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# Pseudo-Isidorus collectione Benedicti Levitae ut fonte usus est

## A Defence of the Hinschius Thesis

By

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Two theories speak to the intellectual processes that gave rise to the notorious forgeries of Pseudo-Isidore, together with the intertextual relationships that bind them together. Each imposes a different chronology upon Pseudo-Isidore's products and draws varying conclusions about the aims of the forgery enterprise. Each is also a by-product of larger ideas about the origins of the forgeries and their historical significance<sup>1</sup>.

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1) For an introduction to traditional views of the Pseudo-Isidorian forgeries that predates the great upheavals in opinion after 2000, cf. Horst FUHRMANN, *The Pseudo-Isidorian Forgeries*, in: *Papal Letters in the Early Middle Ages*, ed. Wilfried HARTMANN / Kenneth PENNINGTON (*History of Medieval Canon Law*, 2001) p. 135–195. The most substantial component of the forgery complex, the *False Decretals of Isidorus Mercator*, are ed. Paul HINSCHIUS, *Decretales Pseudo-Isidorianae et Capitula Angilramni* (1863). Preparatory work for a new edition is underway at <http://pseudo-isidore.com>; cf. also the manuscript collations and other materials provided by Karl-Georg SCHON at [www.pseudoisidor.mgh.de](http://www.pseudoisidor.mgh.de). The other major component of the Pseudo-Isidorian corpus, the *False Capitularies of Benedictus Levita*, are ed. Georg Heinrich PERTZ, *MGH LL 2, 2* (1837) p. 17–158; cf. also the new edition-in-progress by Gerhard SCHMITZ (with Veronika LUKAS and Annette GRABOWSKY), with separate files for each of the three books and four appendices (or Additions), at <http://www.benedictus.mgh.de/edition/edition.htm>. The title of this essay references Hinschius's thesis of the relationship between the *False Decretals* and the *False Capitularies*, as he stated it at *Decretales* p. CXLIII.

The first theory, a minor hypothesis from the earlier nineteenth century that has come to command wide agreement, works from within the forgeries to articulate a theory of their genesis. It descends from the thought of the canonist Ludwig Wilhelm Hermann Wasserschleben, who first wrote on Pseudo-Isidore in 1843. At that time, those who persisted in ascribing the forgeries to Rome and the papacy found themselves opposed by a growing majority who asserted the origins of Pseudo-Isidore in the Carolingian kingdoms and traced his products to Mainz. To secure Pseudo-Isidore's Frankish and therefore his Mainz associations, Wasserschleben analysed the forgeries as a reaction to Louis's retaliation against Ebo and his confederates at the 835 Council of Thionville (Diedenhofen). Originally, Wasserschleben dated the forgeries to 835, after the Council of Thionville concluded its business in March. In later years he continued to insist that Pseudo-Isidore worked very early, but accepted that his activity likely continued through 847. Wasserschleben concluded, with many scholars of his era, that Archbishop Otgar of Mainz and Pseudo-Isidore were synonymous<sup>2</sup>.

Wasserschleben's view of the forgeries was a narrow one, hardly extending beyond the False Decretals. He did most of his work before Friedrich Maassen discovered the interpolated Hispana in 1885, and he denied that the False Capitularies of Benedictus Levita had anything to do with Pseudo-Isidore's deceptions<sup>3</sup>. In his mind, Benedictus was not

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2) Wasserschleben's first statement on Pseudo-Isidore was *De patria decretalium pseudoisidorianarum* (1843), followed by IDEM, *Beiträge zur Geschichte der falschen Dekretalen* (1844), esp. p. 60–70 on the political scenario; and IDEM, *Pseudoisidor in: Realenzyklopädie für protestantische Theologie und Kirche* 12 (1860) p. 337–359. After Paul Hinschius edited the *False Decretals* in 1863, Wasserschleben's thought changed in important respects; cf. IDEM, *Die pseudoisidorische Frage*, in: *Zs. für Kirchenrecht* 4 (1864) p. 273–303, esp. 297–301; IDEM, *Pseudoisidor*, in: *Realenzyklopädie für protestantische Theologie und Kirche* 12 (1883) p. 367–384; IDEM, *Über das Vaterland der falschen Dekretalen*, in: *HZ* 64 (1890) p. 234–250, a response to the Le Mans thesis of Pseudo-Isidore's origins (see esp. p. 237–242). At this later stage, Wasserschleben argued that Ebo and Otgar both had a hand in the Pseudo-Isidorian forgeries (compare IDEM, *Die pseudoisidorische Frage* p. 301–303), and that the forgeries took shape between Mainz and Reims.

3) The fundamental study of the *Hispana Gallica Augustodunensis* (Vatican City, Biblioteca Apostolica, Vat. lat. 1341), here the interpolated *Hispana*, is Friedrich MAASSEN, *Pseudoisidor-Studien I: Die Textrecension der ächten Bestandtheile der Sammlung*, in: *SB Wien* 108 (1884) p. 1061–1104; and IDEM, *Pseudoisidor-Studien II: Die Hispana der Handschrift von Autun und ihre Beziehungen zum Pseudoisidor*, in: *SB Wien* 109 (1885) p. 801–860. Cf. also Joachim RICHTER, *Stufen pseudoisidorischer Verfälschung: Untersuchungen zum Konzilsteil der pseudoisidi-*

a pseudonym but a real person, who compiled the capitularies in good faith on orders from Otgar-as-Pseudo-Isidore. Any parallels between the decretal forgeries and Benedictus Levita he put down to Benedict's unwitting use of notes and other leavings of the forgery operation in the Mainz archives<sup>4</sup>. Wasserschleben, then, preferred to place the False Capitularies after the False Decretals. He also argued that the short version of the False Decretals – the so-called A2 recension – had priority over the longer forms. In no other way could he account for the coincidence between the contents of the short version and the decretals collection described in the fictitious prefatory exchange between Pope Damasus (J<sup>3</sup> †569) and Aurelius of Carthage<sup>5</sup>.

Wasserschleben wrote on the eve of a great sea-change in scholarship. The next generation of German legal historians pioneered a radically different way of thinking about Pseudo-Isidore. Led by Paul Hinschius, who edited the False Decretals in 1863, these scholars saw

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dorischen Dekretalen, in: ZRG Kan. 64 (1978) p. 1–72; Nicolás Alvarez DE LAS ASTURIAS, On the so-called second version of the Hispana Gallica Augustodunensis, in: ZRG Kan. 93 (2007) p. 34–44; Eric KNIBBS, The Interpolated Hispana and the Origins of Pseudo-Isidore, in: ZRG Kan. 99 (2013) p. 1–71. No edition exists but there is the helpful transcription of Annette GRABOWSKY, <http://www.benedictus.mgh.de/quellen/chga/>, whose separate links to each Hispana item contain an item number (for example, [http://www.benedictus.mgh.de/quellen/chga/chga\\_019t.htm](http://www.benedictus.mgh.de/quellen/chga/chga_019t.htm) is item 19: Carthage I), which will be used in subsequent citations.

4) WASSERSCHLEBEN, Beiträge zur Geschichte (as n. 2) p. 52–60; IDEM, Die pseudoisidorische Frage (as n. 2) p. 280–286.

5) WASSERSCHLEBEN, Pseudoisidor (1860) (as n. 2); Die pseudoisidorische Frage (as n. 2) p. 274–279; Vaterland der falschen Dekretalen (as n. 2) p. 235–237. In the exchange (ed. HINSCHIUS, Decretales [as n. 1] p. 20–21), Ps.-Aurelius requests of Damasus *statuta, quae repperire poteritis post finem beati principis apostolorum Petri usque ad vestrae sanctitatis principium*, and Ps.-Damasus responds as if the requested decretals were attached. The A2 recension provides precisely this implied collection of decretals from Ps.-Clemens through Ps.-Damasus. For the different recensions of the False Decretals cf. FUHRMANN, Pseudo-Isidorian Forgeries (as n. 1) p. 155–157; and, more fundamentally, HINSCHIUS, Decretales (as n. 1) p. XVII–XLI (on A1); XLI–LII (A2); LVII–LX (B), LX–LXVII (A/B); and LXVII–LXXXII (C). As Fuhrmann explains, Hinschius erred greatly in underestimating the importance of the A/B recension; otherwise his definitions have been reassessed only occasionally. For the C recension cf. now Steffen PATZOLD, Gefälschtes Recht aus dem Frühmittelalter. Untersuchungen zur Herstellung und Überlieferung der pseudoisidorischen Dekretalen (Schriften der Philosophisch-Historischen Klasse der Heidelberger Akademie der Wissenschaften 55, 2015). Also Eric KNIBBS, Pseudo-Isidore in the A1 Recension, in: Fälschung als Mittel der Politik? Pseudoisidor im Licht der neuen Forschung, ed. Karl UBL / Daniel ZIEMANN (MGH Studien und Texte 57, 2015) p. 81–96.

that the province of Reims was Pseudo-Isidore's fatherland, rather than Mainz or Rome; and they favoured later dates for his activity. Looking back on many failed hypotheses, Hinschius in particular desired objective, external criteria for fixing the forgeries in place and time: „Multi quidem viri docti hac de re agentes ita ordinem disquisitionis instituerunt, ut primum quid sibi voluerit Pseudo-Isidorus indagarent, deinde ex consilio Pseudo-Isidori et rebus gestis regni Francorum et ecclesiae Gallicanae comparatis statuerunt, quibus annis scripserit Pseudo-Isidorus“. The approach had not succeeded, and so Hinschius proposed to work in the other direction: „Ego ... contrariam rationem inibo, ita ut ex fontibus Pseudo-Isidori definiam quibus annis scripserit, deinde quid sibi voluerit: hoc enim modo tota quaestio certius dissolvitur, quam quo modo omnes fere viri docti usque ad nostra tempora rem aggressi sunt“<sup>6</sup>.

Hinschius laid the foundations for what would become the dominant hypothesis of the later nineteenth and twentieth centuries. Emil Seckel, Hinschius's son-in-law, provided the canonical statement of this hypothesis in 1905. In contrast to Wasserschleben, Seckel took a broad view of the Pseudo-Isidorian corpus, gathering under one roof the *Hispana Gallica Augustodunensis* (here, the interpolated *Hispana*), the False Capitularies and the False Decretals, which for him emerged in this order. Philological and source-critical analysis sustained this view at every stage. The False Capitularies incorporate items from the *Hispana* in its interpolated form, while the False Decretals were of course embedded among the authentic contents of the interpolated *Hispana* and – according to the extensive analysis of Hinschius – receive the False Capitularies as a source. Hinschius had also noticed that Benedict wrote his preface after the death of Otgar of Mainz on 21 April 847, and this year became the temporal fulcrum on which Seckel's entire vision turned. The interpolated *Hispana*, which predates the False Capitularies in this framework, is free of overt chronological constraint but traced to the later 840s, while the False Capitularies follow 847 directly. The False Decretals, which must postdate the ca-

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6) Paul HINSCHIUS, *Decretales* (as n. 1) p. CLXXXIII. He followed important early work by Feodor GÖCKE, *De exceptione spoliū* (1858) esp. p. 52–59; WEIZSÄCKER, *Der Kampf gegen den Chorepiskopat des fränkischen Reiches im neunten Jahrhundert* (1859) here esp. p. 46–48; IDEM, *Die pseudo-isidorische Frage in ihrem gegenwärtigen Stande*, in: *HZ* 3 (1860) p. 42–96, here p. 61–63, 77–79, 92–95; IDEM, *Hinkmar und Pseudo-Isidor*, in: *Zs. für historische Theologie* 28 (1858) p. 327–430, esp. p. 399–401.

pitulary forgeries, are therefore confined to the five years between 847 and the first glimmerings of the indirect tradition in 852<sup>7</sup>.

The dominant hypothesis removed the forgeries from the political world of the 830s. All of Pseudo-Isidore's idiosyncrasies, from his procedural desiderata to his ire over the chorepiscopate, had therefore to be transposed to a much different era. The western kingdom under Charles the Bald, and more specifically Reims during the pontificate of Hincmar, its most domineering archbishop, became the new historical backdrop. Pseudo-Isidore went from a Lothar partisan to a player in the provincial politics of Reims, Hincmar's enemy rather than Louis's, but perhaps also a friend or associate of Hincmar's predecessor, Ebo, in his later years of obscurity and exile at Hildesheim. In this way the dominant hypothesis cut Pseudo-Isidore down to size. If scholars like Hinschius were already inclined to look beyond the Pseudo-Isidorian corpus to establish date and origins, this was a further reason to study the forgeries not from within but from without, as Pseudo-Isidore's historical importance seemed increasingly to lie not in his person or his political position, but purely in the influence his ideas found. Pseudo-Isidore's identity ceased to be a pressing question.

As the study of medieval Latin scripts matured in the twentieth century, the dominant hypothesis of Pseudo-Isidore's origins received unexpected confirmation. Hinschius, in his edition, had wildly misdated important codices, placing them long after the era of forgery. When the palaeographical evidence finally accumulated in the 1970s, it emerged that the earliest stratum of Pseudo-Isidorian codices, like the earliest reception, dates to the middle of the ninth century, precisely the

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7) Emil SECKEL, *Pseudoisidor*, in: *Realenzyklopädie für protestantische Theologie und Kirche* 16 (31905) p. 265–307, *passim* but esp. p. 294. Beyond this article, Seckel is best known for his *Studien zu Benedictus Levita*, analyses of the sources of the False Capitularies preparatory to a critical edition that never appeared. SECKEL, *Studie I*, in: *NA* 26 (1901) p. 39–72 and *Studien II–V*, in: *NA* 29 (1904) p. 275–331, both on preliminary matters. Then, on the sources for *Benedictus Levita*, *Book 1: Studie VI*, in: *NA* 31 (1906) p. 59–139 and 238–239. On *Book 2: Studie VII Teil I*, in: *NA* 34 p. 319–381 (BL 2.1–161); *Studie VII Teil II*, in: *NA* 35 (1910) p. 433–539 (BL 2.162–255); *Studie VII Schlussteil III*, in: *NA* 35 (1910) p. 533–539 (BL 2.256–436). On *Book 3: Studie VIII Teil I*, in: *NA* 39 (1914) p. 327–431 (BL 3.1–254); *Studie VIII Teil II*, in: *NA* 40 (1915) p. 15–130 (BL 3.255–374); *Studie VIII Teil III*, in: *NA* 41 (1919) p. 157–263 (BL 3.375–429). Seckel died in 1924 and the final instalments appeared posthumously, ed. Josef JUNCKER: *Studie VIII Teil IV*, in: *ZRG Kan.* 23 (1934) p. 369–377 (BL 3.430–446) and ed. by IDEM, *Studie VIII Schlussteil V*, in: *ZRG Kan.* 24 (1935) p. 1–112. All of these studies have been digitized at <http://www.benedictus.mgh.de/studien/seckel.htm>.

years that Hinschius and others had envisioned for Pseudo-Isidore's activity<sup>8</sup>. Far more sensationally, Klaus Zechiel-Eckes has discovered Pseudo-Isidorian excerptors in codices from the library of the royal abbey of Corbie, confirming Pseudo-Isidore's Reims associations for all time<sup>9</sup>.

Rather than deploy his find to further the dominant hypothesis, however, Zechiel-Eckes fought from the beginning to resurrect Wassersleben's forgotten thesis<sup>10</sup>. Only the old belief in Mainz origins, doubly obsolete in the face of the Corbie proof, fell away. Otherwise Zechiel-Eckes proposed to read the False Decretals as „eminent politische Texte, als einen verschlüsselten Reflex auf die tiefgreifende innere Spaltung, die ... die dreißiger Jahre des 9. Jahrhunderts charakterisiert“<sup>11</sup>. He set out to find Pseudo-Isidore among the Unity

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8) Pioneering work in this regard was undertaken by Schafer WILLIAMS, *Codices Pseudo-Isidoriani: A Palaeographico-Historical Study* (Monumenta Iuris Canonici Series C Subsidia 3, 1971), with important additions from Hubert MORDEK, *Codices Pseudo-Isidoriani: Addenda zu dem gleichnamigen Buch von Schafer Williams*, in: *Archiv für katholisches Kirchenrecht* 147 (1978) p. 471–478.

9) ZECHIEL-ECKES, *Verecundus oder Pseudoisidor? Zur Genese der Excerptiones de gestis Chalcedonensis concilii*, in: *DA* 56 (2000) p. 413–446 (on Paris, Bibliothèque nationale Ms. lat. 11611); IDEM, *Ein Blick in Pseudoisidors Werkstatt: Studien zum Entstehungsprozeß der Falschen Dekretalen mit einem exemplarischen editorischen Anhang*, in: *Francia* 28 (2001) p. 37–90 (on St. Petersburg, Russian National Library Ms. F.v.I.11 and further on Paris lat. 11611); IDEM, *Auf Pseudoisidors Spur, oder: Versuch einen dichten Schleier zu lüften*, in: *Fortschritt durch Fälschungen? Ursprung, Gestalt und Wirkungen der pseudoisidorischen Fälschungen*, ed. by Wilfried HARTMANN / Gerhard SCHMITZ (MGH Studien und Texte 31, 2002) p. 1–28 (inter alia on Vatican, Biblioteca Apostolica Pal. lat. 1719). Thereafter: IDEM, *Der „unbeugsame“ Exterminator? Isidorus Mercator und der Kampf gegen den Chorepiskopat*, in: *Scientia veritatis: Festschrift für Hubert Mordek zum 65. Geburtstag*, ed. by Oliver MÜNSCH / Thomas ZOTZ (2004) p. 173–190; IDEM, *Altes Recht und falsche Päpste*, in: *Persistenz und Rezeption: Weiterverwendung, Wiederverwendung und Neuinterpretation antiker Werke im Mittelalter*, ed. by Dietrich BOSCHUNG / Susanne WITTEKIND (Schriften des Lehr- und Forschungszentrums für die antiken Kulturen des Mittelmeerraumes 6, 2008) p. 85–104; IDEM, *Politische Exegese und falsches Recht*, in: *Präsenz und Verwendung der Heiligen Schrift im christlichen Frühmittelalter*, ed. by Patrizia CARMASSI (Wolfenbütteler Mittelalter-Studien 20, 2008) p. 117–37; and finally IDEM, *Fälschung als Mittel politischer Auseinandersetzung: Ludwig der Fromme (814–840) und die Genese der pseudoisidorischen Dekretalen* (Rheinisch-Westfälische Akademie der Wissenschaften, Geisteswissenschaften: Vorträge 428, 2011).

10) So even in his very first words on the subject: ZECHIEL-ECKES, *Florus von Lyon als Kirchenpolitiker und Publizist* (Quellen und Forschungen zum Recht im Mittelalter 8, 1999) p. 250 n. 10.

11) ZECHIEL-ECKES, *Pseudoisidors Werkstatt* (as n. 9) p. 38.

Party, modern parlance for the very same collection of Lothar partisans that Wasserschleben had accused. „Man kann ... die Entstehungsgeschichte der fingierten Papstbriefe nicht von den Vorkommnissen der Jahre 834/35 lösen“<sup>12</sup>. An initial instalment of decretal forgeries, corresponding „cum grano salis“ to the short A2 version, therefore dates in Zechiel-Eckes’s view to the several years between 836 and 838<sup>13</sup>. Radbert, as a leading intellectual at Corbie and political opponent of Louis the Pious, became for Zechiel-Eckes the mastermind behind the Pseudo-Isidorian enterprise<sup>14</sup>.

To free the False Decretals from the 847 terminus ante quem non of Benedict’s preface, Zechiel-Eckes has denied that the decretal forgeries receive the False Capitularies in any way<sup>15</sup>. Other characteristics of Wasserschleben’s thought have also returned, including an overwhelming emphasis on the False Decretals at the expense of the rest of the corpus, and a drive to identify Pseudo-Isidore with a specific historical figure, now Paschasius Radbertus rather than Otgar. The dominant hypothesis has ceased to command agreement, and scholarship once again labours without any broader theory of Pseudo-Isidore’s literary production: „Durch die Forschungen der letzten Jahrzehnte ist das Bild des inneren Gefüges der Fälschungen [...] ins Wanken geraten“<sup>16</sup>. A recent monograph even doubts whether we can say anything at all about the internal dependencies that prevail among the constituents of Pseudo-Isidore’s oeuvre<sup>17</sup>. In this view the priority

12) ZECHIEL-ECKES, *Pseudoisidors Werkstatt* (as n. 9) p. 58–59.

13) ZECHIEL-ECKES, *Der „unbeugsame“ Exterminator* (as n. 9) p. 189–190. In his earliest articles, Zechiel-Eckes grasped after objective criteria to sustain his proposed redating, though these arguments have won little support. Compare Eric KNIBBS, *Ebo of Reims, Pseudo-Isidore and the Date of the False Decretals*, in: *Speculum* 92 (2017) p. 144–183, here p. 144–146 and 152.

14) ZECHIEL-ECKES, *Pseudoisidors Werkstatt* (as n. 9) p. 59–60; and the final, posthumously published statements in IDEM, *Fälschung als Mittel politischer Auseinandersetzung* (as n. 9) p. 16–19.

15) ZECHIEL-ECKES, *Auf Pseudoisidors Spur* (as n. 9) p. 25–26 (here the argument is implicit); and then more openly in IDEM, *Der „unbeugsame“ Exterminator* (as n. 9) p. 186–190 and esp. p. 187–188 with n. 69; IDEM, *Fälschung als Mittel politischer Auseinandersetzung* (as n. 9) p. 13–14.

16) Gerhard SCHMITZ, *Verfälschungen. Isidor und Benedict*, in: *Fälschung als Mittel der Politik?* (as n. 5) p. 127–151, here p. 151.

17) Clara HARDER, *Pseudoisidor und das Papsttum: Funktion und Bedeutung des apostolischen Stuhls in den pseudoisidorischen Fälschungen (Papsttum im mittelalterlichen Europa 2, 2014)* p. 75, on the priority of the False Capitularies: „Eine definitive Lösung dieser Frage ist aufgrund der vielschichtigen Natur der Querbeziehungen zwischen den Fälschungsteilen wahrscheinlich nicht möglich“.

of the False Decretals is the preferred scenario, but it is also contemplated that they and the False Capitularies might represent parallel developments<sup>18</sup>.

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

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

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

Capitula Angilramni and the *Nonnullae sanctiones* or the Excerptiones from the acta of the council of Chalcedon<sup>19</sup>.

Even aspects of Zechiel-Eckes's great discovery suggest the priority of the False Capitularies and the other excerpt repositories. Isidorus Mercator, the decretals forger, appears to know entire categories of source material only in the form and the order that Benedictus Levita provides them. The False Capitularies and their companion repositories, while themselves operating with relative freedom, seem to constrain the False Decretals, which discuss many matters only after the pattern established by the excerpt repositories. Finally, there are deeper and unchallenged hierarchical entanglements within the Pseudo-Isidorian corpus that throw the hypothesis of parallel development into confusion: The Capitula Angilramni clearly emerged alongside Book 3 of the False Capitularies, and the False Decretals obviously know the Capitula Angilramni, such that they land after the excerpt repositories once again.

### The *Nonnullae sanctiones* as Case Study

Zechiel-Eckes did not deny that any interrelationships existed within Pseudo-Isidore's products. A minor Pseudo-Isidorian collection entitled the *Nonnullae sanctiones sparsim collectae actionis primae sancti et magni Calcedonensis concilii* was, in his view, a clear antecedent of the

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19) The Capitula Angilramni are edited with extensive commentary by Karl-Georg SCHON, *Die Capitula Angilramni: Eine prozessrechtliche Fälschung Pseudoisidors* (MGH Studien und Texte 39, 2006). For the *Nonnullae sanctiones* see just below, p. 459 with n. 22. Both have come down to us primarily as appendices to manuscripts of the False Decretals. As Zechiel-Eckes recognized, other capitulary appendices are also on hand in early False Decretals manuscripts that remain to be investigated, but that in all probability also represent in some way the excerpting activity of our forgers: ZECHIEL-ECKES, *Verecundus oder Pseudoisidor* (as n. 9) p. 429–430 n. 56. Not all of Pseudo-Isidore's excerpt repositories appear to be prior to the False Decretals. The *Collectio Danieliana*, ed. Karl-Georg SCHON (MGH Studien und Texte 38, 2006) clearly postdates the decretal forgeries, from which it includes excerpts. It has been excluded from consideration here. Also mostly excluded are the so-called *Untersammlungen* associated with Hincmar of Laon (ed. Rudolf SCHIEFFER, *Die Streitschriften Hinkmars von Reims und Hinkmars von Laon, 869–871* [MGH Conc. 4, Suppl. 2, 2003] p. 7–55), even though at points these appear to contain early Pseudo-Isidorian pieces. These items are interrelated, for the exceedingly important 5. *Untersammlung* receives the *Collectio Danieliana*: cf. SCHON, *Collectio Danieliana* p. 18–21.

decretal forgeries. The evidence of the *Nonnullae sanctiones* is useful for providing an opportunity to study the role of intermediary sources within the Pseudo-Isidorian corpus, absent the distractions of controversy; and also because even here we find good reasons to see the False Decretals as a late Pseudo-Isidorian creation that postdates the False Capitularies.

The *Nonnullae sanctiones* consist of 111 excerpts from the 451 Council of Chalcedon, as corrected and extended by the Roman deacon Rusticus, a nephew of Pope Vigilius and supporter of the Three Chapters against Justinian, between 564 and 566<sup>20</sup>. For the most part, the *Nonnullae sanctiones* assemble textual items on the trial and deposition of bishops, and they emphasize the judicial prerogatives of the papacy. In a few cases the excerpted passages have been inauthentically enhanced according to the Pseudo-Isidorian program. The items occur in three sequences: *Nonnullae sanctiones* (or NS) items 1–83 are drawn sequentially from Rusticus/Chalcedon, Actiones 1, 3–10, 12 and 14; and NS 84–108 come from Actiones 1–5 and 10. NS 109 returns a final time to Actio 1, NS 110 is a brief statement that has not been sourced, and NS 111, the final item, is anomalous, being nothing but Actio 11 in its entirety, which to this point the compiler of the *Nonnullae sanctiones* had avoided completely<sup>21</sup>.

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20) On Latin translations of the Chalcedon decrees, with special attention to Rusticus, cf. most recently Tommaso MARI, *The Latin Translations of the Acts of the Council of Chalcedon*, in: *Greek, Roman and Byzantine Studies* 58 (2018) p. 126–155. Also Richard PRICE / Michael GADDIS, *The Acts of the Council of Chalcedon* (*Translated Texts for Historians* 45, 2005) 1 p. 83–85; and most fundamentally, the introductory remarks of Eduard SCHWARTZ, *Concilium Universale Chalcedonense* (*Acta Conciliorum Oecumenicorum* 1–6, 1933–1937) (hereafter ACO) p. VII–XII. The enormous compendium of Rusticus was known to few Carolingian-era readers beyond Pseudo-Isidore. Early medieval canonical collections like the *Hispana* and the *Dionysio-Hadriana* transmitted little more than twenty-seven canons items associated with the council, corresponding to Actio XV of the Latin version (ed. SCHWARTZ, ACO 2.3.3 p. 91 [530]–98 [537]): ed. SCHWARTZ, ACO 2.2.2 p. 81[173]–95[187] (the *Hispana*); and IDEM, ACO 2.2.2, p. 51 [143]–60[152] (the *Dionysiana* including the *Dionysio-Hadriana*). For the *Hispana* cf. also Gonzalo Martínez Díez / Félix RODRÍGUEZ eds., *La Colección canónica Hispana* 1–6 (*Monumenta Hispaniae Sacra, Serie canónica* 1–6, 1966–2002), here vol. 3 p. 233–280.

21) NS 111 accounts for almost a third of the length of the entire collection. The only edition of the *Nonnullae sanctiones* is Johannes Baptista PITRA, *Spicilegium Solesmense complectens sanctorum patrum scriptorumque ecclesiasticorum anecdota hactenus opera, selecta a Graecis Orientalibusque et Latinis codicibus* 4: *In quo monumenta cum Africanæ quam Byzantinæ ecclesie proferuntur et illus-*

As early as 1976, Karl-Georg Schon weighed the possibility that the *Nonnullae sanctiones* might be a Pseudo-Isidorian product. They are transmitted almost exclusively as an appendix to manuscripts of the False Decretals, and the interests of the compiler and those of Pseudo-Isidore overlap considerably. In 2000, Zechiel-Eckes banished all doubt by showing that Pseudo-Isidore compiled the *Nonnullae sanctiones* directly from Paris, Bibliothèque nationale Ms. lat. 11611, the most important extant witness to Rusticus/Chalcedon. The forger or his secretaries have left a series of characteristic marginal notae in Paris lat. 11611 that correspond in very precise ways to the contents of the *Nonnullae sanctiones*<sup>22</sup>.

From the outset, Zechiel-Eckes characterized the *Nonnullae sanctiones* as an intermediary, formal source of the False Decretals<sup>23</sup>. His student Clara Harder has followed him in this. Because Harder otherwise recognizes no hierarchical relationships in the Pseudo-Isidorian corpus, the *Nonnullae sanctiones* are for her a rare, demonstrably early product of our forgers: „Es ist anzunehmen, dass die Bearbeitung der Vorlagenhandschrift Codex Paris, Bibliothèque nationale, lat. 11611, zu den frühesten Arbeitsschritten des Fälschungsunternehmens zählte“<sup>24</sup>. Despite these words, nobody has explored the relationship between the *Nonnullae sanctiones* and the rest of the Pseudo-Isidorian corpus. Zechiel-Eckes's analysis of Paris lat. 11611 even appears calculated to

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trantur (1858) p. 166–185. Pitra's printing is deceptive and also incomplete. Vastly preferable is the transcription from Vatican, Biblioteca Apostolica Vat. lat. 630 (the early A/B copy of the False Decretals) by Karl-Georg SCHON, <http://www.pseudoisidor.mgh.de/html/311.htm>. The chapter numbers are Pitra's convention; the *Nonnullae sanctiones* are unnumbered and introduce subsequent excerpts with rubrics after the manner of *ET PAULO POST* or *ITEM POST MULTA ACTIONE XIII* or the like. The work is generally known in the secondary literature, following Zechiel-Eckes's lead, as the *Excerptiones de gestis Chalcedonensis concilii*, which appears to be Pitra's own title with no basis in the manuscript tradition. The *Nonnullae sanctiones* rubric is doubtless „umständlich“ (so HARDER, *Pseudoisidor und das Papsttum* p. 75 n. 232) but it should not be suppressed, as it is present throughout the manuscript tradition and clearly represents Pseudo-Isidore's own characterization of this piece.

22) Karl-Georg SCHON, *Exzerpte aus den Akten von Chalcedon bei Pseudoisidor und in der 74-Titel-Sammlung*, in: DA 32 (1976) p. 546–557, here esp. 551–557; and ZECHIEL-ECKES, *Verecundus oder Pseudoisidor* (as n. 9). The source codex, Paris lat. 11611, is defective at the end and breaks off at the bottom of fol. 197v at the first line of the final Actio 16: in SCHWARTZ, ACO 2.3.3 (as n. 20) p. 98 l. 29.

23) ZECHIEL-ECKES, *Verecundus oder Pseudoisidor* (as n. 9) p. 427 n. 50.

24) HARDER, *Pseudoisidor und das Papsttum* (as n. 17) p. 178 with n. 23; cf. also IDEM, *Papst als Mittel* (as n. 18) p. 182 with n. 32.

avoid confronting the mediating role of the *Nonnullae sanctiones* in any detail<sup>25</sup>.

While the *Nonnullae sanctiones* may have been particularly early, they had no more than a peripheral importance for later Pseudo-Isidorian products. As we have said, the *Nonnullae sanctiones* consist of 111 unique extracts from Paris lat. 11611. The False Capitularies of Benedictus Levita (BL), the Capitula Angilramni (CA) and the False Decretals, meanwhile, know only ten distinct passages from the Chalcedon actiones as edited by Rusticus. Of these, four have no presence in the *Nonnullae sanctiones* at all. Two of these apparently direct appropriations from Paris lat. 11611 happen in the same Ps.-Cornelius forgery; the other two occur as adjacent capitula in Benedictus Levita. In all four cases we find the expected notae in the margins of Paris lat. 11611<sup>26</sup>.

At most, then, Pseudo-Isidore can have consulted his own intermediary compilation for six items, namely NS 2, 11, 16, 76, 77 and 107<sup>27</sup>:

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25) In his first article, Zechiel-Eckes studied Rusticus/Chalcedon reception in the *Nonnullae sanctiones* alone; the table in IDEM, Verecundus oder Pseudoisidor (as n. 9) p. 431–446 thus lists only those notae in Paris lat. 11611 demonstrably tied to the *Nonnullae sanctiones*. In his subsequent article (IDEM, Pseudoisidors Werkstatt [as n. 9] p. 48–54, with the table at p. 50), he tracked Rusticus/Chalcedon reception in all Pseudo-Isidorian products except the *Nonnullae sanctiones*. In this way the problem of the *Nonnullae sanctiones* as a formal source for other Pseudo-Isidorian items is almost entirely obscured, and neither article provides a full picture of Pseudo-Isidore's use of Paris lat. 11611.

26) ZECHIEL-ECKES, Pseudoisidors Werkstatt (as n. 9) p. 50: The fourth, fifth, sixth and seventh items in the table involve passages from Rusticus/Chalcedon that have no presence in the *Nonnullae sanctiones*. For the False Capitularies reception, see the discussion just below, p. 463–468. Ps.-Cornelius, J<sup>3</sup> †226 (ed. HINSCHIUS, Decretales [as n. 1] p. 172–175, here 173–174) bypasses the *Nonnullae sanctiones* twice in the course of the same discussion, first appropriating a passage verbatim from Actio I of the Chalcedon acts that the compiler of the *Nonnullae sanctiones* had only summarized (the fourth instance in Zechiel-Eckes's table), before some lines later drawing on another passage from Actio X that the *Nonnullae sanctiones* do not have at all (the seventh instance in this table).

27) I reproduce here a reduced version of the table in ZECHIEL-ECKES, Pseudoisidors Werkstatt (as n. 9) p. 50. The *Nonnullae sanctiones* are cited according to pages in PITRA, Spicilegium (as n. 21) and folios in Paris lat. 11611. The central column does not quote the full items from the (often extensively excerpted) *Nonnullae sanctiones*, but only the precise loci of interest to Pseudo-Isidore as indicated by the placement of the notae in the source codex. These quotations are according to Pitra but controlled against Schon's transcription of Vat. lat. 630 online at <http://www.pseudoisidor.mgh.de/html/311.htm>. The False Decretals are cited according to HINSCHIUS, Decretales (as n. 1).

<i>Nonnullae sanctiones</i>	Text of Interest	Forgeries
NS 2 (p. 167) from fol. 18v l. 31–33, with multiple notae.	<i>... et synodum ausus est facere sine auctoritate sedis apostolicae, quod numquam rite factum est nec fieri licuit.</i>	Ps.-Marcellus, J <sup>3</sup> †328 (p. 224); Ps.-Marcellus, J <sup>3</sup> †327 (p. 228); Ps.-Julius, J <sup>3</sup> †443 (p. 466) <sup>28</sup> ; Ps.-Damasus J <sup>3</sup> †573 (p. 503).
NS 11 (p. 168) from fol. 32r l. 16 with multiple notae.	<i>Directi religiosissimi viri ... suspecti mihi facti sunt.</i>	Ps.-Fabianus, J <sup>3</sup> †192 (p. 162).
NS 16 (p. 169) from fol. 50v l. 1 with a single nota.	<i>Fides, quae ex necessitate est, fides non est.</i>	Ps.-Alexander I, J <sup>3</sup> †49 (p. 98). Untersammlung 5, c. 84 <sup>29</sup> .
NS 76 (p. 177) from fol. 187r l. 27–29, with a single nota.	<i>Sic enim odit Deus eos, qui adversus patres armantur, ut patrum invasores, qui in omni mundo infamia notantur.</i>	Ps.-Alexander I, J <sup>3</sup> †49 (p. 97); Ps.-Telesphorus, J <sup>3</sup> †66 (p. 112); Ps.-Fabianus J <sup>3</sup> †192 (p. 164); Ps.-Stephanus I, J <sup>3</sup> †257 (p. 182); Ps.-Stephanus I, J <sup>3</sup> †256 (p. 188); Ps.-Eusebius, J <sup>3</sup> †337 (p. 231f.); Ps.-Julius, J <sup>3</sup> †443 (p. 468) <sup>30</sup> ;

28) And more recently ed. ZECHIEL-ECKES, *Pseudoisidors Werkstatt* (as n. 9) p. 75 l. 96–97.

29) Ed. SCHIEFFER, *MGH Conc. 4, Suppl. 2* (as n. 19) p. 51 l. 20. The first four *Untersammlungen* in Berlin, Staatsbibliothek Preußischer Kulturbesitz, Philipps 1764, and likely also the fifth, are to be associated with Hincmar of Laon who obviously enjoyed privileged access to Pseudo-Isidore's products, including notes and otherwise uncirculated materials from the atelier of the forger. Cf. the convenient overview in: SCHIEFFER, *MGH Conc. 4, Suppl. 2* p. 1–2; and, more fundamentally, Horst FUHRMANN, *Einfluß und Verbreitung der pseudoisidorischen Fälschungen 3* (*Schriften der MGH 24/III*, 1974) p. 633–650.

30) Also ed. ZECHIEL-ECKES, *Pseudoisidors Werkstatt* (as n. 9) p. 78 l. 153–154.

		Ps.-Pelagius II, J <sup>3</sup> †2056 (p. 724f.); BL 3.374 and CA 19bis <sup>31</sup> ; Untersammlung 5, c. 84 <sup>32</sup> .
NS 77 (p. 177) from fol. 187v l. 1–5, with a single nota.	<i>... illum vero, qui calum- niam facit, si vere est calum- niator, abscondas.</i>	Ps.-Fabianus, J <sup>3</sup> †192 (p. 163); BL 3.446 <sup>33</sup> .
NS 107 (p. 183) from fol. 166v l. 32 – 167r l. 1, with multiple notae on verso and recto.	<i>Non possunt cohabitantes (Vat. lat. 630: qui habitan- tes) inimicis ... ad accusati- onem vel ad testimonium comprobari.</i>	Ps.-Stephanus I, J <sup>3</sup> †256 (p. 184).

In the case of NS 2, 16, 76 and 77, the later forgeries draw, more than once, on the very passage we find in the prior *Nonnullae sanctiones*. The presumption must be that in these instances the *Nonnullae sanctiones* indeed represent the formal source. This presumption reaches certainty in the case of NS 76, where Pseudo-Isidore has enriched his excerpt with the word *infamia*. As Zechiel-Eckes notes, „Diese – um *infamia* bereicherte – Lesart begegnet [...] durchgängig in den pseudoisidorischen Opera. Man wird das so zu deuten haben, dass der Fälscher für besagte Stelle nicht mehr auf die Arbeitshandschrift [...], sondern auf seine [*Nonnullae sanctiones*] ... als bereits thematisch ‚aufbereitete‘ Zwischensammlung zugegriffen hat“<sup>34</sup>. A weaker case exists for the mediating role of NS 107, which would have informed only Ps.-Stephanus. Here again, though, the recurrence of precisely the same locus that the *Nonnullae sanctiones* had collected earlier suggests that we have before us the formal source.

This leaves the curious case of NS 11 and its relationship to Ps.-Fabianus, J<sup>3</sup> †192, who has from Rusticus/Chalcedon no more than a very brief phrase on those who have come under suspicion (*suspecti facti sunt*). Because this phrase stands at the head of the much more extensive extract at NS 11, it looks for all the world like the decretal forger

31) Ed. PERTZ, MGH LL 2, 2 (as n. 1) p. 125; and SCHON, *Capitula Angilramni* (as n. 19) p. 165 respectively.

32) Ed. as above, n. 29.

33) Ed. PERTZ, MGH LL 2, 2 (as n. 1) p. 131.

34) ZECHIEL-ECKES, *Verecundus oder Pseudoisidor* (as n. 9) p. 427 n. 50.

is working from the prior, mediating collection in this case as well. Yet the evidence of Paris lat. 11611 suggests otherwise. Two sequences of notae stand alongside the passage in question, in the right margin of fol. 32r l. 15–17, one directly above the other. The first, between the fifteenth and sixteenth lines, corresponds to the incipit of NS 11 (l. 15: *Directi religiosissimi ...*), while the second sits one line lower, precisely at the decretal forger's phrase on suspicion. The first notae have moreover been erased. The strong impression is that our forger has adjusted prior annotations made for the *Nonnullae sanctiones* in the course of later work on the Ps.-Fabianus forgery<sup>35</sup>.

Later in his project, therefore, Pseudo-Isidore sometimes returned to Paris lat. 11611, with the result that the False Decretals at points know the Chalcedon acta more fully than the prior, mediating collection. The *Nonnullae sanctiones* nevertheless guided the decretal forgeries in important ways. The five items likely mediated by the *Nonnullae sanctiones* recur a full fifteen times in the False Decretals. This is in marked contrast to the material that the pseudopopes lift directly from the folios of Paris lat. 11611 in Ps.-Cornelius, J<sup>3</sup> †226, and Ps.-Fabianus, J<sup>3</sup> †192. In each of these cases, these later appropriations are confined to a single destination, even though the associated notae in Paris lat. 11611 are indistinguishable from all the others<sup>36</sup>. Already, the False Decretals begin to look like the final stage of the textual processes at work here.

To this point we have considered only the False Decretals, respecting the bounds of *communis opinio*. As we extend our view to the False Capitularies, the prevailing hypothesis of parallel capitulary and decretal forgeries becomes harder to accommodate. Among four items in the collection of Benedictus Levita that flow from Paris lat. 11611 is

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35) These notae are indexed at ZECHIEL-ECKES, *Verecundus oder Pseudoisidor* (as n. 9) p. 432 (third entry from the bottom); and IDEM, *Pseudoisidors Werkstatt* (as n. 9) p. 50 (second entry from top).

36) The themes involved are also central to Pseudo-Isidore's program. Ps.-Cornelius (ed. HINSCHIUS, *Decretales* [as n. 1] p. 173–174) draws on the Chalcedon acta to forbid the swearing of oaths by bishops (a means of shoring up their legal security: cf. Paris lat. 11611 fol. 52v l. 29 – 53r l. 2, corresponding to Actio I, ed. SCHWARTZ, ACO 2.3.1 [as n. 20] p. 136 l. 3) and to forbid condemnation in absentia (Paris lat. 11611 fol. 166r l. 11–166v l. 11, corresponding to Actio X, ed. SCHWARTZ, ACO 2.3.3 p. 21 l. 4 – p. 22 l. 10). And we saw just above how Ps.-Fabianus builds a mention of suspicion from Chalcedon Actio I into a disqualification for accusers. And again, in all three of these cases the marginal notae in Paris lat. 11611 are graphically indistinguishable from those that tie to the *Nonnullae sanctiones*.

the widely distributed NS 76, which as we have seen carries the helpful *infamia* interpolation by which we may recognize Pseudo-Isidore's handiwork. A closer look at this item, which declares God's hatred for those who take up arms against the fathers, will reveal how incompletely this textual moment has been characterized. Here is how NS 76 appears in Vatican, Biblioteca Apostolica, Vat. lat. 630, one of our earliest extant copies of the *Nonnullae sanctiones* from Corbie. I underline Pseudo-Isidore's redactions<sup>37</sup>:

*Bonum est, ut pro causa praefati episcopi aliquem deo amicissimorum episcoporum suae urbi vicinum personas non accipientium sanctitas tua deputet. Formidat enim suum metropolitanum tamquam vesanae flammæ inimicum adversum se virtutem inimicitiae atque materiem praebentem et, si quidem convicti fuerint, in quibus accusantur, quos inclamat tamquam superbiam habentes Absalon, cum illum fuerint imitati, simili exemplo plectantur. Sic enim odit deus eos, qui adversus patres armantur, ut patrum invasores, qui in omni mundo infamia notantur.*

Of this substantial passage, Benedictus Levita (3.374) and the Capitula Angilramni (19bis) care only for the last sentence. Both have identical text: *Sic odit deus eos, qui adversus patres armantur, ut patrum invasores, qui in omni mundo infamia notantur*.<sup>38</sup> The pseudopopes, for their part, talk about God's hatred for those who take up arms against the fathers and the infamy of such persons on eight occasions. Here I underline the text that they share with the *Nonnullae sanctiones*:

Ps.-Alexander I, J<sup>3</sup> †49 (ed. HINSCHIUS, *Decretales* [as n. 1] p. 97):  
*... decernimus omnes, qui sanctos patres persequuntur ... infames esse ... quia sic odit deus eos, qui adversus patres armantur ut patrum invasores vel destructores, qui ideo infames efficiuntur, quia patres persequuntur.*

Ps.-Telesphorus, J<sup>3</sup> †66 (p. 112): *Nec hi, qui non sunt idonei, suscipiantur ad accusationem, et omnes, qui adversus patres armantur, infames esse censemus.*

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37) Vat. lat. 630, fol. 316ra. For the unfalsified text compare Chalcedon Actio 14, ed. SCHWARTZ ACO 2.3.3 (as n. 20) p. 75 [514] l. 21–27: *Bonum – episcopi* represents our forger's effort to complete the beginning of his excerpt; the final sentence has been lightly falsified from the original (ed. SCHWARTZ ACO 2.3.3 p. 75 l. 26–27): *Sic enim odit deus eos, qui adversus patres armantur, ut patrum invasores in omni mundo notentur.*

38) Ed. PERTZ, MGH LL 2, 2 (as n. 1) p. 125; and SCHON, *Capitula Angilramni* (as n. 19) p. 165 l. 1–2.

Ps.-Fabianus, J<sup>3</sup> †192 (p. 164): *Similiter omnes personae quibuslibet turpitudinibus subiectae infames sunt effecti, et omnes, qui adversus patres armantur, infames efficiuntur.*

Ps.-Stephanus I, J<sup>3</sup> †257 (p. 182): *Infames ... esse eas personas dicimus ... omnes, qui adversus patres armantur, qui in omni mundo infamia notantur. ...*

Ps.-Stephanus I, J<sup>3</sup> †256 (p. 188): *Unde precamur, ne tales multum timeatis, quia infames sunt ... quoniam sic odit deus eos, qui adversus patres armantur, ut patrum invasores, qui in omni mundo infamia sunt notati.*

Ps.-Eusebius, J<sup>3</sup> †443 (p. 231–232): *... his omnibus [scil., infames] impugnandi episcopos ... et nos licentiam submovemus, quia sic odit deus eos, qui patres insequuntur, ut patrum invasores, qui in omni mundo infamia notantur et ideo iuste ... respuuntur.*

Ps.-Julius I, J<sup>3</sup> †443 (p. 468): *Placuit, si accusatus vel damnatus episcopus appellaverit Romanum pontificem, id statuendum, quod ipse iuste censuerit et omnes qui adversus patres armantur, infames esse censemus. ...*

Ps.-Pelagius II, J<sup>3</sup> †2056 (p. 724–725): *Caeterum sanctorum patrum statuta sequentes synodali auctoritate omnes, qui adversus patres armantur, ut patrum invasores et mactatores infames esse censemus, quoniam ea vulnera ... ferro abscondi vel curari necesse est.*

From Ps.-Alexander I to Ps.-Pelagius II, the False Decretals know NS 76 only in the shorter form of BL 3.374/CA 19bis. Even the *enim* that BL 3.374 and CA 19bis leave behind never once returns. Many interpretations of this phenomenon are possible, but the view that taxes our imaginations the least is simply that the False Decretals stand at the end of a two-stage process: The capitulary forgeries have *Sic odit deus ...* from the *Nonnullae sanctiones*, and the pseudopopes have *Sic odit deus ...* from the capitulary forgeries.

Beyond this case, the False Capitularies draw on Rusticus/Chalcedon for a series of three more chapters at BL 3.444, 445 and 446, which correspond to marginal annotations in Paris lat. 11611 on fols. 108v, 137r and 187v<sup>39</sup>. BL 3.444 and 445, which exclude the laity from ecclesiastical trials and proclaim the inviolability of church law, occur

39) Ed. Pertz, MGH LL 2, 2 (as n. 1) p. 130–131. Cf. also ZECHIEL-ECKES, Pseudoisidors Werkstatt (as n. 9) p. 50: the fifth, sixth and tenth table entries. As is often the case, successive chapters in Benedictus Levita retain the order of the underlying source, as if the capitulary forger were paging forwards through Paris lat. 11611 as he compiled BL 3.444–446.

only in the False Capitularies and nowhere else. In contrast, BL 3.446, a brief statement deploring calumny, also recurs at NS 77 and in a decretal forgery of Ps.-Fabianus (J<sup>3</sup> †192). The material source is a letter of Archbishop Proclus of Constantinople to Bishop Domnus of Antioch that has been copied into Actio 14 of Chalcedonian decrees. The permutations, as we progress from the material source to the decretal forgery, are illustrative. Once again I underline Pseudo-Isidorian textual manipulations<sup>40</sup>:

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40) Vat. lat. 630 I have examined myself (although Schon's transcription [as n. 21] appears to be completely faithful), while I depend upon the transcript of Paris lat. 4634 prepared by SCHMITZ et al.: [http://www.benedictus.mgh.de/handschriften/p15\\_3t.htm](http://www.benedictus.mgh.de/handschriften/p15_3t.htm). For J<sup>3</sup> †192, the Hinschius text (Decretales [as n. 1] p. 163) is serviceable but I have also compared it against Schon's collations (online at <http://www.pseudoisidor.mgh.de/html/042.htm>).

1. Paris, lat. 11611, fol. 187v:	2. NS 77 from Vat. lat. 630, fol. 316ra:	3. BL 3.446 from Paris, BnF Ms. lat. 4634, fol. 141v:	4. Pseudo-Fabian, J <sup>3</sup> †192:
... <i>Sed Deus ad hoc tuam religiositatem praeordinavit,</i>	... <i>Sed Deus ad hoc tuam religiositatem praeordinavit,</i>	<i>Deus ad hoc vestram religiositatem &lt;prae&gt;-ordinavit</i> [MS: <i>postordinavit</i> ],	<i>Deus ergo, fratres, ad hoc praeordinavit vos et omnes, qui summo sacerdotio funguntur,</i>
<i>ut et iniustitias removeas et praesumptiones abscidas et sacerdotio laboranti succurras et multis maledictionibus</i>	<i>ut et iniustitias removeas et praesumptiones abscidas et sacerdotio laborantibus succurras et multis inrogationibus</i>	<i>ut et iniustitias removeatis et praesumptiones abscidatis et sacerdotio laborantibus succurratis et multis opprobriis</i>	<i>ut iniustitias removeatis et praesumptiones abscidatis et sacerdotio laborantibus succurratis et opprobriis et calamitatibus eorum</i>
<i>locum non praebeas, sed post agnitionem ei quidem, qui calumniam patitur, adiutorium feras.</i>	<i>locum non praebeas, sed post agnitionem ei, qui calumniam patitur, adiutorium feras.</i>	<i>locum non praebeatis, sed post agnitionem ei, &lt;qui&gt;</i> [MS: <i>que</i> ] <i>calumniam patitur, adiutorium feratis.</i>	<i>locum non praebeatis; sed ei, qui calumniam vel opprobrium patitur, adiutorium feratis.</i>
<i>Illum vero, qui calumniam facit, si vere est calumniator, abscidas. ...</i>	<i>Illum vero, qui calumniam facit, si vere est calumniator, abscidas. ...</i>	<i>Illum vero, qui calumniam facit, si vere est calumniator, abscidatis.</i>	<i>Illum vero, qui calumniam vel opprobrium facit, abscidatis et domino in suis sacerdotibus opem feratis.</i>

Column 2 above represents only the middle third of NS 77, which provides a much longer excerpt from Proclus. Redaction at this stage is minor and its purposes somewhat unclear. At the next stage, BL 3.446, we find *Deus ad hoc* ... on its own; the preceding and following material from NS 77 has been cut out. BL 3.446 retains the redactions of the *Nonnullae sanctiones* (i.e., *laborantibus*) and implements further changes. Thus *inrogationibus* gives way to *opprobriis*, and all the verbs are moved to the second person plural to accord with the rubric heading BL 3.446, which asks readers to believe that this is a *Suggestio populi*

*ad imperatorem Karolum et episcopos*<sup>41</sup>. In the third and final stage (column 4), Ps.-Fabianus appropriates the passage from BL 3.446, complete with all of Benedictus Levita's redactions, and contributes still more of his own. As his letter is addressed *omnibus orientalibus episcopis et cunctis fidelibus*, the plural verbs remain appropriate<sup>42</sup>. Here it is notable only that Ps.-Fabianus works untroubled by the corruptions *postordinavit* (for *praeordinavit*) and *que* (for *qui*), which appear to be widely attested in the manuscript tradition of the False Capitularies<sup>43</sup>. Isidorus Mercator, who must have known internal drafts rather than the capitularies as they have come down to us, had an early text with slightly different features<sup>44</sup>.

Paris lat. 11611 has made analysis in this instance especially secure. That Ps.-Fabianus receives BL 3.446, however, would have been clear even if the source codex had not survived<sup>45</sup>. Cases like these, in which the False Decretals use sources only as we find them in the False Capitularies, while contributing further textual manipulations, are numerous. In his 1863 edition, Hinschius adduces other cases in which the False Decretals use sources as the False Capitularies have interpolated them, often introducing further changes. He finds cases where Benedictus Levita provides a capitulum conflated from multiple sources, and where the False Decretals know the same underlying sources conflated in the same way. He shows the False Decretals drawing first on the rubric and then on the corresponding capitulum provided by Benedictus Levita, blending both into the same continuous discussion. Most importantly, he discovers in some areas an argumentative pro-

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41) Identically in PERTZ, ed. MGH LL 2, 2 (as n. 1) p. 131; and Paris lat. 4634, fol. 141v.

42) Ed. HINSCHIUS, *Decretales* (as n. 1) p. 160.

43) This can be seen by consulting the transcripts provided by SCHMITZ et al. at <http://www.benedictus.mgh.de/handschriften/handschriften.htm>.

44) Relatively few codices, many of them late or incomplete, transmit the False Capitularies, while for the False Decretals we have abundant early copies, some of them from centres associated with the forgery operation itself. For more on the manuscript tradition of the capitulary forgeries cf. Emil SECKEL, *Benedictus Levita Decurtatus et excerptus. Eine Studie zu den Handschriften der falschen Kapitularien*, in: *Festschrift der Berliner Juristenfakultät für Heinrich Brunner* (1914) p. 377–464, digitized at <http://www.benedictus.mgh.de/studien/seckel/decurtatus.htm>.

45) As indeed it was clear to Paul Hinschius in 1863: cf. his apparatus at IDEM, *Decretales* (as n. 1) p. 163, where he lists „Ben. III. 446 et Procli ep. ad Domn.“ as the source for Ps.-Fabianus c. XVI.

gression from the False Capitularies to the False Decretals<sup>46</sup>. For those who have accepted the priority of the *Nonnullae sanctiones* because of the *infamia* interpolation, this evidence, of precisely the same nature and differing only in its overwhelmingly greater extent, should prove decisive.

### Benedictus Levita's Priority over the False Decretals

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

Isidorus Mercator almost never cites the *Lex Visigothorum*, for example, in the absence of an apparently prior citation by Benedictus Levita. Numbers alone speak to the hierarchy of capitulary and decretal forgeries on this point. Over forty distinct items from the *Lex Visigothorum* flow to well over fifty capitula in the three books of Benedictus Levita's collection. The False Decretals, meanwhile, know at best twelve distinct passages from the *Lex Visigothorum*. These are scattered, with a great deal of duplication, across no more than twenty-seven distinct passages<sup>47</sup>. Already we encounter the amplification

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

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

and duplication that are the hallmarks of a mediating compilation at work. Of all these citations, only one instance in Ps.-Alexander, J<sup>3</sup> †49, has no parallel in Benedict's collection. The passage at issue occurs only in this single decretal and nowhere else, because no mediating formal source was on hand to ensure a wider distribution<sup>48</sup>.

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48) For Ps.-Alexander cf. HINSCHIUS, *Decretales* (as n. 1) p. 97: The pope deplores confessions that have been extorted *per metum aut fraudem aut per vim*, words that probably come from Lex Visig. 2.5.9, ed. Karl ZEUMER, *Leges Visigothorum* (MGH LL nat. Germ. 1, 1902) p. 110 l. 2–3. Beyond this instance, the False Decretals have no more than eleven loci from the Lex Visigothorum, always with a parallel in the False Capitularies:

1. Lex Visig. 2.1.10 in. (ed. ZEUMER, MGH LL nat. Germ. 1 [as n. 48] p. 58 l. 11–12); in BL 2.343 (ed. PERTZ, MGH LL 2, 2 [as n. 1] p. 90). Twice in the False Decretals: Ps.-Stephanus J<sup>3</sup> †256 and Ps.-Pelagius II, J<sup>3</sup> †2044 (ed. HINSCHIUS, *Decretales* [as n. 1] p. 184 and 730).

2. Lex Visig. 2.1.13 (11) rubr. (ed. ZEUMER, MGH LL nat. Germ. 1 p. 60 l. 24); in BL 2.436, 3.352, add. 3.10 and 3.459a (ed. PERTZ, MGH LL 2, 2 p. 98, 90, 139 and 131). Twice in the False Decretals: Ps.-Euticianus, J<sup>3</sup> †298 and Ps.-Felix II, J<sup>3</sup> †505 c. VIII (ed. HINSCHIUS, *Decretales* p. 212 and 486).

3. Lex. Visig. 2.1.29 rubr. (ed. ZEUMER, MGH LL nat. Germ. 1 p. 76 l. 9–10); in BL 1.405 (ed. PERTZ, MGH LL 2, 2 p. 69) and CA 18bis (ed. SCHON, *Capitula Angilramni* [as n. 19] p. 164). Three times in the False Decretals: Ps.-Calixtus, J<sup>3</sup> †160; Ps.-Marcellinus, J<sup>3</sup> †321; and the Fifth Symmachan Synod (ed. HINSCHIUS, *Decretales* p. 137, 223 and 683).

4. Lex Visig. 2.4.1 (ed. ZEUMER, MGH LL nat. Germ. 1 p. 95 l. 3–5); in BL 2.397 and 3.369 (ed. PERTZ, MGH LL 2, 2 p. 95 and 125); CA 10bis (ed. SCHON, *Capitula Angilramni* p. 158 l. 1–4). Four times in the False Decretals: Ps.-Clemens, J<sup>3</sup> †26; Ps.-Euticianus, J<sup>3</sup> †298; Ps.-Felix II, J<sup>3</sup> †505 c. XVI; Ps.-Eusebius, J<sup>3</sup> †339 (ed. HINSCHIUS, *Decretales* p. 40, 211, 488 and 239).

5. Lex Visig. 2.4.5 in. (ed. ZEUMER, MGH LL nat. Germ. 1 p. 98 l. 3–5); in BL 2.147 and BL 2.345a (ed. PERTZ, MGH LL 2, 2 p. 80 and 90). Twice in the False Decretals: Ps.-Calixtus J<sup>3</sup> †162 and Ps.-Damasus, J<sup>3</sup> †568 (ed. HINSCHIUS, *Decretales* p. 141 and 519–520).

6. Lex Visig. 2.4.7 (ed. ZEUMER, MGH LL nat. Germ. 1 p. 99 l. 34 – p. 100 l. 1); in BL 3.322 and 3.440b (ed. SCHMITZ, *Book 3* [as n. 1] p. 84 l. 10–14 and 114 l. 2–4); CA 29 (ed. SCHON, *Capitula Angilramni* p. 133 l. 1–3). Four times in the False Decretals: Ps.-Alexander, J<sup>3</sup> †49; Ps.-Stephanus I, J<sup>3</sup> †256; Ps.-Melchiades, J<sup>3</sup> †355; Ps.-Pelagius II, J<sup>3</sup> †2044 (ed. HINSCHIUS, *Decretales* p. 96, 187, 244 and 730).

7. Lex Visig. 2.4.13 (ed. ZEUMER, MGH LL nat. Germ. 1 p. 104 l. 8–17); in BL 2.348 (ed. PERTZ, MGH LL 2, 2 p. 90). Once in the False Decretals: Ps.-Calixtus J<sup>3</sup> †162 (ed. HINSCHIUS, *Decretales* p. 141).

8. Lex Visig. 8.1.2 (ed. ZEUMER, MGH LL nat. Germ. 1 p. 313 l. 7–9); in BL 2.161 and 2.353 (ed. PERTZ, MGH LL 2, 2 p. 81 and 90). Three times in the False Decretals: Ps.-Eusebius, J<sup>3</sup> †340; the Fifth Symmachan Synod; and Ps.-John I, J<sup>3</sup> †1690 (ed. HINSCHIUS, *Decretales* p. 237, 676 and 694).

9. Lex Visig. 12.2.9 in. (ed. ZEUMER, MGH LL nat. Germ. 1 p. 416 l. 9–11); in BL 3.351 (ed. PERTZ, MGH LL 2, 2 p. 124). Twice in the False Decretals: Ps.-Eu-

Throughout his capitula from the *Lex Visigothorum*, Benedict almost invariably follows his sources more closely than his pseudo-apostolic colleagues. He knows the sequence of material in the Visigothic law directly, for on five occasions his borrowings fall into blocks of two or more sequential capitula. The decretal forgeries cite the same items that we find sequentially arranged in the False Capitularies, though never with any independent knowledge of the arrangement of the *Lex Visigothorum*<sup>49</sup>. The order that the pseudopopes know is only that of Benedictus Levita. Thus Ps.-Euticianus, J<sup>3</sup> †298, forbids *infames* from testifying against or accusing Christians, and then prohibits judges from hearing any cases *quae legibus non continentur*. These points come from disparate places in the *Lex Visigothorum*, namely 12.2.9 and 2.1.13; and yet they are adjoined to one another in the False

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ticianus J<sup>3</sup> †298; Ps.-Felix II, J<sup>3</sup> †505 c. VI (ed. HINSCHIUS, *Decretales* p. 211–212 and 486).

10. *Lex Visig.* 12.2.10in. (ed. ZEUMER, *MGH LL nat. Germ.* 1 p. 416 l. 17–417 l. 2); in BL 3.427 (ed. PERTZ, *MGH LL* 2, 2 p. 129). Twice in the False Decretals: Ps.-Pius I, J<sup>3</sup> †86; Ps.-Fabianus, J<sup>3</sup> †190 (ed. HINSCHIUS, *Decretales* p. 117 and 158).

11. *Lex Visig.* 12.3.8 rubr. (ed. ZEUMER, *MGH LL nat. Germ.* 1 p. 435 l. 23–24); in BL 2.130 (ed. SCHMITZ, *Book 2* [as n. 1] p. 26 l. 12–27 l. 3). Perhaps once in the False Decretals, namely at Ps.-Calixtus, J<sup>3</sup> †162 (ed. HINSCHIUS, *Decretales* p. 140), though there is no specific verbal resonance.

49) The first three of these five sequences are at BL 2.137–138, from *Lex Visig.* 8.1.10–11; BL 2.146–153 from *Lex Visig.* 2.4.4in., 2.4.5in., 2.5.1in., 2.5.2, 2.5.4, 3.4.18, 5.4.1, 5.7.7; and BL 2.159–161 from *Lex Visig.* 5.7.12, 7.2.7 and 8.1.2. They occur amid other items from the *Lex Visigothorum* and Gallican councils; SECKEL, *Studie VII Teil I* (as n. 7) p. 368–76. All three are related to and partially reprised in a much more complex fourth sequence at BL 2.343–356, where 2.343 is from *Lex Visig.* 2.1.10; 2.344 is from *Lex Visig.* 2.4.4 (and BL 2.146); 2.345a is from *Lex Visig.* 2.4.5 (and BL 2.147); 2.346 is from *Lex Visig.* 2.5.2 (and BL 2.149); 2.348 is from *Lex Visig.* 2.4.13; 2.349 is from *Lex Visig.* 2.5.4 (and BL 2.150); 2.350 is from *Lex Visig.* 3.4.18 (and BL 2.151); 2.351 is from *Lex Visig.* 7.2.8; 2.352 is from *Lex Visig.* 5.7.12 (and BL 2.159); 2.353 is from *Lex Visig.* 8.1.2 (and BL 2.161); 2.354 is from *Lex Visig.* 8.1.6; 2.355 is from *Lex Visig.* 8.1.10 (and BL 2.137); and finally 2.356 is from *Lex Visig.* 8.1.11 (and BL 2.138). For details, including minor textual manipulations and other inserted material cf. SECKEL, *Studie VII Schlussteil III* (as n. 7) p. 470–474. This leaves the fifth sequence at BL 3.427–428, from *Lex Visig.* 12.2.10 and 12.2.16. Three items from these sequential blocks (BL 2.147 or 2.345 from *Lex Visig.* 2.4.5; BL 2.161 or 2.353 from *Lex Visig.* 8.1.2; and BL 3.427 from *Lex Visig.* 12.2.10) find their way to the decretal forgeries, where they are for the most part cited in isolation and out of sequence. See note 48 just above, items 5, 8 and 10.

Capitularies, at BL 3.351 and 3.352. The same sequence, though with some items interspersed, recurs in Ps.-Felix II, J<sup>3</sup> †505<sup>50</sup>.

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

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

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

Further examples of this phenomenon, whereby the False Capitularies or another excerpt repository appears to constrain or guide the decretals forger, abound. A second case surrounds Pseudo-Isidore's insistence that all councils require papal sanction. Here it is not only the False Capitularies, but three excerpt repositories acting in concert, that explain the variant approaches of the pseudopapacy. We have already seen that the *Nonnullae sanctiones*, at NS 2, provide a passage on this matter that has been lifted from Paris lat. 11611 at fol. 18v. The False Capitularies, at BL 2.381b, draw a similar statement from the *Historia tripartita* of Cassiodorus/Epiphanius; here we also have Pseudo-Isidore's manuscript source, namely St. Petersburg, Russian National Library Ms. F.v.I.11, with a nota at fol. 62v. Finally the *Capitula Angilramni*, at CA 2a, produce a composite formulation from various sources<sup>52</sup>. The False Decretals insist on the subjection of conciliar authority to the pope on thirteen occasions by my count, always after one of these three patterns. Several decretals combine the brief statement from the *Nonnullae sanctiones* with the lengthier rhetoric from the *Capitula Angilramni*, while elsewhere the same decretal returns to the principle more than once, with alternating textual parallels<sup>53</sup>.

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p. 214–215): BL 2.381p/CA 10, then BL 3.116; Ps.-Marcellus, J<sup>3</sup> †327 (ed. HINSCHIUS, *Decretales* p. 227): BL 3.116/CA 3i; Ps.-Eusebius, J<sup>3</sup> †340 (ed. HINSCHIUS, *Decretales* p. 237–238): BL 3.116/CA 3i, then Add. 3.8 and finally a rare original formulation; Ps.-Julius I, J<sup>3</sup> †443 (ed. HINSCHIUS, *Decretales* p. 468, 473): BL 3.116/CA 3i and Add. 3.8; Ps.-Athanasius to Felix II (ed. HINSCHIUS, *Decretales* p. 479): BL 3.116/CA 3i; Ps.-Felix II, J<sup>3</sup> †505 (ed. HINSCHIUS, *Decretales* p. 485–486): BL 3.153, 3.116/CA 3i; Ps.-Damasus I, J<sup>3</sup> †573 (ed. HINSCHIUS, *Decretales* p. 503): BL 2.381p/CA 10; Fifth Symmachan Synod (ed. HINSCHIUS, *Decretales* p. 676): BL 3.116/CA 3i; Ps.-John I, J<sup>3</sup> †1690 (ed. HINSCHIUS, *Decretales* p. 694): BL 3.116/CA 3i. By far Pseudo-Isidore's favourite formula is BL 3.116/CA 3i; parallels to Add. 3.8 never occur on their own, but only as a supplement to BL 3.116/CA 3i.

52) For NS 2 (ed. PITRA, *Spicilegium* [as n. 21] p. 167): ZECHIEL-ECKES, *Verecundus oder Pseudoisidor* (as n. 9) p. 431 (no. 2 in the table); for BL 2.381b (ed. PERTZ, *MGH LL 2, 2* [as n. 1] p. 94): ZECHIEL-ECKES, *Pseudoisidors Werkstatt* (as n. 9) p. 43 (first item). CA 2a is ed. SCHON, *Capitula Angilramni* (as n. 19) p. 96–97, with a full account of the sources.

53) Isidorus Mercator, *Praefatio* (ed. HINSCHIUS, *Decretales* [as n. 1] p. 19): CA 2. Ps.-Marcellus, J<sup>3</sup> †328 (ed. HINSCHIUS, *Decretales* p. 224, 228): NS 2, then CA 2. Ps.-Julius, J<sup>3</sup> †442 (ed. HINSCHIUS, *Decretales* p. 459): BL 2.381b, then CA 2. Ps.-Julius, J<sup>3</sup> †443 (ed. ZECHIEL-ECKES, *Pseudoisidors Werkstatt* [as n. 9] p. 73 l. 48–49 and p. 75 l. 96–97): BL 2.381b, then NS 2. Egyptian bishops to Felix II (ed. HINSCHIUS, *Decretales* p. 479): BL 2.381b. Ps.-Felix II, J<sup>3</sup> †505 (ed. HINSCHIUS, *Decretales* p. 488): NS 2. Ps.-Damasus, J<sup>3</sup> †573 (ed. HINSCHIUS, *Decretales* p. 502–

Recognizing these formulaic constellations, whereby patterns established in the excerpt repositories are repeated again and again by the pseudopopes, is more than an arcane source-critical exercise best performed by the editor of the False Decretals in private. Studying the formal sources of the forgeries in this way often lays bare the development of Pseudo-Isidore's thought. To illustrate the interest of this approach, we turn to a third example involving Pseudo-Isidore's hatred for accusers. Among other things, Pseudo-Isidore would like to submit accusers to tests of orthodoxy. On twenty-three occasions, his pseudonymous popes demand that the faith of accusers be examined, according to four distinct formulae:

1) *Quorum fides, vita et libertas nescitur, non possint accusare sacerdotes*: So BL 2.359 and 3.112. Both capitula appear to be outright forgeries with no foundation in authentic sources. The Capitula Angilramni, at CA 13, produce the same sentiment with the additional exclusion of those *qui non sunt bonae conversationis* and who are *viles personae*. One decretal forgery echoes BL 2.359/3.112 and three follow the composite statement at CA 13. Two further decretals use the formula too loosely to determine which intermediary collection is guiding them<sup>54</sup>.

2) *Ut testandi licentia denegetur, qui christianae religionis et nominis dignitatem neglexerint*: This sentiment is an unmodified citation from the Epitome Aegidii of Alaric's Breviary. Benedict takes up this declaration verbatim at BL 3.188, and then at Add. 3.12 he repeats the passage, interpolated such that it addresses the *accusandi vel testificandi licentia*. Four decretal forgeries have this final, interpolated iteration<sup>55</sup>.

3) *Primo semper persona, fides, vita et conversatio accusantium inquiratur*: Thus one of several iterations, at BL 2.381h. This provision

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503); mix of NS 2 and CA 2. Ps.-Pelagius II, J<sup>3</sup> †2056 (ed. HINSCHIUS, Decretales p. 721); NS 2, then BL 2.381b.

54) BL 2.359 and 3.112, ed. SCHMITZ, Book 2 (as n. 1) p. 71 l. 12–14 and Book 3 p. 29 l. 1–3; CA 13 ed. SCHON, Capitula Angilramni (as n. 19) p. 120 l. 1–2. After the model of CA 13 are Ps.-Calixtus, J<sup>3</sup> †162; Ps.-Fabian, J<sup>3</sup> †191 and Ps.-Sixtus III, J<sup>3</sup> †878 (ed. HINSCHIUS, Decretales [as n. 1] p. 141, 167 and 563). Following BL 2.359/3.112 is Ps.-Stephen, J<sup>3</sup> †256 (ed. HINSCHIUS, Decretales p. 186). Indeterminate are Ps.-Fabian, J<sup>3</sup> †192; and Ps.-Pelagius II, J<sup>3</sup> †2044 (ed. HINSCHIUS, Decretales p. 162 and 730).

55) Cf. the Epitome Aegidii of Alaric's Breviary 16, 2 (ed. Gustav HAENEL, Lex Romana Visigothorum [1849] p. 248); BL 3.188 and Add. 3.12 (ed. SCHMITZ, Book 3 [as n. 1] p. 45 l. 6–9; and PERTZ, MGH LL 2, 2 [as n. 1] p. 139); Ps.-Anacletus, J<sup>3</sup> †15; Ps.-Stephanus, J<sup>3</sup> †257; Ps.-Euticianus, J<sup>3</sup> †298; and Ps.-Felix II, J<sup>3</sup> †505 (ed. HINSCHIUS, Decretales [as n. 1] p. 68, 182, 212, 486).

is an invention of our forgers, inspired perhaps by two passages in the *Collectio Dionysio-Hadriana*. One of these, c. 17 of the so-called *Concilium Africanum*, originally addressed disputed episcopal elections, requiring that the characters (*personae*) of those opposed to a candidate be subject to scrutiny. The second, c. 21 of the Chalcedon decrees in the Dionysian recension, specifies that accusers of bishops not be received until their reputation (*opinio*) is considered<sup>56</sup>. The *Capitula Angilramni*, at CA 12, combine both of these sources to declare that the *vita et persona accusantium* are to be investigated before the charges themselves are dealt with. The False Capitularies, at BL 1.393 and 2.381h (as above), expand the list of considerations to include the *persona, fides, vita et conversatio* of accusers<sup>57</sup>. Four decretal forgeries follow this latter, Benedictine formulation<sup>58</sup>.

4) *Omnes, qui in fide Christi catholica suspecti sunt, in accusatione sacerdotum ... dubii habeantur, nec recipiantur*: So BL 3.177, one of many possible iterations. Here we encounter an involved problem with two authentic sources at its base. The first is the sixty-fourth canon of Toledo IV, available to Pseudo-Isidore in his own interpolated *Hispana*. This text declares that Jews cannot testify, *quia ... in fide Christi suspecti sunt*. The second is the secular counterpart of this canonical prohibition, from *Lex Visigothorum* 12.2.10. Like the fathers at Toledo, the Visigothic kings also hoped to exclude the testimony of Jews, whether or not they had been baptized, because they are *in divina fallax fide*. The words of these genuine sources follow a stemmatic path through the excerpt repositories. I underline Pseudo-Isidore's own enhancements to the authentic texts before him<sup>59</sup>:

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56) The former, as c. 50 of the *Registri ecclesiae Carthaginensis excerpta*, is ed. C. MUNIER, *Concilia Africae A. 345 – A. 525* (CC 149, 1974) p. 188 l. 207; the latter is ed. SCHWARTZ, *ACO 2.2.2* (as n. 20) p. 59 [151] l. 15–16.

57) Ed. SCHON, *Capitula Angilramni* (as n. 19) p. 119; SCHMITZ, *Book 1* (as n. 1) p. 130 l. 7–11; and PERTZ, *MGH LL 2, 2* (as n. 1) p. 69 and 94.

58) Ps.-Pius I, J<sup>3</sup> †86; Ps.-Stephen I, J<sup>3</sup> †256; Ps.-Marcellus, J<sup>3</sup> †327; Ps.-Felix II, J<sup>3</sup> †505 (ed. HINSCHIUS, *Decretales* [as n. 1] p. 117, 186, 228, 487).

59) For Toledo IV c. 64, cf. the interpolated *Hispana* tr. by GRABOWSKY (as n. 3), item 46; and DÍEZ / RODRÍGUEZ, *Colección canónica Hispana* (as n. 20) 5 p. 240 l. 2–8. *Lex Visig.* 12.2.10: ed. ZEUMER, *MGH LL nat. Germ.* 1 (as n. 48) p. 416–417. BL 1.335 is ed. SCHMITZ, *Book 1* (as n. 1) p. 111 l. 18–22; BL 3.176 is ed. SCHMITZ, *Book 3* (as n. 1) p. 40 l. 1–4; BL 3.427 is ed. PERTZ, *MGH LL 2, 2* (as n. 1) p. 129. CA 3a–c is ed. SCHON, *Capitula Angilramni* (as n. 19) p. 98 l. 6–100 l. 1.

Toledo IV, c. 64 (Vat. lat. 1341,  
fol. 76<sup>vb</sup>):

*Non potest erga homines esse fidelis, qui deo extiterit infidelis. Iudei ergo, qui dudum christiani effecti sunt et nunc Christi fidem praevaricati sunt, ad testimonium dicendum admitti non debent, quamvis esse se christianos annuntient, quia sicut in fide Christi suspecti sunt, ita in testimonio humano dubii habentur. Infirmari ergo oportet eorum testimonium, qui in fide falsi docentur, nec eis esse credendum, qui veritatis a se fidem abiecerunt.*

Lex Visigothorum, 12.2.10:

*NE IUDEI CONTRA CHRISTIANOS TESTIFICENTUR, ET QUANDO EX ILLIS PROGENITIS TESTIFICARI SIT LICITUM.*

*Si coram hominibus repperit mendacium et infamem facit et damnis adfligit, quanto magis in divina fallax fide perventus non erit penitus ad testimonium admittendus. Merito ergo testificari prohibiti sunt Iudei, seu baptizati, sive non extiterint baptizati.*

BL 1.335:

*UT OMNES, QUI IN FIDE CATHOLICA SUSPECTI SUNT, IN TESTIMONIO HUMANO DUBII HABEANTUR.*

*Omnes, qui in fide Christi vel catholica suspecti sunt, in testimonio humano dubii habentur. Infirmari ergo oportet eorum testimonium, qui in fide falsi docentur, nec eis esse credendum, qui veritatis fidem ignorant.*

[fides et vita  
from BL 1.393  
or 2.381h]

CA 3a-c:

*Placuit, ut semper primo in accusatione clericorum fides et vita blasphemantium perscrutetur. Nam fides omnes actus hominis debet praecedere, quia dubius in fide infidelis est; nec eis omnino esse credendum, qui veritatis fidem ignorant...*

BL 3.176:

*DE HIS, QUI IN RECTA FIDE SUSPECTI SUNT, IN ACCUSATIONE SACERDOTUM VEL TESTIMONIUM NON SUSCIPIENDIS. Ut omnes, qui in fide Christi catholica suspecti sunt, in accusatione sacerdotum vel testimonio humano dubii habeantur nec recipiantur.*

BL 3.427:

*DE EO, QUI FALLAX IN FIDE REPERTUS FUERIT.*

*Si coram hominibus repperit mendacium et infamem facit et damnis affligit, quanto magis in divina fallax fide perventus non erit penitus ad accusationem vel ad testimonium admittendus. Merito ergo accusare et testificare prohibentur, qui in recta fide suspecti sunt.*

Canon 64 from Toledo IV enters the world of the forgeries at BL 1.335. Benedict truncates its text such that it no longer applies specifically to Jews, but to anyone whose faith is in doubt. From there, the item is split in two. The first part, which associates doubtful faith in Christ with doubtful testimony in human affairs, flows to BL 3.176; in familiar fashion, Benedictus Levita extends the discussion of testimony to include accusations raised against *sacerdotes*. He also provides a rubric that reformulates the clause about those *qui in fide catholica suspecti sunt* to speak of those *qui in recta fide suspecti sunt*. The second half of BL 1.335/c. 64, meanwhile, makes its way to CA 3. Here our forger enriches the statement about disbelieving those *qui veritatis fidem ignorant* with the familiar formula from BL 1.393/2.381h about the *fides et vita* of those raising accusations – the third item discussed just above. Distinct from all of this is Lex Visigothorum 12.2.10, which Benedict adopts at 3.427, with highly familiar falsifications. The original provisions on testimony are extended again to include accusation, and mention of Jews is replaced by a relative clause, parallel to the rubric of BL 3.176, about those *qui in recta fide suspecti sunt*.

The permutations yielded by this process echo through nine decretal forgeries. Five repeat the line about those who are suspect in the right faith, whether from BL 3.176 or 3.427 it is not always clear, while a sixth and a seventh know the composite statement at CA 3<sup>60</sup>. An eighth lifts the entire concluding clause from BL 3.427, and a ninth appears to reach all the way back to BL 1.335, while extending the scope from testimony to accusation via the familiar line about those suspect in the right faith from the rubric to BL 3.176<sup>61</sup>. At the level of the False Decretals, none of these formulae demanding that the faith of the accusers be scrutinized has any independent contact with the Lex Visigothorum or Toledo IV. Some statements of this doctrine stand at such great remove from the original Visigothic legislation that, without this analysis, their source bases would prove nearly impossible to identify.

Clearly it was authentic material on witnesses that interested Pseudo-Isidore first of all. He did not wish to exclude the testimony of Jews, but he did hope that witnesses might be subjected to tests of

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60) From BL 3.176/3.427: Ps.-Pius I, J<sup>3</sup> †86; Ps.-Pontianus, J<sup>3</sup> †180; Ps.-Fabianus, J<sup>3</sup> †192; Ps.-Stephanus I, J<sup>3</sup> †257; Ps.-Eusebius, J<sup>3</sup> †337 (ed. HINSCHIUS, *Decretales* [as n. 1] p. 117, 149, 162, 182 and 230). From CA 3: Ps.-Sixtus I, J<sup>3</sup> †60; Ps.-Julius I, J<sup>3</sup> †443 (ed. ZECHIEL-ECKES, *Pseudoisidors Werkstatt* [as n. 9] p. 78 l. 156–157).

61) Respectively: Ps.-Fabianus, J<sup>3</sup> †190; Ps.-Calixtus I, J<sup>3</sup> †162 (ed. HINSCHIUS, *Decretales* [as n. 1] p. 158 and 140).

orthodoxy. That early concern very soon gave way to more fundamental worries about accusers, and principles properly applied to witness testimony were repurposed to the disadvantage of accusers and their accusations. The interest in witnesses never returned, and the decretal forgeries speak only of scrutinizing the accuser's faith. That the early material on witnesses survives at all is a testament to the fundamentally hierarchical nature of the Pseudo-Isidorian forgeries, which preserved early ideas long after Pseudo-Isidore's thought had assumed new directions. If the False Capitularies, the *Capitula Angilramni* and the *Nonnullae sanctiones* predate the decretal forgeries, then everything we have surveyed is easily explained: The excerpt repositories reformulate principles as often as they find occasion repeat them, while the False Decretals rehearse key doctrines only after patterns established by the mediating sources. If the False Decretals have priority, however, or even if they were merely developed alongside these excerpt repositories, we have to ask how it is that the collections of textual excerpts, especially the False Capitularies, are able to constrain the decretals forger, always after their own example; and why it is that the reverse never seems to happen.

### The Evidence of the *Capitula Angilramni*

Removing the False Decretals from dependence upon the False Capitularies, as the prevailing hypothesis of parallelism demands, has consequences for our approach to other intertextual relationships within the forgery corpus that have not been appreciated. Specifically, Isidorus Mercator knows the *Capitula Angilramni*, and so far nobody has disputed that the *Capitula Angilramni* developed alongside Book 3 of Benedictus Levita. The essentially conservative nature of Pseudo-Isidore as a compiler has preserved a wealth of evidence for this chain of relationships.

An important feature of the False Capitularies is that they appear to be arranged more or less in the order that individual capitula were compiled. Material in Book 1 thus very broadly predates material in Book 3. The final appendix, *Additio 4*, took shape latest of all<sup>62</sup>. The

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62) There are many proofs of this little discussed but (as far as I know) undisputed fact. Bluntest among them is the changing character of the False Capitularies through the course of many chapters. The frequency of textual manipulations and forgeries rises steadily from the relatively innocent Book 1, whose source

second and third books of the False Capitularies present a great deal of the same invented, interpolated and sometimes authentic material as the *Capitula Angilramni*, often in similar sequences. No general statement about priority can be made, because it was during the course of Benedictus Levita's work on Book 2 and Book 3 that the *Capitula Angilramni* were researched and assembled.

It is possible to be much more precise than this. In Book 2, Benedictus Levita is very obviously a formal source for the *Capitula Angilramni*. At issue are a sequence of chapters at BL 2.300–342, which are lifted in order from another Pseudo-Isidorian creation, namely the interpolated *Hispana*. The *Capitula Angilramni*, at CA 42–11bis, repeat a small subset of this material, in the same order as the False Capitularies<sup>63</sup>:

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basis Emil Seckel could survey in 80 pages; through the increasingly complex and Pseudo-Isidorian Book 3, whose sources required 544 pages to explain: Compare SECKEL, *Studie VI* and *Studie VIII*, Teile I–V (as n. 7). There are also more specific indications. In Book 3, for example, Benedictus Levita reverses, via a forgery, a necessarily earlier forgery that he had supplied in Book 1. Only a long temporal interlude between the first and third books, together with the discovery of new sources and also evolving views, can explain this change in direction: For a critical edition of the capitula at issue and an extended discussion, Gerhard SCHMITZ, *Die allmähliche Verfertigung der Gedanken beim Fälschen. Unausgegorenes und Widersprüchliches bei Benedictus Levita*, in: *Fortschritt durch Fälschungen? Ursprung, Gestalt und Wirkungen der pseudoisidorischen Fälschungen*, ed. by Wilfried HARTMANN / Gerhard SCHMITZ (MGH Studien und Texte 31, 2002) p. 29–60. Finally, reading the False Capitularies from start to finish, one notices other items in the Pseudo-Isidorian library emerge at successive points and gain prominence. The interpolated *Hispana* seems to be missing early in Book 1, for example, since BL 1.119 repairs a problematic passage in an authentic decretal from the *Hispana Gallica* independently of the solution provided by the *Hispana* interpolators. Then, 200 capitula later, at BL 1.335, the interpolated *Hispana* is suddenly available to cite. Cf. SCHMITZ, ed. Book 1 (as n. 1) p. 35 with n. 398 and p. 111 with n. 1271.

63) The *Capitula Angilramni* as ed. SCHON (as n. 19) p. 142, 154, 156–157 and 158–160, respectively. Cf. also the discussion in SECKEL, *Studie VII* *Schlusssteil III* (as n. 7) p. 451–470. The entire *Hispana* sequence of the False Capitularies tabulated here is ed. SCHMITZ, Book 2 (as n. 1) p. 61 l. 16–67, with full references to the *Hispana* councils. Here only the order of the interpolated *Hispana* is important, as transcribed by GRABOWSKY (as n. 3).

<b>Capitula Angilramni</b>	<b>Benedictus Levita</b>	<b>Interpolated Hispana, (Vat. lat. 1341):</b>
CA 42	BL 2.300	fol. 32r–v (Carthage III, c. 10)
	BL 2.301	fol. 29v (Carthage I, c. 10)
	BL 2.302	fol. 29v (Carthage I, c. 11)
	BL 2.303	fol. 29v–30r (Carthage I, c. 14)
CA 4bis	BL 2.304	fol. 31r (Carthage II, c. 13)
	BL 2.305	fol. 30v (Carthage II, c. 8)
	BL 2.306	fol. 31r (Carthage II c. 9)
	BL 2.307	fol. 31r (Carthage II c. 10)
	BL 2.308	fol. 32v (Carthage III c. 20)
	BL 2.309	fol. 44r (Mileve, c. 21)
	BL 2.310	fol. 45v (Arles I, c. 17)
	BL 2.311	fol. 45v (Arles I, c. 19)
	BL 2.312	fol. 45v (Arles I, c. 20)
	BL 2.314	fol. 46v (Arles II, c. 24)
	BL 2.315	fol. 47r–v (Valence, c. 4)
CA 6bis	BL 2.316	fol. 57v (Elvira, c. 52)
	BL 2.317	fol. 58r (Elvira, c. 73)
CA 7bis	BL 2.318	fol. 58v (Tarragona, c. 3)
CA 8bis	BL 2.319	fol. 62v (Toledo I, c. 11)
CA 9bis	BL 2.320	fol. 62v (Toledo I, c. 12)
	BL 2.321	fol. 75v (Toledo IV, c. 45)
	BL 2.322	fol. 84r (Toledo VII, c. 1)
CA 11bis	BL 2.323	fol. 88r (Toledo VIII, c. 2)

There is no denying that the Capitula Angilramni draw on Benedictus Levita, who excerpts directly from his own recension of the interpolated Hispana – a close relative of Vat. lat. 1341<sup>64</sup>. Especially decisive, as Emil Seckel recognized, are CA 42 and BL 2.300, which are strictly speaking out of order. They come from Carthage III in the Hispana, specifically from a canon on fol. 32r–v in Vat. lat. 1341; but are then followed by sequentially earlier material, namely CA 4bis or BL 2.304,

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64) On apparent differences between the interpolated Hispana available to Benedictus Levita and Vat. lat. 1341, cf. SECKEL, *Studie VII Schlussteil III* (as n. 7) p. 466–470.

from Carthage II or fol. 31r in Vat. lat. 1341<sup>65</sup>. It is hard enough to imagine that the *Capitula Angilramni* could have hit upon a subset of the sequence from Benedictus Levita by chance, and it is completely inconceivable that the *Capitula Angilramni* could have done so while also backtracking at precisely the same point.

Late in Book 3 this relationship changes, and suddenly it is Benedictus Levita who receives the *Capitula Angilramni*. BL 3.307–374 provide, with interspersed material, no less than thirty items from a wide variety of sources, many of them falsified or forged, that we also find in the same order in the *Capitula Angilramni*. Among these is BL 3.368 which is nothing more than CA 6bis from the table above, which in turn draws on BL 2.316, which Benedictus Levita excerpted from the Council of Elvira (Vat. lat. 1341, fol. 57v). Here is an item that the *Capitula Angilramni* take up from Benedictus Levita's second book and provide to his third book. For Emil Seckel, BL 3.307–374 thus represent Benedictus Levita's reception of the *Capitula Angilramni* in some form, and there is no reasonable alternative to his conclusion<sup>66</sup>.

The *Capitula Angilramni* were thus compiled after BL 2.300–342, but alongside or even prior to BL 3.307–374. Because the False Decretals indisputably draw upon the *Capitula Angilramni*, they must also, on the strength of this evidence alone, postdate a great part of the capitulary forgeries. The best demonstration of this dependence lurks among a list of procedural mandates shared by the decretal forgeries

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65) So Emil SECKEL, *Studie VIII Teil II* (as n. 7) p. 60–61. But compare SCHMITZ, *Book 2* (as n. 1) p. 61 n. 782, who holds that BL 2.300 could just as probably draw on the Dionysio-Hadriana, which provides precisely the same passage. Whatever its origins CA 42 = BL 2.300 represents an anomaly in the sequence that cannot have recurred by chance.

66) Positing a reverse relationship, namely that the *Capitula Angilramni* here receive Benedictus Levita, if anything worsens the case for the parallelist hypothesis, in light of the evidence for Isidorus Mercator's dependence upon the *Capitula Angilramni* outlined just below. It is also an untenable position in the face of Seckel's powerful and multidimensional proofs about the direction of the relationship; at most, there is room to argue that the capitulary forger knew a draft of the *Capitula Angilramni* with slightly better textual features than has come down to us – which could only be expected. Cf. the entire discussion in SECKEL, *Studie VIII Teil II* (as n. 7) esp. p. 55–66 with the table at p. 129–130. Confirming this basic interpretation is also SCHMITZ, *Verfälschungen* (as n. 16) p. 146: „Bei diesem kleinen ... Opuskel [i. e., the *Capitula Angilramni*] gibt es in der Tat kräftige Querbeziehungen und eine eindeutige Rezeption, hier kommen die Seckelschen ‚mehrschichtige(n) Hin- und Herbenutzungen‘ tatsächlich zur Geltung“ – citing SECKEL, *Pseudoisidor* (as n. 7) p. 296.

of Ps.-Fabianus (J<sup>3</sup> †191) and Ps.-Sixtus III (J<sup>3</sup> †878). This catalogue excludes accusers of low status who have been convicted of crimes or whose personal morality is somehow in doubt, prohibits judgment from bishops beyond the home province (*peregrina iudicia*), demands that an accused bishop be tried before all of his provincial brethren, outlines a generous appeals process with special provisions for appeals to the Apostolic See, and requires that accusers pledge in writing to prove their charges<sup>67</sup>. These doctrines rest upon a diverse body of sources. Most prominent is an epitome of Alaric's Breviary much like the so-called *Epitome Parisiensis* (Paris, Bibliothèque nationale Ms. lat. 10753), but other items from the *Collectio Hispana* and the *Dionysio-Hadriana* as well as further parallels with the *False Capitularies* also make an appearance. From the perspective of these sources, the catalogue is a largely random assemblage. Beyond Ps.-Fabianus and Ps.-Sixtus III, however, the *Capitula Angilramni* also unite these disparate items, and in a related order. I underline text that the decretals forger and the *Capitula Angilramni* have in common<sup>68</sup>:

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67) Ed. HINSCHIUS, *Decretales* (as n. 1) p. 167–168 and 563–564.

68) For Ps.-Sixtus III, I have lightly corrected the text of Hinschius (above, n. 67) against Vat. lat. 630 and New Haven, Beinecke Rare Book and Manuscript Library Ms. 442. Save for a few minor corruptions, Ps.-Fabianus reads identically. The *Capitula Angilramni* are cited as ed. SCHON, *Capitula Angilramni* (as n. 19): the source references are repeated from his *apparatus fontium*.

Ps.-Sixtus III, J<sup>3</sup> †878

*Ob id ergo statuentes decernimus, ut hi, qui non sunt bonae conversationis, et quorum vita est accusabilis, vel quorum fides, vita et libertas nescitur, non possint domini sacerdotes accusare, nec viles personae ad accusationem eorum admittantur.*

*Similiter hi, qui in aliquibus criminibus inretiti sunt, vel qui sunt suspitiosi, vocem adversus maiores natu non habeant accusandi, quia suspiciosa vox et inimica veritatem solet opprimere.*

*Peregrina vero iudicia salva in omnibus apostolica auctoritate generali sanctione prohibemus, quia indignum est, ut ab externis iudicetur, qui provinciales et a se electos debet habere iudices, nisi fuerit appellatum.*

*Unde oportet, si aliquis episcoporum super certis accusetur criminibus, ut ab omnibus audiatur, qui sunt in provincia, episcopis, quia non oportet accusatum aliubi quam in foro suo audiri.*

## Cap. Angilramni Material Source

CA 13  
(p. 120 l. 1–3).

Admonitio generalis (789), c. 35 via BL 3.111; BL 2.359 and 3.112<sup>69</sup>.

CA 14  
(p. 121 l. 1–3).

Arles (Hispana) c. 13 via BL 1.401; Carthage (Dionysio-Hadriana) via BL 3.85<sup>70</sup>.

CA 16  
(p. 123 l. 1–3).

Brev. Cod. Theod. 9.1.5 or Epitome Aegidii<sup>71</sup>.

CA 27  
(p. 132 l. 1–2).

Antioch (Dionysio-Hadriana), c. 15<sup>72</sup>.

69) BL 2.359 is ed. SCHMITZ, Book 2 (as n. 1) p. 71 l. 13–14; BL 3.111–112 are ed. SCHMITZ, Book 3 (as n. 1) p. 28 l. 8–11. Admonitio generalis c. 35 is ed. Hubert MORDEK / Klaus ZECHIEL-ECKES/ Michael GLATTHAAR, Die Admonitio generalis Karls des Großen (MGH Fontes iuris 16, 2012) p. 200 l. 1–3.

70) BL 1.401 is ed. SCHMITZ, Book 1 (as n. 1) p. 132 l. 5–10; Arles I, c. 13 in the interpolated Hispana is tr. by GRABOWSKY (as n. 3), item 27; and ed. Díez / RODRÍGUEZ, Colección canónica Hispana (as n. 20) 4 p. 21 l. 79–82. BL 3.85 is ed. SCHMITZ, Book 3 (as n. 1) p. 21 l. 8–10; its source is the Dionysio-Hadriana as ed. MUNIER, CC 149 (as n. 56) p. 135 l. 78–81 (Canones in causa Apiarii c. 8).

71) Ed. Theodor MOMMSEN / Paul KRÜGER, Theodosiani Libri XVI (1905) 1, 2 p. 433 l. 3; HAENEL, Lex Romana Visigothorum (as n. 55) p. 170.

72) Ed. Cuthbert Hamilton TURNER, Ecclesiae Occidentalis Monumenta Iuris Antiquissima 2.2 (1913) p. 281 l. 1–4.

<u><i>Si quis vero iudicem adversum sibi senserit, vocem appellationis exhibeat.</i></u>	CA 32 (p. 135 l. 1–2).	Brev. Nov. Valent. 12, interpretatio <sup>73</sup> .
<u><i>Appellantiem autem non debet afflictio ulla aut detentionis iniuriare custodia, sed liceat appellatori viciatam causam appellationis remedio sublevare.</i></u>	CA 34 (p. 136 l. 1–3).	Epitome Parisiensis, Brev. Cod. Theod. 11.8.1, interpretatio.
<u><i>Liceat etiam in causis criminalibus appellare, nec appellandi vox denegetur ei, quem in supplicio sententia destinavit.</i></u>	CA 35 (p. 136 l. 4–5).	Epitome Parisiensis, Brev. Cod. Theod. 11.8.1, interpretatio.
<u><i>Pulsatus ante suum iudicem causam dicat, et non ante suum iudicem pulsatus, si voluerit, taceat, et, ut pulsatis, quoties appellaverint, inducie dentur.</i></u>	CA 3bis (p. 153 l. 4–154 l. 2).	Epitome Parisiensis: Brev. Cod. Theod. 2.1.4, interpretatio.
<u><i>Si quis ergo iratus crimen aliquod cuilibet temere obiecerit, convictum non est pro accusatione habendum, sed permissio tractandi spatium id, quod iratus dixit, per scripturam se probaturum esse fateatur, ut si fortasse resipiscens, quae pro iracundia dixit, iterare aut scribere noluerit, non ut reus criminis teneatur.</i></u>	CA 46 (p. 146 l. 1–5).	Epitome Parisiensis, Brev. Cod. Theod. 9.1.3.
<u><i>Omnis ergo, qui crimen obicit, scribat se probaturum revera. Ibi semper causa agatur, ubi crimen admittitur, et qui non probaverit, quod obiecit, poenam, quam intulerit, ipse patiatur.</i></u>	CA 47 (p. 147 l. 1–2) CA 48 (p. 147 l. 3–4).	Epitome Parisiensis, Brev. Cod. Theod. 9.1.4 int. (c. 47) and 9.1.6 int. (c. 48) <sup>74</sup> .

73) Ed. Paul M. MEYER / Theodor MOMMSEN, *Leges Novellae ad Theodosianum Pertinentes* (1905) 2 p. 151 l. 192–194.

74) The loci forming this bloc from the Epitome Parisiensis are all ed. by HAENEL, *Lex Romana Visigothorum* (as n. 55) p. 226, 33 and 170 respectively.

<u>Placuit etiam, ut, si episcopus accusatus appellaverit apostolicam sedem, id statuendum, quod eiusdem sedis pontifex censuerit.</u>	CA 20 (p. 127 l. 1–2).	Sardica (Dionysio-Hadriana), c. 3 rubric <sup>75</sup> .
<u>Haec tamen omnino in sacerdotum causa forma servetur, ne quemquam sententia non a suo iudice dicta constringat.</u>	CA 37b (p. 139 l. 1–3).	Brev. Cod. Theod. 4.14.1 <sup>76</sup> .
<u>Occurrere quoque quisque fidelium ruinis debet oppressorum et miserorum subsidio, quo valeant ex relevatione alienae vindictae a se dei removeere vindictam. Libat enim domino prospera, qui ab afflictis pellit adversa.</u>	CA 11 <sup>bis</sup> (p. 159 l. 2–3).	Toledo VIII (Hispana), c. 2 <sup>77</sup> .

Ps.-Sixtus III and Ps.-Fabianus draw three sequences of material from the Capitula Angilramni: CA 13–3bis, CA 46–48 and CA 20–11bis. Throughout, the Capitula Angilramni follow the material sources more closely, while the pseudopopes contribute further revisions in the interests of building a continuous discussion. At one point Ps.-Sixtus III and Ps.-Fabianus even collapse items from successive statements in the Epitome Parisiensis into the same clause, while the Capitula Angilramni maintains in its separate capitula at CA 47 and 48 a clear distinction<sup>78</sup>. All of this refutes the possibility that the Capitula Angilramni are here drawing on the False Decretals. Instead what we have before us is very clear: The procedural catalogue is directly analogous to the blocks of sequential capitula that, we have seen over and over, characterize excerpt repositories like the *Nonnullae sanctiones* and the

75) Ed. Cuthbert Hamilton TURNER, *Ecclesiae Occidentalis Monumenta Iuris Antiquissima* 1.2.3 (1930) p. 447.

76) Ed. MOMMSEN / KRÜGER, *Theodosiani Libri* (as n. 71) 1, 2 p. 197 l. 2–3.

77) Ed. DÍEZ / RODRÍGUEZ, *Colección canónica Hispana* (as n. 20) 5 p. 399–400 l. 378–381; and tr. by GRABOWSKY (as n. 3), item 51.

78) Cf. Paris lat. 10753, fol. 34v l. 23–26: The epitomised Brev. Cod. Theod. 9.1.6 int. (CA 48) is distinguished from the immediately preceding Brev. Cod. Theod. 9.1.4 int. (CA 47) by a littera notabilior. Ps.-Fabianus and Ps.-Sixtus III however write *et* for *ut*, joining the final clause of 9.1.4 int. to 9.1.6 int.

For more on the Capitula Angilramni, its use of Roman law precisely in the items tabulated above, and related material in Book 3 of Benedictus Levita, cf. SECKEL, *Studie VIII Teil II* (as n. 7) p. 59–60.

False Capitularies. The only difference is that, in this case, the formal source is Pseudo-Isidore's own compilation, which is received not by a compiler of capitula but by a forger of papal decretals.

### Conclusions

Scholars have repudiated the priority of the False Capitularies on the strength of three arguments. The first, a traditional approach reformulated by Klaus Zechiel-Eckes, proceeds from an analysis of Pseudo-Isidore's statements on the chorepiscopate<sup>79</sup>. Pseudo-Isidore, it is posited, cannot have developed his polemic against chorbishops before the 845 Council of Meaux/Paris, which was the first Frankish synod that aimed to reign in their sacramental faculties. Pseudo-Isidorian products that deplore chorbishops, especially items among the interpolated Hispana and the False Capitularies, must therefore postdate 845, while the short version of the decretal forgeries is older because it never mentions chorbishops explicitly<sup>80</sup>. Zechiel-Eckes enriches this argument from silence via the Damasus forgeries of the interpolated Hispana, namely J<sup>3</sup> †573 and J<sup>3</sup> †571 – this latter the notorious diatribe *De vana superstitione chorepiscoporum vitanda*. In these, Ps.-Damasus invokes the unspecified decretals of his apostolic predecessors several times. The interpolated Hispana is thus held to presuppose and therefore to postdate the short version of the False Decretals<sup>81</sup>. Benedictus Levita's major statement on chorbishops, BL 3.260, likewise gestures towards a tradition of papal decretals condemning the chorepiscopate, and even resonates textually with J<sup>3</sup> †571. The False Capitularies are thus said to presuppose Ps.-Damasus and therefore also to postdate

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79) ZECHIEL-ECKES, Der „unbeugsame“ Exterminator (as n. 9), passim but esp. 184–189. Particularly at p. 184–185, Zechiel-Eckes's argument expands upon WASERSCHLEBEN, Die pseudoisidorische Frage (as n. 2) p. 275–277.

80) On Meaux/Paris 845, cf. Wilfried HARTMANN, Die Synoden der Karolingerzeit im Frankenreich und in Italien (Konziliengeschichte 6, 1989) p. 208–217 and the edition by IDEM, MGH Conc. 3 (1984) p. 61–132. Chorbishops are addressed at c. 44, ed. HARTMANN p. 105–106.

81) ZECHIEL-ECKES, Der „unbeugsame“ Exterminator (as n. 9) p. 188 n. 69. The decretals are ed. HINSCHIUS, Decretales (as n. 1) p. 509–515 and 502–508, and from the interpolated Hispana they are tr. by GRABOWSKY (as n. 3), items 67 and 69. The potentially very early nature of the Damasus forgeries was first contemplated by MAASSEN, Pseudoisidor-Studien II (as n. 3) p. 858.

the interpolated Hispana, if the two collections did not emerge at the same time<sup>82</sup>.

A second and newer argument developed in support of Zechiel-Eckes's chronology rests upon the decretal forgery of Ps.-Evaristus, J<sup>3</sup> †42. Towards the beginning of this letter, Ps.-Evaristus describes the elements that constitute a lawful marriage, *ut a patribus accepimus et a sanctis apostolis eorumque successoribus traditum invenimus*. At BL 3.463, *De legitimo coniugio*, Benedictus Levita repeats the statement familiar from Ps.-Evaristus nearly verbatim<sup>83</sup>. Nobody has identified the source of this passage, which could be Pseudo-Isidore's own invention<sup>84</sup>. Benedictus Levita, then, joins Ps.-Evaristus in claiming that his doctrine represents long-standing apostolic tradition, a strange statement in the secular context of purported capitularies, but one that conforms readily to the rhetoric expected of papal decretals. Indeed, other decretal forgeries invoke patristic and apostolic precedent in very similar words. It has therefore been suggested that the legitimate marriage doctrine originated with Ps.-Evaristus, whence it found its way to the final book of the False Capitularies<sup>85</sup>.

Neither of these arguments can address or counter the overwhelming evidence for the False Capitularies as Isidorus Mercator's formal source. Pseudo-Isidore's approach to the chorepiscopate is indeed peculiar, but it compels no views on the matter of textual priority. The passages on legitimate marriage likewise do nothing to overturn the priority of Benedictus Levita<sup>86</sup>. A third attempt to save the parallelist

82) ZECHIEL-ECKES, Der „unbeugsame“ Exterminator (as n. 9) p. 186–189. BL 3.260 is ed. PERTZ, MGH LL 2, 2 (as n. 1) p. 118. For the source analysis, cf. SECKEL, Studie VIII Teil II (as n. 7) p. 22–31. On the textual resonances in question, cf. also the early discussion of HINSCHIUS, Decretales (as n. 1) p. CXLIII–CXLV, critiqued in important ways by SCHMITZ, Verfälschungen (as n. 16) p. 135–141.

83) Compare Ps.-Evaristus, ed. HINSCHIUS, Decretales (as n. 1) p. 87; and BL 3.463, ed. PERTZ, MGH LL 2, 2 (as n. 1) p. 132.

84) Cf. the extensive analysis in SECKEL / JUNCKER, Studie VIII Schlussteil V (as n. 7) p. 43–61.

85) UBL, Inzestverbot (as n. 18) p. 326–327; seconded by SCHMITZ, Verfälschungen (as n. 16) p. 144–146, who elaborates on parallel phrasing in the decretal forgeries.

86) Cf. also KNIBBS, Date of the False Decretals (as n. 13) p. 152–153 n. 28 and p. 164–165 n. 68. Prior opinions on the question of internal chronology merely determine the explanation one applies to these passages: Those who place priority with the False Capitularies have tended to read BL 3.463 as an authenticum. The chorepiscopate argument is rooted in the older ideas of Wassersleben and reflects his limited knowledge of the forgeries, which was surpassed even at the moment he wrote.

hypothesis, only implicitly directed against the source relationships studied here, is the suggestion that Pseudo-Isidore first constructed a prior and otherwise lost „Materialsammlung“ with the resources of his library. This hypothetical collection was then used to build the False Decretals, the False Capitularies and the Capitula Angilramni all around the same time<sup>87</sup>. Positing a master repository – a third source – is indeed the only way to pry Isidorus Mercator loose from the False Capitularies and the other excerpt collections. The more this repository is made to explain, however, the sooner it collapses into irrelevance. To survive the foregoing analysis, which has proceeded by example and could be extended across many more pages, the features of this phantom florilegium must be aligned with the False Capitularies and its companions in very precise ways. Thus the purpose of positing a hypothetical compilation at the expense of our extant repositories becomes very unclear, and – in the absence of any explanation as to why this master collection and the surviving collections of Pseudo-Isidorian capitula cannot be identified with one another – even unjustified. The third-source hypothesis emerges as nothing more than a premise that has been implicit throughout this paper, namely that Isidorus Mercator must have worked from internal drafts of his own excerpt collections, rather than from the versions he later circulated; and that these drafts must have provided him, at points, with a slightly better or a slightly different text<sup>88</sup>. The only parallel process visited upon the Pseudo-Isidorian forgeries, in other words, is whatever final redactions were made to prepare them for circulation. In substance, the forgeries are anything but parallel. The False Capitularies and its companions reflect an earlier and primary stage, and the False Decretals a later and secondary stage, of the forgery enterprise.

The Pseudo-Isidorian corpus has a fictional chronology and a chronology in fact, and this has confused scholarship for centuries. The False Decretals masquerade as an ancient legal collection, but they were

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87) HARDER, *Pseudoisidor und das Papsttum* (as n. 17) p. 217–218.

88) In the same way, few have doubted that the interpolated Hispana represents a fundamental source of the decretals and the capitulary forger, while the only extant copy, namely Vat. lat. 1341, is contemporary with our earliest manuscripts of the False Decretals and does not itself represent the actual Hispana manuscript that our forgers used. The *Nonnullae sanctiones* are another case: Everybody today accepts that they are prior to the False Decretals, but they also survive only as an appendix in False Decretals manuscripts. The priority, strictly speaking, lies with earlier form that Isidorus Mercator used before he appended the *Nonnullae sanctiones* to his magnum opus.

developed last of all. The False Capitularies place themselves among our forger's contemporaries, and yet Pseudo-Isidore began work on them very early. If Benedictus Levita and Isidorus Mercator worked in parallel, and the relationships studied here are all deceptive instances of the decretals forger looking over the shoulder of the capitulary forger or straying further from a master repository, then similar cases should exist in the other direction. However late he wrote, after all, Isidorus Mercator could never cite the False Capitularies directly without anachronism too great even for our forgers. His use of Benedictus Levita had to be silent. The False Capitularies, however, should have been free to cite Isidorus Mercator's inventions early and often. In fact it would accord with Pseudo-Isidore's legal preconceptions for Carolingian emperors to invoke apostolic authority wherever possible, especially when legislating on ecclesiastical matters. From Book 1 through Additio 3, however, Benedictus Levita, while he sometimes talks vaguely of apostolic decrees, can produce not a single specific citation to the False Decretals as a means of supporting his legal inventions<sup>89</sup>.

The final appendix to the False Capitularies, Additio 4, is a different case. As Paul Hinschius first showed, and as everybody now accepts, these capitula suddenly know the pseudopopes. They cite both their sources and their pronouncements explicitly, though in an early form that has not come down to us. This final appendix to the False Capitularies is probably very late, for it appears to postdate the preface of Benedictus Levita with its 847 terminus ante quem non. It is the only stretch of capitulary material in Benedictus Levita that could be called parallel to or even later than the False Decretals. For the space of Additio 4, in other words, the relationship that scholars have posited for the entirety of the False Capitularies actually prevails. In the powerful contrast that these 170 capitula strike with the rest of Benedictus Levita's compilation stands a final refutation of the parallelist hypothesis<sup>90</sup>.

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89) Thus, just by way of example, Benedictus Levita is desperate to claim that his statements on the chorepiscopate accord with papal doctrine, and yet he very obviously has nothing specific to cite. This accounts for the strange tenor of BL 3.260, where the capitulary forger invents a long and awkward story of Arn of Salzburg's consultation with Pope Leo III (on which cf. also SCHMITZ, *Verfälschungen* [as n. 16] p. 138–139) as a device to shroud the capitulary condemnations in Roman authority. At this point Benedictus Levita plainly had no decretal forgeries against chorbishops to hand, and perhaps had not yet even developed the intention of inventing any.

90) On Additio 4 and its many distinctive features, cf. above all SCHMITZ, *Verfälschungen* (as n. 16) p. 146–149; and HINSCHIUS, *Decretales* (as n. 1) p. CLIX–CLXII on the Additiones in general, with special focus on Additio 4. This final

Those readers who have persisted this far might wonder whether all of this ground was worth covering. The priority of Benedictus Levita over Isidorus Mercator appears to be an arcane problem, even for committed students of early medieval legal history. In fact, the question matters greatly: No edition of the False Decretals will be possible without recognizing the essential priority of the False Capitularies, the *Capitula Angilramni* and the *Nonnullae sanctiones*. In many cases, Isidorus Mercator's sources can only be identified by following particular passages through multiple, increasingly redacted iterations. Insisting on the priority of the False Decretals creates the illusion that the decretals forger invented far more freely than he did. In fact, Isidorus Mercator worked so late that almost all of his programmatic statements had come to be fixed by formulae developed at earlier stages of the enterprise. Deviations from these formulae suggest the evolving goals of the forger, such that a critical edition of the False Capitularies is a prerequisite for a final critical edition of the False Decretals. Beyond these editorial issues loom the larger problems of Pseudo-Isidore's purpose and working methods. The forgeries before us are emphatically not a series of contemporaneous, parallel inventions. They are instead a hierarchically intertwined corpus. The False Capitularies deserve special attention as a compilation that in its earliest chapters perhaps predates all other Pseudo-Isidorian products, while in its final appendix coinciding with the work of Isidorus Mercator. The False Decretals, for their part, reflect the thought of our forgers at its most developed point. No other hypothesis of Pseudo-Isidore's textual development is tenable.

### Summaria

Zwei Jahrzehnte lang hat die Forschung die innere Chronologie der Pseudoisidorischen Fälschungen in Frage gestellt. Frühere Wissenschaftler folgten Paul Hinschius und gingen davon aus, die falschen Dekretalen des Isidorus Mercator hätten die falschen Kapitularien des Benedictus Levita als Zwischenquelle oder *fons formalis* herangezogen. Dann aber gewann in jüngerer Zeit Klaus Zechiel-Eckes viele Anhänger für seine Gegenthese, beide Sammlungen seien mindestens parallel zueinander entstanden, wenn nicht die Kapitularien sogar als

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appendix is ed. PERTZ, MGH LL 2, 2 p. 146–158; and in great part also by SCHMITZ, *Additio 4* (as n. 1).

spätere Fälschung zu deuten seien. Dieser Beitrag möchte die dadurch diskreditierte These von Hinschius rehabilitieren. Der Dekretalenfälscher kannte ganze Quellen nur in der Form und Reihenfolge, wie sie Benedictus Levita lieferte. Die falschen Kapitularien und ähnliche Sammlungen von Exzerpten aus dem Fälscherkreis bestimmten die Argumentation und Rhetorik des Dekretalenfälschers oder beschränkten sie sogar; die Pseudopäpste diskutierten viele Gegenstände nur nach den Formeln und Mustern, die diese früheren Sammlungen festgelegt hatten. Schließlich lauern tiefere und unbestritten hierarchische Beziehungen innerhalb dem Fälschungskorpus, welche die Hypothese einer parallelen Entstehung ausschließen. Die *Capitula Angilramni* sind gleichzeitig mit dem letzten Buch der Kapitularienfälschungen entstanden, und die falschen Dekretalen schöpfen unverkennbar aus den *Capitula Angilramni*, womit sie chronologisch nach Benedictus Levita zu stehen kommen.

For two decades, scholarship on the Pseudo-Isidorian forgeries has questioned their internal chronology. Whereas prior generations of scholars, beginning with Paul Hinschius, posited that the False Decretals of Isidorus Mercator draw on the False Capitularies of Benedictus Levita as an intermediary source or *fons formalis*, Klaus Zechiel-Eckes has won widespread support for his counter-thesis, which holds that both forged collections emerged in parallel to one other, if the Capitularies do not constitute the later forgery. This contribution aims to restore Hinschius's discredited view. Isidorus Mercator, the decretals forger, appears to know entire categories of source material only in the form and the order that the False Capitularies provide them. The False Capitularies and similar Pseudo-Isidorian excerpt repositories also constrain the False Decretals, which discuss many matters only after the pattern these prior collections had already established. Finally, there are deeper and unchallenged hierarchical entanglements within the Pseudo-Isidorian corpus that throw the hypothesis of parallel development into confusion: The *Capitula Angilramni* clearly emerged alongside the final book of the False Capitularies, and the False Decretals obviously know the *Capitula Angilramni*, such that they land after the excerpt repositories once again.