

*Qui licet ordinationem habeant, tamen summi pontificatus apicem non habent. Quoniam nec in tabernaculo domini, quod Moyses fecerat, alius altaria non erigebat aut deponebat, nisi tantummodo Moyses et Aaron, qui summi pontifices erant et quorum tipum hodie in sancta aecclesia episcopi gerunt, filiorum quoque eorum normam reliqui sacerdotes tenent*⁸⁹.

According to the *Actus*, Charlemagne nevertheless granted Gauziolen permission to appoint a chorbishop, provided he received his consecration from three bishops rather than one. The candidate, Merolus, eventually succeeded Gauziolen as bishop of Le Mans.

What we have in the *Actus* is a transparent attempt to reconcile matters of regional history with emerging prohibitions on the chorepiscopal office. By itself that is hardly remarkable. Beneath the surface of these words, however, lurks an oddly precise knowledge of Pseudo-Isidore's provisions and their nature. Perhaps wary of getting caught in anachronism, the Le Mans forger has banished all mention of a pope Leo from this moment in his narrative: Gauziolen died late in the pontificate of Stephen III, well before Leo III ascended to the papacy. Yet he has nevertheless joined provisions from BL 3.423, with its mention of Pope Leo (III), to our very own Ps.-Leo forgery. Here, then, would seem to be one reader for whom Benedictus Levita's program on chorbishops was successful. The *Actus* associates the Ps.-Leo decretal forgery with Pope Leo III, as the capitulary forger would have wished, while reciting prohibitions on chorbishops not according to Ps.-Leo, but in the lightly revised form that Benedictus Levita preferred.

Older views that identified Pseudo-Isidore with the Le Mans forger, in no small part on the strength of this passage, have been discredited for a very long time⁹⁰. Pseudo-Isidore could hardly have approved of Gauziolen's embellished biography; for the capitulary no less than the decretals forger, chorbishops were to be equated with priests, and Pseudo-Isidore insists over and over that no see could be occupied by more than one bishop. The Le Mans forger's feeble solution – having Merolus consecrated by three bishops rather than one – would have

89) Ibid.

90) For an overview of the Le Mans hypothesis of Pseudo-Isidore's origins, which originated with SIMSON, Entstehung (as n. 62) and enjoyed lasting currency especially in French scholarship, see ERIC KNIBBS, Pseudo-Isidore at the Field of Lies: 'Divinis praeceptis' (JE †2579) as an Authentic Decretal, BMCL 29 (2011–12) p. 1–34 at p. 14f.