

gression from the False Capitularies to the False Decretals⁴⁶. For those who have accepted the priority of the *Nonnullae sanctiones* because of the *infamia* interpolation, this evidence, of precisely the same nature and differing only in its overwhelmingly greater extent, should prove decisive.

Benedictus Levita's Priority over the False Decretals

A source powerfully resembling the False Capitularies conditions more than the decretal forger's approach to individual passages, as in Ps.-Fabianus. Benedictus Levita appears to bring entire bodies of source material to the False Decretals. This is particularly the case with secular law, which the decretals forger knew almost entirely through a mediating formal source that originated within his own atelier and that must have resembled the False Capitularies in many particulars.

Isidorus Mercator almost never cites the *Lex Visigothorum*, for example, in the absence of an apparently prior citation by Benedictus Levita. Numbers alone speak to the hierarchy of capitulary and decretal forgeries on this point. Over forty distinct items from the *Lex Visigothorum* flow to well over fifty capitula in the three books of Benedictus Levita's collection. The False Decretals, meanwhile, know at best twelve distinct passages from the *Lex Visigothorum*. These are scattered, with a great deal of duplication, across no more than twenty-seven distinct passages⁴⁷. Already we encounter the amplification

46) HINSCHIUS, *Decretales* (as n. 1) p. CXLIII–CLXIII, esp. CXLIII–CXLIX. This discussion at points suffers from an overly simplistic view of the relationship between the two forgeries, above all erring in its reluctance to accept the fact that the False Decretals on occasion bypass Benedictus Levita in favour of the material source. For important criticism cf. especially SCHMITZ, *Verfälschungen* (as n. 16) p. 141–142. At other points, however, Hinschius's analysis is full of insight, particularly in revealing the textual progression from the False Capitularies, which are generally much nearer the underlying sources; to the False Decretals, which stray further from these sources and introduce further manipulations (p. CXLIV–CXLVII) – a point directly related to the argumentative progression between the two forgeries that Hinschius discusses at p. CLI–CLIX.

47) For the False Capitularies, cf. the indices in SECKEL, *Studien zu Benedictus Levita* (as n. 7) VI p. 135 and 137: Book 1; VII Teil III p. 535 and 539: Book 2; and VIII Schlussteil V p. 105 and 110: Book 3. The numbers are approximate as in several cases Benedictus Levita's precise source is uncertain. HINSCHIUS, *Decretales* (as n. 1) p. CXXIV surveys the *Lex Visigothorum* reception in the decretal forgeries; again his numbers are to be understood only approximately.