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# The *De privilegio chorepiscoporum* (J<sup>3</sup> †1118) and Pseudo-Isidore's Attack on the Chorepiscopate\*

By

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Among the voluminous decretal forgeries traditionally ascribed to the Carolingian-era forger known as Pseudo-Isidore is a little-studied item in the name of a Pope Leo; it is registered in the third edition of Jaffé as J<sup>3</sup> †1118, and it bears the rubric *De privilegio chorepiscoporum*. The Ps.-Leo of this obvious forgery purports to address the bishops of Gaul and Germany, insisting that only bishops are competent to erect altars and consecrate churches. Priests and the episcopal deputies known as chorbishops may do neither. Moses alone built the tabernacle, and he alone could anoint; he and Aaron typify bishops, whereas Aaron's sons signify priests. Thus, chorbishops and priests may not consecrate virgins, impart confirmation, or consecrate or anoint with chrism. Nor may they reconcile the penitent at Mass or send *epistolae formatae*. All of these are forbidden to chorbishops, because their office has been established after the example of the seventy disciples from Luke 10, 1–10. In this they are the same as priests. Furthermore, when the bishop is present, priests – or, in some manuscripts, priests and chorbishops – may not enter the baptistery, anoint or sign infants, reconcile the penitent, consecrate the Eucharist or minister to the laity. Here Ps.-Leo's remarks end, in one branch of the tradition, with an abrupt *et reliqua*. Other codices, however, preserve a brief appendix of

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five capitula. The first of these is from the *Episcoporum relatio* issued under Louis the Pious (BK 196), reporting the decrees of the 829 Council of Paris; it forbids chorbishops from imparting the Holy Spirit at confirmation. The others hail from the fourth-century councils of Antioch (cc. 10, 19), Ancyra (c. 12) and Laodicea (c. 57); respectively, these require chorbishops to observe their *modus mensurae*, forbid them from ordaining priests or deacons without the permission of their diocesan bishop, and specify that they be ordained by the bishop of the city to which they are subject<sup>1</sup>.

The *De privilegio chorepiscoporum* appeared in print for the first time in 1524, alongside many other letters of Pope Leo I, with Jacques Merlin's editio princeps of the Pseudo-Isidorian decretal forgeries. Merlin's manuscript appears to have been an antecedent of the C-version of the forgeries, a later arrangement distinguished for its extensive collection of Leonine correspondence. Subsequent editions of Leo's letters propagated a vulgate text derived from Merlin's printing, with the consequence that generations came to read the *De privilegio chorepiscoporum* as an authenticum of Leo I. This changed only when the French theologian Pasquier Quesnel edited Leo's œuvre anew in 1675. Quesnel saw that this item was a forgery, and in the course of defending its exclusion from Leo's works, he raised the possibility of its Pseudo-Isidorian authorship. Since then, Ps.-Leo has remained an uncertain curiosity at the margins of Pseudo-Isidore's corpus, with views on its origins oscillating according to broader theories of the forgeries and their manuscript tradition. When the Ballerini brothers produced their own edition of Leo's works seventy-five years later, they reprinted Quesnel's arguments, but denied that *De privilegio chorepiscoporum* represented the work of Pseudo-Isidore. They noted that the decretal is unknown to the A/B version of the False Decretals, which they took to be the purest form of the forgeries<sup>2</sup>. It was left

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1) For all of this, with full references to the sources of the final capitula, see the critical edition in the Appendix, p. 519–523.

2) On the early editorial history, see Carlo SILVA-TAROUCIA, *Nuovi studi sulle antiche lettere dei papi*, *Gregorianum* 12/4 (1931) p. 1–56, 349–425 and 547–598, esp. p. 8–15; on Jacques Merlin's editio princeps, Henri QUENTIN, *Jean-Dominique Mansi et les grandes collections conciliaires* (1900) p. 7–12. Quesnel's attack on J<sup>3</sup> †1118 occurs in his *Dissertatio Undecima*, repr. with Ballerini commentary by MIGNE PL 55 col. 758–764. Since Paul HINSCHIUS, *Decretales Pseudo-Isidorianae* (1863) p. LXXII f., scholars have held that Merlin had his text from Paris, Bibliothèque de l'assemblée nationale, Ms. 27. Yet for the space of the Leo letters at least, this cannot be true; see Antoine CHAVASSE, *Les lettres du pape Léon le*

for Paul Hinschius to reclaim the *De privilegio chorepiscoporum* for Pseudo-Isidore in 1863, because he preferred the A1 version of the False Decretals, which, like the C version printed by Merlin, includes J<sup>3</sup> †1118 among Leo's letters<sup>3</sup>.

The relationship between Ps.-Leo and the canonical Pseudo-Isidorian forgeries proves to be a difficult and subtle problem. To begin with, Ps.-Leo does not present the complex mosaic of source material that mark Pseudo-Isidore's other concoctions. Instead, he draws primarily on one source, namely c. 7 of the Second Council of Seville from 619. Ps.-Leo outfits this brief text with epistolary trappings and several careless interpolations. Pseudo-Isidore, as it happens, also knows Seville II, c. 7; in his interpolated *Hispana* and in the second, conciliar part of his decretal forgeries, he even enhances the canon in much the same way as Ps.-Leo. Bizarrely, though, both forgers seem to have falsified the canon independently of each other, albeit towards the same ends. And while Ps.-Leo does occur in some versions of the decretal forgeries, a survey of its manuscript tradition reveals the Ps.-Leo recension we find in the collection of Pseudo-Isidore to be the product of later redaction. An earlier recension of J<sup>3</sup> †1118, beset by textual problems that the Pseudo-Isidorian tradition strives to correct, circulated beyond the confines of the False Decretals in five early medieval canonical manuscripts<sup>4</sup>.

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Grand (440–461) dans l'*Hispana* et la collection dite des Fausses Décrétales, *Revue de droit canonique* 25 (1975) p. 28–39, at p. 36f. The collection of Leo's letters in Merlin's edition is an antecedent of the arrangement in the C version, including the C version of the Paris codex.

3) See HINSCHIUS, *Decretales* (as n. 2) p. CIII–CIV, CXLIII–CXLV; and his edition at p. 628. For Horst FUHRMANN, *Einfluß und Verbreitung der pseudoisidorischen Fälschungen* (MGH *Schriften* 24, 1972–74), 3 Bde., Bd. 1, p. 187 with n. 10 (also IDEM, *Pseudo-Isidorian Forgeries*, in: *Papal Letters in the Early Middle Ages* [History of Medieval Canon Law 2, 2001] p. 135–196, at p. 167 with n. 117), its Pseudo-Isidorian origins are doubtful. Before him Emil SECKEL, *Pseudoisidor*, in: *Realencyklopädie für protestantische Theologie und Kirche* 16 (3<sup>1905</sup>) p. 271 had placed Ps.-Leo before the False Decretals, but appeared to accept it as a Pseudo-Isidorian creation.

4) Probably the best introduction to the Pseudo-Isidorian problem, precisely because it predates modern controversies, remains FUHRMANN, *Pseudo-Isidorian Forgeries* (as n. 3). In the decades since this introduction appeared, Klaus Zechiel-Eckes sought to upend the traditional view outlined there in a series of articles announcing and expanding upon his discovery of a Pseudo-Isidorian annotator in several ninth-century codices, including codices from Corbie. See especially Klaus ZECHIEL-ECKES, *Verecundus oder Pseudoisidor?*, *DA* 56 (2000) p. 413–446; IDEM, *Ein Blick in Pseudoisidors Werkstatt: Studien zum Entstehungsprozeß der Fälschen*

A full investigation shows that Ps.-Leo's *De privilegio chorepiscoporum* has priority over the rest of Pseudo-Isidore's forgeries. Either it is an *œuvre de jeunesse*, or – perhaps more likely – the work of an associate who shared Pseudo-Isidore's aims and had access to materials from the master forger's atelier. Whoever he was, Ps.-Leo likely developed his fiction in the wake of the 829 Council of Paris, and his work exercised a profound influence on Pseudo-Isidore's approach to the chorepiscopate, particularly at the level of Benedictus Levita's False Capitularies. In Book 3, the capitulary forger invents multiple capitula that restate, adjust and extend the provisions of J<sup>3</sup> †1118, which they associate with Pope Leo III. Ps.-Leo also informed the decretals forger. One of Pseudo-Isidore's earliest fictions, Ps.-Damasus, *De vana superstitione chorepiscoporum vitanda* (J<sup>3</sup> †571), incorporates Ps.-Leo almost entirely; and the A1 and C versions of the False Decretals also fold the forgery into their decretals repertoire. In this context, however, Ps.-Leo suddenly becomes Leo I, rather than Leo III as in Benedictus Levita; and the decretals forger is far less interested in the specifics of Ps.-Leo's argument. This minor forgery is above all important for the light it sheds on the origins and nature of Pseudo-Isidore's bitter polemic against chorbishops, one of the most characteristic and mysterious aspects of his forgery programme.

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Dekretalen mit einem exemplarischen editorischen Anhang, *Francia* 28 (2001) p. 37–90; and IDEM, *Auf Pseudoisidors Spur. Oder: Versuch, einen dichten Schleier zu lüften*, in: *Fortschritt durch Fälschungen? Ursprung, Gestalt und Wirkungen der pseudoisidorischen Fälschungen*, hg. von Wilfried HARTMANN / Gerhard SCHMITZ (MGH Studien und Texte 31, 2002) p. 1–28. While Zechiel-Eckes broke new ground in the identification of Pseudo-Isidore's sources and working methods, my view is that his broader theories as to Pseudo-Isidore's identity, the date of his work and the internal chronology of his products, are mistaken. See Eric KNIBBS, *Ebo, Pseudo-Isidore, and the Date of the False Decretals*, *Speculum* 92 (2017) p. 144–183; IDEM, *Pseudo-Isidore's Ennodius*, *DA* 74 (2018) p. 1–52; and IDEM, *Pseudo-Isidorus collectione Benedicti Levitae ut fonte usus est: A Defence of the Hinschius Thesis*, *DA* 75 (2019) p. 449–491. What follows therefore assumes, along more traditional lines and contrary to much recent research, that Pseudo-Isidore was active primarily in the 840s; that he most likely hails from the circles around Ebo of Reims and is not to be identified with Paschasius Radbertus; and that the False Decretals of Isidorus Mercator represent his latest and most advanced production. The False Capitularies of Benedictus Levita are to be placed somewhat earlier, as they are indeed received by the decretal forgeries; and the interpolated Hispana known today only from Vatican City, *Bibl. Apost. Vat. lat.* 1341, emerged still earlier.

## I. Chorbishops in the World of Pseudo-Isidore

Nowhere was Pseudo-Isidore more successful than in his total destruction of the Western chorepiscopate. In consequence, chorbishops remain a little-studied curiosity even for many early medieval historians, and some introductory remarks on the history of this clerical rank and their position in Pseudo-Isidore's world are in order.

Chorbishops originated in the Eastern church. We first hear of them in the decrees of fourth-century Greek councils; the canonical appendix to Ps.-Leo cites many of the *loci classici*<sup>5</sup>. Chorbishops appear in these canons as episcopal vicars, whose mission is to provide episcopal faculties in the countryside. They received a kind of subordinate episcopal consecration from their diocesan and they acted as his direct representatives. While a handful of Western chorbishops are attested from Late Antiquity, as an institution the chorepiscopate did not take root in Europe until the era of the Anglo-Saxon missions<sup>6</sup>. Chorbishops were particularly useful to missionaries, for they could attend to far-flung rural populations and consecrate distant churches beyond the reach of ordinary bishops. In later decades, chorbishops became an integral part of the Frankish church on both sides of the Rhine. Gradually they lost their association with missionary enterprises and began to serve in administrative roles, in some cases assuming the leadership of dioceses during protracted vacancies, while secular magnates attached the rev-

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5) The oldest canonical reference is the Council of Ancyra (314), c. 13: ed. Cuthbert Hamilton TURNER, *Ecclesiae Occidentalis Monumenta Iuris Antiquissima* (hereafter, EOMIA) 2, 1 (1907) p. 84f. On this difficult text, see Cyril C. RICHARDSON, *The Riddle of the 13th Canon of Ancyra*, *Church History* 16 (1947) p. 32–36. Thereafter, chorbishops are also attested in the acts of Neocaesarea (314–325), c. 13 (ed. TURNER, EOMIA 2, 1 p. 136–139); Antioch (341), c. 8, 10 (ed. *ibid.*, p. 254–257); Laodicea, c. 57 (ed. *ibid.*, p. 386f.).

6) The standard study on western chorbishops remains Theodor GOTTLOB, *Der abendländische Chorepiskopat* (Kanonistische Studien und Texte 1, 1928); on Western institutional origins, see p. 21–25, and for much of the rest of what follows, esp. p. 102–135. Newer assessments include Jörg MÜLLER, *Gedanken zum Institut der Chorbischöfe*, in: *Medieval Church Law and the Origins of the Western Legal Tradition. A Tribute to Kenneth Pennington*, ed. Wolfgang P. MÜLLER / Mary E. SOMMAR (2006) p. 77–94; and Rudolf POKORNY, *Ein übersehenes karolingisches Briefgutachten zugunsten der Chorbischöfe*, *ZRG Kan.* 99 (2013) p. 361–381. The first to consider ninth-century campaigns against the chorepiscopate in light of the Pseudo-Isidorian forgeries was Julius WEIZSÄCKER, *Der Kampf gegen den Chorepiskopat des fränkischen Reichs im neunten Jahrhundert. Eine historische Untersuchung* (1859).

enues<sup>7</sup>. A letter of Pope Zachary to Pippin III from 747, enshrined in the Codex Carolinus, describes their office via Antioch, c. 10<sup>8</sup>; forty years later, Charlemagne's Admonitio generalis again recalls this chor-episcopal „magna charta“ in reminding chorbishops to adhere to their *modus mensurae*<sup>9</sup>.

Normative sources do not speak of chorbishops again until late in the reign of Louis the Pious. By this time, they had attracted the enmity of powerful reformers, who wished to abolish their office entirely. It has been usual to portray these abolitionists as one facet of the broader reformist initiative that had been gathering momentum within the Frankish church since the reign of Charlemagne<sup>10</sup>. Nothing, however, suggests that chorbishops faced widespread opposition before Pseudo-Isidore. Their office was in no way irregular, and the identities of the abolitionists are almost entirely obscure to us. Beyond the Pseudo-Isidorian forgeries and Ps.-Leo, only three sources speak against chorbishops at all. These are two western councils from 829 and 845, and a letter that Hincmar of Reims addressed to Pope Leo IV around 850<sup>11</sup>.

Pseudo-Isidore, Ps.-Leo and the councils of 829 and 845 all deploy a common argument against chorbishops. At root, this argument proceeds from a binary view of the clergy, according to which there is only a lower rank, equivalent to the priesthood; and a higher rank, equivalent to the episcopate. Support for this theory is found in Neocaesarea,

7) See the many cases documented by GOTTLÖB, *Chorepiskopat* (as n. 6) p. 23–101.

8) Cf. *ibid.* p. 103f.; the letter (J<sup>3</sup> 3971) is ed. Wilhelm GUNDLACH, *MGH Epp.* 3 (1892) p. 480f.

9) For Antioch, c. 10 as the „magna charta des Chorbischofsinstituts“, see MÜLLER, *Gedanken* (as n. 6) p. 81. The Admonitio generalis, c. 9 (Die Admonitio generalis Karls des Großen, hg. von Hubert MORDEK / Klaus ZECHIEL-ECKES / Michael GLATTHARR [MGH Fontes iuris 16, 2012] p. 188 l. 76–78) also references Ancyra, c. 13: *Sacerdotibus. Item in eodem concilio simul et Acyronense, ut corepiscopi cognoscant modum suum et nihil faciant absque licentia episcopi, in cuius parochia habitant.*

10) So for example MÜLLER, *Gedanken* (as n. 6), esp. p. 80.

11) See also the short instructions for Reims clergy drawn up probably around 816 by Ebo of Reims, *De ministris Remensis ecclesiae* c. 3, ed. Martina STRATMANN, *De ministris Remensis ecclesiae. Eine Schrift Ebos von Reims zur Diözesanverwaltung*, in: *Aus Archiven und Bibliotheken. Festschrift für Raymund Kottje zum 65. Geburtstag*, hg. von Hubert MORDEK (Freiburger Beiträge zur Mittelalterlichen Geschichte 3, 1992) p. 121–135 at p. 134f. Ebo assigns chorbishops a starkly limited role that seems to presage their looming demise. On this intriguing text see also GOTTLÖB, *Chorepiskopat* (as n. 6) p. 114: „[...] es sind alles nur priesterliche oder pfarramtliche Funktionen, die [Ebo dem Chorbischof] zuweist“.

c. 13, which says that both priests and chorbishops are modelled *ad exemplum et formam septuaginta*<sup>12</sup>. This is a reference either to the seventy-two disciples from Luke 10, 1–11, who were appointed to assist the apostles; or to the seventy elders of Num. 11, 16–25, who were granted a part of Moses's spirit<sup>13</sup>. Within the church, the abolitionist argument goes, only these two patterns of clergy exist, such that any authority circumscribing priestly faculties limits chorbishops in the same way; and any authority granting a faculty to bishops alone implicitly denies this faculty to priests and chorbishops as well. Wherever abolitionist arguments occur, we find references to J<sup>3</sup> 701, a seemingly unrelated decretal of Innocent I to Decentius of Gubbio, wherein Innocent declares that priests may not perform confirmation because they do not have the *pontificatus apex*. To prove this point, Innocent invokes Acts 8, 14–17, in which the deacon Philip baptises new converts, who must then wait for the apostles Peter and John to grant them the Holy Spirit. This passage appealed to the abolitionists, for they were above all eager to exclude chorbishops from confirmation<sup>14</sup>. Also subject to abolitionist scruples were any clerical ordinations that involved the laying on of hands, which entailed the impartation of the Holy Spirit. This excluded chorbishops from ordaining to any clerical rank beyond the subdiaconate. According to the abolitionists, illicit consecrations by chorbishops were invalid and to be repeated by regularly consecrated bishops.

The first shot across the bow of the Frankish chorepiscopate issued from the 829 Council of Paris. Among the extensive acts of this great reform synod we find a partial and deliberately enfeebled statement of the abolitionist argument at c. 27: *Ut corepiscopi modum mensurae*,

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12) TURNER, EOMIA 2 (as n. 5) p. 139 l. 8f.

13) In Neocaesarea, c. 13 the *septuaginta* reference is ambiguous; Isidore of Seville, *De ecclesiasticis officiis* II, 6, 1 (ed. MIGNE, PL 83 col. 786f.) makes the connection to Numbers. Ps.-Leo, following his source (the Second Council of Seville, which had convened under Isidore), makes a parallel argument likewise from Old Testament sources, according to which Moses and Aaron represent the *principes sacerdotum*, while the sons of Aaron prefigure the *presbyteri* beneath them.

14) Innocent I, J<sup>3</sup> 701: ed. Robert CABRIÉ, *La lettre du Pape Innocent I<sup>er</sup> a Décentius de Gubbio* (19 Mars 416). Texte critique, traduction et commentaire (Bibliothèque de la Revue d'histoire ecclésiastique 58, 1973) p. 22f. l. 53–64. The excerpt corresponds to the third chapter of both the Dionysian and Hispana recensions of this letter. Compare François PITHOU, *Codex canonum vetus ecclesiae Romanae* (21687) p. 194f.; and Francisco Antonio GONZÁLEZ, *Epistolae decretales ac rescripta Romanorum pontificum* (1821) p. 11.

*qui in sacris canonibus prefixus est, non excedant.* The text beneath this rubric characteristically invokes Neocaesarea, c. 13, and the seventy disciples from Luke 10, 1–10; it also quotes Acts 8, 14–17 in extenso, which must be read as an indirect allusion to J<sup>3</sup> 701. The canon is thus poised to equate chorbishops with priests, and yet it studiously avoids drawing this conclusion. Priests are mentioned not a single time; the citation from Neocaesarea is carefully truncated, such that the analogy of the seventy disciples appears to apply to chorbishops alone. Paris 829, c. 27 concludes by quoting Antioch, c. 10, likewise in truncated form, excising the crucial lines saying that chorbishops are to be consecrated by the bishop of their diocese and that they may consecrate priests and deacons with episcopal permission<sup>15</sup>. An abbreviated version of the Paris 829 statement, with identical force and identical citations from Neocaesarea, c. 13 and Antioch, c. 10, recurs in the *Episcoporum relatio* that the Paris fathers directed to Louis the Pious later that same year<sup>16</sup>.

The abolitionist campaign announced at Paris 829 provoked opposition, and two extended defences of the chorepiscopate have come down to us. The first, fragmentary and anonymous, cannot be located or dated precisely. Because it does not appear to know any Carolingian-era legislation against chorbishops at all, it is perhaps a relic of the discussions that preceded the Paris legislation. Like our very own Ps.-Leo, it too carries a canonical appendix, where we find among other things a characteristic excerpt from Innocent I, J<sup>3</sup> 703<sup>17</sup>. The second

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15) Paris 829, c. 27: ed. Albert WERMINGHOFF (MGH Conc. 2, 2, 1908) p. 629 l. 5 – p. 630 l. 23. On Paris 829 in general see Steffen PATZOLD, *Episcopus. Wissen über Bischöfe im Frankenreich des späten 8. bis frühen 10. Jahrhunderts* (Mittelalter-Forschungen 25, 2008) p. 149–168; and Wilfried HARTMANN, *Die Synoden der Karolingerzeit im Frankenreich und in Italien* (Konziliengeschichte A, Darstellungen 6, 1989) p. 181–187. The decrees of the council, including c. 27, appear to have been drafted by Jonas of Orléans: thus Joachim SCHARF, *Studien zu Smaragdus und Jonas*, DA 17 (1961) p. 333–384, at p. 371–384; a reasonable supposition would be that Jonas himself muted the abolitionist polemic. In place of the instructions in Antioch, c. 10 on how chorbishops are to be ordained, and whom they might consecrate (TURNER, *EOMIA* 2, 1 [as n. 5] p. 263b l. 9 – p. 265b l. 19: *ordinent etiam – subiectus est*), Paris 829, c. 27 adds this obfuscatory statement: *Ordinatio ... corepiscoporum qualiter fieri debeat et qualiter qualesve ipsi ordinationes iubentibus episcopis suis facere debeant, iura canonum liquido decernunt* (ed. WERMINGHOFF, p. 630 l. 16–18).

16) Ed. Alfred BORETIUS / Victor KRAUSE (MGH Capit. 2, 1897) p. 32 l. 17–31.

17) Ed. POKORNY, *Karolingisches Briefgutachten* (as n. 6) p. 374–381, with the capitulary appendix of six items from p. 379. Its contents are Neocaesarea c. 13,

defence of chorbishops is a letter that Hrabanus Maurus wrote to Drogo of Metz between 835 and 842<sup>18</sup>. In this text, Hrabanus characterises the abolitionists as western bishops who have developed reservations about the worth of the sacraments that chorbishops confer. They believe these sacraments are invalid and that they should be repeated by ordinary bishops. Alongside confirmation, Hrabanus acknowledges their concern over clerical consecrations, a subject avoided by Paris 829, and objects to the equation of chorbishops with priests<sup>19</sup>. Hrabanus also addresses Acts 8, pointing out that the Philip who had baptised new converts but could not confirm them was a deacon, and that the episode has no relevance for chorbishops at all<sup>20</sup>. Hrabanus, it is clear, knows fuller arguments than those promulgated by the fathers at Paris, but the full abolitionist vision, with its binary view of the Christian clergy, remains beyond him. The bulk of his letter is consumed with scriptural exhortations to fraternity and humility.

No answer from Drogo to Hrabanus's letter is known. The next reform council, held at Aachen in 836, restates a great part of the canons enacted at Paris 829, but declines to re-issue c. 27<sup>21</sup>. The abolitionists might have found themselves out of power after Lothar's failed coup of 833/34, or perhaps their attacks on the office were no longer politically viable. From other sources we know that Louis had installed interim chorepiscopal administrators to manage the dioceses of at least a few of his deposed episcopal opponents<sup>22</sup>. The abolitionists could not renew

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Ancyra c. 12, Antioch c. 10, Innocent J<sup>3</sup> 701, c. 3, along with excerpts from Isidore of Seville: *Etymologiae* VII, 12, 4–15 (ed. W.M. LINDSAY, *Etymologiarum sive Originum Libri XX*, vol. 2 [1911]) and *De ecclesiasticis officiis* II, 6, 1 (ed. MIGNE, PL 83 col. 786f.). On the date of the letter, POKORNY, *Karolingisches Briefgutachten* p. 367; „Mit aller gebotenen Vorsicht“ it appears to have been written „eher noch vor der Mitte des 9. Jahrhunderts“.

18) So also *ibid.*, p. 364 n. 12, tightening slightly the chronological window in the edition of Ernst DÜMMLER (MGH Epp. 5, 1899) p. 431–439. On this letter see also GOTTLÖB, *Chorepiskopat* (as n. 6) p. 110–112; and WEIZSÄCKER, *Kampf gegen den Chorepiskopat* (as n. 6) p. 27–32.

19) Hrabanus's summary of the debate is ed. DÜMMLER, MGH Epp. 5 (as n. 18) p. 431 l. 28–p. 432 l. 1.

20) *Ibid.*, p. 435 l. 7–41.

21) On Aachen 836 (ed. WERMINGHOFF, MGH Conc. 2, 2 [as n. 15] p. 704–724), see GOTTLÖB, *Chorepiskopat* (as n. 6) p. 110, and more generally HARTMANN, *Synoden der Karolingerzeit* (as n. 15) p. 190–194. Jonas of Orléans was closely involved in this council, as he had been in Paris 829, and drafted the letter to Pippin of Italy (ed. WERMINGHOFF, p. 725–767).

22) This must have been the case at Reims, as we will see just below. It perhaps also happened at Lyon: The rubric prefacing Florus's letter denouncing Amalarius,

their campaign until the 845 Council of Meaux/Paris, which convened under Charles the Bald just after Hincmar's consecration as archbishop of Reims. At c. 44, Meaux/Paris finally provides a full statement of all those prohibitions that the abolitionist argument seems designed to achieve. It denies to chorbishops the consecration of chrism, the consecration of churches, confirmation, and ordinations to the diaconate or priesthood. Even ordinations to lower ranks are to be performed with diocesan permission only. As its sole authority, c. 44 invokes the *decreta Innocentii*, namely J<sup>3</sup> 701, and concludes with a novel prohibition: Upon the death of their diocesan, chorbishops are not to assume episcopal ministries, *quia ex hoc magnum scandalum et divisionem rerum ecclesiasticarum atque dilationem in canonicè ordinandis episcopis dei ecclesiis accidisse conspeximus*<sup>23</sup>. This concern appears to reflect the personal concerns of Hincmar of Reims. In a letter to Pope Leo IV from around 850, Hincmar laments the depredations that chorbishops had wrought upon the property of the Reims diocese during vacancies that followed the pontificates of Tilpin and Ebo<sup>24</sup>.

Scholars have detected traces of Pseudo-Isidorian influence throughout the decrees of Meaux/Paris 845; c. 44 on chorbishops is among the most directly suspicious moments<sup>25</sup>. It is likely that Pseudo-Isidore's

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who had been installed at Lyon following Agobard's deposition in 835, calls him a chorepiscopus: ed. DÜMLER, MGH Epp. 5 (as n. 18) p. 267 l. 28f. See also GOTTLÖB, Chorepiskopat (as n. 6) p. 63, who holds to an obsolete theory of Amalarius's biography (according to which there were two clerics named Amalarius: refuted forever by his editor, Johann Michael HANSENS, *Amalarii episcopi Opera Liturgica I* [Studi e testi 138, 1948] p. 39–49), but also recognises evidence favouring that Amalarius was a chorbishop.

23) Ed. Wilfried HARTMANN (MGH Conc. 3, 1984) p. 105 l. 18–p. 106 l. 12.

24) Also GOTTLÖB, Chorepiskopat (as n. 6) p. 93. Hincmar's letter is lost but summarised by Flodoard, *Historia Remensis Ecclesiae* 3, 10 (ed. Martina STRATMANN [MGH SS 36, 1998] p. 206 l. 10–14): *In hac vero epistola de his, quos temeritas corepiscopalis ordinare vel quod sanctum spiritum consignando tradere presumebat, requisivit et quod terrena potestas hac materia sepe offenderet, ut videlicet episcopo quolibet defuncto per chorepiscopum solis pontificibus debitum ministerium perageretur et res ac facultates ecclesie secularium usibus expenderentur, sicut et in nostra ecclesia iam secundo actum fuisset*. According to Jean DEVISSE (Hincmar archevêque de Reims 845–882 [Travaux d'histoire ethico-politique 29, 1975–76] vol. 1 p. 50f.) the letter dates to 849/850; GOTTLÖB, Chorepiskopat (as n. 6) p. 97 locates the two vacancies in the period following the death of archbishop Tilpin (around 795) and then Ebo's deposition. This is also the interpretation of STRATMANN, MGH SS 36, p. 206 n. 6.

25) For an overview of the council, complete with an indication of moments of Pseudo-Isidorian influence: HARTMANN, *Synoden der Karolingerzeit* (as n. 15) p. 208–217. Beyond c. 44, the influence is apparent in cc. 46, 60–61 and 81. Sethi-

associates, if not the forger himself, attended the synod and personally influenced deliberations there. Nobody could yet have known his forgeries, which would not circulate for at least another seven years<sup>26</sup>.

The False Capitularies of Benedictus Levita restate the Paris 829 legislation on chorbishops in the abbreviated form of the *Episcoporum relatio*. They surround these *authentica* with forgeries that rehearse the whole of the abolitionist argument. Within the False Decretals of Isidorus Mercator, three separate forgeries, in the names of Ps.-Damasus I, our very own Ps.-Leo, and Ps.-John III, attack chorbishops along very similar lines. This campaign proved effective, for the office all but disappears from our sources by the end of the ninth century. When Pope Nicholas I enjoined the Franks in 864 from repeating consecrations that had been conferred by chorbishops, nobody seems to have paid attention<sup>27</sup>. The 893 Council of Metz decreed the opposite; basilicas consecrated by chorbishops were to be re-consecrated by regular bishops, *quia iuxta decreta Damasi papae, Innocentii et Leonis vacuum est atque inane, quicquid in summi sacerdotii chorepiscopi egerunt ministerio; et quod et ipsi iidem sint qui et presbyteri, sufficienter invenitur*<sup>28</sup>. The references are to Innocent I (J<sup>3</sup> 701), Ps.-Leo, and finally to Ps.-Damasus from the False Decretals.

An important preliminary question, is where in this chronology Ps.-Leo is best located. This is a forgery with clear ties to the abolitionist party, and it reflects the anxieties of these reformers, who aimed to eliminate a clerical office described in ancient canons of unimpeachable authority, and regarded as legitimate by the papacy and a greater part of the Frankish clergy. The canonical appendix that we find in the earliest version of Ps.-Leo opens, as we have seen, with c. 6 of the 829 *Episcoporum relatio* to Louis the Pious. The whole of Ps.-Leo preceding this citation does little more than equate chorbishops with priests and deny both offices all episcopal faculties. Ps.-Leo, in other words, says precisely what Paris 829 and the *Episcoporum relatio* leave

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na WATSON, *On Hospitals. Welfare, Law, and Christianity in Western Europe, 400–1320* (Oxford Studies in European History, 2020) p. 194–210 outlines, in the course of extensive analysis, important Pseudo-Isidorian influence also on c. 40.

26) The entire problem of Pseudo-Isidore's earliest reception – possibly as early as 852, certainly in 857 – is reviewed in FUHRMANN, *Pseudo-Isidorian Forgeries* (as n. 3) p. 173–176.

27) J<sup>3</sup> 5923, ed. Ernst PERELS (MGH Epp. 6, 1925) p. 634a l. 15–27; see also GOTTLÖB, *Chorepiskopat* (as n. 6) p. 130.

28) Metz 893, c. 8, ed. Wilfried HARTMANN (MGH Conc. 5, 2012) p. 311 l. 26–28; see also GOTTLÖB, *Chorepiskopat* (as n. 6) p. 134.

unsaid. While J<sup>3</sup> †1118 cannot be dated precisely, it must be placed in the aftermath of the 829 Council of Paris. The simplest view would be that it represents an abolitionist's reaction to the infirmity of the Paris decrees.

## II. Tradition

*De privilegio chorepiscoporum* survives in four distinct recensions. We might call the earliest of them Ps.-Leo extravagans, because it is not a fixed component of any collection. The other three are best known as the Pseudo-Isidorian recensions, for they occur in different versions of the False Decretals, and arise from later redactions to the original extravagans text.

1. Ps.-Leo extravagans. Five canonical manuscripts attest to Ps.-Leo extravagans, a recension that, to date, has been known only through an 1867 printing by Friedrich Maassen<sup>29</sup>. In all but one case, Ps.-Leo extravagans represents a slightly later addition to the codex in which it occurs.

E<sub>1</sub>: Berlin, Staatsbibl. Preußischer Kulturbesitz, Hamilton 132 (mid-9th c.), fols. 95r–v.

E<sub>2</sub>: Paris, Bibl. nat., Ms. lat. 1453 (9th c., 2nd quarter, Orléans), fols. 5r–v: Maassen's source.

E<sub>3</sub>: Paris, Bibl. nat., Ms. lat. 3838 (9th c., France), fol. 168r.

E<sub>4</sub>: London, British Library, Harley 3845 (9th c., 3rd quarter, NE France) fols. 146r–147v.

E<sub>5</sub>: Troyes, Médiathèque Municipale, 1406 (9th/10th c.), fols. 17r–19r.

In E<sub>4</sub>, J<sup>3</sup> †1118 is copied onto empty space following an overlooked copy of the „first edition“ of the Symmachian forgeries, sixth-century fictions from the time of Pope Symmachus I that defend papal immunity and that enjoyed some circulation in the Frankish kingdoms<sup>30</sup>. E<sub>2</sub>

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29) Friedrich MAASSEN, *Bibliotheca Latina iuris canonici manuscripta*. Erster Theil: Die Canonessammlungen vor Pseudoisidor, II. Frankreich (1867) p. 188f.

30) On E<sub>4</sub>: Bernhard BISCHOFF, *Katalog der festländischen Handschriften des neunten Jahrhunderts II: Aus dem Nachlaß hg. von Birgit EBERSPERGER* (2004) p. 121 (n. 2481). E<sub>4</sub> consists of two distinct codicological units: The first, through fol. 122, carries the *Collectio Dacheriana*: See Lotte KÉRY, *Canonical Collections of the Early Middle Ages (ca. 400–1140) (History of Medieval Canon Law, 2013)* p. 88; Hubert MORDEK, *Kirchenrecht und Reform im Frankenreich. Die Collectio Vetus Gallica, die älteste systematische Kanonessammlung des fränkischen Gallien*

and E<sub>3</sub>, meanwhile, are both manuscripts of a special form of the *Collectio Dionysio-Hadriana*, distinguished by peculiar prefatory material. As Emil Seckel recognised long ago, this form of the *Dionysio-Hadriana* was also known to Pseudo-Isidore. Our forger's interpolated *Hispana* incorporates part of the prefatory apparatus from this *Dionysio-Hadriana* recension, and Isidorus Mercator's preface in the A1 and A2 versions of the *False Decretals* draws on one of the rubrics specific to this recension<sup>31</sup>. As with E<sub>4</sub>, E<sub>2</sub> and E<sub>3</sub> receive Ps.-Leo as a later addition – in E<sub>2</sub>, on what appears to be a tipped-in folio among pieces preceding the *Canones Apostolorum*; and in E<sub>3</sub>, on a final flyleaf<sup>32</sup>.

Our latest witness to Ps.-Leo extravagans, E<sub>5</sub>, is also the only one that does not present the forgery as a later addition. The text instead occurs following the so-called Argrim Dossier from the province of

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(*Beiträge zur Geschichte und Quellenkunde des Mittelalters* 1, 1975) p. 262. The second, from fol. 123–147 has this unnoticed copy of the *Symmachian documenta*, as ed. and trans. Eckhard WIRBELAUER, *Zwei Päpste in Rom: Der Konflikt zwischen Laurentius und Symmachus (498–514)* (*Quellen und Forschungen zur antiken Welt* 16, 1993) p. 225–302. The entire codex is digitised at [https://www.bl.uk/manuscripts/FullDisplay.aspx?ref=Harley\\_MS\\_3845](https://www.bl.uk/manuscripts/FullDisplay.aspx?ref=Harley_MS_3845).

31) Emil SECKEL, *Die erste Zeile Pseudoisidors, die Hadriana-Rezension In nomine domini incipit praefatio libri huius* und die Geschichte der Invokationen in den Rechtsquellen, aus dem Nachlaß mit Ergänzungen hg. von Horst FUHRMANN (SB Berlin, 1959), *passim* on the rubric and its importance; and esp. p. 24–31 on the introductory items and *Dionysio-Hadriana* manuscripts that carry them. The first two *Adnotationes* described *ibid.* p. 26, are received by the interpolated *Hispana* (Vatican, *Bibl. Apost.*, lat. 1341) at fols. 1v–2v: transcr. Annette GRABOWSKY, [http://www.benedictus.mgh.de/quellen/chga/chga\\_001t.htm](http://www.benedictus.mgh.de/quellen/chga/chga_001t.htm) and [http://www.benedictus.mgh.de/quellen/chga/chga\\_002t.htm](http://www.benedictus.mgh.de/quellen/chga/chga_002t.htm). The other manuscripts of this *Dionysio-Hadriana* recension are overwhelmingly from northern France, and two hail specifically from Reims: Reims, *Bibl. Mun.*, 671 (on which see BISCHOFF, *Katalog der festländischen Handschriften des neunten Jahrhunderts III: Aus dem Nachlaß hg. von Birgit EBERSPERGER* [2014] p. 273 [n. 5301]: 9th c., first quarter) was copied before Hinemar's pontificate, but Berlin, *Staatsbibl.*, Ms. *Phillipps* 1741 (BISCHOFF, *Katalog der festländischen Handschriften des neunten Jahrhunderts I* [1998] p. 88 n. 419: 9th c., third quarter) represents his own working copy of the *Dionysio-Hadriana*.

32) On E<sub>2</sub>: BISCHOFF, *Katalog III* (as n. 31) p. 33 (n. 4013), dating the codex to the first quarter of the ninth century, with additions from the second quarter; also KÉRY, *Canonical Collections* (as n. 30) p. 16. Digitisation at <https://gallica.bnf.fr/ark:/12148/btv1b9078242r>. On E<sub>3</sub>: BISCHOFF, *Katalog III* p. 90 (n. 4279); and Hubert MORDEK, *Bibliotheca capitularium regum Francorum manuscripta. Überlieferung und Traditionszusammenhang der fränkischen Herrschererlasse* (MGH *Hilfsmittel* 15, 1995) p. 435–438, with complete older bibliography; finally KÉRY, *Canonical Collections* (as n. 30) p. 11, 16. Digitised at <https://gallica.bnf.fr/ark:/12148/btv1b9078242r>.

Lyon, and before an extensive and well-studied collection of excerpts from Pseudo-Isidore<sup>33</sup>.

This leaves E<sub>1</sub>, a codex well known to students of Pseudo-Isidore. At base it is another Dionysio-Hadriana manuscript, copied just after 800 by Corbie scribes in a-b minuscule. The Hadriana subtype is however different than that on hand in E<sub>2</sub> and E<sub>3</sub>. Here is an earlier form of the collection, distinguished not by its prefatory items, but by a very rare appendix of supplements from the Hispana, known to scholarship as the *Collectio Sancti Amandi*. Well after 800, Caroline scribes reworked the a-b codex at the core of E<sub>1</sub>, to bring the content and arrangement of this bipartite collection into closer alignment with Pseudo-Isidore's interpolated Hispana. It is the Caroline redactors of E<sub>1</sub> who add J<sup>3</sup> †1118, along with many other expansions from the Hispana, to the eight-letter Leonine dossier native to the Dionysio-Hadriana and original to this codex<sup>34</sup>. As in E<sub>2</sub> and E<sub>3</sub>, we find that Ps.-Leo extravagans in E<sub>1</sub>

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33) The immediate textual context of Ps.-Leo in E<sub>5</sub> is potentially interesting, and has never been precisely described: Following the Argrim Dossier (on which see esp. Rudolf POKORNY, Ein unerkanntes Brieffragment Argrims von Lyon-Langres aus den Jahren 894/95 und zwei umstrittene Bischofsweihe in der Kirchenprovinz Lyon, *Francia* 13 [1985] p. 602–622; further references in KÉRY, *Canonical Collections* [as n. 30] p. 180) at fol. 1r–11r, is perhaps the only extant manuscript copy of Nicholas I, J<sup>3</sup> 5962 (MGH Epp. 6 [as n. 27] p. 641–644), at fol. 11r–13r; then two works by Florus against the Jews, namely *De fugiendis contagiis Iudeorum* and *De coertione Iudeorum* (on which KÉRY, *Canonical Collections* [as n. 30] p. 171f. and Bernhard BLUMENKRANZ, *Deux compilations canoniques de Florus de Lyon: De Coertione Iudeorum et De fugiendis contagiis et l'action anti-juive d'Agobard*, *Revue historique de droit français et étranger* IV/33 [1955] p. 227–254 and p. 560–582); an excerpt from *Vetus Gallica XXXV, 1: DE REBUS ECCLESIAE ABSTRACTIS AUT CONTRADICTIS* (see MORDEK, *Kirchenrecht und Reform* [as n. 30] p. 178f.); then our Ps.-Leo; then, curiously, an excerpt from Hincmar, Ep. 331, a text otherwise known only in Berlin, Staatsbibl., Phillips 1769 (ed. Rudolf SCHIEFFER, MGH Epp. 8, 2 [2018] p. 454 l. 35 – p. 455 l. 9); some canonical items at fol. 19r–v; and finally extensive excerpts on procedural law from Book 9 of Alaric's Breviary at fol. 19v–22v.

34) On E<sub>1</sub>: Paul HINSCHIUS, *Die kanonistischen Handschriften der Hamilton'schen Sammlung im Kupferstich-Kabinett des königlichen Museums zu Berlin*, ZKG 6 (1884) p. 193–246 at p. 193–238, esp. p. 205f., 227; BISCHOFF, *Katalog I* (as n. 31) p. 74 (n. 353); MORDEK, *Bibliotheca capitularium* (as n. 32) p. 29–34 (particularly useful for an accounting of capitulary additions to the codex); Helmut BOESE, *Die lateinischen Handschriften der Sammlung Hamilton zu Berlin* (1966) p. 72–75; and, most recently, Warren PEZÉ, *Une controverse carolingienne sur le corps ressuscité du Christ. Le traité inédit du ms. Hamilton 132, Sacris Erudiri* 60 (2021) p. 205–270, esp. p. 206–208. Insightful on many matters, but especially on the original form of the a-b codex, is Harald WILLJUNG, *Das Konzil von Aachen*

occurs on a tipped-in folio, namely fol. 95. The placement is curious and must be deliberate, seeing as fol. 95 locates *De privilegio chorepiscoporum* directly after Leo's authentic J<sup>3</sup> 916. This is not only the last of Leo's letters in the Dionysio-Hadriana, but also the authentic source after which the exordium of Ps.-Leo has been modelled. What is more, E<sub>1</sub> provides the best text of the extravagans recension. Here, it seems, we are very near the origins of J<sup>3</sup> †1118<sup>35</sup>.

2. The Pseudo-Isidorian recensions. There are three of these, corresponding to the A1, A/B, and C versions of the False Decretals. The best-known today is the A1 recension of Ps.-Leo, because it was print-

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809 (MGH Conc. 2, Suppl. 2, 1998) p. 48–62; the unredacted E<sub>1</sub> shows many similarities in contents and arrangement to Paris, Bibl. nat., Ms. lat. 3846. Both appear to descend from a common exemplar of the Dionysio-Hadriana / *Collectio Sancti Amandi* ensemble (on this latter, named for Paris, Bibl. nat., lat. 3846: KÉRY, Canonical Collections [as n. 30] p. 84f.). Abigail FIREY, Canon Law Studies at Corbie, in: *Fälschung als Mittel der Politik? Pseudoisidor im Licht der neuen Forschung. Gedenkschrift für Klaus Zechiel-Eckes*, hg. von Karl UBL / Daniel ZIEMANN (MGH Studien und Texte 57, 2015) p. 19–79, esp. p. 42–50, has written extensively on E<sub>1</sub>. Her discussion must be disregarded as almost entirely mistaken and unreliable; her thesis that the Caroline scribes of this codex are not redactors, but near-contemporary collaborators with a-b scribes in the production of E<sub>1</sub>, is impossible. Compare KNIBBS, *Firey Review*, Part II/1: The Production of Berlin, Hamilton 132, at <https://pseudo-isidore.com/2019/10/18/firey-review-part-ii-1-the-production-of-berlin-hamilton-132/>. For our purposes, the most important of Firey's contentions is that the copies of Ps.-Leo in E<sub>1</sub> and E<sub>3</sub> have been made by the same scribe (FIREY, *Canon Laws Studies* p. 50f.). The scripts are not without similarities, but differences are apparent as well, also in matters of orthography. Philological matters also undermine her judgment: E<sub>1</sub> shares an archetype with E<sub>4</sub>, while E<sub>3</sub> presents a slightly different text.

35) The bloc of original Dionysian Leo letters occurs in E<sub>1</sub> at fols. 85r–94v; in the unredacted codex, J<sup>3</sup> 916 occupied fols. 94v–96r (fol. 95 being a later addition), where it was followed by the capitulatio for the decretals of Pope Hilarius and then a Hilarius synod from 465 (J<sup>3</sup> 1138). The running title in the upper margin by a-b scribes corresponding to J<sup>3</sup> 916 is thus divided across fol. 94v and 96r (*Leonis papae / Cesariensis vel Mauritanie*: an error for the correct version that we find at the top margin of fol. 94v: *LEONIS PAPE AD EPISCOPOS CESARIENSES ET MAURITANIE*). When the redactors tipped in fol. 95r, they had to recopy the conclusion of J<sup>3</sup> 916 onto this new leaf, complete with an original explicit they must have found in the unredacted codex: *EXPLICIT DECRETA PAPAE LEONIS*. They then added Ps.-Leo extravagans after this explicit on the tipped-in folio, with its capitulatory appendix continuing onto the verso. On fol. 96r, they erased the old a-b conclusion to J<sup>3</sup> 916, stranded and redundant, as well as the Dionysio-Hadriana capitulatio to Hilarius, adding the Hispana version in its place. They then left the Hilarius synod (J<sup>3</sup> 1138) as the a-b scribes had copied it before them.

ed by Paul Hinschius in his edition of the decretal forgeries<sup>36</sup>. Here we find that the capitulary appendix has been omitted and replaced with a simple *et reliqua*. The appended edition accounts for three A1 representatives:

Ar: Rennes, Bibl. mun., Ms. 134 (9th c.), p. 128.

An: New Haven, Beinecke Library, Ms. 442 (mid-9th c.), fol. 173r.

Ap: Paris, Bibl. nat., Ms. lat. 9629 (9th c.), fol. 140r.

Ar appears to present a special, early form of the A1 version<sup>37</sup>. A somewhat later text occurs in An, the archetype of the so-called Cluny version of the False Decretals, a widely discussed and unfortunately misnamed A1 subtype<sup>38</sup>. Hinschius, who knew neither of these manuscripts, based his edition partly on Ap, a later ninth-century codex that some have located at Laon<sup>39</sup>.

A second Pseudo-Isidorian recension of J<sup>3</sup> †1118 occurs in one codex only, and is so far unedited:

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36) On the A1 version of the False Decretals in general, see HINSCHIUS, *Decretales* (as n. 2) p. XVIII–XXI; and for more recent discussion, ERIC KNIBBS, *Pseudo-Isidore in the A1 Recension*, in: *Fälschung als Mittel der Politik*, hg. von UBL / ZIEMANN (as n. 34) p. 81–95.

37) On Ar, see Schafer WILLIAMS, *Codices Pseudo-Isidoriani: A Palaeographico-Historical Study* (*Monumenta Iuris Canonici, Series C: Subsidia* 3, 1971) p. 149f. (n. 55A) and BISCHOFF, *Katalog III* (as n. 31) p. 274 (n. 5308): s. IX/X. For some of its archaic features, see ERIC KNIBBS, *Pseudo-Isidore's Ennodius*, *DA* 74 (2018) p. 1–52, esp. p. 12–19. The codex has been mis-bound and is missing Part 2 of the False Decretals (the Hispana councils), which survive only in seventeenth-century copy as Rennes, Bibl. Mun., Ms. 135.

38) On An: Barbara A. SHAILOR, *Catalogue of Medieval and Renaissance Manuscripts in the Beinecke Rare Book and Manuscript Library 2* (*Medieval and Renaissance Texts and Studies* 48, 1987) p. 381–395; Charles MCCURRY, *On the Provenance of the Yale Pseudo-Isidore*, *BMCL* 2 (1972) p. 61–67; BISCHOFF, *Katalog II* (as n. 30) p. 311 (n. 3586): western France, 9th c., third quarter. Most recently, KNIBBS, *Pseudo-Isidore in the A1 Recension* (as n. 36) p. 87–90, building on IDEM, *The Interpolated Hispana and the Origins of Pseudo-Isidore*, *ZRG Kan.* 99 (2013) p. 1–71, esp. p. 64–71.

39) On Ap: WILLIAMS, *Codices Pseudo-Isidoriani* (as n. 37) p. 45f. John J. CONTRENI, *Codices Pseudo-Isidoriani: The Provenance and Date of Paris*, *B.N. MS lat. 9629*, *Viator* 13 (1982) p. 1–14 (expanding the arguments of Bernard MERLETTE, *Écoles et bibliothèques à Laon, du déclin de l'Antiquité au développement de l'université*, in: *Actes du 95<sup>e</sup> Congrès national des Sociétés savantes* [Section de philologie et d'histoire jusqu'à 1610 1, 1970] p. 32 n. 61) shows that Paris, Bibl. nat., Ms. lat. 1557 was also once part of the same codex. Both authors suggest origins at Laon. According to BISCHOFF, *Katalog III* (as n. 31) p. 157, Ar (n. 4614) was copied around Reims, 9th c., likely fourth quarter.

B: Leiden, Universitätsbibl., Voss. lat. Q 108 (mid-9th c., Fulda), fols. 76r–77r.

Fols. 68–81 of this manuscript transmit a dossier of Pseudo-Isidorian items against the chorepiscopate, copied by mid-century Fulda scribes, in all likelihood for the benefit of Hrabanus Maurus. As we have seen, Hrabanus defended the chorepiscopate in an extended letter to Drogo of Metz, and so his interest in new legal texts attacking the institution would seem understandable<sup>40</sup>. In B, J<sup>3</sup> †1118 stands alongside Pseudo-Isidore's other decretal forgeries against chorbishops, as well as excerpts from Innocent I's J<sup>3</sup> 701. In B, the Pseudo-Isidorian decretals and Innocent all follow the readings of the A/B version of the False Decretals. While A/B does not transmit Ps.-Leo, the architects of this recension must nevertheless have known J<sup>3</sup> †1118, for we will see that B presents what looks to be their distinct recension of this forgery<sup>41</sup>. Superficially, this A/B recension of Ps.-Leo resembles A1, and likewise concludes suddenly with *et reliqua*.

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40) On B, see above all BISCHOFF, *Katalog II* (as n. 30) p. 62 (n. 2236), who dates these leaves to the second third of the ninth century. According to Klaus ZECHIEL-ECKES, *Altes Recht und falsche Päpste. Überlegungen zu Rezeption und 'kreativer' Transformation spätantiker Literalität im frühen Mittelalter. Mit einem Exkurs zu den sog. Sexti Pythagorici sententiae*, in: *Persistenz und Rezeption. Weiterverwendung, Wiederverwendung und Neuinterpretation antiker Werke im Mittelalter*, hg. von Dietrich BOSCHUNG / Susanne WITTEKIND (Schriften des Lehr- und Forschungszentrums für die antiken Kulturen des Mittelmeerraumes 6, 2008) p. 85–104, at p. 92 n. 24, B is „der wohl älteste Überlieferungsträger“ of Pseudo-Isidorian decretals: „Nach meiner paläographischen Einschätzung sind die 15 Leidener Blätter vor der Jahrhundertmitte zu datieren – was von der Bischoffschen Situierung ja problemlos gedeckt wird“. This optimistic speculation becomes fact in Clara HARDER, *Pseudoisidor und das Papsttum. Funktion und Bedeutung des apostolischen Stuhls in den pseudoisidorischen Fälschungen (Papsttum im mittelalterlichen Europa 2, 2014)* p. 61 n. 175, for whom B is flatly the earliest decretals manuscript. Horst FUHRMANN, *Fälscher unter sich: Zum Streit zwischen Hinkmar von Reims und Hinkmar von Laon*, in: *Charles the Bald: Court and Kingdom*, ed. David GANZ / Margaret T. GIBSON / Janet L. NELSON (1981) p. 237–254, at p. 246 n. 4, dates B to „around 850“. B has Ps.-Damasus I, J<sup>3</sup> †571 at fols. 68r–75v; excerpts from the ever-present Innocent decretal, J<sup>3</sup> 701 at fols. 75v–76r; and Ps.-John III, J<sup>3</sup> †2022, at fols. 78r–81r.

41) On the A/B version, see, first, the discussion of HINSCHIUS, *Decretales* (as n. 2) p. LX–LXVII, which erroneously discounts this arrangement of the False Decretals as a later, mixed recension. Compare FUHRMANN, *Pseudo-Isidorian Forgeries* (as n. 3) p. 158f. For a description of Vatican, Bibl. Apost. Vat., lat. 630 – in many ways the best and definitive manuscript of this version – see <https://pseudo-isidore.com/vat-lat-630/>.

This leaves us with the C recension of Ps.-Leo, widely printed since Merlin's edition. In this form of J<sup>3</sup> †1118, we find that the final *et reliqua* has been replaced with the latter half of a genuine letter of Leo I, and none other than J<sup>3</sup> 916 – the very source that we have seen informs the exordium of J<sup>3</sup> †1118. What at first appears to be a curious and perhaps very early textual arrangement, however, emerges upon further investigation as a much later form. The entire C recension of Ps.-Leo derives from an extant A1 codex, namely An, where we have nothing but the ordinary *et reliqua* conclusion. This second association in the C version of J<sup>3</sup> †1118 with its model, J<sup>3</sup> 916, is thus a coincidence; how it came about is a complex matter best relegated to a footnote<sup>42</sup>. In what follows we will set the C recension of Ps.-Leo aside, as the prod-

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42) The form in which the C version presents J<sup>3</sup> 916 and J<sup>3</sup> †1118 is the final stage of a series of redactions, not all of which can be ascribed to Pseudo-Isidore, and which very likely took place over centuries. See CHAVASSE, *Lettres du pape Léon* (as n. 2) p. 32–37. As has been widely discussed (KNIBBS, *Interpolated Hispana* [as n. 38] p. 24–29, on J<sup>3</sup> 916 [*Cum de ordinationibus*] esp. p. 28f., reiterating Friedrich MAASSEN, *Pseudoisidor-Studien* 2, SB Wien 109 [1885] p. 844–848), Pseudo-Isidore's Hispana Gallica descended from a misbound exemplar, which scrambled the text of several Leo and Innocent decretals, J<sup>3</sup> 916 among them. Pseudo-Isidore's attempts to make sense of the tangle deepened the problems, resulting in an overlong composite text of J<sup>3</sup> 916 that mixed three items incoherently: 1) The Dionysio-Hadriana recension of J<sup>3</sup> 916, 2) the scrambled Hispana recension of J<sup>3</sup> 916 and 3) a fragment of J<sup>3</sup> 912 (inc. *Quantum dilectioni tuae*), also from the Hispana. In this form, J<sup>3</sup> 916 was copied into An. Shortly afterwards, An was subject to expansions and redactions, and the order of Leo's letters changed; see KNIBBS, *Interpolated Hispana* [as n. 38] p. 64–71. These redactors erased the fragment of J<sup>3</sup> 912 from the midst of J<sup>3</sup> 916 but implemented no further revisions, leaving the An recension of J<sup>3</sup> 916 in an intermediary state, less confused than the ordinary A1 recension, but still obviously incoherent. Many codices were ultimately derived from An, and the peculiar configuration of Leo's letters that it carried was christened „Collection 21“ by the brothers Ballerini (CHAVASSE, *Lettres du pape Léon* [as n. 2] p. 32f.). At a still later stage, the An arrangement (Collection 21) was expanded with further letters of Leo I from other sources, yielding what Chavasse has christened the „Collection des 71 Lettres“ (ibid., p. 35f.). Here the correct, substantially shorter Hispana form of J<sup>3</sup> 916 is finally restored. The embedded Dionysio-Hadriana version of the letter – 1) in the list above – is removed from its midst. The architects of the 71-letter collection, however, were apparently unwilling to discard this extraneous piece from the Dionysio-Hadriana, and so they added it to the end of J<sup>3</sup> †1118, providing a proper conclusion to the decretal in place of the much-discussed *et reliqua*. Plainly, they wished only to maintain the external coherence of Ps.-Leo, repurposing this spare textual item as a superficial conclusion. The 71-letter collection eventually found its way to the C form of the False Decretals: CHAVASSE, *ibid.*, 36f.

uct of much later redaction that cannot inform our study of the origins and early history of this text.

In all known recensions, J<sup>3</sup> †1118 suffers from grave textual defects and other infelicities. These are most serious in Ps.-Leo extravagans. We have already noted that in substance J<sup>3</sup> †1118 is little more than Seville II, c. 7 in the recension of the Hispana Gallica. In its unfalsified form, this canon complains that Bishop Agapius of Cordoba had directed priests to consecrate churches. It is hardly surprising, the canon laments, to discover such irregularities in the conduct of a man promoted suddenly from military to episcopal office. Seville II, c. 7 then lists various faculties that are beyond priestly competence. Among other things, this list includes the consecration of churches, the ordination of priests and deacons, the consecration of virgins, confirmation, the consecration of chrism, and the issuing of *epistolae formatae*. At the end, Seville II, c. 7 enumerates further things that the priest may not do *coram episcopo* – that is to say, whenever the bishop is on hand to do them himself. This secondary list comprises matters relating to baptism, penance and the celebration of Mass<sup>43</sup>.

Ps.-Leo extravagans removes the name of Agapius but leaves the broader complaint about the ignorance of the hastily promoted in place. Further on, whenever Seville II, c. 7 mentions priests, Ps.-Leo extravagans inserts a reference to chorbishops, effectively applying the prohibitions outlined at Seville II to both clerical ranks and equating them with each other. Yet, intentionally or otherwise, Ps.-Leo extravagans leaves the final reference to *presbyteri*, which heads the list of things that priests may not do *coram episcopo*, unrevised. The result is a clumsy forgery that outlines two tiers of restrictions – those things

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43) The Hispana Gallica is unedited, but its most complete manuscript, Wien, ÖNB, Ms. 411, exists in facsimile: Otto MAZAL, Wiener Hispana-Handschrift: Vollständige Faksimile-Ausgabe im Originalformat des Codex Vindobonensis 411 (Codices selecti phototypice impressi 41, 1974); Seville II, c. 7 is at fol. 196r–v. Pseudo-Isidore's interpolated recension of Seville II, c. 7 is edited below, p. 496–498. The non-Gallican Hispana text of Seville II, c. 7 council is ed. Francisco Antonio GONZÁLEZ, *Collectio Canonum Ecclesiae Hispanae* (1808) p. 642b–643a; and José VIVES, *Concilios visigóticos e hispano-romanos* (España Cristiana: Textos 1, 1963) p. 167v, 168b. Although his is the earlier edition, González provides the superior text. On Seville II more generally, see José ORLANDIS / Domingo RAMOS-LISSON, *Die Synoden auf der Iberischen Halbinsel bis zum Einbruch des Islam* (Konziliengeschichte Reihe A, Darstellungen 1, 1981) p. 138–143 (for the career of Agapius, see p. 140 n. 99).

forbidden to both chorbishops and priests, and those things forbidden to priests alone.

The A1 recension of Ps.-Leo (Ar, An and Ap) and the A/B recension (B) provide a common set of revisions to the most serious problems posed by Ps.-Leo extravagans. These represent Pseudo-Isidore's fundamental attempts to make Ps.-Leo presentable. Both recensions, we have seen, omit the formally incongruent capitulary appendix in favour of a simple *et reliqua*. They also resolve the worst of the incoherence that Ps.-Leo introduced in his botched attempt to revise the discussion of Agapius into a more generalised complaint. Other revisions are mostly minor<sup>44</sup>, but one warrants special attention, for revealing the priority of the extravagans recension. Here I underline Ps.-Leo's interpolations to the Seville text:

Seville II, c. 7 in the Hispana Ps.-Leo extravagans (Appendix, Gallica: (Wien, ÖNB, Ms. 411, p. 520 l. 3–6):  
fol. 196r l. 32– fol. 196v l. 2):

<p><i>Quod quidem non est mirum id praecepisse virum ecclesiasticis disciplinis ignarum et statim a seculari militia in sacerdotali ministerium delegatum.</i></p>	<p><i>Quod quidem non est mirum id praecepisse viros ecclesiasticis disciplinis ignaros, quod est canonicae regulae contrarium et statim a seculari militia in sacerdotale ministerium est delegatum atque reprehensum.</i></p>
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Having eliminated the specific Agapius, Ps.-Leo extravagans recasts the malefactor in the plural. Yet he leaves *delegatum* singular, perhaps because he has construed it with *id* rather than *virum*. His interpolations at *quod – contrarium* and *est [...] atque reprehensum* only increase the incoherence and corrupt the entire passage. To restore the sense, Pseudo-Isidore in A1 and A/B revises *est – reprehensum* to read *delegatos atque promotos*, but he also leaves *quod – contrarium* in place, an awkward relic of Ps.-Leo's misunderstanding.

Beyond these base revisions, A1 and A/B implement further, independent changes. In this they remind us of Pseudo-Isidore's approach

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44) For example, with page and line references according to the appended edition: p. 519 l. 11 *commeantiumque*] *commeantium* Pseudo-Isidore; p. 520 l. 1 *alia*] *aliorum* Pseudo-Isidore; p. 522 l. 5 *exhortare*] *exhortari* Pseudo-Isidore (also Seville II, c. 7).

45) Wien 411: *sacerdotali*.

to the Hispana Gallica, where we also find both long versions drawing on a common pool of solutions to basic problems and adding further enhancements independently<sup>46</sup>. The changes specific to A1 are minor<sup>47</sup>. Most remarkable are a few stylistic revisions. Whereas elsewhere Ps.-Leo is headed by a rubric reading *epistola Leonis papae [...] ad universos germaniae et europae atque galliae [...] episcopos*, A1 removes the seemingly redundant *et europae*. Subtler still but more interesting is a small change to Ps.-Leo's salutation. Everywhere else this reads *in deo aeterno salutem*, but An and Ap have only *salutem*<sup>48</sup>. In fact, *in deo aeterno* in the salutio is highly marked, occurring only in the pseudonymous epistolary preface to the Martyrologium Hieronymianum and a few pieces of early insular correspondence<sup>49</sup>.

The A/B recension in B provides a different set of changes<sup>50</sup>. It is intriguing to find that in the unique copy of this version, set down – as we have seen – by Fulda scribes, *atque Galliarum* is removed from the address, such that Ps.-Leo seems to direct his words only *universis Germaniarum regionum episcopis*. Additionally, A/B revises the second list of those things priests may not do *coram episcopo*, applying these limitations also to *chorepiscopi vel presbyteri* – rather than, as in Ps.-Leo extravagans and A1, to priests alone.

46) On this aspect of A1 and A/B, see KNIBBS, *Interpolated Hispana* (as n. 38) esp. p. 40–52.

47) With line references according to the appended edition: p. 519 l. 3 *ET EURUPAE*] om. A1; p. 519 l. 6 *in deo aeterno*] om. Ap An (while Ar retains it); p. 519 l. 12 *et*] om. A1; p. 520 l. 7f. *presbytero vel chorepiscopo*] *chorepiscopo vel presbytero* A1; p. 520 l. 13 *idcirco*] om. A1; p. 521 l. 4 *ecclesias vel altaria*] *altaria et ecclesias* A1; p. 521 l. 9f. *vel ad*] *et* A1 (closer to source).

48) While I have not surveyed the entire A1 manuscript tradition, Ar is the only A1 codex I know to retain *in deo aeterno*. In other instances too, Ar appears to preserve more archaic readings not attested elsewhere in the A1 tradition; see KNIBBS, *Pseudo-Isidore's Ennodius* (as n. 4) p. 12–25.

49) I have found four occurrences: 1) Ps. Jerome to Chromatius and Heliodorus, ed. Henri QUENTIN / Hippolyte DELEHAYE (AA SS Nov. II, Pars Posterior, 1931) p. 1; 2) Anonymous ep. to Aldhelm, ed. Ernst DÜMMLER (MGH Epp. 3, 1892) p. 237 l. 19f.; 3) Cutburt, *Epistola de obitu Bedae*, in: *Bede's Ecclesiastical History of the English People*, ed. Bertram COLGRAVE / R. A. B. MYNORS (Oxford Medieval Texts, 1988) p. 80f.; 4) *Beda Venerabilis to Acca of Hexham*, in *Lucae evangelium expositio*, ed. David HURST (CC 120, 1960) p. 6 l. 80.

50) With line references according to the appended edition: p. 519 l. 6 *atque Galliarum*] om. B; p. 519 l. 8 *in Romana ecclesia*] *apud romanam ecclesiam* B; p. 520 l. 6 *nobis*] *vobis* B; p. 520 l. 7 *statuendum oportuit scientes*] *statutum oportet scire* B; p. 520 l. 6–p. 521 l. 1 *quadam ... quadam*] *quaedam ... quaedam* B; p. 521 l. 2 *et ... ac*] *aut ... aut* B; p. 522 l. 1 *presbyteris*] *corepiscopis vel presbyteris* B.

### III. Sources

All of these text-critical moments increase the difficulty of ascribing J<sup>3</sup> †1118 to Pseudo-Isidore without qualification. It would seem more defensible to posit that this is an early, atypical Pseudo-Isidorian product; or that Ps.-Leo represents a Pseudo-Isidorian source produced by a fellow traveller, which our master forger revised in minor ways at different stages of his work. A look at Ps.-Leo's source base confirms this impression.

We have already seen that Ps.-Leo draws heavily upon the Seville II, c. 7 from the Hispana Gallica. Pseudo-Isidore's own peculiar recension of the Gallican Hispana, the interpolated Hispana, likewise carries a manipulated text of Seville II, c. 7. Unfortunately, due to a loss of folios, our best source for this early Pseudo-Isidorian product – Vatican, Bibl. Apost., lat. 1341 – no longer transmits this crucial canon. A basic edition from other witnesses is therefore required to make sense of J<sup>3</sup> †1118. The text below follows Eton, College Library, 97, fol. 360rb (Et), a later copy of the falsified Hispana; as well as Vatican, Bibl. Apost. lat., 630, fol. 179va–b (V), and Ottob. lat. 93, fol. 99vb (O) – representatives of the A/B and A1 versions of the False Decretals. I print Pseudo-Isidore's interpolations in small capitals<sup>51</sup>.

*VII. Septimo examine relatum est nobis venerantissimum<sup>a</sup> quondam Agabium<sup>b</sup> Cordobensis<sup>b</sup> urbis episcopum frequenter CHOREPISCOPOS VEL presbyteros<sup>c</sup> destinasse, QUI TAMEN IUXTA CANONES UNUM SUNT, qui absente pontifice altaria erigerent, basilicas consecrarent. Quod quidem non est mirum id praecepisse virum ecclesiasticis<sup>d</sup> disciplinis<sup>d</sup> 5  
ignarum et statim a seculari militia in sacerdotale ministerium dele-*

a) *venenatissimum* Et.    b) *agapium cordubensis* Et.    c) corr. from *presbyteris* V, over eras. O.    d) *aecclesiasticae disciplinae* Et.

51) On Et, see Joachim RICHTER, *Stufen pseudoisidorischer Verfälschung. Untersuchungen zum Konzilsteil der pseudoisidorischen Dekretalen*, ZRG Kan. 64 (1978) p. 1–72 at p. 25–27. On V, see above, n. 41; and on O, which is probably the best manuscript of the A1 version (although it is incomplete and does not transmit Ps.-Leo), see WILLIAMS, *Codices Pseudo-Isidoriani* (as n. 37) p. 60f. Pseudo-Isidore's copy of the Gallican Hispana had better text than Wien 411 (on which see above, n. 43), the only complete representative of this recension that has come down to us. To identify Pseudo-Isidore's interventions, the ensuing source commentary (n. 52–56) controls deviations from the Gallican text (as represented by Wien 411) against the ordinary Hispana tradition, best represented by GONZÁLEZ, *Collectio Canonum* (as n. 43) p. 642b–643a.

gatum. Ergo, ne ultra talis a nobis licentia usurpetur, communi sen-  
 tentia statuendum oportuit scientes, quia sicut presbytero VEL CHORE-  
 PISCOPO<sup>e</sup> illicita consecratio est altaris, ita et constitutio. In<sup>f</sup> divinis  
 enim litteris praecipiente domino solus Moyses in tabernaculo<sup>g</sup> dei<sup>fg</sup>  
 5 erexit altare<sup>h</sup>, solus<sup>i</sup> ipse unxit, utique quia summus sacerdos dei erat,  
 sicut scriptum est de eo: Moyses et<sup>j</sup> Aaron in sacerdotibus eius. Ideoque  
 id, quod tantum facere principibus sacerdotum iussum est, quorum  
 tipum Moyses et Aaron tenuerunt, presbyteri, qui filiorum Aaron  
 gestant figuram, arripere non praesumant. Nam, quamvis cum episco-  
 10 pis plurima illis misteriorum communis sit dispensatio<sup>k</sup>, quaedam  
 tamen auctoritate veteris legis, quaedam novellis et ecclesiasticis regu-  
 lis sibi prohibita noverint, sicut<sup>l</sup> presbyterorum et diaconorum<sup>l</sup> ac  
 virginum consecratio, sicut constitutio altaris, benedictio vel unctio;  
 siquidem nec BENEDICere<sup>m52</sup> eis<sup>m</sup> ecclesiam vel altaria consecrare, nec  
 15 per inpositionem<sup>n</sup> manus fidelibus baptizandis vel conversis ex here-  
 si<sup>53</sup> paraclitum spiritum tradere, nec crisma conficere, nec chrismate  
 baptizatorum frontem signare, sed nec publice quidem in missa quem-  
 quam paenitentem<sup>54</sup> reconciliare, nec formatas cuilibet epistolas mit-  
 tere. Haec enim omnia inlicita esse presbyteris VEL CHOREPISCOPIs,  
 20 quia pontificatus apicem<sup>o</sup> non habent, quod<sup>p</sup> solis deberi<sup>q</sup> episcopis  
 auctoritate canonum praecipitur, ut per hoc et discretio gradum<sup>r</sup> et  
 dignitatis fastigium summi pontificis demonstratur. Sed neque coram  
 episcopo licere EIS<sup>55</sup> in baptisterium introire, nec praesente antestite  
 infantem tinguere aut<sup>s</sup> signare, nec penitentem<sup>56</sup> sine praecepto epi-  
 25 scopi sui reconciliare, nec eo praesente sacramentum corporis et san-  
 guinis Christi conficere, nec eo coram posito populum docere<sup>t</sup> vel

e) over eras. O. f-f) om. V. g) tabernaculis domino O. h) aaron added after  
 in margin V. i) added in margin V. j) added over the line Et. k) corr. from ?  
 dispentatio O. l-l) in margin: Solis episcopis haec competunt Et. m) corr. from ?  
 O. n) impositiones V O. o) corr. from ? O. p) quae Et. q) debere O. r) sic  
 V O (also Wien 411), graduum Et. s) vel Et. t-t) benedicere vel docere Et.

52) benedicere is a Pseudo-Isidorian emendation, presumably from *legere* as in  
 Wien 411; the correct reading here is *licere*, as in GONZÁLEZ, *Collectio Canonum*  
 (as n. 43) p. 643a. See also just below, p. 499.

53) Compare *heresibus* in *ibid.*, and *heresim* in Wien 411.

54) Another minor Pseudo-Isidorian adjustment; González and Wien 411 both  
 have *p(o)enitentium*.

55) Pseudo-Isidore's interpolated *eis* replaces *presbyteris*, attested by both  
 González and Wien 411.

56) González and Wien 411: *poenitentes*.

*benedicere<sup>t</sup> aut salutare, nec plebem utique exortari, QUAE OMNIA EIS  
A SEDE APOSTOLICA PROHIBITA ESSE NOSCUNTUR.*

Pseudo-Isidore's manipulations to this canon remind us of nothing so much as Ps.-Leo, for they also strive to apply the discussion of priests to the chorepiscopate and impose the same limitations upon both offices.

The specifics of the textual relationship between the interpolated recension of Seville II, c. 7 and Ps.-Leo is strange and revealing. Only once do we find the same interpolation in Ps.-Leo extravagans and the interpolated Hispana, namely the alteration of *presbytero* from the unfalsified Gallican Hispana (... *sicut presbytero illicita consecratio est altaris* ...) to read *presbytero vel chorepiscopo*, as at p. 497 l. 2f. in the above edition and p. 520 l. 7f. in the Appendix<sup>57</sup>. Otherwise, the Hispana interpolator and Ps.-Leo contribute similar revisions, but they appear to work with considerable independence of each other. Consider the passage where the delinquency of Agapius is deplored, with its varying fates in Pseudo-Isidore's interpolated Hispana and Ps.-Leo extravagans:

Hispana Gallica (Wien 411, fol. 196r l. 32– fol. 196v l. 2):	Interpolated Hispana (above, p. 496 l. 1–4):	Ps.-Leo extravagans (Appendix, p. 519 l. 13–p. 520 l. 2):
<i>...relatum est nobis ... Agapium ... episcopum ... frequenter  presbyteros destinasse,  qui absente pontifice altaria erigerent ...</i>	<i>...relatum est nobis ... Agabium ... episco- pum ... frequenter chorepiscopos vel presbyteros destinasse, qui tamen iuxta canones unum sunt,  qui absente pontifice altaria eri- gerent...</i>	<i>...relatum est nobis, quod quidam ... episcopi  frequenter chorepiscopos, qui iux- ta canones Caesarienses sive secundum alia decreta patrum idem sunt qui et presbyteri, vel presbyteros destina- rent, qui absente ponti- fice altaria erigerent...</i>

<sup>57</sup> For the Gallica text: Wien 411, fol. 196v l. 6.

On the one hand, it seems impossible to deny some relationship between the interpolated Hispana and Ps.-Leo. The same falsifications – *qui tamen iuxta canones unum sunt* in the interpolated Hispana and *qui...iuxta canones idem sunt* in Ps.-Leo – could hardly recur twice by chance. On the other hand, Ps.-Leo appears to have the unfalsified Gallican text to hand, for his single-part interpolation retains an approximation of the original word order at *presbyteros destinarent, qui absente ...*

Elsewhere, the evidence for independence is even stronger. Halfway through Seville II, c. 7, both Pseudo-Isidore and Ps.-Leo stumble over a puzzling corruption to the Gallican text. What should read *siquidem nec licere eis ecclesiam vel altaria consecrare* had become, in the Gallican Hispana, ... *nec legere eis ...* The Hispana interpolator (above, p. 497 l. 14) replaces *legere* with *benedicere*, which he probably has from a slightly earlier clause at l. 13, where Seville II, c. 7 speaks of *altaris benedictio*. Ps.-Leo extravagans also opts to emend *legere*, and precisely as his Doppelgänger, he even looks for guidance elsewhere in the canon. Yet his solution is *erigere*, for earlier in Seville II, c. 7 there is discussion of constructing altars (p. 496 l. 4: *altaria erigerent*; p. 497 l. 4f.: *Moyses ... erexit altare*)<sup>58</sup>.

Also related but fundamentally independent are the changes interpolator and forger make to a brief summation near the end of Seville II, c. 7:

Hispana Gallica (Wien 411, fol. 196v l. 18f.):	Interpolated Hispana (above, p. 497 l. 19):	Ps.-Leo extravagans (Appendix, p. 521 l. 10):
<i>Haec enim omnia illicita esse presbyteris ...</i>	<i>Haec enim omnia illicita esse presbyteris vel chorepiscopis ...</i>	<i>Haec enim omnia illicita esse chorepiscopis, qui ad exemplum vel ad formam LXX discipulorum esse noscuntur, vel presbyteris</i>

The Hispana interpolator inserts *vel chorepiscopis* after *presbyteris*, while Ps.-Leo adds his interpolation before, where it is more awkward. This leaves a final moment of manipulation near the very end of the source canon, at the passage about those things priests may not do

58) See the Appendix, p. 521 l. 4; for *legere*: Wien 411, fol. 196v l. 14.

*coram episcopo*. Ps.-Leo extravagans, we have seen, leaves this last mention of *presbyteri* unchanged, while the interpolated Hispana, at p. 497 l. 23 above, replaces *presbyteris* with *eis*. Thus the interpolated Hispana, like Ps.-Leo in the A/B recension, applies this second list both to chor-bishops and priests, for complete consistency<sup>59</sup>.

Ps.-Leo and the Hispana interpolator thus falsify Seville II, c. 7 towards the same ends, but neither depends clearly on the other. I have written elsewhere that the Pseudo-Isidorian forgeries have a definite internal chronology: The interpolated Hispana and the first book of the False Capitularies are, broadly speaking, Pseudo-Isidore's earliest products. Books 2 and 3 of the False Capitularies emerged later on, at an intermediate stage; and the decretal forgeries, which clearly receive the interpolated Hispana and Benedictus Levita on many occasions, took shape last of all<sup>60</sup>. Ps.-Leo's *De privilegio chorepiscoporum*, which appears to have been forged in parallel to the interpolated recension of Seville II, c. 7, does not conform to this pattern. Various hypotheses are possible, but it would seem simplest to posit that Ps.-Leo was known to the Hispana interpolator, and this forgery inspired his approach to Seville II, c. 7. This interpolator worked mainly via interlinear additions and his changes are almost always conservative. He could hardly take all of Ps.-Leo's alterations on board, and so he merely adjusted the canon after Ps.-Leo's example.

A second source-critical matter confirms Ps.-Leo's simultaneous proximity to and distinction from the Pseudo-Isidorian enterprise. We have already seen that the first two items of the capitulary appendix in Ps.-Leo extravagans come from the *Episcoporum relatio*, c. 6. This capitulum summarises Paris 829, c. 27, complete with the canonical citations to Neocaesarea, c. 13 and Antioch, c. 10. Ps.-Leo extravagans repeats c. 6 entirely, but breaks Antioch, c. 10 off into its own separate item. *Episcoporum relatio*, c. 6 was known also to Benedictus Levita, who includes the text twice in his False Capitularies, at BL 1.320f. and BL 3.98<sup>61</sup>. In both cases, Benedictus rehearses c. 6 with a host of

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59) Compare the Appendix, p. 522 l. 1.

60) KNIBBS, Defence of the Hinschius Thesis (as n. 4).

61) All three capitula are ed. Gerhard SCHMITZ, <http://www.benedictus.mgh.de/edition/aktuell/libI.pdf> p. 104 l. 17–p. 105 l. 6; and ... [libIII.pdf](#) p. 24 l. 11–p. 25 l. 5. Hereafter, this edition-in-progress will be cited only by the name of the .pdf file; to access these files, the rest of the URL (through „aktuell/“) must be supplied.

distinctive variants that he shares with Ps.-Leo extravagans<sup>62</sup>. What is more, BL 1.320f. splits the capitulum precisely as Ps.-Leo does, making a separate item out of Antioch, c. 10. Because BL 1.320 occurs amid a much larger bloc of material taken from the *Episcoporum relatio*, it is impossible to imagine that Ps.-Leo was Benedict's source at this moment<sup>63</sup>. On the other hand, BL 1.320f. – at least in the form we have it – is an unlikely source for Ps.-Leo. At BL 1.321, Benedictus provides Antioch c. 10 with his own rubric, while Ps.-Leo knows the original inscription of the *Episcoporum relatio*, which reads *Item in concilio Antiocheno c. X*<sup>64</sup>. Once again, Ps.-Leo seems adjacent to Pseudo-Isidore, with early access to the same sources, and yet he does not appear to know the forgeries themselves and in important ways he stands apart.

#### IV. Ps.-Leo and Pseudo-Isidore

Pseudo-Isidore's opposition to the chorepiscopate has been used to support at least two different theories of his origins and motives, and in the course of these long-running debates, chorbishops have become an emblematic Pseudo-Isidorian theme<sup>65</sup>. This has obscured the im-

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62) This textual relationship was first noted by Bernhard SIMSON, *Die Entstehung der pseudo-isidorischen Fälschungen in Le Mans. Ein Beitrag zur Lösung der pseudo-isidorischen Frage* (1886) p. 14–16. The variants with line numbers as in Appendix: p. 522 l. 6 *MENSURAE* Ps.-Leo extrav. and Ben.] *MENSURAE SUAE* Ep. rel.; p. 522 l. 11 *nullum* Ps.-Leo extrav. and Ben.] *nullus* Rel. ep.; p. 522 l. 12f. *donum sancti spiritus* Ps.-Leo extrav. and Ben. (following Paris 829, c. 27)] *sancti spiritus donum* Rel.; p. 522 l. 13 *manus* Ps.-Leo extrav. and Ben. (cf. Paris 829, c. 27)] *manuum* Rel.; p. 522 l. 18 *honorentur* Ps.-Leo extrav. and Ben.,] *honorantur* Rel. ep. See also the commentary by SCHMITZ, libI.pdf (as n. 61).

63) The bloc is BL 1.315–334: the greater part are ed. SCHMITZ, libI.pdf (as n. 61) p. 101–111 with abundant commentary; see also Georg Heinrich PERTZ, *Capitularia Spuria* (MGH LL 2, 2, 1837) p. 88b–89b, and the fundamental source analysis by Emil SECKEL, *Studien zu Benedictus Levita Teil VI, NA 31* (1906) p. 59–139 at p. 107–112.

64) Ed. SCHMITZ, libI.pdf (as n. 61) p. 105 l. 7f.: *DE CHOREPISCOPIIS, QUI IN VICIS COMMORANTUR, IN CONCILIO ANTIOCENO HABETUR ITA*.

65) Most recently, Klaus ZECHIEL-ECKES, *Der „unbeugsame“ Exterminator? Isidorus Mercator und der Kampf gegen den Chorepiskopat*, in: *Scientia veritatis. Festschrift für Hubert Mordek zum 65. Geburtstag*, hg. von Oliver MÜNSCH / Thomas ZOTZ (2004) p. 173–190, who saw in this aspect of the forgeries a means of supporting his dating scheme for the A2 version of the decretal forgeries. Compare now Eric KNIBBS, *Defence of the Hinschius Thesis* (as n. 4) p. 486f. Otherwise

portant fact that chorbishops are a rare and atypical preoccupation of our forger. In general, Pseudo-Isidore presents the different facets of his polemic in relentlessly intertwined, cross-pollinated form. Specific forgeries blend different Pseudo-Isidorian themes together via complex verbal formulae elaborated through Pseudo-Isidore's own prior, mediating compilations. When Pseudo-Isidore discusses chorbishops, however, it is almost always in discrete items, totally removed from the rest of his program. Forgeries on chorbishops are also far less indebted to underlying authentic sources, and for long stretches appear to represent Pseudo-Isidore's own free composition.

Ten capitula among the False Capitularies address chorbishops. Their contents and organisation betray Benedictus Levita's growing interest in the subject through the course of his collection. Book I, we have seen, merely repeats *Episcoporum relatio*, c. 6, at BL 1.320–321. Benedictus returns to the topic in Book II, with two short forgeries at BL 2.121 and 2.369. The former, *De chorepiscopis, ne deinceps fiant*, laments that chorbishops have been consecrated *a nescientibus sanctorum patrum et maxime apostolicorum decreta*, as well as by bishops who prefer leisure to the rigours of their ministry. They have been prohibited in the past and present by the apostolic see, and they have likewise been forbidden by the entire episcopate of Charlemagne's kingdoms<sup>66</sup>. At BL 2.369, Benedictus Levita brings new focus to his complaints. It is confirmation, the consecration of chrism, churches, and altars, the consecration of virgins, and ordinations to the priesthood, diaconate and subdiaconate that are invalid if performed by chorbishops. Any such rites dispensed by chorbishops must be repeated by the regular episcopate<sup>67</sup>.

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SIMSON, Entstehung (as n. 62) esp. p. 7–13, based his theory of Pseudo-Isidore's Le Mans origins partly on this aspect of the forgeries. The relevant passage from the *Actus Pontificum Cenomannis in urbe degentium*, Part 3, c. 15 (ed. Margarete WEIDEMANN, Geschichte des Bistums Le Mans von der Spätantike bis zur Karolingerzeit. Actus Pontificum Cenomannis in urbe degentium und Gesta Aldrici, Teil 1.: Die erzählenden Texte [Römisch-Germanisches Zentralmuseum, Monographien 56,1, 2002] p. 92, with p. 99 for commentary) had earlier been discussed by WEIZSÄCKER, Kampf gegen den Chorepiskopat (as n. 6) esp. p. 16–19.

66) Ed. PERTZ, MGH LL 2, 2 (as n. 63) p. 79b l. 40–48; Emil SECKEL, Studien zu Benedictus Levita VII, Teil I, NA 34 (1909) p. 319–381, at p. 365, can contribute little source analysis to this outright forgery.

67) Ed. PERTZ, MGH LL 2, 2 (as n. 63) p. 91 l. 12–27; see also SECKEL, Studien zu Benedictus Levita VII, Schlussteil III, NA 35 (1910) p. 433–539 at p. 478–480.

Wholly different in tone is Book III, where Benedictus fields a coordinated campaign against chorbishops across six different capitula. The emphases of this program, anticipated already in Book II, are that the papacy has long prohibited chorbishops, and that the sacraments they perform are invalid and to be repeated. The first item, BL 3.98, restates *Episcoporum relatio*, c. 6 as at BL 1.320f., this time in the normal form, without the break before Antioch c. 10. Here we find the same minor yet distinctive variants as in BL 1.320f. and Ps.-Leo extravagans<sup>68</sup>.

The centrepiece of Benedictus Levita's attack on the chorepiscopate follows at BL 3.260. This long and notorious forgery presents Charlemagne lamenting that the *non parva quaestio de chorepiscoporum superstitione* has arisen many times. The clergy worry that priests, deacons and subdeacons consecrated by chorbishops have not received valid ordinations; the laity fear that the confirmation imparted by these doubtfully ordained clergy hurts more than it helps. Charlemagne therefore dispatches Archbishop Arn of Salzburg to ask the advice of Pope Leo III, and Leo answers that chorbishops have long been condemned by his predecessors, by many other bishops and by various councils. It is therefore unnecessary to raise the matter anew and it should be sufficient to observe what has already been decreed. Arn reports Leo's decision to Charlemagne; chorbishops, he says, are not to ordain priests, deacons or subdeacons, nor to dedicate churches, consecrate virgins, or impart confirmation. Those who do so are responsible for usurping the episcopal ministry. The rites they have performed are to be repeated by members of the regular episcopate, *quia, quod non ostenditur gestum, ratio non sinit, ut videatur iteratum*. Leo holds that chorbishops themselves are to be exiled, but Arn and Charlemagne convince him to take a milder line and permit them to keep their positions, provided they assume their proper place among the priests. Charlemagne reports that his Regensburg synod has confirmed Leo's pronouncement, and required that regularly ordained bishops repeat whatever consecrations or confirmations chorbishops have been responsible for<sup>69</sup>.

Plainly, Ps.-Leo III of BL 3.260 and the Ps.-Leo of J<sup>3</sup> †1118 must have some specific relationship to each other. No other text ascribed to a Leo forbids chorbishops from ordaining priests and deacons, consecrating virgins and churches, and imparting confirmation. Al-

68) See above, p. 500f. with note 62.

69) Ed. PERTZ, MGH LL 2, 2 (as n. 63) p. 118a l. 57 – p. 118b l. 65. For sources and much enlightening commentary see also SECKEL, *Studien zu Benedictus Levita VIII*, Teil II, NA 40 (1915) p. 15–130 at p. 22–31.

most surely, it is the capitulary forger who is receiving J<sup>3</sup> †1118. Beyond specific textual evidence of reception, which we will encounter just below, there is the evidence of relative chronology, which seems to suggest that Ps.-Leo emerged alongside the interpolation of the Hispana, well before the third book of the False Capitularies<sup>70</sup>. The pseudo-history of Leo III's pronouncement against chorbishops advanced in BL 3.260, involving Charlemagne's inquiry through Arn of Salzburg, should probably be understood as an elaboration upon the narratio of J<sup>3</sup> †1118, where Ps.-Leo says that he and his Roman synod have received a report about illicit ordinations in Gaul and Germany<sup>71</sup>. In BL 3.260, Ps.-Leo III informs Arn that chorbishops have long been forbidden *a suis praedecessoribus et a multis sanctis episcopis atque synodalibus sanctionibus*. In J<sup>3</sup> †1118, Ps.-Leo likewise holds that *iuxta canones Caesarienses sive secundum alia decreta patrum*, chorbishops are the same as priests<sup>72</sup>.

There are a few important differences between Benedictus Levita and J<sup>3</sup> †1118. To begin with, Benedictus includes the subdiaconate in his list of clerical ordinations that chorbishops may not perform. This additional restriction is an eccentricity peculiar to Benedictus Levita; even the decretals forger hardly repeats it, and it is nowhere in J<sup>3</sup> †1118<sup>73</sup>. Also a departure from J<sup>3</sup> †1118 is the insistence of BL 3.260 that the sacraments conferred by chorbishops are invalid and that chorepiscopal consecrations wound rather than heal, such that they are to be repeated by regularly ordained bishops<sup>74</sup>. In contrast to the

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70) Book 1 of the False Capitularies, at least in its earlier chapters, seems likely to predate the interpolation of the Hispana (see, for example, SCHMITZ, libI.pdf [as n. 61] p. 35 n. 399), whereas in Book 2, Benedictus Levita draws heavily on the interpolated Hispana, especially at BL 2.300–342 (ed. SCHMITZ, libII.pdf [as n. 61] p. 61–67). On this important sequence, see also SECKEL, Studien VII, Schlussteil III (as n. 67) p. 451–470; and more recently, KNIBBS, Defence of the Hinschius Thesis (as n. 4) p. 478–481.

71) Ps.-Leo extravagans l. 6–11; and BL 3.260, ed. PERTZ, MGH LL 2, 2 (as n. 63) p. 118b l. 16–21: *Quapropter Arnonem archiepiscopum ad Leonem apostolicum misimus, ut inter cetera, quae ferebat, etiam eum ex hoc interrogaret; ut quicquid super his definiendum esset, apostolica auctoritate a nostris episcopis regulariter sopiretur*.

72) Ed. PERTZ, MGH LL 2, 2 (as n. 63) p. 118b l. 23f.; compare Ps.-Leo extravagans, l. 12f.

73) In the False Decretals it occurs only once, in Ps.-Damasus J<sup>3</sup> †571 (ed. HINSCHIUS, Decretales [as n. 3] p. 513) – curiously, precisely at the head of his extended borrowing from Ps.-Leo extravagans, on which see below, p. 510 with n. 85.

74) Ed. PERTZ, MGH LL 2, 2 (as n. 63) p. 118b l. 26–34: *Dixit (i.e., Leo) ... quicquid ex his ab eis inlicite erat praesumptum, omnia a canonice ordinatis episcopis*

matter of subdeacons, this point is fundamental to the abolitionist critique, well established in the decretal forgeries and elsewhere, yet it is neglected by J<sup>3</sup> †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*<sup>75</sup>. The strangely formulated BL 3.402 clarifies that sacraments imparted by regular bishops are not to be repeated<sup>76</sup>. 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 J<sup>3</sup> †1118. Italics mark text from the interpolated Hispana; I have underlined variants characteristic of Ps.-Leo extravagans<sup>77</sup>.

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*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.

Seville II, c. 7, interp.  
(above, p. 497  
l. 6–20):

*Ideoque id, quod tantum  
facere principibus  
sacerdotum iussum est,  
... presbyteri ...*

*arripere non praesumant.  
Nam ... quaedam ... sibi  
prohibita noverint, sicut  
presbyterorum et diaconorum  
ac virginum consecratio,  
sicut constitutio altaris,  
benedictio vel unctio,  
siquidem nec benedicere  
eis ecclesiam vel altaria  
consecrare nec per inpositionem  
manus ... spiritum tradere*

*nec crisma conficere nec  
chrismate baptizatorum  
frontem signare, sed nec  
publice quidem in missa  
quemquam paenitentem  
reconciliare nec formatas  
cuilibet epistolas mittere.*

*Haec enim omnia illicita  
esse presbyteris vel chorepiscopis,  
quia pontificatus apicem  
non habent ...*

Ps.-Leo extravagans  
(Appendix, p. 520  
l. 12–p. 521 l. 11):

*Ideoque id, quod tantum  
facere principibus  
sacerdotum iussum est,  
... chorepiscopi vel  
presbyteri*

*... arripere non praesumant.  
Nam ... sibi prohibita  
noverint, sicut presbyterorum  
et diaconorum ac virginum  
consecratio, sicut constitutio  
altaris ac benedictio vel  
unctio, sic quidem nec*

*erigere eis ecclesias vel  
altaria consecrare nec per  
impositiones manuum ...  
spiritum sanctum tradere,*

*nec crisma conficere nec  
chrismate baptizatorum  
frontes signare, sed nec  
publice quidem in missa  
quemquam penitentem  
reconciliare nec formatas  
cuilibet epistolas mittere.*

*Haec enim omnia illicita  
esse chorepiscopis, qui ad  
exemplum vel ad formam  
LXX discipulorum esse  
noscuntur, vel presbyteris,  
qui eandem gestant figuram.*

BL 3.423:

*Placuit, ut sicut Leonis  
papae et omnium episcoporum  
nostrorum atque reliquorum  
fidelium generali et synodali  
consultu decrevimus, nullus  
corepiscopus per manus  
inpositionem spiritum sanctum  
tradere aut sacerdotes vel  
levitas aut subdiaconos  
sacrare vel virgines velare  
aut sanctum crisma conficere  
vel ecclesias aut altaria  
sacrare*

*aut benedictionem in publica  
missa populis tribuere  
praesumat.*

*Quae omnia summis pontificibus,  
id est cathedralibus episcopis,  
debentur et non chorepiscopis  
vel presbyteris, quorum  
formam iuxta sanctorum  
canonum decreta chorepiscopi  
gerunt.*

Seville II, c. 7 can hardly be Benedictus Levita's only source here. The figure of a pope Leo alone suggests a more specific relationship with Ps.-Leo, as do the variants *chorepiscopis ... vel presbyteris* (instead of *presbyteris vel chorepiscopis*) with *formam*. And if we accept this tenuous proof and expand our view, we can appreciate what appears to be Benedictus Levita's effort to avoid explicit verbal resonance with his source, which becomes its own kind of proof. Thus Ps.-Leo extravagans speaks of *presbyterorum et diaconorum ac virginum consecratio*, while BL 3.423 wishes that no chorbishop presume *sacerdotes vel levitas ... sacrare* or *virgines velare*.

The False Decretals emerged substantially later than the False Capitularies, and well after Paris 829. They incorporate the entirety of the capitulary forger's polemic against chorbishops, although with important changes in emphasis and style. In part, this shift reflects Pseudo-Isidore's broader and not unsophisticated attempt to establish his own false legal tradition with respect to chorbishops, which emerges as a charade in which the False Capitularies and the False Decretals have different roles to play. Our forger's conceit is that chorbishops were utterly prohibited by popes of old, including the popes of the False Decretals; but that Pope Leo III granted Charlemagne a compromise, according to which chorbishops in the Frankish kingdoms would be allowed to retain their offices, so long as they humbly confined themselves to the position of priests. Hanging this sword of Damocles over the entire Frankish and German chorepiscopate required Benedictus Levita to take a slightly more tolerant line, while the False Decretals had to rail against chorbishops unreservedly. Only in this way could the ancient prohibition be reconciled with more permissive recent history.

Properly read, then, the decretal and the capitulary forgeries are far closer to each other in their legal vision on this point than is sometimes assumed. In the direction and insistence of his attack, however, Isidorus Mercator departs dramatically from Benedictus Levita. The significance of the capitulary forger's distaste for the chorepiscopate is never clear; considered in isolation, BL 3.260 and its companion pieces seem simply to reflect the forger's reformist convictions. The False Decretals of Isidorus Mercator, with their less guarded approach, cast the entire chorepiscopal programme of the forgeries in a different light. While Pseudo-Isidore might well have hated chorbishops more generally, almost everything that flows from his pen at the level of the decretal forgeries takes very specific aim at the legal and scriptural arguments that Hrabanus Maurus raised in defence of the institution

in his letter to Drogo of Metz. That Pseudo-Isidore even knew of Hrabanus's letter defending the chorepiscopate – let alone thought it worthy of an extended attack – is deeply curious, and an important clue to Pseudo-Isidore's identity and his circle of acquaintances. Today the letter survives only in two ninth-century copies from Fulda<sup>78</sup>, and beyond the False Decretals it has no reception to speak of. We are driven in particular to wonder whether Pseudo-Isidore's knowledge reflects the experiences of Ebo of Reims, who had been imprisoned at Fulda following his deposition, and who later became Hrabanus's suffragan at Hildesheim.

The most obvious anti-Hrabanus moment in the decretal forgeries occurs in Ps.-John III, J<sup>3</sup> †2022, the only Pseudo-Isidorian forgery to acknowledge the existence of J<sup>3</sup> †1118 directly. For the decretals forger, of course, the author is Leo I – Leo III, preferred by Benedictus Levita, would be anachronistic among the pseudopopes<sup>79</sup>. Hrabanus had argued to Drogo that the *Liber pontificalis*, which he ascribes to Pope Damasus I on the strength of its epistolary preface in the name of that pope, provided proof that Peter had consecrated the first chorbishops himself. Here Hrabanus alluded to a brief moment in Peter's *Liber pontificalis* biography, which relates that the first pope consecrated two bishops named Linus and Cletus to assist him in his ministry. Neither Linus nor Cletus, however, succeeded Peter, which for Hrabanus makes their chorepiscopal rank clear<sup>80</sup>. This is an argument that occurs nowhere beyond Hrabanus, and so it is striking to find Ps.-John III attacking it directly. He declares that Linus and Cletus were Peter's mere *adiutores*, who did not have the pontiff's power to bind and to loose. They administered external matters, or *exteriora*; Peter reserved the sacrament of confirmation for himself<sup>81</sup>.

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78) Namely, Paris, Bibl. nat., Ms. lat. 2443; and Vatican, Bibl. Apost., Pal. lat. 576.

79) Ps.-John III, J<sup>3</sup> †2022 (ed. HINSCHIUS, *Decretales* [as n. 3] p. 715): *Perlatum est enim ad sedem apostolicam emersisse et denuo revivescere prohibitum et funditus extirpatum tam a sancto Damaso quam a sancto Leone viris apostolicis atque ab universis synodali auctoritate episcopis reprehensibilem atque oppido inolitum usum...*

80) See DÜMMLER, MGH Epp. 5 (as n. 18) p. 432 l. 29–38.

81) *ibid.*, p. 716: *Sic autem Petrus, princeps apostolorum, adiutores sibi ascivit Linum et Cletum: non tamen potestatem pontificii aut ligandi vel solvendi normam eis tradidit, sed successori suo sancto Clementi qui sedem apostolicam post eum et potestatem pontificalem, tradente sibi beato Petro, tenere promeruit. Linus vero et Cletus ministrabant exteriora, princeps autem apostolorum Petrus verbo et orationi insistebat, et quae non incongrue ad traditionem spiritus sancti per manus inpositionem pertinent.*

Pseudo-Isidore's second major statement against chorbishops, Ps.-Damasus, J<sup>3</sup> †571, is constructed from top to bottom as an implicit refutation of Hrabanus's arguments. This is perhaps among Pseudo-Isidore's earliest decretal forgeries, on hand already in the interpolated Hispana of Vat. lat. 1341. Most striking is its appropriation of the personality of Pope Damasus, who, as the alleged author of the *Liber pontificalis*, is the very authority whom Hrabanus Maurus invokes to argue that the chorepiscopate had foundations stretching back to Peter the Apostle. Whereas Hrabanus had filled his letter with biblical exhortations to humility, as well as accusations that his reformist opponents were jealous of pontifical glory and prestige, Ps.-Damasus freights his decretal with parallel moral admonitions, these to the pastoral responsibility bishops bear for their well-being of their flock. He spells out in painful detail precisely what Hrabanus has not understood, namely the abolitionist premise that the clergy is bipartite, with apostles or bishops at the top and the rest of the clergy beneath them. He insists that chorbishops lack a foundation in scripture, striking at the heart of Hrabanus Maurus's insistence that the *Liber pontificalis* could be authoritative in this respect<sup>82</sup>.

This entire polemic lends additional interest to our sole A/B representative of Ps.-Leo, B, which we saw above was copied at Fulda by mid-ninth-century scribes alongside other items from the False Decretals against chorbishops. This dossier does not merely bring abolition-

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82) Ps.-Damasus, J<sup>3</sup> †571, is ed. HINSCHIUS, *Decretales* (as n. 2) p. 509–515: *DE VANA SUPERSTITIONE COREPISCOPORUM VITANDA*; see also the interpolated Hispana, Vat. lat. 1341, fol. 120va–122vb, transcr. Annette GRABOWSKI: [http://www.benedictus.mgh.de/quellen/chga/chga\\_069t.htm](http://www.benedictus.mgh.de/quellen/chga/chga_069t.htm). On pastoral responsibility: *Nam ... quidam episcoporum propter suam quietem eis plebes suas committere non formidant, et ut illicita atque prohibita agant, id est, ea quae solis pontificibus debentur sibi usurpant et ipsi in sua quiete torpent et curam sibi a deo commissam negligunt... Illi namque episcopi, qui talia sibi praesumunt, videntur mihi esse meretricibus similes, que statim ut pariunt infantes suos, aliis nutricibus tradunt educandos, ut suam citius libidinem explere valeant ...* (ed. HINSCHIUS, *Decretales* p. 510). On the bipartite clergy: *... Non amplius quam duos ordines inter discipulos domini esse cognovimus. Unde iste tertius processerit funditus ignoramus et quod ratione caret extirpare necesse est* (ibid., p. 511) *... Si nec episcopi sunt et plus quam presbiteri ambiunt, per quod ostium intrabunt? Cum hi tantum duo ordines in ecclesia leguntur, nec amplius ad pastorale officium aliquod patet ostium per quod pastor intret* (ibid., p. 515). No scriptural or other authoritative foundation: *Nimis ergo eorum institutio inproba, nimis est prava, quia, ut hi de summo sacerdotii ministerio aliquid praesumant omni auctoritate caret, et sacris canonibus invenitur esse contrarium* (ibid. p. 510); *Et illud adhuc restat, quod eorum ordo non habet in divinis litteris auctoritatem ...* (ibid., p. 512).

ist material into Hrabanus Maurus's orbit; it assembles precisely those items that Pseudo-Isidore had devised to defeat Hrabanus Maurus's position. As we also noted above, the Ps.-Leo recension provided by B has an altered address that mentions only German bishops, and this too resonates with the deeper purpose of these forgeries<sup>83</sup>.

Among the decretal forger's sources is, quite clearly, our very own Ps.-Leo extravagans recension. Ps.-John III draws on *Episcoporum relatio*, c. 6, perhaps via the extravagans capitulary appendix, for his appropriation ends directly after the citation of Neocaesarea c. 13, where we have seen both Ps.-Leo and Benedictus Levita introduce a crucial, telltale division<sup>84</sup>. Ps.-Damasus is an even clearer case: Alongside heavy borrowings from the Gallican Hispana, he takes the greater part of Ps.-Leo's *De privilegio chorepiscoporum* into his text, complete with clear appropriations from the capitulary appendix, placing the priority of the extravagans recension over the False Decretals beyond all doubt<sup>85</sup>.

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83) See p. 495.

84) Ps.-John III, J<sup>3</sup> †2022, ed. HINSCHIUS, *Decretales* (as n. 2) p. 715: The appropriation from *Episcoporum relatio*, c. 6 ends with *In concilio vero Cesariensi ... exhibent honorentur*, before Antioch c. 10. Some of the distinctive variants that mark the the peculiar recension of this capitulum adduced by Benedictus Levita and Ps.-Leo are also on hand (see above, p. 501, n. 62): *donum spiritus sancti, manus, honorentur*.

85) Ps.-Damasus, J<sup>3</sup> †571, ed. HINSCHIUS, *Decretales* (as n. 2) p. 513: *Quod vero eis non liceat sacerdotes consecrare nec diaconos nec subdiaconos nec virgines nec altare erigere nec unguere aut sacrare nec ecclesias dedicare nec crisma conficere nec chrismate baptizatorum frontes signare nec publice quidem in missa quemquam in penitentiam reconciliare nec formatas epistolas mittere nec populum benedicere nec ante episcopum in baptisterio aut in sacrario introire nec presente episcopo infantem tingere aut signare nec penitentem sine praeceptione episcopi sui reconciliare nec eo praesente nisi illo iubente sacramentum corporis et sanguinis Christi conficere nec eo coramposito populum docere aut salutare nec plebem exortari, que omnia solis pontificibus deberi tam ex superioribus quam ex aliis patrum constitutis atque sacris canonibus edocti estis et, si necesse est, quibusdam minus scientibus doceri pleniter et instrui possunt, ut per hoc et discretio graduum et dignitatis fastigium summorum pontificum demonstratur. Similiter et de presbiteris haec habeantur et sine iussu proprii episcopi nil agant. Quia, quod est rarum, hoc et pulcrius esse videtur. Et si nomen vilescit pontificum, omnis status perturbatur ecclesiae. Triplex itaque reatus in hac parte est: Quod et prohibita agunt et quod sacrum ministerium talis consortii vilitate polluitur et episcoporum quantum ad illicitae usurpationis temeritatem pertinet iura solvuntur. Quod autem solis apostolis eorumque successoribus proprii sit officii tradere spiritum sanctum liber actuum apostolorum docet. Presertim cum nullus ex septuaginta discipulis quorum isti in aeclesia speciem gerunt, legatur donum sancti spiritus per manus inpositionem, ut praedictum est, tradidisse. For consecrare nec ... solis pontificibus: Ps.-Leo extravagans (as ed. Appendix) l. 27–38; Similiter et ... nil agant: Laodicea c. 57 via Ps.-Leo extravagans,*

## V. Reception

Through Pseudo-Isidore, Ps.-Leo entered the canonical collections and ultimately even Gratian's *Decretum*<sup>86</sup>. His is a meagre reception, but still respectable, for the disappearance of chorbishops after the ninth century sharply limited the relevance of his pronouncements for later generations. Of course it is the A1 recension of Ps.-Leo, the most widely circulated form by far, that informed the canonical tradition. While nearly all of this reception is far removed from the earliest history of our forgery, two cases of early reception raise intriguing problems adjacent to the matter of Ps.-Leo's origins and his significance for the Pseudo-Isidorian forgeries.

The first involves vague allusions to Ps.-Leo among the concoctions of Pseudo-Isidore's notorious contemporary, the Le Mans forger. The *Actus pontificum Cenomannis in urbe degentium*, assembled to defend the property of that diocese between 855 and 862, provides an extended biography of the Bishop Gauziolen, who died probably in 771<sup>87</sup>. Gauziolen, we are told, was blind and required assistance in his ministry, and so he asked Charlemagne for permission to ordain a chorbishop. Charlemagne, however, had developed scruples about the propriety of the office; together with papal legates and the bishops of his kingdom, he declared

*ut nullus chorepiscopus crisma conficeret, virgines sacraret, spiritum paraclitum traderet, neque aecclesias dedicaret, vel altaria erigeret seu aut sacraret, etiam oleum ad infirmos ungendos benediceret, nisi a tribus etiam ordinatis episcopis, quae vero omnia summis sacerdotibus et non chorepiscopis debentur*<sup>88</sup>.

These remarks clearly depend upon Benedictus Levita 3.423, the very capitulum that mentions Pope Leo III and associates him with these prohibitions. The *Actus* then proceeds to explain why chorbishops are to be denied these faculties. This time, the Le Mans forger's source is very probably Ps.-Leo:

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l. 67; *Quod autem ... docet* and *Presertim ... tradidisse: Episcoporum relatio*, c. 6 via Ps.-Leo extravagans, l. 50f. and 48–50.

86) For an overview of the major reception (from *Quamvis cum episcopis*, or – as it becomes in the canonical collections – *Quamvis chorepiscopis* [l. 25]) see FUHRMANN, *Einfluß und Verbreitung* (as n. 3) Bd. 3 p. 932, Lfd. Nr. 325.

87) On Gauziolen's dates, see WEIDEMANN, *Geschichte* 1 (as n. 65) p. 97.

88) *Actus* 15, part 3d., ed. *ibid.* p. 92, with commentary at p. 99.

*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*<sup>89</sup>.

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 time<sup>90</sup>. 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

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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.

pleased Pseudo-Isidore least of all. This case of reception nevertheless raises disquieting problems. Beyond outright borrowings, the passage on chorbishops from the Le Mans forgeries presents stylistic peculiarities redolent of the Pseudo-Isidorian forgeries<sup>91</sup>. We are reminded of Walter Goffart's suggestion that the Le Mans forger might have spent some earlier period of his career in the archdiocese of Reims<sup>92</sup>.

This leaves the second case, a forgery in the name of Ps.-Pelagius II (J<sup>3</sup> †2067), which we find throughout the canonical tradition, and which bears striking similarities to the formulation of Ps. Leo's *De privilegio chorepiscoporum*. We first encounter Ps.-Pelagius in Burchard, Decretum III, 69<sup>93</sup>. The rubric that heads this capitulum clearly draws on the rubric that Pseudo-Isidore supplies to his dossier of Ps.-Pelagius II forgeries in the False Decretals<sup>94</sup>, although the decretal itself has been found nowhere in the extant Pseudo-Isidorian manuscript tradition. In the text beneath this rubric, Ps.-Pelagius names nine

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91) These formed a good part of the original case for the Le Mans origins of Pseudo-Isidore; see in particular the parallels adduced by SIMSON, Entstehung (as n. 62) p. 8–11, and again at p. 68f, especially the shared fondness for the adverb *enucleatim*.

92) Walter GOFFART, The Le Mans Forgeries. A Chapter from the History of Church Property in the Ninth Century (Harvard Historical Studies 76, 1966) p. 188–190, esp. p. 189: „It remains quite remarkable that the Le Mans forger knew that St. Remigius had a brother called Principius. At present only one source supplies this information, namely the *Vita s. Remigii* published ca. 877–78 by Hincmar of Rheims [...] Now, there can be no question of moving the terminus of the *Actus* and *Gesta* to such a date as 878 ... The forger's source must have been different from Hincmar's *Vita* ... Could it then be that the forger, who arrived in Le Mans only after Aldric's death, originated from the diocese of Rheims or from its province?“ Compare *Actus* 8, c. 3 (ed. WEIDEMANN, Geschichte 1 [as n. 65] p. 47, with commentary at p. 48f.).

93) Ed. MIGNE, PL 140 col. 687f.; for commentary see Hartmut HOFFMANN / Rudolf POKORNY, Das Dekret des Bischofs Burchard von Worms. Textstufen – Frühe Verbreitung – Vorlagen (MGH Hilfsmittel 12, 1991) p. 97f. Along with Ps.-Deusdedit, J<sup>3</sup> †3203 (which seems to enter the canonical tradition in Burchard, Decretum XVII, 44), J<sup>3</sup> †2067 was tentatively ascribed to Pseudo-Isidore by David BLONDEL, Pseudo-Isidorus et Turrianus vapulantes (1628) p. 645f., 675, and has remained among the Pseudo-Isidorian dubia (for want of a better term) for centuries. See also FUHRMANN, Einfluß und Verbreitung (as n. 3) Bd. 1 p. 138f. n. 6.

94) To the Burchard rubric as ed. MIGNE, PL 140 col. 687 (*Incipiunt decreta secundi Pelagii papae successoris Benedicti et antecessoris Gregorii papae*) compare HINSCHIUS, Decretales (as n. 2) p. 720 and the transcriptions of Karl-Georg SCHON, <http://www.pseudoisidor.mgh.de/html/300.htm>. The Pseudo-Isidorian rubric differs at ... *beati Benedicti* ..., and of the three codices that Schon collates (Ap, An and Vatican City, Bibl. Apost., lat. 630), only An has *papae*.

Mass prefaces observed in the Roman liturgy, which alone are to be received *in sacro catalogo*. The subject matter could not be further from Pseudo-Isidore's ordinary concerns – still less Ps.-Leo on the chor-episcopate – and yet the address and narratio of Ps.-Pelagius provide such plain parallels to the *De privilegio chorepiscoporum*, that we must assume Ps.-Leo served as the model:

<p>Leo <i>Romanae ecclesiae et apostolicae sedis episcopus universis Germaniarum atque Galliarum regionum episcopis salutem.</i></p> <p><i>Cum in dei nomine in Romana ecclesia synodum episcoporum sive ceterorum consacerdotum</i> Christique <i>fidelium</i> <i>coadunatum habuissimus et de ordinationibus inlicitis, super quibus crebrior ad nos illarum partium commeantium sermo perveniret, atque de aliis necessariis et ecclesiasticis negotiis tractantes sacrosque canones relegentes sollerter egissemus ...</i></p>	<p>Pelagius <i>Romanae ecclesiae et apostolicae sedis episcopus universis Germaniarum atque Galliarum regionum episcopis.</i></p> <p><i>Cum in Dei nomine in Romana ecclesia synodum episcoporum sive caeterorum consacerdotum Dei fidelium congregatam habuissimus et de ecclesiasticis statutis, ut sunt ab apostolis et a sanctis patribus tradita, diligentius tractarem, supervenere literae vestrae ... rogantes, ut ordinem praefationum ... vobis remandarem ...</i><sup>95</sup></p>
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In Vatican, Pal. lat. 585, fol. 185v, one of the two earliest Decretum codices bearing signs of authorised redaction, we find three lines have been erased at the end of Ps.-Pelagius. These contain an anathema (*Et si quis his supradictis aliquid dempserit vel addiderit, anathema sit*), and they are absent from the rest of the Burchard tradition<sup>96</sup>.

Where Ps.-Pelagius occurs in later canonical collections, there is generally good reason to suspect that the source is Burchard<sup>97</sup>. A cru-

95) Ps.-Leo (as ed. Appendix) l. 4–10; the text of Ps.-Pelagius is identical, save for orthographical trivialities, in MIGNE, PL 140 col. 687f.; and Vatican, Bibl. Apost., Pal. lat. 585, fol. 185r.

96) The erasure is legible in the high-resolution images available at [https://digi.vatlib.it/view/MSS\\_Pal.lat.585](https://digi.vatlib.it/view/MSS_Pal.lat.585); it is also resolved by HOFFMANN / POKORNY, Dekret (as n. 93) p. 97.

97) This goes also, in all likelihood, for the collection of Vatican, Bibl. Apost., lat. 3829, fol. 178r (for which see KÉRY, Canonical Collections [as n. 30] p. 288) – contrary to the suspicions of Paul FOURNIER, *Études critiques sur le Décret de*

cial exception is the eleventh-century papal history of Ps.-Liutprand, which draws heavily on some forerunner of the C version of the False Decretals to fill out its papal biographies. Ps.-Liutprand's chapter on Pelagius II cites the three canonical Ps.-Pelagius forgeries of the False Decretals, in the order that they occur there, before providing an excerpt from J<sup>3</sup> †2067 at the end. Ps.-Liutprand knows the anathema that was erased in Pal. lat. 585, revealing that his source for this item is very unlikely to have been the Bishop of Worms<sup>98</sup>.

Taken together, the evidence suggests that both Burchard and Ps.-Liutprand had J<sup>3</sup> †2067 from a long-form manuscript of the False Decretals. This would explain why Decretum III, 69 repeats Pseudo-Isidore's Pelagius rubrication, and how this forgery found its way into the last position of Ps.-Liutprand's sequential rehearsal of Pseudo-Isidore's Pelagian forgeries. Despite its vast difference in subject matter, the possibility that J<sup>3</sup> †2067 has some affiliation with the forgery enterprise of Pseudo-Isidore thus becomes very hard to exclude. Otherwise it is a strange coincidence, that a later accretion to the Pseudo-Isidorian forgeries should take as its model, from abundant possibilities, precisely another forgery in Pseudo-Isidore's orbit. It is also worth considering whether the same rather formulaic forger was not responsible both for Ps.-Leo and Ps.-Pelagius II.

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In conclusion: Ps.-Leo extravagans is a crude polemical item against chorbishops drawn up by somebody with access to some of the same sources known to Pseudo-Isidore, including otherwise uncirculated internal items, such as the capitulary forger's distinctive recension of the *Episcoporum relatio* of 829 and the decretal forger's *Hispana Gallica*. He worked in the wake of the 829 Council of Paris, probably to clarify the muted and unclear prohibitions on chorbishops that Jonas of Orléans had formulated in c. 27 of that council. Ps.-Leo circulated

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Burchard de Worms (1910) p. 22. For Fournier, it was additionally important that Vat. lat. 3829 also carries the *Deusdedit* forgery (J<sup>3</sup> †3203) at fol. 255r.

98) So also Detlev JASPER, *Die Papstgeschichte des Pseudo-Liutprand*, DA 31 (1975) p. 17–107 at p. 74. Ps.-Liutprand is ed. MIGNE, PL 129 col. 1149–1256; of interest here is c. 67 on Pelagius II, at col. 1228f., which draws respectively on the first three canonical Pelagius forgeries J<sup>3</sup> †2056, J<sup>3</sup> †2043 and J<sup>3</sup> †2044 (col. 1228: *Scitote certam ... discernantur*: see HINSCHIUS, *Decretales* [as n. 2] p. 724; col. 1128f.: *Dona iniquorum ... decimas tuas*: HINSCHIUS, *Decretales* p. 729; and col. 1229: *Nullusque monachus ... est mortua*: HINSCHIUS, *Decretales* p. 731), before its appropriation from J<sup>3</sup> †2067 (col. 1229: *Sacrum ordinem Romanum ... Si quis his supradictis demperit vel addiderit, anathema sit*).

among the northern Frankish episcopate, and thus found his way to Pseudo-Isidore. Our master forger worked to incorporate this small item into all three major constituents of his corpus. He interpolated Seville II, c. 7 in his own Gallican Hispana along the same lines as Ps.-Leo, but for the most part independently. He leaned heavily upon Ps.-Leo in Book III of his capitulary forgeries, where he recast the author as Pope Leo III. Finally, he forged Ps.-Damasus, J<sup>3</sup> †571, and Ps.-John III, J<sup>3</sup> †2022, which incorporate and advance upon everything we find in Ps.-Leo. Here, of course, the author becomes Leo I.

Pseudo-Isidore's approach to the chorepiscopate developed over time, in part thanks to his knowledge of Ps.-Leo extravagans. Benedictus Levita's Book I merely restates the authentic – and, as we have seen, inadequate – *Episcoporum relatio*, c. 6 from 829. In the course of Book II, however, we have our first hints that the capitulary forger knows J<sup>3</sup> †1118; it is here that he declares, for the first time, that chorbishops have been prohibited by the Apostolic See. The rest of the capitulary forgeries attack the office from within this framework. While the decretal forgeries take a much sharper tone in their more open effort to discredit Hrabanus's letter to Drogo, the fundamental argument remains the same. In the False Decretals as in Book III of Benedictus Levita, chorbishops are equated with priests and they are denied the same catalogue of sacramental faculties, although the decretals forger is far less interested in denying them the capacity to ordain subdeacons. The upshot is that chorbishops are not to be consecrated in the future, but current office-holders may retain their positions, provide they observe the manifold restrictions on their faculties and take their place among the priests.

A final point remains: Pseudo-Isidore's program on the chorepiscopate is so heavily indebted to Ps.-Leo extravagans that it has been hard to disentangle the source from its reception. It is easy to mistake Ps.-Leo for just another Pseudo-Isidorian invention, because for all of its oddities, it seems to do nothing but repeat Pseudo-Isidore's favourite points. Once we take away everything on the matter of chorbishops that Pseudo-Isidore has from Ps.-Leo, we find a great emptiness. Beyond the *Episcoporum relatio*, c. 6, we are left with a few brief points in the False Capitularies, and what can only be called a personal animus against Hrabanus. Benedictus Levita, who strives to disguise his dependence on Ps.-Leo and ventures here and there to strike out on his own, cannot get far before misconstruing the abolitionist program and denying to chorbishops also the ordination of subdeacons. Pseu-

do-Isidore may have felt strongly that chorbishops were illicit and that their office represented an abuse, but the forgeries he directs against them suggest that he lacked a definite programme of his own.

**Appendix.** Ps.-Leo, *De privilegio chorepiscoporum* (J<sup>3</sup> †1118): A Critical Edition

The edition aims to establish the earliest possible text of the recension that I have called Ps.-Leo extravagans (see above, p. 486–489), complete with all textual corruptions and infelicities.

Sigla:

- E<sub>1</sub> Berlin, Staatsbibliothek Preußischer Kulturbesitz, Hamilton 132 (mid-9th c.), fols. 95r–v.
- E<sub>2</sub> Paris, Bibl. nat., Ms. lat. 1453 (9th c., 2nd quarter, Orléans), fols. 5r–v.
- E<sub>3</sub> Paris, Bibl. nat., Ms. lat. 3838 (9th c., France), fol. 168r.
- E<sub>4</sub> London, British Library, Harley 3845 (9th c., 3rd quarter, NE France), fols. 146r–147v.
- E<sub>5</sub> Troyes, Mediathèque municipale, 1406 (9th/10th c.), fols. 17r–19r.
- Ap Paris, Bibl. nat., Ms. lat. 9629 (9th c.), fol. 140r.
- An New Haven, Beinecke Library, Ms. 442 (mid-9th c.), fol. 173r.
- Ar Rennes, Bibl. municipale, Ms. 134 (9th c.), p. 128.
- B Leiden, Universiteitsbibliotheek, Voss. lat. Q 108 (mid-9th c., Fulda), fols. 76r–77r.

EPISTOLA<sup>a</sup> LEONIS PAPAE DE PRIVILEGIO COREPISCO-  
PORUM SIVE PRESBITERORUM AD UNIVERSOS GERMA-  
NIAE<sup>b99</sup> ET<sup>c</sup> EUROPAE<sup>c</sup> ATQUE GALLIAE<sup>d</sup> ECCLESiarUM  
EPISCOPOS<sup>e</sup>.

5 Leo Romanae ecclesiae et apostolicae sedis episcopus universis<sup>f</sup> Ger-  
maniarum atque<sup>g</sup> Galliarum<sup>gh</sup> regionum<sup>i</sup> episcopis in<sup>j100</sup> deo aeterno<sup>i</sup>  
salutem.

*Cum*<sup>101</sup> in dei nomine in<sup>kl</sup> Romana ecclesia<sup>l</sup> sinodum episcoporum  
sive ceterorum<sup>m</sup> consacerdotum<sup>n</sup> Christique<sup>o</sup> fidelium coadunatum<sup>p</sup>  
10 habuissimus<sup>q</sup> et de *ordinationibus* inlicitis<sup>r</sup>, super quibus *crebrior*<sup>s</sup> ad  
nos illarum partium<sup>t</sup> commeantiumque<sup>u</sup> sermo<sup>v</sup> perveniret<sup>w</sup>, atque de  
aliis necessariis et<sup>x</sup> ecclesiasticis negotiis tractantes sacrosque canones  
relegentes sollerter egissemus<sup>y</sup>, a multis lacrimabili<sup>z</sup> vultu *relatum*<sup>102</sup>  
15 *frequenter* corepiscopos<sup>d</sup>, qui iuxta<sup>e</sup> canones<sup>f</sup> Caesarienses<sup>g103</sup> sive se-

a) preceded by XCVI Ap, CXXVI corr. from CXXIV An, XCVII Ar, EX EPISTOLA B. b) GERMANIARUM E<sub>5</sub>. c) om. Ap An Ar. d) GALLIAS E<sub>1</sub> E<sub>4</sub>, GALIIS E<sub>5</sub>. e) EPISCOPI E<sub>3</sub>. f) corr. from universi Ap, om. E<sub>2</sub>. g) om. B. h) gallicarum E<sub>4</sub>. i) corr. from ? E<sub>2</sub>. j-j) om. Ap An. k) om. Ap. l-l) apud Romanam ecclesiam B. m) ceterum Ar. n) cumsacerdotum Ap. o) Christi B. p) coadunatum B E<sub>4</sub>, quo adunatum E<sub>5</sub>. q) habuissimus B. r) over erasure E<sub>1</sub>. s) over erasure Ap. t) praeces E<sub>5</sub>. u) commeantium Ap An Ar B, commemorantiumque E<sub>3</sub>. v) om. Ar. w) corr. to pervenerat An. x) om. Ap An Ar E<sub>5</sub>. y) agissemus E<sub>2</sub> E<sub>4</sub>. z-z) over eras. E<sub>1</sub>. a') om. E<sub>5</sub>. b') corr. from quidem E<sub>2</sub>. c') Galli- over eras. Ar. d') corr. from corepiscopus E<sub>5</sub>. e') corr. from iusta Ap. f') om. B. g') corr. to neocaesarienses An, corr. from caesariensis E<sub>5</sub>.

99) Compare the similar, seemingly redundant threefold address that recurs in another Pseudo-Isidorian product, namely Ps.-Gregory IV for Aldrich of Le Mans, J<sup>3</sup> 75174 (DÜMMLER, MGH Epp. 5 [as n. 18] p. 73 l. 16–18): Dilectissimis fratribus universis coepiscopis per Galliam, Eoropiam, Germaniam ...

100) For in deo aeterno, otherwise known primarily in the salutations of a few insular letters, see above, p. 495.

101) For Cum ... perveniret (l. 11), cf. Leo I, J<sup>3</sup> 916 (GONZÁLEZ, Epistolae decretales [as n. 14] p. 113a; Vat. lat. 1341 fol. 168va).

102) Through p. 522 l. 5 exhortare, the source is Seville II, c. 7 in the Gallican recension, here falsified to address chorbishops in addition to priests. A related but independent falsification of the same canon recurs in Ps.-Isidore's interpolated Hispana, edited above, p. 496–498. See also the fuller discussion through p. 501. To relatum ... destinarent (p. 520 l. 2), compare Pseudo-Isidore's lighter manipulations in the Hispana (above, p. 496 l. 1–3): ... relatum est nobis venerantissimum quondam Agabium Cordobensis urbis episcopum frequenter chorepiscopos vel presbyteros destinasse, qui tamen iuxta canones unum sunt ...

103) The reference is to Neocaesarea, c. 13 (TURNER, EOMIA 2, 1 [as n. 5])

cundum<sup>h</sup> alia<sup>i</sup> decreta<sup>j</sup> patrum idem sunt qui et presbiteri, vel praesbiteros destinarent, qui<sup>k</sup> absente pontifice<sup>l</sup> altaria erigerent<sup>m</sup> basilicasque<sup>n</sup> 104 consecrarent<sup>k</sup>. Quod<sup>o</sup> quidem<sup>o</sup> non est mirum id<sup>p</sup> praecepisse<sup>q</sup> viros ecclesiasticis<sup>t</sup> disciplinis<sup>r</sup> ignaros, quod est canonicae regulae contrarium, 5 et statim a<sup>t</sup> saeculari militia in sacerdotale ministerium<sup>u</sup> est<sup>v</sup> delegatum atque reprehensum<sup>v</sup>. Ergo, ne ultra talis<sup>w</sup> a nobis<sup>x</sup> licentia<sup>y</sup> usurpetur<sup>z</sup>, communi sententia statuendum<sup>a</sup> oportuit<sup>b</sup> scientes<sup>a</sup>, quia sicut<sup>c</sup> presbitero<sup>d</sup> vel<sup>105</sup> corepiscopo<sup>d</sup> illicita consecratio est altaris, ita<sup>e</sup> et constitutio<sup>ef</sup>. In divinis enim litteris praecipiente domino solus Moyses in<sup>gh</sup> tabernaculo dei<sup>i</sup> erexit<sup>s</sup> altare, solus ipse unxit<sup>i</sup>, qui utique<sup>k</sup>, quia<sup>l</sup> summus<sup>m</sup> sacerdos 10 dei<sup>n</sup> erat, sicut<sup>o</sup> scriptum est<sup>o</sup> de eo: Moyses<sup>106</sup> et Aaron in sacerdotibus eius, ideoque<sup>p</sup> id<sup>pq</sup>, quod tantum facere principibus sacerdotum iussum est, quorum<sup>r</sup> typum Moyses et Aaron tenuerunt, idcirco<sup>s</sup> omnino decretum<sup>t</sup> est<sup>t</sup>, ut corepiscopi<sup>u</sup> 107 vel presbiteri, qui filiorum Aaron gestant<sup>v</sup> figuram, arripere non praesumant. Nam, quamvis cum<sup>w</sup> episcopis<sup>w</sup> plurima<sup>x</sup> illis 15 ministeriorum<sup>108</sup> communis<sup>y</sup> sit dispensatio<sup>z</sup>, quadam<sup>a</sup> tamen auctori-

h) secunda E<sub>4</sub>. i) aliorum Ap An Ar B. j) corr. from deceta E<sub>2</sub>. k-k') om. E<sub>2</sub>. l) -ce over eras- An. m) -rig- over eras. An. n) two-letter erasure before -que Ar, basilicas B. o) quodque vestrum Ar. p) id est Ar. q) one-letter erasure before -episse An. r-r') ecclesiasticae disciplinae Ap An Ar B. s) corr. from disciplinos E<sub>2</sub>. t) ad Ap. u) mysterium Ar. v-v') delegatos atque (one-letter erasure before -que Ap) promotos Ap An Ar B. w) corr. from ? E<sub>2</sub>. x) vobis B. y) licentiam E<sub>4</sub>. z) usurpet Ap. a-a) statutum oportet scire B. b) oportet E<sub>4</sub>. c) om. Ap. d-d) chorepiscopo vel presbytero Ap An Ar. e-e) et constitutio ita B. f) corr. from ? E<sub>5</sub>. g-g) erexit in tabernaculum dei E<sub>3</sub>. h) over eras. E<sub>1</sub>. i) add. in marg. Ap. j) unus Ap. k) corr. perhaps from utrumque E<sub>2</sub>. l) om. B. m) summi E<sub>2</sub>. n) om. B. o-o) om. E<sub>3</sub>. p) ideoquid E<sub>3</sub> E<sub>4</sub>; ideo id Ar. q) om. Ar B E<sub>1</sub> E<sub>5</sub>. r) q- over eras. An. s) om. Ap An Ar. t) est decretum E<sub>3</sub>. u) quorum episcopi E<sub>4</sub>. v) gestat E<sub>3</sub>. w) coepiscopis Ar. x) corr. from ? E<sub>4</sub>. y) communi E<sub>2</sub>, cummunis E<sub>4</sub>. z) dispensantio Ap. a) quaedam B.

p. 137/139): De presbyteris agrorum. Praesbyteri ruris in ecclesia divitatis, episcopo praesente vel praesbyteris urbis ipsius, offerre non possunt nec panem sanctificationum dare calicemque porrigere. si vero absentes hii fuerint et ad dandam orationem vocentur, soli dare debent. Corepiscopi quoque ad exemplum quidem et formam septuaginta videntur esse; ut comministri autem, propter studium quod erga pauperes exhibent, honorantur.

104) Compare the interpolated Hispana (above, p. 496 l. 4): basilicas.

105) An identical manipulation recurs in the interpolated Hispana; see above, p. 497 l. 2f, and the discussion at p. 498.

106) Ps. 98, 6.

107) Here the interpolated Hispana (above, p. 497 l. 8) reads only presbyteri.

108) The interpolated Hispana (above, p. 497 l. 10) has misteriorum.

*te veteris legis, quadam<sup>b</sup> novellis<sup>c</sup> et ecclesiasticis regulis<sup>c</sup> sibi prohibita  
 noverint, sicut presbiterorum et<sup>d</sup> diaconorum ac<sup>e</sup> virginum consecratio,  
 sicut<sup>f</sup> constitutio altaris<sup>g</sup> ac benedictio vel unctio<sup>h</sup>, sic<sup>i</sup> quidem<sup>i</sup> nec<sup>i</sup>  
 erigere<sup>109</sup> eis ecclesias<sup>k</sup> vel altaria<sup>k</sup> consecrare<sup>l</sup> nec<sup>m</sup> per impositiones<sup>n</sup>  
 5 manuum fidelibus baptizandis<sup>o</sup> vel conversis<sup>p</sup> ex<sup>q</sup> heresim<sup>r</sup> paraclitum  
 spiritum sanctum<sup>s</sup> tradere, nec<sup>t</sup>u<sup>u</sup> chrisma conficere<sup>t</sup>, nec<sup>v</sup> chrismate bap-  
 tizatorum<sup>w</sup> frontes<sup>x</sup> signare, sed<sup>y</sup> nec publice quidem in<sup>z</sup> missa<sup>z</sup> quem-  
 quam<sup>a</sup> paenitentem<sup>b</sup> reconciliare<sup>c</sup> nec formatas cuiilibet<sup>d</sup> epistolas mittere.  
 Haec<sup>110</sup> enim omnia illicita esse<sup>e</sup> corepiscopis, qui<sup>f</sup> ad exemplum vel<sup>g</sup>  
 10 ad<sup>g</sup> formam LXX discipulorum esse noscuntur, vel<sup>h</sup> presbiteris, qui ean-  
 dem gestant figuram. Quoniam, quamquam<sup>i</sup> consecrationem habeant,  
 pontificatus tamen apicem non habent. Quae omnia solis deberi<sup>j</sup> summis<sup>k</sup>  
 pontificibus auctoritate canonum<sup>l</sup> praecipitur, ut per hoc et<sup>m</sup> discreti<sup>mo</sup>  
 graduum et dignitatis<sup>p</sup> fastigium summi<sup>q</sup> pontificis demonstretur. Sed ne-*

b) quaedam B. c'–c') corr. to regulis ecclesiasticis over eras. Ar. d') aut B.  
 e') aut B. f') corr. to et sicut E<sub>3</sub>. g') om. E<sub>1</sub>. h') corr. from unctioe  
 E<sub>3</sub>. i') siquidem Ap An Ar. j') ne B. k'–k') altaria et ecclesias Ap An  
 Ar. l') corr. to consecrare licet An. m') n- over erasure An. n') imposi-  
 tionis E<sub>5</sub>. o') baptizantibus E<sub>3</sub>, baptizatis E<sub>5</sub>. p') conusis Ap q') om.  
 E<sub>3</sub>. r') heresi An Ar B. s') corr. from sanctam Ap. t'–t') om. E<sub>5</sub>.  
 u') ne E<sub>3</sub>. v') corr. to ne Ap. w') baptizandorum Ap An Ar; baptizorum E<sub>3</sub>.  
 x') fronte Ar. y') om. Ap An Ar E<sub>4</sub>. z') immissa An Ar. a) quemque Ar.  
 b) paenitentem B, om. E<sub>2</sub>. c) two-letter erasure before -ciliare Ap, reconciliari  
 E<sub>1</sub>. d) cuiuslibet Ap, corr. from cuiuslibet An. e) est Ap E<sub>2</sub>, sunt (corr. from  
 ?) An. f) quia B. g) et Ap An Ar. h) followed by one-letter erasure E<sub>4</sub>.  
 i) quamque Ar. j) debere B. k) om. B. l) canonicum E<sub>1</sub>. m) et  
 d- illeg. E<sub>3</sub>. n) om. B. o) corr. from ? Ap. p) corr. from dignitas An,  
 dignitas E<sub>2</sub>. q) summis Ap, corr. to summis E<sub>4</sub>.

109) erigere reflects an attempt to correct the corruption legere in the *Hispana Gallica* (Wien 411, fol. 196v l. 14); the reading ought to be licere (thus GONZÁLEZ, *Collectio Canonum* [as n. 43] p. 643a). See also the discussion above, p. 499.

110) To Haec ... habent (l. 12), compare the *Hispana Gallica* (Wien 411 fol. 196v l. 18f): Haec enim omnia illicita esse presbyteris, quia pontificatus apicem non habent. The interpolated *Hispana* (as above p. 497 l. 19) revises to ... omnia illicita presbyteris vel chorepiscopis. Ps.-Leo's manipulations are independent: l. 9f. chorepiscopis ... vel ad draws on Paris a. 829, c. 27 (WERMINGHOFF, *MGH Conc.* 2, 2 [as n. 15] p. 629 l. 26f.): Episcopus locum apostolorum, corepiscopos autem exemplum et formam tenere septuaginta discipulorum ...; l. 11f. Quoniam ... habent: normalises according to the source of Seville II, c. 7, namely Innocent I, J<sup>3</sup> 701 (GONZÁLEZ, *Epistolae decretales* [as n. 14] p. 11a; Vat. lat. 1341, fol. 126rb): Nam presbyteri, licet sint sacerdotes, pontificatus tamen apicem non habent.

que<sup>r</sup> coram<sup>s</sup> episcopo<sup>t</sup> licere<sup>u</sup> presbiteris<sup>v</sup> in baptisterium<sup>w</sup> introire, nec<sup>x</sup> praesente antistite<sup>y</sup> infantem tinguere<sup>yz</sup> aut signare, nec paenitentem<sup>a</sup> sine praeceptione episcopi<sup>b</sup> sui<sup>b</sup> reconciliare, nec eo praesente nisi<sup>c</sup> illo iubente sacramentum corporis et sanguinis Christi conficere, nec eo coram<sup>d</sup> posito populum docere vel benedicere aut salutare, nec<sup>e</sup> plebem utique exhortare<sup>f</sup>. 5

UT<sup>g</sup>111 COREPISCOPI MODUM MENSURAE, QUI IN SACRIS CANONIBUS PRAEFIXUS EST, NON EXCEDANT.

Emersisse reprehensibilem et valde inolitum usum comperimus, eo quod quidam corepiscopi ultra modum suum progredientes et donum<sup>h</sup> sancti spiritus per impositionem<sup>i</sup> manuum tradant et alia quaeque<sup>j</sup>, quae solis pontificibus<sup>k</sup> debentur<sup>k</sup>, contra fas<sup>l</sup> peragant, praesertim cum nullum ex<sup>m</sup> LXXta discipulis, quorum speciem in ecclesia<sup>n</sup> gerunt, legatur donum<sup>o</sup> sancti spiritus per manus impositionem<sup>p</sup> tradidisse. Quod autem solis apostolis eorumque successoribus proprii<sup>q</sup> sit officii tradere spiritum sanctum, liber<sup>r</sup> actuum apostolorum docet. In concilio vero Caesariensi<sup>s</sup> ita<sup>t</sup> de corepiscopis habetur scriptum: Corepiscopi quoque ad exemplum quidem et formam LXX videntur<sup>u</sup> esse, ut comministri autem propter studium, quod erga pauperes exhibent, honorentur. 10 15

ITEM IN CONCILIO ANTHIOCENO CAP<sup>v</sup>. XV<sup>v</sup>.

Qui in vicis vel possessionibus<sup>w</sup> corepiscopi nominantur, quamvis manus impositionem episcoporum<sup>x</sup> perceperint<sup>x</sup> et ut episcopi consecrati<sup>y</sup> 20

r) nequaquam B. s) quorum corr. from quorum E<sub>5</sub>. t) episcopi E<sub>3</sub>.  
 u) corr. to licet An. v) corepiscopis vel presbyteris B, corepiscopis over eras. E<sub>3</sub>.  
 w) corr. from baptisterum Ap. x) ne Ap. y-y) antistitem cingere E<sub>3</sub>.  
 z) tingere E<sub>1</sub>, tenere E<sub>4</sub>. a) poenitentiam Ar. b) sui episcopi B.  
 c) om. Ar, nihil E<sub>2</sub>. d) caram Ap. e) ne E<sub>5</sub>. f) exornari Ap, exhortari An Ar B, exorare E<sub>3</sub>. g) Ap An Ar B omit the ensuing capitula: RLA Ap, Et reliqua An Ar B. h) doni E<sub>3</sub>. i) incompositionem E<sub>3</sub>. j) quaque E<sub>3</sub>.  
 k) debentur pontificibus E<sub>5</sub>. l) fant E<sub>5</sub>. m) preceded by two-letter erasure E<sub>3</sub>, om. E<sub>4</sub>. n) corr. from ? E<sub>3</sub>. o) dunum (?) E<sub>4</sub>. p) impositionem E<sub>1</sub> E<sub>4</sub>.  
 q) propriis E<sub>5</sub>. r) libenter E<sub>2</sub>. s) neocesariensi E<sub>5</sub>. t) om. E<sub>5</sub>.  
 u) corr. from videtur E<sub>3</sub>. v) om. E<sub>5</sub>. w) possionibus E<sub>2</sub>. x) acceperint episcoporum E<sub>5</sub>.  
 y) consecrati sunt (?) corr. from consecratis E<sub>3</sub>.

111) *Through ...contenti sint* (p. 523 l. 3) the source is *Relatio episcoporum* 829, c. 9 (BORETIUS / KRAUSE, MGH Capit. 2 [as n. 16] p. 32 l. 17–31), in the peculiar recension of *Benedictus Levita*; distinctive variants include l. 6 MENSURAE] MENSURAE SUAE Ep. rel. (*ibid.* p. 32 l. 17); l. 11 nullum] nullus *ibid.* l. 21; l. 12f. donum sancti spiritus] sancti spiritus donum *ibid.* l. 22f.; l. 13 manus] manuum *ibid.* l. 23; l. 18 honorentur] honorantur *ibid.* l. 27. Also the division at l. 19 with ITEM (before Antioch, c. 10, follows in the recension of the Dionysio-Hadriana [TURNER, *EOmia* 2, 2 (as n. 5) p. 261–263, l. 1–9]) reflects the Benedictine recension as well – cf. *Ben. Lev. I*, 320–321 (SCHMITZ, *lib1.pdf* [as n. 61] p. 104 l. 17–p. 105 l. 12). For all this see the more extensive discussion above, p. 500f. with n. 62.

sint<sup>y'z'</sup>, tamen sanctae sinodo placuit, ut modum proprium<sup>a</sup> recognoscant et gubernent<sup>b</sup> subiectas sibi ecclesias earumque moderamine curaque<sup>c</sup> contenti<sup>d</sup> sint<sup>e</sup>.

ITEM<sup>f</sup>.

5 Corepiscopis<sup>112</sup> non licere presbiteros<sup>g</sup> aut<sup>h</sup> diaconos ordinare sed nec presbiteris<sup>i</sup> civitatis sine praecepto episcopi vel litteris in unaquaque<sup>j</sup> parrochia aliquid agere.

ITEM<sup>k</sup>.

10 Quod<sup>113</sup> non oporteat in villulis aut in agris<sup>l</sup> episcopos constitui, sed visitatores. Verumtamen iam pridem constitutum est, ut nihil faciant preter conscientiam episcopi civitatis; similiter et presbiteri preter consilium episcopi nihil agant.

15 Si<sup>m114</sup> quis<sup>m</sup> autem transgredi statuta temptaverit, depositus<sup>n</sup>, quo<sup>o</sup> utebatur, honore privetur. Corepiscopum vero civitatis episcopus ordinet, cui ille subiectus est.

z') s̄ (sunt?) E<sub>5</sub>. a) corr. from proprio E<sub>5</sub>. b) gubernant E<sub>1</sub>. c) curamque E<sub>1</sub>, om. E<sub>2</sub>. d) contempti E<sub>1</sub> E<sub>4</sub>. e) sunt E<sub>3</sub>. f) ITEM ANCIRANI XII E<sub>4</sub>. g) presbyteris E<sub>2</sub>. h) au E<sub>5</sub>. i) presbyteros E<sub>3</sub>. j) unaquaque E<sub>1</sub>. k) ITEM ITEM E<sub>4</sub>. l) agros E<sub>2</sub>. m) sique E<sub>4</sub>. n) depositus E<sub>2</sub>. o) qua E<sub>4</sub>.

112) *Ancyra*, c. 12, *Dion.-Hadr.* (TURNER, *EOMIA* 2, 1 [as n. 5] p. 85 l. 1–5).

113) *Laodicia*, c. 57, *Dion.-Hadr.* (*ibid.* 2, 2 p. 387 l. 1–7).

114) *Antiochena*, c. 19, *Dion.-Hadr.* (*ibid.* p. 265 l. 15–19).

### Summaria

J<sup>3</sup> †1118 ist eine kurze Fälschung aus karolingischer Zeit auf den Namen eines Papstes Leo und richtet sich gegen die Chorbischöfe. Es ist im Kontext der pseudoisidorischen Fälschungen überliefert, und oftmals wurde dem Fälscher selbst die Autorschaft zugeschrieben. Dagegen erweist eine Untersuchung der Textüberlieferung, dass Pseudoisidor eine überarbeitete Fassung von J<sup>3</sup> †1118 benützte; eine ältere Rezension – hier als Extravagans-Rezension bezeichnet – ist als Zusatz zu mindestens fünf frühmittelalterlichen Kirchenrechtssammlungen tradiert. Wahrscheinlich stellt J<sup>3</sup> †1118 eine Reaktion auf die relativ milden Restriktionen dar, mit denen das Konzil von Paris 829 gegen die Chorbischöfe vorging; es wurde vermutlich von einem Parteigänger Pseudoisidors verfasst, der Zugang zu demselben Quellenmaterial hatte, aber nicht von dem Meisterfälscher selbst. Pseudoisidor kannte die Extravagans-Rezension; von ihren Regelungen ließ er sich stark beeinflussen und bemühte sich einerseits, ihren Text zu verbessern, und andererseits, ihre Grundsätze in jedes seiner größeren Werke einzuarbeiten, insbesondere die Falschen Kapitularien des Benedictus Levita und die Falschen Dekretalen des Isidorus Mercator.

J<sup>3</sup> †1118 is a brief Carolingian-era forgery in the name of a Pope Leo to the disadvantage of chorbishops; it circulated alongside the Pseudo-Isidorian forgeries and has often been ascribed to Pseudo-Isidore himself. A study of the textual tradition in fact reveals that Pseudo-Isidore has J<sup>3</sup> †1118 at second hand; an earlier recension – here christened the extravagans recension – circulated as an addition to at least five early medieval canonical collections. In all likelihood, J<sup>3</sup> †1118 represents a response to the tepid restrictions placed on chorbishops at the 829 Council of Paris; it was probably drafted by a close associate of Pseudo-Isidore who had access to some of the same internal sources, rather than by the master forger himself. Pseudo-Isidore knew the extravagans recension; its provisions influenced him deeply, and he worked both to correct its text and to incorporate its principles into all of his major products, including the False Capitularies of Benedictus Levita and the False Decretals of Isidorus Mercator.