

matter of subdeacons, this point is fundamental to the abolitionist critique, well established in the decretal forgeries and elsewhere, yet it is neglected by J³ †1118.

The rest of the material on chorbishops in Book III of the False Capitularies merely repeats aspects of BL 3.260. At BL 3.394, chorbishops are forbidden from consecrating virgins, imparting the Holy Spirit, and consecrating churches or altars. Anything of this sort represents a usurpation from the episcopate and is therefore invalid and without effect. These rites are to be repeated by regular bishops, *quia reformatio non est iteratio*⁷⁵. The strangely formulated BL 3.402 clarifies that sacraments imparted by regular bishops are not to be repeated⁷⁶. This leaves BL 3.423 and 3.424, which reintroduce Leo III. Whereas BL 3.260 maintains a careful and highly curious verbal distance from our Ps.-Leo forgery, here that caution lapses and Benedictus Levita reveals that he very likely has direct knowledge of J³ †1118. Italics mark text from the interpolated Hispana; I have underlined variants characteristic of Ps.-Leo extravagans⁷⁷.

debere rite peragi et in meliorem statum reformari; quia, quod non ostenditur gestum, ratio non sinit, ut videatur iteratum.

75) Ibid. p. 126b l. 67–p. 127a l. 29; SECKEL, Studien zu Benedictus Levita VIII, Teil III, NA 41 (1919) p. 157–263 at p. 195–206.

76) PERTZ, MGH LL 2, 2 (as n. 63) p. 127b l. 24–31: *Si quis ab episcopo et non a corepiscopo ... fuerit confirmatus, reiterari talis confirmatio non debet.* Gerhard SCHMITZ, Die allmähliche Verfertigung der Gedanken beim Fälschen. Unausgeglichenes und Widersprüchliches bei Benedictus Levita, in: Fortschritt durch Fälschungen? Ursprung, Gestalt und Wirkungen der pseudoisidorischen Fälschungen, hg. von Wilfried HARTMANN / Gerhard SCHMITZ (MGH Studien und Texte 31, 2002) p. 29–60 at p. 33: „Es geht um diejenigen, die gerade *nicht* von einem Chorbischof, sondern von einem Bischof konfirmiert worden sind. Deren *confirmatio*, läßt uns der Kapitularienfälscher wissen, müsse nicht wiederholt werden – ein Umstand, den wohl kaum jemand jemals wird in Zweifel gezogen haben.“ See also IDEM, Verfilzungen. Isidor und Benedict, in: Fälschung als Mittel der Politik? (as n. 34) p. 127–151 at p. 139; and SECKEL, Studien VIII, Teil III (as n. 75) p. 214–217.

77) Ed. PERTZ, MGH LL 2, 2 (as n. 63) p. 128 l. 14–63 (citation in rightmost col., l. 15–26); for source analysis, see also SECKEL, Studien VIII, Teil III (as n. 75) p. 249–257.