchment, quite thin and white, an effect achieved by careful preparation of lambskins, and the red seal bearing the impression of the 'ring of the fisherman'. The image on the seal shows the apostle Peter, the fisherman of Galilea – whose successors were the Roman pontiffs – standing on a boat tossed by the waves (an image of the Church in history), while he casts the net for a fishing catch. This iconography was crystallized

however only from the pontificate of Nicholas V; his predecessors used other images also: a ship on a stormy sea (*anulus fluctuantis naviculae*, Boniface IX (1389-1404)), and the heads of the apostles Peter and Paul (Eugenius IV, 1431-1447). From 1842 the seal was replaced by a stamp with red ink with a similar iconographic image. The production of documents was entrusted to apostolic secretaries who put their own signatures on the lower margin of the *breve*, on the right hand side; among them, in the fifteenth and sixteenth centuries, were celebrated humanists like Poggio Bracciolini, Flavio Biondo, Leonardi Bruni and others. When it first appeared the *breve* shared characteristics of the 'secret letters', and until the mid fifteenth century it was used for political correspondence and for administrative letters relating to the papal state (*brevia de curia*); from the sixteenth century if not earlier they were also used for a wide variety of grants (*brevia communia*). In the early modern period it almost entirely replaced the *littera* and the *bull*, and eventually a special office for the production and dispatch of bulls was created, the *Segretaria dei Brevis*, abolished in 1967 by Paul VI (1963-1978): a date which also mark the end of the documentary tradition of the *breve* or brief.

~ *Chirograph*. This is a type of document which is written in the autograph of the person who sends it (from the Greek *cheir* = hand, and *graphein* = to write). In papal Diplomatic [special field for study of documents] it stands for a particular kind of document found from the pontificate of Martin V (1417-1431): a simple signed command, normally written in the vernacular on paper, without formality or a seal, in which the autograph of the pope is used only for the signature (at least at first), taking the form of the pope's name followed by his number (e.g. *Clemens papa VIII*).

~ *Apostolic constitution*. This is a legislative act, relatively solemn in form and of major importance so far as content is concerned, regarding definitions in matters of faith or Church discipline. A document of this kind, sent out directly from the pope and on his own initiative, is known by that name ('apostolic constitution') and usually, though not necessarily, takes the form of a bull.

~ *Decretal*. This is a word often used for convenience for papal letters generally, especially those containing formal decisions by the pope; this practice is traced back to pope Siricius (384-399), but on insecure grounds [translator disagrees: see d'Avray, *Papal Jurisprudence, c. 400. Sources of the Canon Law Tradition* (Cambridge, 2019)]. In the Middle Ages, canon law collections were called *Decretales*; the best known are the *Quinque compilationes antiquae*, the *Liber Extra* of Gregory IX, the *Liber Sextus* of Boniface VIII, and the *Extravagantes* of John XXII.

~ *Encyclical*. This is a special kind of letter, sent by the pope to the whole Christian community, for the enhancement and protection of spiritual life (from the Greek *en* and *kyklos*, circle, thus signifying a circular letter.) The name originates with Benedict XIV (1740-1758), but documents of this kind were rare in the 18<sup>th</sup> and 19<sup>th</sup> centuries, after which they became increasingly common up to the present day. Generally written in Latin (only rarely in the vernacular) and sent to the bishops of the whole world, or of individual countries, or to all the faithful, encyclicals can be distinguished from other papal letters both from a technical point of view and from the content, which generally consists of doctrinal teachings which, even if they do not amount to dogmatic definitions, set out papal rulings for all the faithful, above all after the condemnation of doctrinal errors or when the pope in his capacity as teaching authority deals with a given topic. Encyclicals can be divided into two categories: *dogmatic* encyclicals, which condemn errors that have grown up within the Church, and *exhortatory* encyclicals, which aim to re-awaken the fervour of the faithful of all the world and to ask God for special graces.

~ *Letter*. This is the most common type of papal document. Written on papyrus originally, and then on parchment, it does not have the solemn character of a *privilege*, and its physical dimensions are more modest. From a legal point of view it is a document destined to have a temporary effect, not a permanent one, but it nonetheless often employs the phrases *ad perpetuam rei memoriam* ['as a permanent memorial of the matter'], *ad futuram rei memoriam* [as a memorial of the matter for the future]. In the pontificate of Innocent III a clear distinction was established between privileges and letters, the latter being divided in turn into two categories: [1] *letters of grace* (*litterae gratiosae* or *de gratia* or [not quite the same] *cum serico*), which had a more impressive appearance and were akin to privileges (for which reason they were called *simple privileges*), conferred rights and had a leaden seal attached to them, fixed by intertwined yellow and red [or green] threads to a fold made for that purpose on lower margin of the document; [2] *mandates*, administrative or executive letters (*litterae executoriae* or *cum filo canapis*), unimpressive in appearance transmitted the popes commands and had a lead seal hanging from the fold by a hemp string (*filum canapis*). This clear distinction became obsolete from the fifteenth and sixteenth centuries at the latest: for high ranking recipients the hemp string was replaced by threads of plain silk. Letters of grace or mandates in their turn belong to the class of *letters patent* [= unenclosed letters], that is, letters which were sent open to be read by anyone. From the beginning of the twelfth century another class appears, 'closed letters' (*litterae clausae*), which are sealed in a way designed to keep the contents private: the letter was folded several times and on the side margin (and, from the

end of the twelfth century, on the lower margin) kept secure with a lead seal, fixed with hemp string, which also served to close the packet firmly. Between the twelfth and the thirteenth century can be founded *litterae ante coronationem*, that is documents produced by a pope before he was crowned and sealed by means of the so-called *bullae dimidia*, a lead seal with the heads of the apostles Peter and Paul on the obverse side, while the reverse side has no name and the number of the pope remains blank. During the Western Schism, under the Avignonese [anti-]popes Clement VII (1378-1394) and Benedict XIII (1394-1422/3) the first examples of 'secret letters' (*litterae secretae*) appear, a type of document to which there are references in the sources as early as the pontificate of Clement IV (1265-1268); they are written on paper or, less often, on parchment, in Latin or French; very informal, they are sent 'closed' and sealed by the 'secret' (i.e. personal) seal, the seal of the fisherman. The tradition of 'secret letters' comes to an end with the pontificate of Benedict XIII.

In the *intitulatio* [sender's name] of the letters, as in the *intitulatio* of privileges from the time of Gregory the Great (590-604) popes used the formula *Servus servorum Dei*, describing themselves as servants of the servant of God; this formula is not in fact an expression of humility, but of primacy, and derives from the Gospel passage: 'Whichever among you wishes to be first, will be the servant of all' (Mark 10: 44; cf. Matth. 20: 27). The pope is the servant of all because he is the first among all the disciples of Christ.

~ *Minute*. This is the draft the definitive document. Original minutes with a lead seal rarely survive, as they lost their value as soon as the document had been sent: the oldest go back to the eleventh and twelfth century; we have more surviving minutes of briefs, from the 15<sup>th</sup> century onwards. Minutes were originally written on pieces of parchment, then from the later Middle Ages on long narrow pieces of paper, sometimes sewn together vertically to make strips of many metres, to fit in very long texts with many sections. Written in cursive script not easy to read, partly because of deletions or other corrections of the text, minutes are heavily abbreviated with many 'et ceteras', especially in place of the more formulaic parts of the document. When they had been used for the registration of the text the letter *R*(*registrata*) is written on the dorse. Sometimes, too, definitive documents which had undergone correction and could not therefore be dispatched (*litterae rescribendae*) functioned as minutes. The composition of minutes, originally entrusted to notaries in collaboration with the 'abbreviators', became the exclusive domain of the latter after the chancery reform of John XXII; towards the end of the fourteenth century, for documents relating to certain sorts of business, the secretaries took the places of the

abbreviators. Until the late fourteenth century the minutes of the most important documents (*litterae legendae*) were read aloud to the pope, while routine documents (*litterae dandae*) were dispatched without being read aloud first; from the fifteenth century the practice of reading documents aloud was discontinued but, when the dispatch resulted from a verbal order, the minute was still checked. The abbreviators received a proportion of the fee for drawing up the minute, this being subsequently calculated and noted on the original document.

~ *Motu proprio*. This kind of papal document is similar to a brief, but is written on paper and has no seal. The name derives from the opening formula of the text (*motu proprio*, 'on my own initiative'), which signifies the special character of the papal grant, with the aim also of producing specific legal effects. This type of document, which is moreover also found with lay rulers, employs a legal fiction according to which the pope declares that he has made a given grant to the beneficiary spontaneously, without being asked. It is a more solemn document than a chirograph and is signed by the pope personally, in the form *Placet* followed by the initial of the pope's baptismal name, in Latin: for instance: for Paul V (Camillo Borghese, 1605-1621), *Placet C*. Nowadays the word *Placet* is omitted and the pope uses his official name.

~ *Privilege*. This is the most ancient and solemn kind of papal document. The first surviving example, written on papyrus in the typical Roman curiale script, is the privilege of Pascal I (817-824) for the Church of Ravenna in 819, but this kind of document was in use as early as the late eighth century and, more precisely, from the pontificate of Hadrian I (772-795). In the course of the first half of the eleventh century parchment begins to be used alongside papyrus, and in the second half of the century papyrus becomes the normal support; in the same period the Roman curiale was replaced by chancery minuscule. The production of this kind of solemn papal document, much in evidence between the ninth and the eleventh century, becomes less common in the thirteenth century, surviving here and there in particular documents up until after the mid-fourteenth century. From a strictly legal point of view, the privilege attested to the conferral or lasting recognition of a special law (*ius singulare*), which guaranteed a particular right to persons, things or legal relations; the recipient could be an individual or an institution (diocese, chapter, monastery, etc.). The privilege often uses the *formula perpetuitatis* ('in perpetuum'), which makes clear the pope's intention to give his decisions a validity extending beyond his death. Among the external characteristics which distinguish the privilege from other papal documents, the letter and the brief, the most salient are the especially high letters

(*litterae elongatae*) in the opening formula of the letter, the *bene valet*, the *rota*, the signatures of the cardinals and of the pope. The *bene valet*, characteristic sign of privileges, is a form of greeting characteristic of the concluding part of the privilege, where it is preceded by a sign of the cross. In the ninth and tenth century it is written by the papal chancery in capital letters, usually in uncial script, in the writing of which the hand of the pope sometimes intervenes; the autograph of the pope in the *bene valet* is attested at least up to Clement II (1046-1047). With Leo IX (1049-1054) the sign of the cross evolves into the *rota* and *bene valet* is compressed into the form of a monogram, drawn by the papal chancery; after this, up until the pontificate of Clement III (1187-1191) can follow a group of signs called the *comma*, which is found for the last time in 1192.

The *rota* is a sign introduced by Leo IX into the final part of the privilege. It seems to result from the elaboration by the chancery of the sign of the cross which preceded the *bene valet*. The name *rota*, wheel, derives from its characteristic form, which consists of two concentric circles, the smaller of which is divided into four quarters by a cross. Under Leo IX, the name but not the number of the pope is founded in the inner circle, split between the four quarters; later, from the time of Urban II (1088-1099), the *rota* settles into a stable form, showing in the upper two quarters the names of the apostles Peter and Paul in in the lower two the name of the pope, with his number. The circular ring contains a cross and a phrase taken from the Bible, which, in the older privileges, could be written entirely or in part by the pope, to confirm the validity of his name written below in the *rota*; from Lucius II (1144-1145) the sign of the cross is the only autograph sign of the pope.

To the fold of a privilege was always affixed, by plaited silk threads various colours (usually red and yellow) to a lead seal. The iconography of the seal crystallizes from the time of Pascal II: on the right hand side there is the head of St Peter (with hair and a beard represented by points) and of St Paul (with hair and beard delineated), with the words *S. PE/S.PA'*; on the verso the name and number of the pope. An exception is the seal of Paul II. On the *recto* it shows the whole figures of the apostles Peter and Paul, seated, and on the *verso* a picture of an audience with the pope on his throne, and various cardinals, some kneeling, with the words *PAULUS PAPA II*.

~ *Supplication*. This is a petition to a sovereign authority (lay or ecclesiastical) to obtain graces or favours of various sorts. To present their requests to the pope, ordinary petitioners, up to the beginning of the twelfth century, had to go to Rome in person, especially if they wanted to enjoy the special terms granted to the poorest,

among which was the dispatch without charge of the papal document *in forma pauperum* [in the form for the poor]; sovereigns, princes and people of high rank could use their representatives at the papal court. The supplication could be presented to the pope verbally or read aloud in his presence in the form of a petition written as a rule on paper: in that case it had to be composed in accordance with well-established forms, and to manage this the petitioner called upon expert scribes (*petitionarii*) who worked on their own account for a fee. At first the *petitionarius* also took on, even if informally, the burden of representing the petitioner at the papal court; from 1215 the role of a representative of this kind (*procurator*) was generally accepted; he had however to produce a form from the person for whom he was acting giving him the power to act on the matter [like a power of attorney]; in the course of the fourteenth century the proctors came to constitute a veritable curial office of self-employed professionals. The task of processing the written petitions belonged to the (vice)chancellor and the notaries who, in the legally less complex cases, also had the power to decide whether to accept the petition; the same notaries looked after the reception of the supplications, annotating them with the *data communis*. In the fourteenth century it became customary to add in writing their approval of the supplications (*signatura*), while the formal preparation of them was entrusted to the *referendarii*. With Benedict XII (1335-1342) the practice of registering supplications was introduced; the dated petitions were sent to the appropriate office, the *registratura supplicationum*, which may possibly have been first situated in the church of Santa Maria in Via Lata in Rome, then in the apostolic palace. In the fifteenth century the supplication was forwarded to the *referendarii* who put in the upper margin their name, a brief summary, and the name of the diocese of the petitioner. Then it was presented to the pope. On the supplications that were accepted was written, under the text, the approval of the pope, in the form *Fiat ut petitur*, 'Let it be done as requested', with the addition of any clauses limiting its scope, and finally a capital letter, which from Boniface IX on was always the initial of the baptismal name (in Latin) of the pope; individual parts or clauses of the petition which had not met with approval were deleted by the pope himself. Eugenius IV, confined to his bed by a grave illness, started a new practice by entrusting to a *referendarius* in whom he had full confidence the task of signing supplication in his place: the signature of the *referendarius domesticus* took the form of *Concessum (ut petitur) in presentia domini nostri pape N.*, 'Granted (as requested) in the presence of our lord pope N.' This practice was followed also by Nicholas V (1447-1458), and by all the popes from Pius II (1458-1464) on, with the exception of Callistus III (1455-1458). In the course of the 14<sup>th</sup> century, for matters of secondary importance, the vice-

chancellor too received the power to approve supplications; he used the formula *Concessum ut petitur*, followed by his own name and without any limiting clause; from the middle of the fourteenth century the vice-chancellor received supplications which were judicial in content (*de iusticia*). With the pontificate of Alexander VI (1492-1503) the vice-chancellor's signature came to an end. The approved *supplica* came finally to be dated (*data magna*), an act of extraordinary importance above all for supplications in matter of graces, *de gratia*, since, from the moment indicated by the date, the recipient had a right to the grace granted by the document. After it had been approved, therefore, the *supplica* counted as the original of the grant, though it was for office use, for the writing out of the solemn definitive document, a bull or a brief, which needed be sent to the recipient. In some cases the pope, granting a specific request by the petitioner, allowed the simple *supplica* signed by himself (*sola signatura*) to have the force of the definitive document; particularly relevant, in this connection, are the *de luxe supplicae*, approved by the *sola signatura*, which are characterised by special solemnity, are often decorated with miniatures, and written on parchment. A further type is the *supplica* in the form of a *motu proprio*, in which recourse is made to a judicial fiction in order to smooth the procedural path for the beneficiary by showing that the grant originated with a papal initiative and not from a petition.

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