

most surely, it is the capitulary forger who is receiving J³ †1118. Beyond specific textual evidence of reception, which we will encounter just below, there is the evidence of relative chronology, which seems to suggest that Ps.-Leo emerged alongside the interpolation of the Hispana, well before the third book of the False Capitularies⁷⁰. The pseudo-history of Leo III's pronouncement against chorbishops advanced in BL 3.260, involving Charlemagne's inquiry through Arn of Salzburg, should probably be understood as an elaboration upon the narratio of J³ †1118, where Ps.-Leo says that he and his Roman synod have received a report about illicit ordinations in Gaul and Germany⁷¹. In BL 3.260, Ps.-Leo III informs Arn that chorbishops have long been forbidden *a suis praedecessoribus et a multis sanctis episcopis atque synodalibus sanctionibus*. In J³ †1118, Ps.-Leo likewise holds that *iuxta canones Caesarienses sive secundum alia decreta patrum*, chorbishops are the same as priests⁷².

There are a few important differences between Benedictus Levita and J³ †1118. To begin with, Benedictus includes the subdiaconate in his list of clerical ordinations that chorbishops may not perform. This additional restriction is an eccentricity peculiar to Benedictus Levita; even the decretals forger hardly repeats it, and it is nowhere in J³ †1118⁷³. Also a departure from J³ †1118 is the insistence of BL 3.260 that the sacraments conferred by chorbishops are invalid and that chorepiscopal consecrations wound rather than heal, such that they are to be repeated by regularly ordained bishops⁷⁴. In contrast to the

70) Book 1 of the False Capitularies, at least in its earlier chapters, seems likely to predate the interpolation of the Hispana (see, for example, SCHMITZ, libI.pdf [as n. 61] p. 35 n. 399), whereas in Book 2, Benedictus Levita draws heavily on the interpolated Hispana, especially at BL 2.300–342 (ed. SCHMITZ, libII.pdf [as n. 61] p. 61–67). On this important sequence, see also SECKEL, Studien VII, Schlussteil III (as n. 67) p. 451–470; and more recently, KNIBBS, Defence of the Hinschius Thesis (as n. 4) p. 478–481.

71) Ps.-Leo extravagans l. 6–11; and BL 3.260, ed. PERTZ, MGH LL 2, 2 (as n. 63) p. 118b l. 16–21: *Quapropter Arnonem archiepiscopum ad Leonem apostolicum misimus, ut inter cetera, quae ferebat, etiam eum ex hoc interrogaret; ut quicquid super his definiendum esset, apostolica auctoritate a nostris episcopis regulariter sopiretur*.

72) Ed. PERTZ, MGH LL 2, 2 (as n. 63) p. 118b l. 23f.; compare Ps.-Leo extravagans, l. 12f.

73) In the False Decretals it occurs only once, in Ps.-Damasus J³ †571 (ed. HINSCHIUS, Decretales [as n. 3] p. 513) – curiously, precisely at the head of his extended borrowing from Ps.-Leo extravagans, on which see below, p. 510 with n. 85.

74) Ed. PERTZ, MGH LL 2, 2 (as n. 63) p. 118b l. 26–34: *Dixit (i.e., Leo) ... quicquid ex his ab eis inlicite erat praesumptum, omnia a canonice ordinatis episcopis*