

of the False Decretals is the preferred scenario, but it is also contemplated that they and the False Capitularies might represent parallel developments¹⁸.

The ensuing pages aim to restore, in its fundamentals, the theory that Paul Hinschius outlined in 1863. The False Capitularies of Benedictus Levita, with the exception of their final appendix, the so-called *Additio 4*, exercise a wide-ranging priority over the False Decretals of Isidorus Mercator. Indeed, they represent together with the interpolated *Hispana* the most important formal source of the decretals forger. In this they are not alone: Pseudo-Isidore was a compiler at heart, who collected great masses of textual excerpts from authentic sources, as well as various formulae and other brief statements of his own making. The False Capitularies are merely the largest repository of these textual items that has come down to us. They are joined by other formally similar compilations that also informed the False Decretals, including the

Further on (p. 78–79) one reads that the priority of the capitulary forgeries remains unproven and „Die Ähnlichkeiten zwischen Dekretalen und Kapitularien sind in erster Linie auf den Rückgriff auf das gleiche Ausgangsmaterial zurückzuführen“. At p. 217–218 there is again talk of this „Materialsammlung“ from which False Decretals and False Capitularies jointly depend: „Dabei ist offen, ob diese Arbeiten [i. e., capitulary and decretal forgeries] zeitgleich stattfanden. ...“ And finally at p. 219, Harder posits a two-phase forgery process: the „erste Redaktionen der falschen Dekretalen“ conclude the first phase; „In einer zweiten Phase ... wurden die Capitula Angilramni und die Kapitularien des falschen Benedikts irgendwann in den späten 830er oder früheren 840er Jahren auf den Weg gebracht“.

18) This tendency was most marked at the Cologne conference on Pseudo-Isidore held on 22/23 February 2013. Many participants, including myself, endorsed some version of what might be called the parallelist hypothesis as a fall-back, with a preference for what could not be proven, namely decretals priority. Editorial work on the Pseudo-Isidorian decretals has convinced me that I and others were mistaken. For examples of this view, see n. 17 above; and also Clara HARDER, *Der Papst als Mittel zum Zweck? Zur Bedeutung des römischen Bischofs bei Pseudo-Isidor*, in: *Fälschung als Mittel der Politik* (as n. 5) p. 173–186, esp. p. 183 with n. 35, where old views of mine are cited which I have since retracted. Cf. also Semih HEINEN, *Pseudoisidor auf dem Konzil von Aachen im Jahr 836*, in: *Fälschung als Mittel der Politik* (as n. 5) p. 97–126, here p. 99: „Die Kurzversion der falschen Dekretalen ist ... älter als die Kapitularienfälschung des Benedictus Levita“. And SCHMITZ, *Verfälschungen* (as n. 16), esp. p. 142–146, with the statement at p. 144: „Parallelen [i. e., between the False Decretals and False Capitularies] gibt es gewiss, aber nicht derart, dass ein direktes Abhängigkeitsverhältnis erwiesen werden könnte. Eher ist das Gegenteil der Fall, nicht die Dekretalen rezipieren die Kapitularien, sondern Benedict Pseudoisidor“. Cf. also Karl UBL, *Inzestverbot und Gesetzgebung. Die Konstruktion eines Verbrechens (300–1100)* (*Millennium-Studien* 20, 2008) p. 323–340.