

Capitularies, at BL 3.351 and 3.352. The same sequence, though with some items interspersed, recurs in Ps.-Felix II, J³ †505⁵⁰.

The False Capitularies also appear to guide the intellectual approach of the decretal forgeries. I have written elsewhere of the Pseudo-Isidorian doctrine of the *exceptio spoli*, which requires that any bishop who has been driven from his see and denied access to the resources of his diocese be reinstated in advance of any trial. Excluding his late and anomalous *Additio 4*, Benedictus Levita discusses the *exceptio spoli* four times, at BL 2.381p (parallel to CA 10), 3.116 (parallel to CA 3i), 3.153 and Add. 3.8. Each formulation reads differently and rests upon different sources. BL 2.381p/CA 10 has been constructed with verbiage from the *Historia Tripartita* of Cassiodorus and Epiphanius, BL 3.116/CA 3i derives from an authentic conciliar document in the *Collectio Dionysio-Hadriana*, BL 3.153 is a freely formulated statement, and Add. 3.8 comes from the *Libellus pro synodo* of Ennodius. The False Decretals return to the *exceptio spoli* again and again, but always in one of these four guises. In extended statements of the *exceptio spoli*, some decretals will even summarize the principle in their own words before embarking upon a redundant statement after one of these prior formulations, very obviously adducing pre-formulated material from a source like the False Capitularies or the *Capitula Angilramni*⁵¹.

50) See items 9 and 2 in note 48 above. In both cases the two citations recur with a third passage, from *Lex Visigothorum* 2.4.1, taken up by Benedictus Levita at BL 2.397=3.369, and also at CA 10bis – see item 4 above. In Ps.-Euticianus, this third citation precedes the borrowing from BL 3.151–152; in Ps.-Felix II it follows.

51) On all of this cf. KNIBBS, *Date of the False Decretals* (as n. 13) p. 158–164, where however the discussion is oversimplified. I discuss only three formulae drawn from the main body of Benedict's collection, because I had not yet grasped the importance of Add. 3.8, which draws on Ennodius, *Libellus pro synodo* c. 69 (ed. Friedrich VOGEL, *Magni Felicis Enodii Opera* [MGH Auct. ant. 7, 1885] p. 58 l. 30–31.). On Add. 3.8 see now KNIBBS, *Pseudo-Isidore's Ennodius*, in: DA 74 (2018) p. 1–52, here p. 29 (n. 11 in the table) and p. 39. Pseudo-Isidore learned of Ennodius very late, and as a result his formulation of the *exceptio spoli* according to Add. 3.8/Ennodius has an unusual distribution. A full account of the *exceptio spoli* in the decretal forgeries, classified according to their Benedictus Levita (or *Capitula Angilramni*) parallels is as follows: Praef. (ed. HINSCHIUS, *Decretales* [as n. 1] p. 18): BL 3.116/CA 3i; Ps.-Sixtus I, J³ †59 (ed. HINSCHIUS, *Decretales* p. 109): BL 3.116/CA 3i (very loose) and Add. 3.8; Ps.-Zepherinus, J³ †152 (ed. HINSCHIUS, *Decretales* p. 133): BL 2.381p/CA 10; Ps.-Stephanus I, J³ †256 (ed. HINSCHIUS, *Decretales* p. 184): BL 3.116/CA 3i; Ps.-Sixtus II, J³ †268 (ed. HINSCHIUS, *Decretales* p. 192): BL 3.116/CA 3i, loosely; Add. 3.8; Ps.-Felix I, J³ †291 (ed. HINSCHIUS, *Decretales* p. 201): BL 3.116/CA 3i; Ps.-Gaius, J³ †315 (ed. HINSCHIUS, *Decretales*