

# Ebo of Reims, Pseudo-Isidore, and the Date of the False Decretals

By Eric Knibbs

Despite generations of research, the date of the legal forgeries associated with Pseudo-Isidore remains a deep problem. One school of thought finds evidence in the controversies that surrounded Amalar after he became archbishop of Lyon in 835. Amalar's promotion followed the Council of Thionville that same year, where Emperor Louis the Pious avenged himself upon those bishops who had participated in the failed coup on the Rotfeld in 833. In this high drama, Louis's sons and their allies among the clergy and laity had deposed the aging emperor, compelled him to undergo public penance, and committed him to prison. Yet within months support for the rebels evaporated, and Louis returned to power. At Thionville, the greater part of the emperor's wrath accrued to Archbishop Ebo of Reims, but other rebellious clerics expected retribution as well. Among them was Archbishop Agobard of Lyon. Louis deposed him in absentia and assigned Amalar to the newly vacant see.<sup>1</sup> Then as now, Amalar was notorious for his unusual ideas about the Roman liturgy, which he believed to be fraught with arcane allegorical significance. At Lyon he heedlessly promoted his liturgical theories to the cathedral community, and before long the Lyon deacon Florus, a committed Agobard loyalist, retaliated by raising charges of heresy.<sup>2</sup> Florus objected to Amalar's preaching on the Eucharist, which the celebrant was supposed to break into three pieces before administering Communion. Amalar saw an allegory at the heart of this threefold fraction that, Florus argued, contradicted the Pauline

I presented a very early version of these ideas at the International Medieval Congress at Leeds in 2013, and I benefited greatly from the critical commentary of the audience and my fellow panelists, namely Gerhard Schmitz and Clara Harder. I am also grateful to Courtney Booker for bibliographical suggestions; and to Erica Gelser, my colleagues in the History Department at Williams College, and the anonymous reviewers for *Speculum*, all of whom provided helpful commentary on drafts.

<sup>1</sup> For Lothar's coup of 833/4 and Louis's retaliation at Thionville in 835, the literature is extensive. See, most recently and in Pseudo-Isidorian connection, Courtney Booker, "The False Decretals and Ebbo's *fama ambigua*: A Verdict Revisited," in *Fälschung als Mittel der Politik? Pseudoisidor im Licht der neuen Forschung*, ed. Karl Ubl and Daniel Ziemann, *Monumenta Germaniae Historica Studien und Texte* 57 (Wiesbaden, 2015), 207–42, esp. 216–23.

<sup>2</sup> On Amalar's liturgical commentaries, specifically the *Liber officialis*, and their connection to the difficulties he experienced at Lyon, see Klaus Zechiel-Eckes, *Florus von Lyon als Kirchenpolitiker und Publizist*, *Quellen und Forschungen zum Recht im Mittelalter* 8 (Stuttgart, 1999), 21–76; and Egon Boshof, *Erzbischof Agobard von Lyon*, *Kölner historische Abhandlungen* 17 (Cologne, 1969), 254–300. Amalar's commentaries are edited by Jean-Michel Hanssens, *Amalarii episcopi Opera liturgica omnia*, 3 vols., *Studi e Testi* 138–40 (Vatican City, 1948–50), and edited and translated by Eric Knibbs, *Amalar of Metz: On the Liturgy*, *Dumbarton Oaks Medieval Library* 35–36 (Cambridge, MA, 2014), 2 vols.

doctrine of Christ's unitary and indivisible body.<sup>3</sup> Florus moreover complained that Amalar was relentless "in advancing his inept and even blasphemous argument about the division of the holy Eucharist *through the forged authority of many pontiffs*."<sup>4</sup>

The greater part of the Pseudo-Isidorian corpus—the so-called False Decretals—consists precisely of letters forged in the names of the earliest popes. Klaus Zechiel-Eckes has therefore argued that Florus's complaint dates the forgery initiative to the later 830s, and that Amalar was among Pseudo-Isidore's first readers. From anybody else, provocative theses of this flavor might have remained forever confined to footnotes.<sup>5</sup> Until his untimely death in 2010, however, Zechiel-Eckes was the leading authority on Pseudo-Isidore, best known for discovering marginal notes in three ninth-century codices that reveal the forgers conducting the legal and historical research necessary for their fictions. Two of these codices hail from the monastery of Corbie, and thanks to Zechiel-Eckes scholarship now enjoys a much better idea of where and how the Pseudo-Isidorians worked. In successive publications, Zechiel-Eckes leveraged his discovery to advance a total reinterpretation of the forgeries. Previous scholars had dated most of the Pseudo-Isidorian output between 847 and 852, tracing the forgers' strident support for rank-and-file bishops to the archiepiscopate of Hincmar of Reims and to those bishops whom Hincmar alienated in the course of his domineering career. For Zechiel-Eckes, however, the False Decretals reflect the aspirations of Frankish church reformers a generation earlier. In this reading, Amalar's purported use of Pseudo-Isidore is proof, but of the incidental variety. As Zechiel-Eckes sees it, the forgers wrote to defend the bishops whom Louis the Pious deposed in 835, and none more so than Archbishop Ebo of Reims, Hincmar's controversial predecessor.<sup>6</sup>

<sup>3</sup> 1 Cor. 16.17. For more on Amalar's actual meaning, Henri de Lubac, *Corpus mysticum: L'Eucharistie et l'église au Moyen Âge: Étude historique* (Aubier, 1949), 303–6; also Zechiel-Eckes, *Florus von Lyon*, 66 n. 292. On any fair reading the "triform body" that Amalar discusses is an allegory for the body of faithful who together constitute the Church.

<sup>4</sup> Florus, ed. Ernst Dümmler, MGH Epp. 5 (Berlin, 1899), 271: "Persistit namque *sub multorum pontificum ficta auctoritate* suum de sacrosanctae eucharistiae divisione ineptissimum, immo blasphemum confirmare sensum."

<sup>5</sup> Namely Zechiel-Eckes, *Florus von Lyon*, 250 n. 10.

<sup>6</sup> The length, complexity, and minor contradictions present across the forged corpus strongly suggest that Pseudo-Isidore is the work of an entire team rather than any single individual. Klaus Zechiel-Eckes outlined and refined his theses across seven articles: "Verecundus oder Pseudoisidor?," *Deutsches Archiv* 56 (2000): 413–46; "Ein Blick in Pseudoisidors Werkstatt: Studien zum Entstehungsprozeß der Falschen Dekretalen mit einem exemplarischen editorischen Anhang," *Francia* 28 (2001): 37–90; "Auf Pseudoisidors Spur, oder: Versuch einen dichten Schleier zu lüften," in *Fortschritt durch Fälschungen? Ursprung, Gestalt und Wirkungen der pseudoisidorischen Fälschungen*, ed. Wilfried Hartmann and Gerhard Schmitz, Monumenta Germaniae Historica, Studien und Texte 31 (Hannover, 2002), 1–28 (these latter two providing good introductions to the Pseudo-Isidorian problem more broadly); "Der 'unbeugsame' Exterminator? Isidorus Mercator und der Kampf gegen den Chorepiskopat," in *Scientia veritatis: Festschrift für Hubert Mordek zum 65. Geburtstag*, ed. Oliver Münch and Thomas Zotz (Ostfildern, 2004), 173–90; "Altes Recht und falsche Päpste," in *Persistenz und Rezeption: Weiterverwendung, Wiederverwendung und Neuinterpretation antiker Werke im Mittelalter*, ed. Dietrich Boschung and Susanne Wittekind, Schriften des Lehr- und Forschungszentrums für die antiken Kulturen des Mittelmeerraumes 6 (Wiesbaden, 2008), 85–104; "Politische

Today, nearly everybody believes that Zechiel-Eckes was right to draw the False Decretals into the world of the 830s and to align their provisions with the pontificate of Ebo rather than Hincmar. If anything, authors wonder whether his arguments go far enough.<sup>7</sup> At the same time, very few people are certain that Amalar used or even knew of the False Decretals at all.<sup>8</sup> Scholarship, in other words, would seem to have accepted and even extended Zechiel-Eckes's reading of the False Decretals in the absence of any hard reason to buy the redating that compels it.<sup>9</sup> This essay holds that, in pushing the False Decretals ever earlier into the 830s, we have withdrawn them to a world where they do not belong. Ebo

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Exegese und falsches Recht," in *Präsenz und Verwendung der Heiligen Schrift im christlichen Frühmittelalter*, ed. Patrizia Carmassi, Wolfenbütteler Mittelalter-Studien 20 (Wiesbaden, 2008), 117–37; and finally, *Fälschung als Mittel politischer Auseinandersetzung: Ludwig der Fromme (814–840) und die Genese der pseudoisidorischen Dekretalen*, Rheinisch-Westfälische Akademie der Wissenschaften, Geisteswissenschaften, Vorträge 428 (Paderborn, 2011).

<sup>7</sup> For the generally positive reception of Zechiel-Eckes's ideas, see Clara Harder, *Pseudoisidor und das Papsttum: Funktion und Bedeutung des apostolischen Stuhls in den pseudoisidorischen Fälschungen*, Papsttum im mittelalterlichen Europa 2 (Cologne, 2014); many of the essays in Ubl and Ziemann, *Fälschung als Mittel der Politik*, which question aspects of Zechiel-Eckes's program but accept his thought as the dominant paradigm; Eric Knibbs, "The Interpolated *Hispana* and the Origins of Pseudo-Isidore," *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte: Kanonistische Abteilung* 99 (2013): 1–71; Knibbs, "Pseudo-Isidore at the Field of Lies: *Divinis praeceptis* (JE †2579) as an Authentic Decretal," *Bulletin of Medieval Canon Law* n.s. 29 (2011/2012): 1–34; Karl Ubl, *Inzestverbot und Gesetzgebung: Die Konstruktion eines Verbrechens (300–1100)*, Millennium-Studien 20 (Berlin, 2008), 323–25; Johannes Fried, *Donation of Constantine and Constitutum Constantini*, Millennium-Studien 3 (Berlin, 2007), esp. 101–3; Fried, "Der lange Schatten eines schwachen Herrschers: Ludwig der Fromme, die Kaiserin Judith, Pseudoisidor und andere Personen in der Perspektive neuer Fragen, Methoden und Erkenntnisse," *Historische Zeitschrift* 284 (2007): 103–36, at 104; Karl-Georg Schon, *Die Capitula Angilramni: Eine prozessrechtliche Fälschung Pseudoisidors*, Monumenta Germaniae Historica, Studien und Texte 39 (Hannover, 2006), 1; and "Pseudoisidor und die Opposition gegen Ludwig den Frommen," given at the Berliner Mittelalter-Colloquium on 1 January 2009 (available at <http://www.pseudoisidor.mgh.de>); Rudolf Schieffer, *Die Zeit des karolingischen Großreichs (714–887)* (Stuttgart, 2005), 159. Many of these authors opt for earlier dates than those suggested by Zechiel-Eckes. In this vein see, especially and most recently, Steffen Patzold, "Überlegungen zum Anlass für die Fälschung früher Papstbriefe im Kloster Corbie," in Ubl and Ziemann, *Fälschung als Mittel der Politik*, 153–72, who asks whether an early underlying impetus cannot be traced back to the deposition of Jesse of Amiens following 830, arguments taken up with approval by Semih Heinen, "Pseudoisidor auf dem Konzil von Aachen in Jahr 836," in Ubl and Ziemann, *Fälschung als Mittel der Politik*, 97–126. Patzold's most recent study, *Gefälschtes Recht aus dem Frühmittelalter: Untersuchungen zur Herstellung und Überlieferung der pseudoisidorischen Dekretalen*, Schriften der philosophisch-historischen Klasse der Heidelberger Akademie der Wissenschaften 55 (Heidelberg, 2015), continues to assume early origins but also proposes that the forgers may have intentionally delayed circulating their products until the middle of the ninth century.

<sup>8</sup> For skepticism on the Amalar proof: Horst Fuhrmann, "Stand, Aufgaben und Perspektiven der Pseudoisidorforschung," in Hartmann and Schmitz, *Fortschritt durch Fälschungen*, 227–62, at 255–56 with n. 67; cited and reinforced by Steffen Patzold, *Episcopus: Wissen über Bischöfe im Frankenreich des späten 8. bis frühen 10. Jahrhunderts*, Mittelalter-Forschungen 25 (Ostfildern, 2008), 221–26. For the most part Zechiel-Eckes's use of Amalar has been passed over in silence by later scholars. One exception is Heinen, "Pseudoisidor auf dem Konzil," 98.

<sup>9</sup> For important doubts, however, see now Mayke de Jong, "Paschasius Radbertus and Pseudo-Isidore: The Evidence of the *Epitaphium Arsenii*," in *Rome and Religion in the Medieval World: Studies in Honor of Thomas F. X. Noble*, ed. Valerie L. Garver and Owen M. Phelan (Farnham, Surrey, 2014), 149–77.

indeed lurks among these forgeries, but the details of his presence vindicate the traditional view of the False Decretals as a mid-century phenomenon.

#### COMPETING THEORIES OF PSEUDO-ISIDORE

In 1628, David Blondel proved that the ancient legal compendium associated with the mysterious canonist named Isidorus Mercator was full of forgeries.<sup>10</sup> Yet scholars did not begin to agree on the basic story of Pseudo-Isidore's origins until Paul Hinschius edited the *Decretales Pseudo-Isidorianae* in 1863.<sup>11</sup> While Hinschius's edition suffers from notorious problems, his introductory monograph on the origin, date, and purpose of Pseudo-Isidore remains among the standard literature. The views he outlines there proceeded from his pioneering survey of the manuscript evidence and so enjoyed a profound advantage over all earlier scholarship.<sup>12</sup> In later decades, Hinschius and his legacy acquired a further edge: Emil Seckel, who went on to become the leading Pseudo-Isidorian scholar of the next generation, married his daughter. Seckel approached the faults of his father-in-law's research gently, while upholding and extending Hinschius's most decisive findings.<sup>13</sup> When Horst Fuhrmann surveyed what was known of the influence and dissemination of Pseudo-Isidorian texts fifty years later, he worked in a world that Hinschius and Seckel had fashioned, and bequeathed their consensus to later generations.<sup>14</sup>

Among other things, Hinschius and his successors wished to impose a clear chronology upon the complex and confusing textual world of Pseudo-Isidore. In the beginning, they believed, came the *Hispana Gallica Augustodunensis*, a subtype of the authentic Spanish legal collection known as the *Collectio Hispana*.

<sup>10</sup> David Blondel, *Pseudo-Isidorus et Turrianus Vapulantes* . . . (Geneva, 1628).

<sup>11</sup> At Leipzig, still the standard text. Before Hinschius the only edition was by Jacques Merlin, *Tomus primus quattuor conciliorum generalium* . . . (Paris, 1524), from a C-recension codex: see Horst Fuhrmann, "The Pseudo-Isidorian Forgeries," in Detlev Jasper and Horst Fuhrmann, *Papal Letters in the Early Middle Ages*, History of Medieval Canon Law 2 (Washington, DC, 2001), 137–95, at 156. See also Karl-Georg Schon's transcriptions and other notes for his own (incomplete and now discontinued) editorial project at [www.pseudoisidor.mgh.de](http://www.pseudoisidor.mgh.de), with complete bibliography through 2006.

<sup>12</sup> On the problems facing Pseudo-Isidorian scholarship before Hinschius's edition, see Julius Weizsäcker, "Die pseudo-isidorische Frage in ihrem gegenwärtigen Stande," *Historische Zeitschrift* 3 (1860): 42–96, especially 43–44 on the inadequacy of the editorial situation.

<sup>13</sup> Emil Seckel's major statement is "Pseudoisidor," in *Realencyklopädie für protestantische Theologie und Kirche*, vol. 16 (1905), 265–307—far from a simple encyclopedia article, a substantial monograph and manifesto on all major aspects of the Pseudo-Isidorian problem. Less readable but more fundamental are Seckel's extensive "Studien zu Benediktus Levita": I, *Neues Archiv* 26 (1901): 39–72; II–V, *Neues Archiv* 29 (1904): 275–331; VI, *Neues Archiv* 31 (1906): 59–139 (with an additional note at 238); VII Part I, *Neues Archiv* 34 (1909): 319–81; VII Part II, *Neues Archiv* 35 (1910): 105–191; VII Part III, *Neues Archiv* 35 (1910): 433–539; VIII Part I, *Neues Archiv* 39 (1914): 327–431; VIII Part II, *Neues Archiv* 40 (1915): 15–130; and VIII Part III, *Neues Archiv* 41 (1919): 157–263. After Seckel's death in 1924, the series was continued from his unpublished notes by Josef Juncker; VIII Part IV and VIII Part V are therefore *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte: Kanonistische Abteilung* 23 (1934): 269–377, and 24 (1935): 1–112. This series has been conveniently digitized at <http://www.benedictus.mgh.de/studien/seckel.htm>.

<sup>14</sup> Horst Fuhrmann, *Einfluß und Verbreitung der pseudoisidorischen Fälschungen*, 3 vols., *Monumenta Germaniae Historica, Schriften* 24 (Stuttgart, 1973–74).

Friedrich Maassen, who wrote twenty years after the appearance of Hinschius's edition, showed how the forgers corrected, revised, and very occasionally interpolated this otherwise authentic collection of church law at an early moment in their project. Only one complete manuscript of this interpolated *Hispana* survives; it is Vatican City, Biblioteca Apostolica Vaticana, Vat. lat. 1341, and it was copied in the middle of the ninth century at Corbie. Other copies were known in the Middle Ages but have since been lost.<sup>15</sup>

After the interpolation of the *Hispana*, according to the traditional view, the forgers created the False Capitularies. These are a mass of 1,721 *capitula*, or short chapters or paragraphs, that advertise themselves as secular, royal legislation—as opposed to the church councils and papal letters collected in the *Hispana*.<sup>16</sup> The material extends to around one hundred thousand words and is divided into three books and three or four appendices, known as *additiones*. By far the greater part of the *capitula* come from authentic sources, including the Vulgate, Roman law, and genuine ninth-century legislation. Occasional pieces have been interpolated or revised in ways major and minor, while others are forged in a fashion reminiscent of Pseudo-Isidorian fictions on offer elsewhere. Floating in the morass are extracts from the interpolated *Hispana*, which therefore must have existed, in some form, before the compilers set to work.<sup>17</sup> The False Capitularies open with a preface in which one Benedictus Levita, or Benedict the Deacon, takes credit for the entire ensemble. This Benedict claims that he came across neglected royal Carolingian legislation, or capitularies, in the archives of the cathedral church at Mainz, which his former archbishop Riculf had deposited there. Benedict says he

<sup>15</sup> A partial twelfth-century copy survives in Eton, College Library, MS B.1.I.6 (James 97). On the *Hispana* and its interpolations see, most fundamentally, Friedrich Maassen, “Pseudoisidor-Studien I: Die Textrecension der ächten Bestandtheile der Sammlung,” *Sitzungsberichte der Wiener Akademie* 108 (1884): 1061–104; and “Pseudoisidor-Studien II: Die *Hispana* der Handschrift von Autun und ihre Beziehungen zum Pseudoisidor,” *Sitzungsberichte der Wiener Akademie* 109 (1885): 801–60. Also Joachim Richter, “Stufen pseudoisidorischer Verfälschung: Untersuchungen zum Konzilsteil der pseudoisidorischen Dekretalen,” *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte: Kanonistische Abteilung* 64 (1978): 1–72 (Richter discovered the Eton copy, but against his wider argumentation it is important to compare Nicolás Álvarez de las Asturias, “On the So-Called Second Version of the *Hispana Gallica Augustodunensis*,” *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte: Kanonistische Abteilung* 93 [2007]: 34–44); Knibbs, “The Interpolated *Hispana*”; and, most recently, Rudolf Pokorny, “‘Hispana Gallica’ oder ‘Hispana Rhenana’? Bernhar von Worms als erster Besitzer des Wiener Code ÖNB 411,” *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte: Kanonistische Abteilung* 101 (2015): 1–53, at 44–53. No critical edition of the interpolated *Hispana* exists, but Annette Grabowsky's transcription of Vat. lat. 1341 is available online at <http://www.benedictus.mgh.de/quellen/chga/>.

<sup>16</sup> The most convenient full edition of Benedict is still that of Georg Heinrich Pertz, MGH LL 2.2 (Hannover, 1837), 17–158. A new edition in progress led by Gerhard Schmitz, and many online resources, are at [www.benedictus.mgh.de](http://www.benedictus.mgh.de). For helpful considerations about the nature and character of Benedict's False Capitularies, see Schmitz, “Die allmähliche Verfertigung der Gedanken beim Fälschen: Unausgegrenztes und Widersprüchliches bei Benedictus Levita,” in Hartmann and Schmitz, *Fortschritt durch Fälschungen*, 29–60.

<sup>17</sup> For two clear instances, see BL 2.300–42 (MGH LL 2.2:88–90; also Seckel, “Studien,” VII Part III, 451–70); and 3.425–26 (MGH LL 2.2:128–29; also Seckel, “Studien,” VIII Part III, 257–59). Further text-critical remarks on these passages see in the partial edition of Schmitz, with notes, at <http://www.benedictus.mgh.de/edition/aktuell/libII.pdf> (61–70) and <http://www.benedictus.mgh.de/edition/aktuell/libIII.pdf> (107).

collected these forgotten laws to supplement the widely known capitulary collection of Ansegis of Fontanelle. He also writes in passing of Archbishop Otgar of Mainz, who he says ordered him to undertake the compilation and who “occupied the bishopric of Mainz at that time”—a strange phrase indeed, unless Benedict were writing after Otgar’s death on 21 April 847.<sup>18</sup>

Through the middle of the nineteenth century, scholars were inclined to take Benedict at his word, and many went so far as to posit some connection between Pseudo-Isidore and Mainz on the strength of these prefatory remarks.<sup>19</sup> On the eve of Hinschius’s edition, however, Julius Weizsäcker began to notice the deep resonance between Pseudo-Isidore’s polemic and the provincial affairs of Reims.<sup>20</sup> Benedict’s claimed Mainz associations were therefore suspect in Hinschius’s eyes, while for Seckel they were a deliberate fiction: “A notorious forger like Benedict is no more likely to put us onto his trail than a burglar is to leave his calling card at the scene of the crime. Mainz is not the place of origin precisely because Benedict deflects our suspicion to Mainz, to make it harder to unmask his deception.”<sup>21</sup> The only piece of Benedict’s information to survive Seckel’s critique unscathed was the terminus that his words supply. For Benedict, as for us, Otgar was no longer the bishop of Mainz, and the False Capitularies must therefore have received their finishing touches sometime after 847.

The final stop in this traditionalist chronology, after the interpolated *Hispana* and False Capitularies, was held to be the False Decretals, a long series of forged letters in the names of the earliest popes. With the Decretals we come full circle, for the forgers circulated these fictions by inserting them among the genuine papal letters and conciliar material on offer in their interpolated *Hispana*. To this enlarged collection they attached several forged or interpolated appendices, including the *Capitula Angilramni*, a précis of Pseudo-Isidorian procedural provisions; and the *Excerptiones de gestis Chalcedonensis concilii*, a series of revised and reworked excerpts from the Council of Chalcedon. Combined, the interpolated *Hispana*, decretal forgeries, and appendices weigh in at over four hundred and fifty thousand words. To introduce this new and enlarged collection, the forgers provided a preface that had a fictitious canonist named Isidorus Merca-

<sup>18</sup> The prefatory texts are MGH LL 2.2:39–41. See also the preliminary critical edition of Benedict’s preface at <http://www.benedictus.mgh.de/edition/aktuell/praef.pdf>. In some way related to this fiction are Hincmar of Reims’s remarks in his *Opusculum LV capitulorum*, 24, ed. Rudolf Schieffer, MGH Conc. 4, Suppl. 2 (Hannover, 2003), 99–361, at 242, that Riculf of Mainz brought the False Decretals to the Frankish empire from Spain. On this point also Fuhrmann, *Einfluß und Verbreitung*, 3:664–65.

<sup>19</sup> Otgar has been a recurring suspect since Blondel’s *Pseudo-Isidorus*: see his entire introductory disquisition on the identity of Pseudo-Isidore, 18–28, esp. 27–28 on Otgar.

<sup>20</sup> Julius Weizsäcker, “Hinkmar und Pseudo-Isidor,” *Zeitschrift für die historische Theologie* 28 (1858): 327–430, esp. 399–401; *Der Kampf gegen den Chorepiskopat des fränkischen Reichs im neunten Jahrhundert* (Tübingen, 1859), 46; and “Die pseudo-isidorische Frage,” 61–63 and 92–95.

<sup>21</sup> Hinschius, *Decretales*, ccviii–ccxiii; Seckel, “Pseudoisidor,” 300. Élisabeth Magnou-Nortier, “La tentative de subversion de l’État sous Louis le Pieux et l’oeuvre des falsificateurs,” *Moyen Âge* 105 (1999): 331–65 and 615–41, at 336, is one recent voice apparently in favor of Pseudo-Isidore’s Mainz origins. But compare Gerhard Schmitz, “Echte Quellen—falsche Quellen: Müssen zentrale Quellen aus der Zeit Ludwigs des Frommen neu bewertet werden?,” in *Von Sacerdotium und Regnum: Geistliche und weltliche Gewalt im frühen und hohen Mittelalter*, ed. Franz-Reiner Erkens and Hartmut Wolff, Passauer historische Forschungen 12 (Cologne, 2002), 275–300, at 283–84.

tor—Isidore the Merchant—take credit for the compilation.<sup>22</sup> Unlike the interpolated *Hispana* or the False Capitularies, which found relatively few medieval readers, these False Decretals worked their way into every major medieval library and exercised an incalculable influence upon later medieval legal history. Today around one hundred manuscript copies are known.<sup>23</sup>

The False Decretals and the False Capitularies share a great deal of material, and Hinschius was the first to analyze their relationship systematically. Crucially, he distinguished between the 1,550 *capitula* gathered into Benedict's first three books and his first appendices, and the 171 *capitula* assembled in the final appendix, known as Additio IV. Hinschius noticed that Benedict's first 1,550 chapters often seem prior to the Decretals. Authentic sources that are incorporated in tight combination or loosely summarized in the False Decretals are more clearly distinguished from one another and more closely quoted by Benedict in these chapters. Moreover, Benedictine interpolations and alterations to the authentic sources excerpted in these chapters often recur when those same sources appear in the False Decretals. For Hinschius, this meant that the decretal forgers employed the bulk of the False Capitularies as a source. Hinschius noticed that a very different relationship seems to prevail between the False Decretals and Additio IV. In these final 171 *capitula*, Benedict's concerns align more closely with those of the decretal forgers, and he even cites several decretal forgeries in draft. The shift is so drastic that it can prove imprecise to discuss Additio IV as an undifferentiated contingent of Benedict's collection, and subsequent references to the False Capitularies in this paper should be understood as excluding Additio IV unless otherwise specified.<sup>24</sup> Beyond this wrinkle, Hinschius's thesis that the decretal forgers depend upon Benedict had important chronological implications. Because Hinschius and

<sup>22</sup> On the pseudonym, Paul Hinschius, "Der Beiname Mercator in der Vorrede Pseudoisidors," *Zeitschrift für Kirchenrecht* 6 (1866): 148–52; and Emil Seckel, *Die erste Zeile Pseudoisidors*, ed. Horst Fuhrmann (Berlin, 1959). The name is an amalgam of Isidore of Seville and Marius Mercator. The *Capitula Angilramni*, ed. Schon, bear a rubric claiming that Angilramn of Metz received them from Pope Hadrian I, sometime in the reign of Charlemagne; this is of course another pseudohistorical invention. The so-called *Excerptiones de gestis Chalcedonensis concilii*, or the Chalcedon Excerpts, were only recognized as a Pseudo-Isidorian text by Zechiel-Eckes, "Verecundus oder Pseudoisidor?," and were thus unknown to traditional scholarship. On the Chalcedon Excerpts see now Harder, *Pseudoisidor und das Papsttum*, 171–80. According to the traditional view, the *Capitula Angilramni* were composed directly preliminary to the drafting of the False Decretals; thus Hinschius, *Decretales*, clxvii–clxxxii. Zechiel-Eckes, "Verecundus," 427 n. 50, and Harder, *Pseudoisidor und das Papsttum*, 178, see the Chalcedon Excerpts as one of the earliest forgeries produced by the Pseudo-Isidorians.

<sup>23</sup> On the manuscript tradition see Schafer Williams, *Codices Pseudo-Isidorianae: A Palaeographico-Historical Study*, Monumenta Iuris Canonici Ser. C Subsidia 3 (Vatican, 1971); Hubert Mordek, "Codices Pseudo-Isidoriani: Addenda zu dem gleichnamigen Buch von Schafer Williams," *Archiv für katholisches Kirchenrecht* 147 (1978): 471–88; and finally the list of codices provided by Karl-Georg Schon at [www.pseudoisidor.mgh.de](http://www.pseudoisidor.mgh.de).

<sup>24</sup> On the relationship between False Decretals and Capitularies, Hinschius, *Decretales*, cxliii–clix. Seckel, "Pseudoisidor," 304–5, agrees in the main but with some nuance. Also Fuhrmann, *Einfluß und Verbreitung*, 1:147–48. On Additio IV, MGH LL 2.2:146–58; Hinschius, *Decretales*, clxi–clxii; and Seckel, "Pseudoisidor," 275 and 299–300; but especially Gerhard Schmitz, "Verfälschungen: Isidor und Benedict," in Ubl and Ziemann, *Fälschung als Mittel der Politik*, 127–51, at 146–51. Among other things, Schmitz notes that Additio IV appears to be excluded from the synopsis of material provided by Benedict in his preface.

his successors noticed that the False Decretals seem to have been cited for the first time in 852, they were able to supply remarkably precise dates for the forgery operation: the False Decretals were put together after Benedict wrote his preface in 847 but before 852, while the False Capitularies were complete by 847, and the interpolated *Hispana* sometime earlier.<sup>25</sup>

These doctrines displaced earlier theses concerning the origins of Pseudo-Isidore and relationships among the sibling forgeries. That they did not fully refute these discarded theories became clear with the work of Klaus Zechiel-Eckes and his discovery of Pseudo-Isidorian excerptors in manuscripts from the library of Corbie on the Somme. Just as the *capitula* of Benedict's collection reproduce, revise, and rework hundreds of genuine sources, so too are the False Decretals, for long stretches, little more than a mosaic of textual fragments gathered from hundreds of authentic patristic, biblical, and legal texts. Zechiel-Eckes found the leavings of the cut-and-paste artists responsible for this work. Three manuscripts, he showed, bear marginal notes demarcating passages in authentic Pseudo-Isidorian legal and historical sources. Each of these marked passages recurs somewhere in the forgeries, whether the False Capitularies or False Decretals or smaller, associated components, like the Chalcedon Excerpts. Two of these annotated manuscripts hail from the Corbie scriptorium, which confirmed earlier indications that the forgers used the Corbie library to build their fictions. Corbie was one of the greatest monasteries in the Carolingian empire, and it lay in the Reims province, in the diocese of Amiens. As a leading intellectual at Corbie around the time that the forgeries took shape, the famous theologian and later abbot of Corbie, Paschasius Radbertus, became Zechiel-Eckes's leading candidate for Pseudo-Isidore.<sup>26</sup>

As we have seen, Zechiel-Eckes also believed that substantial portions of the decretal forgeries were drafted to defend Archbishop Ebo of Reims. For Zechiel-Eckes, Pseudo-Isidore's awareness of Ebo and the political events surrounding his downfall in 835 requires an earlier date than Hinschius and his followers had

<sup>25</sup> Hinschius, *Decretales*, clxxxiii–cciii, esp. clxxxiii–clxxxvi; and most recently Fuhmann, "The Pseudo-Isidorian Forgeries," 170, very much along the same lines.

<sup>26</sup> For Zechiel-Eckes's discoveries, above, n. 6. The excerpted codices are St. Petersburg, Russian National Library, MS F.v.I.11; Paris, Bibliothèque nationale de France, MS lat. 11611; and Vatican City, Biblioteca Apostolica Vaticana, MS Pal. lat. 1719. The St. Petersburg, Paris and Vat. lat. codices all come from Corbie, and the origins and provenance of MS F.v.I.11 is particularly secure. (Abigail Firey, "Canon Law Studies at Corbie," in Ubl and Ziemann, *Fälschung als Mittel der Politik*, 19–79, at 30–36, overlooks the importance of the "capital-N annotator"; compare Zechiel-Eckes, "Ein Blick in Pseudoisidor's Werkstatt," 39–40, following David Ganz, *Corbie in the Carolingian Renaissance*, Francia Beihefte 20 [Sigmaringen, 1990], 50.) Pal. lat. 1719, which provided a single source passage to the forgeries, comes rather from western Germany; hence the skepticism in Patzold, *Episcopopus*, 225–26. The same style of annotation, perhaps even the same hand, is at work in all three manuscripts, and it seems reasonable to conclude that, whatever its provenance, Pal. lat. 1719 was annotated at Corbie. For evidence pointing to Corbie before Zechiel-Eckes's discovery, see Horst Fuhmann, "Pseudoisidor und die Bibel," *Deutsches Archiv* 55 (1999): 183–91, on Pseudo-Isidore's use of a line from Paschasius Radbertus's Matthew commentary (not widely known outside the monastery); and Fuhmann, "Pseudo-Isidorian Forgeries," 159 with n. 91, for the forgers' use of the *Liber contra Varimadum* as it exists in Paris, Bibliothèque nationale de France, MS lat. 12217, another Corbie manuscript. Richter, "Stufen pseudoisidorischer Verfälschung," 36 n. 201, observes the preponderance of early Pseudo-Isidore manuscripts associated with Corbie, including (as we have seen) Vat. lat. 1341, the unique ninth-century witness to the interpolated *Hispana*.



avored. The older dating scheme had to fall, and with it the entire superstructure that earlier scholars had built upon its back: “It was no less a scholar than Emil Seckel who led research into error for more than a century,” Zechiel-Eckes wrote. “His categorically adopted position, that the False Decretals of Pseudo-Isidore should be dated after the False Capitularies of the so-called Benedictus Levita, has not been subject to critical scrutiny since 1905. . . . This line of argument suffers from the fact that a text-critical proof for Seckel’s thesis of dependence cannot be assembled; and that the False Decretals and the False Capitularies could well have taken shape parallel to one another.”<sup>27</sup> With the False Decretals unmoored from the terminus of Benedict’s preface, Zechiel-Eckes could develop a fresh approach to the problem of chronology. In addition to Amalar’s purported use of forgeries to defend his liturgical theories, he alighted upon a famous exchange that took place around 870 between Hincmar of Reims and his nephew, namesake, and nemesis, Hincmar of Laon. The younger Hincmar had confronted his uncle with various excerpts from Pseudo-Isidore, and the elder Hincmar retorted that he knew the quoted passages well; indeed, he said, he had been familiar with them since before his nephew’s birth. Since Hincmar of Laon was born no later than 840, Zechiel-Eckes argued that Florus and Hincmar provided mutually reinforcing evidence for an earlier Pseudo-Isidore.<sup>28</sup>

<sup>27</sup> Zechiel-Eckes, *Fälschung als Mittel politischer Auseinandersetzung*, 13–14. Also, in this vein, Karl Ubl, *Inzestverbot*, 323–40; Harder, *Pseudoisidor und das Papsttum*, 72–75; and Schmitz, “Verfälschungen.” For more on the argumentation of Ubl and Schmitz see below, n. 68.

<sup>28</sup> Zechiel-Eckes, “Auf Pseudoisidors Spur,” 10–11 nn. 33–34, one formulation of this argument among several. It should be emphasized that Zechiel-Eckes championed an early date primarily for the A2 recension of the False Decretals, the so-called short version that contains the greater part of the decretal forgeries but very little material from the interpolated *Hispana*. For Florus’s remark, MGH Epp. 5:271, and above with n. 4; for Hincmar’s statements, PL 126:534 and MGH Conc. 4, Suppl. 2: 186. Above we noted that scholars have not followed Zechiel-Eckes in finding Amalar relevant for the question of Pseudo-Isidore’s date. The added evidence of Hincmar has likewise found no followers, excepting Heinen, “Pseudoisidor auf dem Konzil,” esp. 122–23. For a more diffuse argument that the False Decretals, particularly the so-called short recension of the False Decretals, or A2, have relatively early dates, see Zechiel-Eckes, “Der ‘unbeugsame’ Exterminator,” seconded again by Heinen, “Pseudoisidor auf dem Konzil,” 98–99. Zechiel-Eckes argues that chorbishops did not become a matter of controversy and concern in the Carolingian kingdoms until the 840s, and that the short recension of the False Decretals does not discuss chorbishops because it predates these later controversies. There are problems with this approach: 1) Though Zechiel-Eckes acknowledges this (“Der ‘unbeugsame’ Exterminator,” 179–80), it is worth repeating that the first open attempt to circumscribe the sacramental faculties of chorbishops occurred at the 829 Council of Paris (cap. 27, ed. Albert Werminghoff, MGH Conc. 2.2 [Hannover, 1908], 629); see also in this respect Hrabanus Maurus’s letter to Drogo in defense of the chorepiscopate, MGH Epp. 5:431–39). 2) Even decretals included in the A2 recension of Pseudo-Isidore address chorbishops, albeit obliquely. See, for example, Pseudo-Clement, JK †10, ed. Hinschius, *Decretales*, 39; Pseudo-Anacletus, JK †4, ed. Hinschius, *Decretales*, 81–82. In both places the forgers insist that there is to be a single bishop in every *civitas* and that bishops are not to be established “in villis aut in castellis vel modicis civitatibus,” arguments that are important constituents of Pseudo-Isidore’s anti-chorbishop polemic as it is deployed more fully elsewhere (thus, e.g., Pseudo-Damasus, JK †244, ed. Hinschius, *Decretales*, 512; compare again Zechiel-Eckes, “Der ‘unbeugsame’ Exterminator,” 173–75 with n. 9, who insists that the important fact is that chorbishops are not mentioned by name). 3) Forged alterations to the interpolated *Hispana* openly attack the chorepiscopate: see the Second Council of Seville, cap. 7 (unfortunately missing in Vat. lat. 1341 due to a codicological defect, but online in Schon’s preliminary edition at <http://www.pseudoisidor.mgh>

In large part, this approach revives older, pre-Hinschian theories of Pseudo-Isidore's origins first proposed by the nineteenth-century legal historian Hermann Wasserschleben.<sup>29</sup> Experts have found Zechiel-Eckes's return to these neglected arguments persuasive, such that a newer orthodoxy, albeit more nebulous and less dogmatic, has come to replace the prevailing views of later nineteenth- and twentieth-century scholars. Pseudo-Isidore, in the eyes of recent authors, is at base a response to the crisis of the Carolingian empire that we encountered at the start of this paper: in 833, Louis the Pious was deposed by his heirs and various members of the Frankish episcopate, who objected to aspects of Louis's government and feared the exclusion of his eldest son, Lothar, from the co-emperorship. Louis eventually got his empire back, at which point he retaliated against his episcopal opponents, in particular Ebo of Reims.<sup>30</sup> For Wasserschleben, as for Zechiel-Eckes, these are the events that put the forgery machine in gear, and they have both elaborated very specific arguments about which forged statements respond to which element of this unfolding catastrophe.<sup>31</sup>

Just as the Hinschian consensus took root without incorporating or fully refuting earlier theories, Zechiel-Eckes's revolution has won widespread support without addressing the traditional approach in any comprehensive way. Many scholars have nevertheless characterized Zechiel-Eckes's arguments as a conclusive and convincing new approach to the origins of Pseudo-Isidore; the author of this paper is no exception.<sup>32</sup> Yet I have come to believe that Zechiel-Eckes's greatest insight lay less in replacing one orthodoxy with another, than it did in revealing how fragile are the various schemes for dating and contextualizing the forgeries. Wasserschleben's readings were cast aside with minimal acknowledgment as Hinschius established what would become the new approach; and the views of Hinschius, Seckel, and Fuhrmann held sway until most of their major proponents had gone to their graves, at which point older ideas could be resurrected with relative ease.

Amid all this uncertainty, Pseudo-Isidore's Reims origins have remained a lone point of agreement. This theory, pioneered by Julius Weizsäcker and elaborated by

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.de/html/124.html and present in the later Eton copy), and the interpolated *Hispana* must predate even the A2 recension because decretal forgeries in A2 use the interpolated *Hispana* as a source. Against Heinen, "Pseudoisidor auf dem Konzil," 99, therefore, compare Maassen, "Pseudoisidor-Studien I," 1084–86, and several further proofs in this vein are adduced by Knibbs at <http://pseudoisidore.blogspot.com/2014/04/towards-theory-of-pseudo-isidore.html>.

<sup>29</sup> Hermann Wasserschleben, *Beiträge zur Geschichte der falschen Dekretalen* (Breslau, 1844).

<sup>30</sup> On these events, in addition to Booker, "The False Decretals," see Patzold, *Episcopus*, esp. 185–253; Booker, *Past Convictions: The Penance of Louis the Pious and the Decline of the Carolingians* (Philadelphia, 2009); Mayke de Jong, *Penitential State: Authority and Atonement in the Age of Louis the Pious* (Cambridge, UK, 2009), esp. 249–59. On the motives of the rebels, Steffen Patzold, "Eine 'loyale Palastrebellion' der 'Reichseinheitspartei'? Zur 'Divisio imperii' von 817 und zu den Ursachen des Aufstands gegen Ludwig den Frommen im Jahre 830," *Frühmittelalterliche Studien* 40 (2006): 43–77, esp. 71–75, is relevant, even though it focuses on the earlier yet related uprising of 830.

<sup>31</sup> For example, Zechiel-Eckes, "Ein Blick in Pseudoisidors Werkstatt," 54–60; Wasserschleben, *Beiträge*, esp. 61–69.

<sup>32</sup> Above all, Knibbs, "The Interpolated *Hispana*," where the discussion at 52–59 is particularly misguided; but also the unexamined political and chronological assumptions underpinning "Pseudo-Isidore at the Field of Lies," esp. 33–34.

scholars from Hinschius to Fuhrmann, was proven beyond all doubt by Zechiel-Eckes and his discovery of Pseudo-Isidorian excerptors at Corbie. Among the evidence for this theory are strong clues as to the date of the forgeries. Some of these clues indeed suggest that fundamental constituents of the forgery complex, particularly the interpolated *Hispana*, may have emerged much earlier than the traditionalists expected.<sup>33</sup> The False Decretals are another matter. There, the evidence is closely intertwined with the career of Ebo, and it points us towards a later era.

#### EBO OF REIMS AND THE DATE OF PSEUDO-ISIDORE

In the traditional view, the legally and politically vulnerable Frankish episcopate constituted Pseudo-Isidore's primary concern.<sup>34</sup> Yet the forgeries also resonate with the repeated initiatives to remake the Frankish church that characterized Louis's reign from his accession to sole rule in 814. Broad sections of the forgeries align with the agenda of the great reform council held at Paris in 829, and the forgers even use texts from that council, at great risk to the verisimilitude of their product.<sup>35</sup> Tellingly, scholars used to agree that Pseudo-Isidore also knew and drew upon the related reform council held at Aachen in 836, but there is good reason to doubt that now.<sup>36</sup> Instead, affinities between Aachen 836 and the False Decretals seem to arise entirely from the shared aims of these legal initiatives: both the fathers at Aachen and the forgers sought to reignite reform initiatives that had run aground amidst the political turbulence of the early 830s. While the Aachen council simply reissued reform legislation from 829, the Pseudo-Isidorians thought it more effective to place key arguments from Paris 829 into the mouths of the earliest popes and Carolingian emperors.<sup>37</sup> Scholars like Emil Seckel were inclined to dismiss the wide-ranging interests of Pseudo-Isidore as filler, included to mask or offset the largely procedural agenda of the

<sup>33</sup> Harder, *Pseudoisidor und das Papsttum*, 181–212, on JE †2579, a decretal of Gregory IV that is very probably an early effort of the Pseudo-Isidorians, almost certainly confected in 833; also Knibbs, “Pseudo-Isidore at the Field of Lies.” The decretal in question cites one text with a characteristic manipulation from the interpolated *Hispana*. Pokorny, “Hispana Rhenana,” 52–53, is right to emphasize that the evidence does not require us to posit an entirely complete interpolated *Hispana* as early as 833. Compare Mayke de Jong, “Paschasius Radbertus and Pseudo-Isidore,” and also Cornelia Scherer, *Der Pontifikat Gregors IV (827–844), Päpste und Papsttum 42* (Stuttgart, 2013), 184–95. Scherer seems to deny the Pseudo-Isidorian connections of JE †2579, in my view untenably (on this point, also Harder, *Pseudoisidor und das Papsttum*, 210 with n. 122).

<sup>34</sup> So, for example, Fuhrmann, “Pseudo-Isidorian Forgeries,” 170–77; Fuhrmann, *Einfluß und Verbreitung*, 1:191–96.

<sup>35</sup> Overview at Hinschius, *Decretales*, cxxviii–cxxix. For the latest on Paris 829 and its possible relevance for our understanding of Pseudo-Isidore, Steffen Patzold, “Überlegungen zum Anlass,” 156–58.

<sup>36</sup> Gerhard Schmitz, “Die Synode von Aachen 836 und Pseudoisidor,” in *Produktivität einer Krise: Die Regierungszeit Ludwigs des Frommen (814–840) und die Transformation des karolingischen Imperium*, ed. Philippe Depreux and Stefan Esders (Sigmaringen, forthcoming; I am grateful to Schmitz for an advance copy); seconded by Semih Heinen, “Pseudoisidor auf dem Konzil.”

<sup>37</sup> Patzold, *Episcopus*, 222–26, surveys aspects of the Pseudo-Isidorian Decretals as a “Zeugnis der Ausbreitung und Zuspitzung des in Paris und Aachen [Aachen 836] ausformulierten Bischofsmodells” (226).

forgers.<sup>38</sup> Yet the breadth of Pseudo-Isidore's preoccupations demands earnest analysis, and Zechiel-Eckes's theories have fallen on welcome ears because they shift the forgery operation nearer to the great reform initiatives of Louis the Pious's later years, and make it possible to take the supposed filler more seriously.

Beyond reform, Pseudo-Isidore seeks to shield bishops from accusations and trials by means of massive interventions in the arena of procedural law. These protections are present across all the forgeries, but they dominate most of all in the False Decretals and associated texts like the *Capitula Angilramni*.<sup>39</sup> While the reform material has genuine antecedents and represents the aspirations of many Frankish clerics, the procedural content is highly original and even subversive. The forgeries aim to protect bishops by disrupting episcopal trials and submerging judicial process in a hopeless mess of contradictory directives, endless appeals, and impossible standards of evidence. Karl-Georg Schon has remarked that Pseudo-Isidorian prescriptions, far from amounting to a law of procedure, are in fact profoundly antiprocedural.<sup>40</sup> The Pseudo-Isidorians wanted the Frankish episcopate to have de facto immunity, always and everywhere.

This agenda likewise reflects conditions that prevailed during the reign of Louis the Pious. In the decades after 800, the cumulative effects of Carolingian reform were felt in the increasing independence and political muscle of the Frankish episcopate.<sup>41</sup> This new prominence coincided with the uncomfortable pressures of factionalism and political decline that came with the end of Carolingian military expansion and that gained pace during Louis's reign.<sup>42</sup> The overview of episcopal trials in the Appendix documents how the Frankish episcopate experienced these years. We know nothing of the circumstances, but directly after Charlemagne's

<sup>38</sup> Seckel, "Pseudoisidor," 283: "Außer dem frommen Wortschwall, der in bisweilen sinnlosem Häufen von Bibelsprüchen und Väterstellen sich ergießt, sind zum toten Stoffe zunächst fast alle das kanonische Recht nicht berührenden Ausführungen zu rechnen." Cited in this very connection by Zechiel-Eckes, "Ein Blick in Pseudoisidors Werkstatt," 46. See also the sensitive discussion in Weizsäcker, "Die pseudo-isidorische Frage," 53–55.

<sup>39</sup> Harder, *Pseudoisidor und das Papsttum*, esp. 152, on the deep similarities between False Decretals and the *Capitula Angilramni* on this point.

<sup>40</sup> Schon, *Capitula Angilramni*, 9: "Nimmt man alle Vorschriften der [*Capitula Angilramni*] über den Bischofsprozeß zusammen, muß man in den Kapiteln eher eine Prozeßverhinderungsordnung sehen als eine Prozeßordnung."

<sup>41</sup> For the 820s as a decisive moment in the remaking of the Frankish episcopate, see Patzold, *Episcopatus*, esp. 105–84.

<sup>42</sup> For military and political conditions, see especially Timothy Reuter, "The End of Carolingian Military Expansion," in *Charlemagne's Heir: New Perspectives on the Reign of Louis the Pious*, ed. Peter Godman and Roger Collins (Oxford, 1990), 391–405. The reign of Charlemagne presents no episcopal trials of any import for Pseudo-Isidorian procedural prescriptions, though the forgeries would have outlawed the deposition of Felix of Urgell for Adoptionism in 799, and Pope Leo III would have found the forgers' adoption of Symmachan legal norms helpful for his troubled election that same year. On Felix of Urgell's deposition at Aachen in 799 or 800, see Wilfried Hatmann, *Die Synoden der Karolingerzeit im Frankenreich und in Italien*, Konziliengeschichte Reihe A, Darstellungen 6 (Paderborn, 1989), 121–22 and Albert Werminghoff, ed., MGH Conc. 2.1 (Hannover, 1906), 220–25; among many other things Felix's deposition runs afoul of Pseudo-Isidorian prohibitions of *peregrina iudicia*. On the Symmachan forgeries and Leo III, see Harald Zimmermann, *Papstabsetzungen des Mittelalters* (Graz, 1968), 2–6 (on the Symmachan forgeries), and 26–37, on the failed attempt to depose Leo III (28, on Alcuin's citation of Symmachan forgeries as events unfolded).

death, the perennially unlucky Amalar, then the archbishop of Trier, found himself deposed and very possibly exiled. A few years later, the rebellion of Bernard of Italy led to the condemnation and deposition of Anselm of Milan, Wolfold of Cremona, and, most sensationally, Theodulf of Orléans, a key architect of Charlemagne's ecclesiastical and educational initiatives. In 830 the so-called loyal rebellion against Louis the Pious saw Jesse of Amiens deposed, a mere prologue to Louis's sweeping retaliation against the Frankish episcopate in 835.<sup>43</sup> At the council of Thionville held that year, Ebo of Reims and Hildemann of Beauvais were brought to trial from prison. The former was compelled to confess, condemned, and returned to confinement. Hildemann managed to clear his name, but other bishops who had failed to appear found themselves deposed in short order. The names of these deposed include Jesse of Amiens (who had been reinstalled in the interim only to face expulsion once again), Heribald of Auxerre, Agobard of Lyons, Bartholomew of Narbonne, Bernard of Vienne, and Elias of Troyes.<sup>44</sup> And the trials did not stop there. In 838, a rehabilitated Amalar faced trial for his allegedly heretical teachings on the Eucharist and was removed from office again. With Louis's death and the Carolingian civil war, Ebo was able to return to his position briefly in 840, but he was forced to flee in 841, and afterwards a new council reaffirmed his prior condemnation.<sup>45</sup>

In the new, politically divided Carolingian world, bishops were if anything more vulnerable: the entire Breton episcopate was famously deposed in 848/9 at the behest of the Breton duke Nominoe, an action widely condemned.<sup>46</sup> Ten years later, we encounter the fascinating case of Hermann of Nevers, whose mental health had deteriorated sufficiently to require his removal from office at the provincial synod of Sens in 858. Yet his colleagues hesitated, for some remembered having seen an ancient decretal, in the name of Pope Melchiades, that required papal approval for the deposition of bishops. The Melchiades text is, of course, a Pseudo-Isidorian forgery. The previous year, Archbishop Hincmar of Reims had made unambiguous use of several False Decretals and *capitula* from Benedict for the first time. Episcopal trials continued, though Hermann's case marks the end of their opportunity to influence Pseudo-Isidore, whose forgeries had by then begun to circulate.<sup>47</sup>

<sup>43</sup> Patzold, "Überlegungen zum Anlass," 166–70, wonders whether Jesse's deposition might have provided an early motivation for the forgery of False Decretals at Corbie.

<sup>44</sup> Most recently on these depositions, Patzold, "Überlegungen zum Anlass," 159–63.

<sup>45</sup> At Bourges; see Hincmar's much later report, ed. Ernst Perels, MGH Epp. 8 (Berlin, 1939), 192.

<sup>46</sup> Basic citations in the Appendix. The Nominoe episode is noteworthy for giving rise to older (now discredited) theories of Pseudo-Isidore's origins at Le Mans. See Harder, *Pseudoisidor und das Papsttum*, 196–99; Knibbs, "Pseudo-Isidore at the Field of Lies," 13–16; but above all Walter Goffart, "Gregory IV for Aldric of Le Mans (833): A Genuine or Spurious Decretal?," *Medieval Studies* 28 (1966): 22–38.

<sup>47</sup> Lupus of Ferrières wrote to Nicholas I to ask about the false Melchiades decretal: see Ernst Perels, ed., MGH Epp. 6 (Berlin, 1925), 114, and Nicholas's bizarre reply, ignoring entirely the substance of Lupus's question, MGH Epp. 6:611–12, from which Fuhrmann ("Pseudo-Isidorian Forgeries," 187; see also 176 with n. 148) concludes, "One might assume that Pseudo-Isidore is not yet in the Pope's hands." The forged provisions relevant for Hermann of Nevers are Pseudo-Melchiades, JK †171, ed. Hinschius, *Decretales*, 243: "Episcopos nolite iudicare, nolite condemnare absque sedis huius auctoritate. Quid si feceritis, irrita erunt vestra iudicia et vos condemnabimini. Hoc enim privilegium

Clearly, Pseudo-Isidore did not want for trials. To find Ebo in the forgeries, we must identify what set Ebo's case apart from the legal difficulties that his contemporaries faced and search for Pseudo-Isidore's responses to these unique circumstances. Unfortunately, the Pseudo-Isidorians do not cooperate with attempts to historicize their agenda. More than anything, they would prefer to prevent trials from happening or to render their verdicts completely reversible. To prevent trials, they exclude all manner of potential accusers; to undermine their verdicts, they open all possible avenues for appeal.<sup>48</sup> Some of this abundant material would obviously have helped Ebo, but none of it applies to Ebo exclusively. An important subset of the Pseudo-Isidorian polemic moreover aims to shield suffragan bishops from the intrusion of their metropolitans and therefore cannot be about Ebo, the archbishop of Reims, at all.<sup>49</sup> Other classic Pseudo-Isidorian inventions, like the prohibition of *peregrina iudicia*, or judgment by bishops from beyond one's home province, prove similarly unhelpful. The archbishop of Reims was tried at Thionville by bishops from across the empire, but so were Theodulf, Wolfold, Anselm, and Jesse of Amiens. When Pseudo-Isidore discusses accusations, appeals, and *peregrina iudicia*, he is addressing the procedures that had tended to be employed against bishops in his world. He is very far from defending Ebo specifically, or even primarily.

There are nevertheless moments when the veil slips, and we can say that Pseudo-Isidore speaks directly to Ebo's situation in three matters. A legal doctrine pervasive to the forgeries, known to canonists as the *exceptio spoli*, prohibits pretrial circumstances that are recorded only for Ebo and his fellow accused, Hildemann of Beauvais. A decretal forgery in the name of Pope Alexander I, meanwhile, rails against coerced confessions in terms that recall, with remarkable specificity, the events surrounding Ebo's condemnation. Finally, four pseudonymous decretals struggle to dismantle ancient legal obstacles to episcopal translation, with arguments calibrated to address Ebo's later career. Far from being a collection of incidental scraps thrown to a troubled prelate, these provisions constitute a mutually supportive program that aims to protect the interests of Ebo and his associates, while providing ammunition for use against Ebo's successor, Hincmar, at Reims. The details of this program prove that it cannot predate 845. In its totality, it is also exclusive to the False Decretals. Building blocks are on offer in Benedict's Capitularies, but assembling the system in all its particulars required retooling, and in one case perhaps even overruling, the False Capitularies on specific points.

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huic sanctae sedi a temporibus apostolorum statutum est servare, quod inlaesum manet usque in hodiernum diem." For the first undisputed citations of Pseudo-Isidore in 857, Fuhrmann, "Pseudo-Isidorian Forgeries," 175–76.

<sup>48</sup> Schon (*Capitula Angilramni*, 5–9) provides a summary of procedural law in the *Capitula Angilramni* that is for the most part also applicable to the False Decretals.

<sup>49</sup> Pseudo-Isidore's most explicit intervention in favor of suffragan bishops, at the expense of metropolitan authority, involves his invention of primacy. Otherwise, Pseudo-Isidore repeatedly excludes the laity from accusation of clergy and insists that condemned bishops be permitted an appeal to the pope. Both are particularly apposite for Ebo, as Louis the Pious was Ebo's accuser at Thionville, and Ebo himself appealed to the pope for help in the midst of his troubles.

EBO AND THE *EXCEPTIO SPOLII*

After the coup against Louis the Pious collapsed in the early months of 834, many rebel bishops followed Lothar to exile in northern Italy. Ebo is said to have left his archdiocese and “taken flight to another province, where he thought he could . . . hide for a while and observe . . . what the most beneficial course of action might be.” Before long, Rothad of Soissons and Erchenrad of Paris, “in whose church he was hiding,” apprehended him, and Louis had him remanded to custody at Fulda.<sup>50</sup> Louis also arrested Hildemann of Beauvais, who was entrusted to the monks at Saint-Vaast. Ebo and Hildemann were then brought to trial at Thionville from their monastic prisons the following year, in 835.

None of the other bishops tried in Pseudo-Isidore’s world are said to have fled their dioceses or been imprisoned before their trials. It is therefore highly significant that Pseudo-Isidore should outline a collection of provisions prohibiting precisely these circumstances. Later canonists came to call these the *exceptio spoli*, or the exception of despoliation. Exceptions, in Roman procedural law, are pleas that the defendant can raise to avoid or delay trial on the basis of some supervening circumstance beyond the bare facts of the plaintiff’s charge. Though the Pseudo-Isidorians knew and used elements of Roman law, their procedural interventions are not intended for deployment within any kind of explicitly Roman procedural context. Nevertheless, Pseudo-Isidorian provisions on clerical despoliation indeed resemble an exception, for they prohibit the trial of any bishop who has been driven from his see and denied access to his possessions and the resources of his diocese. Accused prelates who have suffered these adversities must be reinstated in advance of any legal proceeding.

Before Pseudo-Isidore, nothing like an *exceptio spoli* existed anywhere in the Western legal tradition.<sup>51</sup> Perhaps to mask the novelty of their invention, the Pseudo-Isidorians extrapolated their invention from the vocabulary of two au-

<sup>50</sup> Thus the report that the 867 Council of Troyes directed to Pope Nicholas I, in the course of resolving the long-running controversies arising from Ebo’s deposition; it confirms and adds detail to earlier sources for Thionville 835. Edited by Wilfried Hartmann, MGH Conc. 4 (Hannover, 1998), 233: “Ebo . . . in alteram proutiviam fugam arripuit, ubi aliquandiu dilitiscendo se occultare posse putavit, usquequo rerum eventu videret, quid sibi salubrius agere posset. Quod imperatorem latere non potuit . . . et . . . per Rothadum coepiscopum suum et per Erchendradum, in cuius ecclesia latitabat . . . eum ad se imperator sub custodia deduci praecepit, quem in monasterio sancti Bonifacii usque ad tempus synodi servari praecepit.” For abundant citations to the secondary literature, see Booker, “False Decretals,” 220 with n. 46; and Matthias Schrör, “Aufstieg und Fall des Erzbischofs Ebo von Reims,” in *Streit am Hof im frühen Mittelalter*, ed. Matthias Becher and Alheydis Plassmann, *Supra Alta Perennis* 11 (Bonn, 2011), 203–21, at 211–15.

<sup>51</sup> The fundamental study of the *exceptio spoli* is Feodor Göcke, *De exceptione spoli* (Berlin, 1858). A great part of Göcke’s analysis is devoted to demonstrating that the *exceptio spoli* originates with Pseudo-Isidore. On the question of the origins of the *exceptio spoli* and the date of Pseudo-Isidore, compare Heinen, “Pseudoisidor auf dem Konzil,” 121–22, who argues that something like the *exceptio spoli* is echoed in the *Relatio episcoporum* from 833 (edited by Courtney M. Booker, “The Public Penance of Louis the Pious: A New Edition of the *Episcoporum de poenitentia, quam Hludowicus imperator professus est, relatio Compendiensis* (833),” *Viator* 39/2 [2008]: 1–19). Yet there the reader will find nothing beyond complaints about exiled or dispossessed bishops (as at *Relatio episcoporum*, ed. Booker, 17), which are as old as organized Christianity. Pseudo-Isidore’s

thentic sources. The first is a passage from the sixth-century *Historia tripartita* as commissioned by Cassiodorus and compiled by Epiphanius from the Greek histories of Socrates Scholasticus, Sozomen, and Theodoret.<sup>52</sup> Together with the *Liber pontificalis*, the *Historia tripartita* assisted the forgers again and again with their pseudohistorical furnishings, and the dependence of some *exceptio spoli* formulations upon this source is in keeping with broader Pseudo-Isidorian tendencies. In the midst of book 7, the *Historia tripartita* comes to discuss the semi-Arian council held at Lampsacus in 364, where the bishops determined that those of their like-minded colleagues who had been deposed by an earlier council held at Constantinople in 360 should be restored to their sees.<sup>53</sup> Further accusations against these bishops were to be aired before prelates from neighboring dioceses, at locations where exculpatory witnesses were readily available. Presumably the reference to persecuted bishops caught the eye of our forgers. As Zechiel-Eckes discovered, this passage was marked by a Pseudo-Isidorian excerptor who worked in a copy of the *Historia tripartita* produced at Corbie. From the Corbie manuscript, this passage flowed to Benedict, the False Decretals, and the *Capitula Angilramni*.<sup>54</sup>

The second authentic source underpinning the *exceptio spoli* is the so-called Fourth Symmachan Synod, held in the presence of the Ostrogothic king Theodoric at Rome in 502.<sup>55</sup> Pseudo-Isidore knew the decrees from the widely circulated *Collectio Dionysio-Hadriana*, another typical source for the False Decretals.<sup>56</sup> The pertinent passage addresses the difficulties of Pope Symmachus, whose election had been disputed and who stood accused of various improprieties by supporters of a rival candidate. Our forgers were particularly attracted by a passage expressing the pope's hope that the council would return to him all that he had lost through the accusations of his enemies and that he would be restored to his prior state. Only then, Symmachus claimed, would he answer the charges against him.

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innovation is the explicit requirement that dispossessed or exiled bishops must be restored to their prior positions before trial can proceed.

<sup>52</sup> Walter Jacob and Rudolf Hanslik, eds., *Cassiodori-Epiphani: Historia tripartita*, Corpus Scriptorum Ecclesiasticorum Latinorum 71 (Vienna, 1952). The latest on the *Historia tripartita* is Désirée Scholten, "Cassiodorus's *Historia tripartita* before the Earliest Extant Manuscripts," in *The Resources of the Past in Early Medieval Europe*, ed. Clemens Gantner, Rosamond McKitterick, and Sven Meeder (Cambridge, UK, 2015), 34–50. I am grateful to the anonymous reviewer for this reference.

<sup>53</sup> For the historical background, see Karl Baus and Eugen Ewig, *Die Reichskirche nach Konstantin dem Großen*, Handbuch der Kirchengeschichte 2 (Freiburg, 1973), 63–64. In view of Pseudo-Isidore's vehement anti-Arianism (see, for example, the decretal forgeries at the beginning of part 3, from Hinschius, *Decretales*, 451, which approach Athanasius as a persecuted bishop in classic Pseudo-Isidorian guise and pour vituperation upon his Arian persecutors in order to cast the papacy as a guarantor not only of Trinitarian orthodoxy but also of episcopal prerogatives), it is ironic that the forgers should have appropriated vocabulary about the restoration of semi-Arian bishops for their legal inventions on this point.

<sup>54</sup> Thus Zechiel-Eckes, "Ein Blick in Pseudoisidors Werkstatt," 43. The manuscript is St. Petersburg, MS F.v.I. 11; see above, n. 26.

<sup>55</sup> Edited by Theodor Mommsen, MGH Auct. ant. 12 (Berlin, 1894), 426–37. See Eckhard Wirbelauer, *Zwei Päpste in Rom: Der Konflikt zwischen Laurentius und Symmachus (498-415)*, Quellen und Forschungen zur Antiken Welt 16 (Munich, 1993), esp. 9–34.

<sup>56</sup> Pseudo-Isidore folds the Symmachan synods from 499, 501, and 502 into the third part of his Decretals collection, ed. Hinschius, *Decretales*, 657–64. The same conciliar texts, in the same order, recur in the *Dionysio-Hadriana*: see Fuhrmann, "Pseudo-Isidorian Forgeries," 167.



The most straightforward statements of the *exceptio spoli* are to be found in the False Capitularies of Benedict (hereafter, BL), and the most complete formulation occurs at BL 3.116. Here the Fourth Symmachan Synod serves as the source. Italics track common text:

## FOURTH SYMMACHAN SYNOD:

. . . hoping that the *visitor*, who had been called in contrary to piety, contrary to the ancient statutes, and contrary to the proclamation of the greater part of the clergy and various laity, should *at once depart* upon the order of the bishops, as the holy resolution required, and that *everything that he had lost through the accusations of his enemies would be restored to his power by the honorable council*, and that *the prelate of such a momentous see would first be restored legally to his original status, and then appear at trial and, if it thus seemed in order, would he respond to the assertions of his accusers.*

## BL 3.116

If any bishop, upon accusation, has been despoiled of his possessions and expelled, by *the order* of the pontiffs [his persecutors?] should *at once depart*, so that *everything that he had lost through the accusations of enemies might be legally returned to his power by the honorable council, and the prelate might first be restored to his original status*, and only *then*, when his possessions had been disposed and ordained within his power not briefly, but for a long time, *may he appear at trial, and, if it seems just, he may respond to the assertions of his accusers.*<sup>57</sup>

In the original synodal document, Symmachus had voiced his hope that the *visitor*, an interim administrator who had been appointed to manage affairs at Rome while Symmachus faced charges, would be compelled to depart “upon the order of the bishops.” Benedict incorporates this statement only clumsily, with the result that there is no clear actor to “depart” in the new capitulary context. Otherwise, Benedict embellishes his source with prefatory phrasing that provides the invented concepts and terms crucial to the *exceptio spoli* (“despoiled,” “expelled”), here with particular emphasis on a bishop who has been driven from his see in the course of accusation. Benedict’s second major innovation is to explain

<sup>57</sup> The Latin from the synod is MGH Auct. ant. 12:427–28; BL 3.116 is available at <http://www.benedictus.mgh.de/edition/aktuell/libIII.pdf>:

## FOURTH SYMMACHAN SYNOD

. . . sperens, ut *visitor*, qui contra religionem, contra statuta vetera vel contra regulas maiorum a parte cleri vel aliquibus laicis fuerat postulatus, ex *ordinatione* antistitum, sicut decebat sanctum propositum, *prima fronte cederet et omnia, quae per suggestiones inimicorum suorum amiserat, potestati eius ab honorabili concilio redderentur et tanti loci praesul legaliter prius statui pristino redderetur et tunc veniret ad causam et si ita recte videretur, accusantium propositionibus responderet.*

## BL 3.116

Si quis episcopus suis fuerit rebus expoliatus et in accusatione pulsatus, *ordinatione* pontificum oportet *prima fronte cedere*, ut *omnia, quae per suggestiones inimicorum amiserat, legaliter potestati eius ab honorabili concilio redintegrentur et praesul prius statui pristino reddatur*, ipseque demum potestative non subito sed diu dispositis ordinatisque suis *tunc* ad tempus *veniat ad causam et, si iuste videtur, accusantium propositionibus respondeat.*

See also Seckel, “Studien,” VIII Part I, 353.

*Speculum* 92/1 (January 2017)

that the requirements of the *exceptio spoli* are not met unless the accused has been allowed a substantial period of time after restoration to put his affairs in order. Beyond these specifics, Benedict operates less through sheer invention than he does by elevating the statements of one party in a single case to a general requirement of law.

Benedict also introduces the *exceptio spoli* at BL 2.381, an extensive *capitulum* that contains many of our forgers' most beloved procedural provisions. The relevant passage depends mostly upon the *Historia tripartita*. Again, italics track common text:

*HISTORIA TRIPARTITA* 7.12

They decreed that those who had been deposed by the ones decreeing that the Son was dissimilar to the Father receive back their own sees. And if anyone should wish to accuse them, they established that judges should make the accusers subject to this same penalty [of expulsion in case of false accusation], and determined that these judges be right-thinking bishops from nearby provinces who have gathered in a church where witnesses are available on behalf of each of those who were considered oppressed.

BL 2.381P

The holy canons decreed that bishops who have been ejected from their sees and despoiled of their possessions receive back their own sees, and all their possessions are first to be legally restored to them; and afterwards, if anyone should wish to accuse them, they established that judges should make the accusers subject to the same penalty [of expulsion in case of false accusation], and determined that these judges be right-thinking bishops from nearby provinces who have gathered in a church where witnesses are available on behalf of each of those who appeared to be oppressed.<sup>58</sup>

Once again, the forgers supply a standard introductory statement about bishops who have been ejected from their sees, with some help from the Fourth Symmachan Synod ("legally restored"). There follows the specific report of the *Historia tripartita* regarding the restoration of bishops, lifted more or less intact from its source. Irrelevant historical details—the views of the Anomoeans responsible for the depositions—are left behind, but otherwise the revisions are minor. As with the Fourth Symmachan Synod, the forgers work by expanding a specific, individual case to a general legal principle that nobody at the Council of Lampsacus would have recognized.

Finally, at BL 3.153, Benedict returns to the *exceptio spoli* to restate his provisions briefly and in his own words. "With the canonical trumpet as witness," he

<sup>58</sup> *Historia tripartita* 7.12, ed. Jacob and Hanslik, 405–6; Benedict, MGH LL 2.2:93–94:

*HISTORIA TRIPARTITA* 7.12

Depositum autem ab eis, qui dissimilem patri filium asserebant, *sedes proprias recipi decreverunt*. Si quis autem eos accusare vellet, *aequo hoc periculo facere sanciverunt iudices esse decernentes episcopos recte sapientes* et de vicinis provinciis *in ecclesia convenientes, ubi testes essent singulorum, qui dicerentur oppressi*.

BL 2.381P

Episcopos eiectos, atque suis rebus expoliatos, *sedes proprias recipi*, et sua omnia legaliter primo eis reddi sancti canones *decreverunt*; et postea, si quis eos accusare vellet, *aequo periculo facere sanciverunt, iudices esse decernentes episcopos recte sapientes in ecclesia convenientes, ubi testes essent singulorum qui oppressi videbantur*.

See also Seckel, "Studien," VII Part III, 498–99.

writes, adopting the perspective of a Carolingian ruler, “we have learned that a bishop who has been ejected or despoiled of his possessions should on no account be accused or judged before he is legally and fully reinstated.”<sup>59</sup> Here the only trace of underlying authentic sources might be the remarks about legal reinstatement (“legally . . . reinstated”); as at BL 2.381, these words echo similar phrasing (“legally . . . restored”) from the case of Symmachus. Clearly, the Fourth Symmachan Synod has cast its shadow over Benedict’s entire approach to pretrial despoliation.

Beyond his anomalous Additio IV, these are the only three instances in which Benedict elaborates this principle.<sup>60</sup> The False Decretals, in contrast, restate the *exceptio spoli* dozens of times, but for the most part they rehearse it only in one of these three guises. That is to say, the decretal forgers tend to formulate the *exceptio* via the Fourth Symmachan Synod as at BL 3.116, to depend instead upon the phrasing of *Historia tripartita* 7.12 in line with BL 2.381, or to use a shorter and freer formulation parallel to BL 3.153.<sup>61</sup> One of the most interesting and prominent statements of the *exceptio spoli* in the decretals context occurs three times, once in Pseudo-Felix I, JK †143, once in the procedural compendium appended to the False Decretals known as the *Capitula Angilramni*, and finally in the decretals-dependent Additio IV of the False Capitularies. In each case the underlying source is the Fourth Symmachan Synod. Here our text comes from Pseudo-Felix; italics indicate textual parallels with BL 3.116:<sup>62</sup>

For if he should have been *despoiled of the possessions* of the church committed to him or, which heaven forbend and which ought to be foreign to all faithful, he has been expelled from his own see or sequestered from his sheep in any kind of detention, then canonically, before he is restored to his prior honor with every privilege and all the things that were taken from him through the plots of his enemies are restored according to the law, he can neither be called to judgment nor judged, unless for his own necessity he should choose to appear (though not for judgment) of his own free will. On no account, therefore, may he be asked by anybody to respond [to his accusers] *before everything that he had lost through the accusations of enemies is returned to his power in legal order by the honorable council*. And may the prelate first be restored with every honor to his original status, and only then, when his possessions have been disposed and ordained freely and securely for a long time, regularly within the space of four or

<sup>59</sup> MGH LL 2.2:112: “Canonica testante tuba didicimus quod episcopus eiectus vel suis rebus expoliatus, nequaquam debet accusari vel iudicari antequam legaliter et pleniter restitatur.”

<sup>60</sup> Additio IV (see above, n. 24) mentions the *exceptio spoli* at cap. 3, MGH LL 2.2:146, after the model of *Historia tripartita* 7.12, here openly cited but not as closely quoted as at BL 2.381; and cap. 17, where the text is identical to *Capitula Angilramni* cap. 3, and follows the pattern of BL 3.116—with, again, greater distance from the source.

<sup>61</sup> The model of BL 3.153 recurs most often in long lists of other procedural prohibitions, summarily and with minimal detail: for example, the preface of Isidorus Mercator, ed. Hinschius, *Decretales*, 18; and also in a sequence of decretals including Pseudo-Sixtus I (JK †32), ed. Hinschius, *Decretales*, 108–9, Pseudo-Stephen I (JK †131), ed. Hinschius, *Decretales*, 184, and Pseudo-Sixtus II (JK †134), ed. Hinschius, *Decretales*, 192.

<sup>62</sup> For other parallels to BL 3.116 in the decretals, see, for example, Pseudo-Marcellus I (JK †161), ed. Hinschius, *Decretales*, 227; Pseudo-Eusebius (JK †164), ed. Hinschius, *Decretales*, 237; and Pseudo-Julius I (JK †196), ed. Hinschius, *Decretales*, 473, and also Zechiel-Eckes, “Ein Blick in Pseudoisidors Werkstatt,” 87.

five or seven months, insofar as the possibility is granted him, and not before . . . *may he appear at trial* in a legitimate and canonical council, *and, if it thus seems just, let him respond to the assertions of his accusers.* Above all, it should be provided that he not respond to his accusers before all these things take place, because contention is to be avoided always. For it cannot seem just to any Christian for a bishop to be stripped of his episcopate before the completion of his trial, since such presumption is a sacrilege and the perpetrator of such misdeeds sacrilegious.<sup>63</sup>

The clauses familiar from BL 3.116 are recited for the most part en bloc, and they introduce some redundancy. Pseudo-Felix has already declared that expelled bishops are to be restored to their sees before he embarks upon the italicized passage. There, he restates these same points again, this time in words recycled from the Fourth Symmachan Synod, with falsifications identical to those on hand in Benedict. This basic dynamic is visible in other decretal forgeries as well. In Pseudo-Zephyrinus (JK †81), for example, where the approach aligns instead with BL 2.381 and the *Historia tripartita*, our pseudopope again rehearses the *exceptio spoli* in his own words before reciting chapter and verse. Like Pseudo-Felix, he reproduces the underlying source with all Benedict's modifications.<sup>64</sup>

Clearly, there is no explaining the *exceptio spoli* without recourse to Ebo of Reims.<sup>65</sup> Indeed, Ebo's presence extends to the False Capitularies as well, while the details on hand in the False Decretals further confirm Ebo's relevance. Particularly significant is the insistence that this principle applies unless the accused has been restored to his see and possessions for some period of time in advance of trial. This period, we read, should be considerable—months, according to Pseudo-Felix, whether four or five or seven. Though Ebo was brought to Thionville from prison, he attended the council as Archbishop of Reims until his final condemnation.<sup>66</sup> Our forgers demand a waiting period to place the illegality of Ebo's trial beyond all doubt: brief ceremony for the purposes of trial was not enough; Ebo ought to have been returned to his archdiocese well in advance of the Thionville proceedings.

<sup>63</sup> Ed. Hinschius, *Decretales*, 201–2: “Nam *si* suis fuerit aut ecclesiae sibi commissae *rebus exspoliatus* aut, quod absit, quod alienum ab omnibus esse debet fidelibus, a sede propria eiectus aut in detentione aliqua a suis ovibus fuerit sequestratus, tunc canonice, antequam in pristino restituatur cum omni privilegio suo honore et sua omnia, quae insidiis inimicorum suorum ei ablata fuerant, legibus redintegrentur, nec convocari nec iudicari poterit, nisi ipse pro sua necessitate, minime tamen iudicandus, advenire sponte elegerit. Nullatenus ergo a quoquam respondere rogetur, antequam integerrime omnia, quae per suggestiones inimicorum suorum amiserat, potestati eius ab honorabili concilio legali ordine redintegrentur. Praesul vero cum omni honore *statui pristino reddatur et ipse dispositis ordinatisque* libere ac secure *diu suis tunc* regulariter infra quattuor vel quinque aut septem menses, iuxta quod possibilitas ei fuerit, et non ante convocatus *ad tempus* concilio in legitimo et canonico *veniat ad causam, et si ita iuste videtur, accusantium propositionibus respondeat.* Nam hoc summopere praevidendum est, ne antequam haec omnia fiant, coactus respondeat, quia contentio semper vitanda est. Adimi namque episcopo episcopatum, antequam causae eius exitus appareat, nulli christiano videri iure potest, quia talis praesumptio sacrilegium est et auctor talium sacrilegus.”

<sup>64</sup> Ed. Hinschius, *Decretales*, 133.

<sup>65</sup> As also Zechiel-Eckes, “Auf Pseudoisidors Spur,” 23–24 with n. 72; “Ein Blick in Pseudoisidors Werkstatt,” 58.

<sup>66</sup> Flodoard, *Historia Remensis Ecclesiae* 2.20, ed. Martina Stratmann, MGH SS 36 (Hannover, 1998), 185: “Cum quibus et Ebo, *ut re vera in statu suo adhuc manens*, libellum manu sua cum aditamento archiepiscopi scriptum edidit.”

The *exceptio spoli* is additionally useful for the perspective it provides on the relationship between the False Capitularies and False Decretals, which is important here as we attempt to determine the extent of Ebo's entanglement with the Pseudo-Isidorian corpus. For Benedict and the False Capitularies beyond Additio IV, the *exceptio spoli* is a minimal concern, accounting for only 130 words out of 100,000. As if to confirm this marginality, the Capitularies rely so heavily and carelessly on a passage from the Fourth Symmachan Synod as to introduce a serious error of sense. From Benedict's Additio IV and the *Capitula Angilramni*, meanwhile, we learn to associate proximity to the decretal forgeries with intensified interest in the *exceptio*. The False Decretals themselves restate the principle dozen of times, with a sharpened rhetoric to match this heightened interest. There we read of bishops who have been "sequestered from [their] sheep" in some manner of "detention," stripped of their regalia, and called to judgment "naked and despoiled . . . contrary to all reason."<sup>67</sup>

Ebo and his troubles, it seems safe to say, loomed as an overwhelming anxiety primarily for the decretal forgers, and yet the False Decretals almost always define the *exceptio spoli* within one of the three paradigms outlined by Benedict's False Capitularies. The material scope of Benedict's collection seems to condition or predetermine the approach of the decretal forgers. An important insight therefore underpins Hinschius's theory of Benedictine reception in Isidore: the False Decretals and False Capitularies depend in large part upon the same underlying program of research and invention, which defines the contours of Benedict's collection but does not always align precisely with the preoccupations of Isidore. Put another way, Benedict transmits the raw product of our forgers' imagination and their excavations from authentic sources more directly than do the False Decretals, which provide much of the same material in more digested form, bent towards more specific ends.<sup>68</sup>

<sup>67</sup> Pseudo-Felix, as above with n. 63; and Pseudo-Zephyrinus, ed. Hinschius, *Decretales*, 133: "Nuntiatum est . . . sedi apostolicae . . . quosdam fratrum nostrorum episcoporum . . . ab ecclesiis et sedibus propriis pelli suaque eis auferri suppellectilia et sic nudos et expoliatos ad iudicia vocari, quod omni ratione caret."

<sup>68</sup> The evidence that we have sampled here for the *exceptio spoli* aligns with that adduced by Hinschius (*Decretales*, cxliii–clxiii), though my conclusions differ from his. Neither Capitularies nor Decretals has absolute priority, and apparently earlier text can be found sometimes in one collection and sometimes in the other, though broadly speaking the Capitularies adhere more closely to the raw materials of the forgery atelier than the Decretals. The Fourth Symmachan Synod, for example, recurs in several decretals, though without the problematic initial sentence from BL 3.116—as if the decretal forgers have the text of 3.116 before them and avoid using its mangled initial clause. But Pseudo-Julius, JK †196 (ed. Zechiel-Eckes, "Ein Blick in Pseudoisidors Werkstatt," 87), incorporates the entire passage with the sense repaired, in a form that is much closer to the source and could even be called prior to BL 3.116. In this connection, see also Ubl, *Inzestverbot*, esp. 326–27; and Schmitz, "Verfilzungen," 144–46, who hypothesize that the False Capitularies might be posterior to the False Decretals on the basis of BL 3.463 and Pseudo-Evaristus (JK †20), ed. Hinschius, *Decretales*, 87–88, which carry the same brief passage on marriage, for which no antecedent is known. BL 3.463 is cast in canonical rather than secular guise, with appeals to patristic and apostolic authority that seem more at home in the Evaristus forgery and reminiscent of the phraseology of the decretal forgers. Ubl and Schmitz therefore posit that the passage originated with the Decretals and made its way to the Capitularies. The contrary, traditional view (for which see Seckel/Juncker, "Studien," VIII Part V, 41; also along similar lines Hinschius, *Decretales*, cxlix–cli) posits a genuine underlying canonical source

EBO AND FORCED CONFESSIONS

The proceedings at Thionville in 835 culminated with Ebo's confession, which he provided orally and in writing. The hostile *Annals of Saint-Bertin* have a contemporary account that is especially valuable because it predates all possible Pseudo-Isidorian influence upon the memory of the proceedings. After a sojourn from the imperial palace at Thionville to the church of Saint Stephen in Metz, where the attendees celebrated Mass and Louis the Pious received his imperial crown from the altar, we read that Ebo of Reims addressed the assembly. He admitted before the entire council that the emperor's deposition had been unjust and confirmed the rectitude of Louis's restoration. Then the fathers returned to Thionville, where Ebo "confessed to a capital offense" and resigned his office "through the confirmation of his own subscription and the consent and judgment of all."<sup>69</sup> Ebo then put his name to this document:

I, Ebo, an unworthy bishop, reflecting upon my weakness and the weight of my sins, have appointed as my witnesses and confessors Archbishop Aiulf of Bourges and Bishop Badurad of Paderborn and also Bishop Modoin of Autun to be the judges of my faults; and I have given to them a pure confession, seeking the cure of penance and the salvation of my soul, that I might leave my position and the episcopal ministry, of which I recognize that I am unworthy. And I render myself an outcast because of my faults, in respect of which I confessed to them in secret that I sinned, so they might stand as witnesses for the succession and the consecration and the substitution of another [archbishop of Reims] in my place, who might be able to govern and lead worthily the church that until now I have governed unworthily. And that henceforth I might be unable to make any reclamation [of the see at Reims] or appeal by canonical authority, I have confirmed [this document] with the subscription of my own hand. I, Ebo, the former bishop, have subscribed.<sup>70</sup>

Anyone who ventured to take office at Reims during Ebo's lifetime risked embarking upon a career of insecurity and litigation while Ebo lived, unless Ebo's

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that is reproduced first by Benedict and then, via Benedict, by the decretals forger. Seckel/Juncker, Ubl, and Schmitz all illustrate how prior assumptions about internal chronology can condition radically different interpretations of the textual evidence. Finally, it is worth noting that Seckel's thought on this question is rather more complex than Zechiel-Eckes seems to acknowledge at, e.g., *Fälschung als Mittel politischer Auseinandersetzung*, 13–14; as above with n. 27. See "Pseudoisidor," 304–5, where Seckel places priority with Benedict, while acknowledging that Pseudo-Isidore has independent access to underlying sources.

<sup>69</sup> *Annales Bertiniani*, a. 835, ed. Feliz Grat, Jeanne Vielliard, and Suzanne Clémencet (Paris, 1964), 16–17. For Thionville 835 and later controversies in Pseudo-Isidorian color, see the much later so-called *Narratio clericorum Remensium*, MGH Conc. 2.2:806–14.

<sup>70</sup> MGH Conc. 2.2:702: "Ego Ebo indignus episcopus recognoscens fragilitatem meam et pondera peccatorum meorum testes confessores meos, Aiulfum videlicet archiepiscopum et Badaradum episcopum necnon et Modinum episcopum, constitui mihi iudices delictorum meorum et puram ipsius confessionem dedi, quaerens remedium paenitendi et salutem animae meae, ut recederem ab officio et ministerio episcopali, quo me recognosco esse indignum, et alienum me reddens pro reatibus meis, in quibus peccasse secreto ipsis confessus sum, eo scilicet modo, ut ipsi sint testes alio succedendi et consecrandi subrogandique in loco meo, qui digne praeesse et prodesse possit ecclesiae, cui hactenus indignus praefui. Et ut inde ultra nullam repetitionem aut interpellationem auctoritate canonica facere valeam, manu propria mea subscribens firmavi. Ebo quondam episcopus subscripsi."

withdrawal had all the appearance of a voluntary resignation. Above all, this reminds us that we should avoid naiveté about the circumstances of Ebo's confession. At the moment he offered his subscription, even Ebo's erstwhile enemies could concede, in later years, that he was "deprived of all earthly assistance and without any human comfort," while Ebo himself later wrote of the compulsion and violence that he endured at his trial and claimed that he confessed in fear of the emperor's wrath.<sup>71</sup> The Appendix shows that similar circumstances are not attested for any of Ebo's accused contemporaries. No source remembers the confessions of the bishops deposed in the wake of Bernard of Italy's rebellion, and Theodulf of Orléans afterwards maintained his innocence. Far from admitting guilt, Ebo's fellow accused, Hildemann of Beauvais, cleared his name at Thionville. In later trials, the nearest we come to a confession is Florus's assertion that Amalar admitted to authoring his questionable liturgical theories with insufficient patristic support, but this is far from confessing to heresy.<sup>72</sup>

The propriety of confessions is not a favorite Pseudo-Isidorian theme, with the momentous exception of a false decretal in the name of Pope Alexander I (JK †24). Alongside fairly typical prohibitions of lay accusations against clergy and the trial of clergy in secular courts, Pseudo-Alexander complains that unspecified malefactors are

either compelling bishops and priests by fear, or extorting them by force, or deceiving them by fraud, to produce written statements of confession that they confirm with their own hands and recite and confess publicly, ceding to the opposing party at court in ways that they should not—either for the nonrestitution of their possessions, or, what is worse, for the sake of some heretical sect. They say that some have been confined in jails or prisons, so that, terrified by these devices, these priests of the Lord might turn away from the right path and look instead to their bodily comfort.<sup>73</sup>

Several pages later, he outlines a remedy:

If any written statements have been extorted from [clergy], whether through fear or deception or force, either that they might be able to obtain their freedom, or by whatever device such things were written and subscribed by them, we decree that no prejudice or harm redound to them, nor do we permit that they sustain any infamy or calumny or withdrawal of their possessions [on this account]. . . . To the contrary, confession in such matters should be proffered willingly and not compelled. . . . For it is horrible to condemn anyone on the basis of suspicion or an extorted confession.<sup>74</sup>

<sup>71</sup> Charles the Bald's letter to Nicholas I from Troyes 867, MGH Conc. 4:240: "omni temporali privatus subsidio omnique humano destitutus solacio" (also Booker, "False Decretals," 216 with n. 28, and 222–23); *Apologetici Ebonis forma prior*, MGH Conc. 2.2:796–97.

<sup>72</sup> MGH Conc. 2.2:779–80.

<sup>73</sup> Ed. Hinschius, *Decretales*, 95: "Est etiam et hoc ad hanc sanctam perlatum sedem, quod pudet dicere, et non solum sacerdotali, sed etiam omni christiano nomini est inimicum, id est, quod nonnullos episcopos vel sacerdotes aut metu compellunt aut vi extorquent aut fraude decipiunt, aliquas confessionis suae in alteram partem quam debeant, aut pro suarum non requisitione rerum, aut, quod deterius est, alieni erroris secta scripturas facere et propriis manibus roborare et coram populis recitare atque confiteri. Aliquos dicunt carceribus et ergastulis recludi, ut saltem his terribi insidiis deviant domini sacerdotes et suis faveant voluptatibus."

<sup>74</sup> Ed. Hinschius, *Decretales*, 97–98: "Similiter si huiusmodi personis quaedam scripturae quoquomodo per metum aut fraudem aut per vim extortae fuerint, vel ut se liberare possent, quocumque ab

Prison, public statement of guilt, written confession: only Ebo's case was remembered in this way, and I am not the first to see Ebo behind these highly specific concerns.<sup>75</sup> Beyond the coincident circumstances, Pseudo-Alexander is oddly specific that "written statements," if they have been "extorted," are bereft of legal force and cannot be deployed to the disadvantage of the confessor in any way. Of course, Ebo had concluded his written confession by stating that he subscribed it precisely to frustrate any future attempts to reclaim his see or appeal to the papal court. From across the centuries, Pseudo-Alexander provides a remedy tailored for Ebo's very specific catastrophe.

The rest of Alexander's letter is cobbled together from a variety of authentic sources, but his statements on coerced confession are by and large free compositions of the forgers themselves. There is, however, a minor but intriguing textual parallel with a passage in Benedict. At 3.259, the False Capitularies rework a remark from Isidore of Seville's *Synonyma* to proclaim that nobody should be condemned on the strength of suspicion alone. The last line of our second Pseudo-Alexander quotation incorporates a related borrowing from Isidore of Seville, with some further modification. The progression looks like this:

Isidore, *Synonyma* 2.85/86:<sup>76</sup>  
Periculosum est de suspicione quempiam iudicare.  
[It is dangerous to condemn anybody on the basis of suspicion.]

BL 3.259:<sup>77</sup>  
. . . pessimum namque et periculosum est quemquam de suspicione iudicare.  
[. . . and therefore it is horrible and dangerous to condemn anyone on the basis of suspicion.]

Pseudo-Alexander:  
. . . pessimum est enim de suspicione *aut extorta confessione* quemquam iudicare.  
[. . . for it is horrible to condemn anyone on the basis of suspicion *or an extorted confession*.]

Benedict lightly modifies the emphasis of a line from the *Synonyma*. The False Decretals then repurpose this same source, as modified by Benedict, with an additional interpolation calculated to fit an argument exclusive to Pseudo-Alexander. As with the *exceptio spoli*, Ebo's circumstances are reflected most clearly at the level of the False Decretals.

eis conscriptae vel roboratae fuerint ingenio, ad nullum eis praeiudicium aut nocumentum provenire censemus, neque ullam eis infamiam vel calumniam aut a suis sequestrationem bonis umquam auctore domino et sanctis apostolis eorumque successoribus sustinere permittimus. Confessio vero in talibus non compulsa, sed spontanea fieri debet. . . . Amplius . . . respicit deus ad cogitationes et spontaneas voluntates, quam ad actus, qui per simplicitatem aut per necessitatem fiunt. Confessio vero non extorqueri debet in talibus, sed potius sponti profiteri. *Pessimum* est enim *de suspicione* aut extorta confessione *quemquam iudicare*, cum magis inspector cordis sit dominus quam operis, et potius requirit cogitationes puras et voluntates bonas quam labia mendacia."

<sup>75</sup> In the early nineteenth century, when much about Pseudo-Isidore's dating remained uncertain, Wasserschleben cited this very decretal to establish 835 as a terminus post quem for the False Decretals, so clear did he find the evocation of Ebo's trial in these lines. See *Beiträge*, 60; also Weizsäcker, "Hinkmar und Pseudo-Isidor," 399 with n. 1, and "Die pseudo-isidorische Frage," 77.

<sup>76</sup> Ed. Jacques Elfassi, *Isidori Hispalensis Episcopi: Synonyma*, CCSL 111B (Turnhout, 2009), 133.

<sup>77</sup> MGH LL 2.2:118. See Seckel, "Studien," VIII Part II, 20–22.



## EBO AND EPISCOPAL TRANSLATION

After Thionville, Ebo was again confined at Fulda. In subsequent years he was moved to the custody of Bishop Freculf of Lisieux and finally to Abbot Boso of Fleury, regaining his freedom only upon the death of Louis the Pious on 20 June 840.<sup>78</sup> That same year, Lothar left his Italian subkingdom, restored Ebo to the archdiocese of Reims, and laid claim to the entire Frankish empire. In doing so, he cast aside the claims of his brothers and opened a civil war that would last until 843. Ebo's revived career could not withstand the upheaval. Lothar was defeated at the Battle of Fontenoy in 841, and Reims fell to Lothar's half brother, Charles the Bald. Once again, Ebo found himself out of a job. Lothar eventually ceded his old archbishop a few abbacies after the fighting ended in 843, but Reims never again returned to the control of Ebo's allies, and Ebo's request for papal assistance in 844 was rebuffed.<sup>79</sup> On 18 April 845, Charles the Bald finally ended the vacancy at Reims by installing Hincmar as Ebo's successor. Around the same time, Ebo fell from Lothar's favor, lost his income and possessions, and sought help from Louis the German. Louis was the only Carolingian monarch whom Ebo had not alienated, and he arranged for the embattled cleric to become bishop of Hildesheim, where Ebo presided until his death on 20 March 851.<sup>80</sup>

The legality of Ebo's move from Reims to Hildesheim was suspect, to say the least, for episcopal translation had long been a difficult and disputed matter in canon law.<sup>81</sup> Contributing to the legal convolutions is Pseudo-Isidore himself, who, writing in the guise of the popes Evaristus, Calixtus I, Anterus, and Pelagius II, devotes four decretal forgeries to this subject.<sup>82</sup> Though they vary in particulars, each of these decretals strives to minimize potential obstacles by as-

<sup>78</sup> Thus the so-called *Narratio clericorum Remensium*, MGH Conc. 2.2:808. Stuart Airlie, "Not Rendering unto Caesar: Challenges to Early Medieval Rulers," in *Der frümiddelalterliche Staat—Europäische Perspektiven*, ed. Walter Pohl and Veronika Wieser, Denkschriften der philosophisch-historischen Klasse 386 (Vienna, 2009), 489–501, at 497, believes Ebo's westward movement was orchestrated by Louis to shift him into Charles's future kingdom and "far from any potential sphere of influence of Lothar or other supporters of Ebbo."

<sup>79</sup> In June 844, Ebo and Bartholomew of Narbonne petitioned Pope Sergius II for reconciliation and the pallium. Sergius would only restore both to lay communion. See the *Liber pontificalis*, ed. L. Duchesne (Paris, 1886), 2:90.

<sup>80</sup> Hans Goetting, *Die Hildesheimer Bischöfe von 815 bis 1221 (1227)*, Germania Sacra: Neue Folge 20 (Berlin, 1984), 69–78, provides a helpful guide to the sources for Ebo's later career; also Patzold, *Episcopus*, 316–25, and more briefly Schrör, "Aufstieg und Fall," 216–20. For the date of Ebo's death, Hincmar, MGH Epp. 8:219; Goetting, *Hildesheimer Bischöfe*, 78–79, surveys the evidence of the necrologies.

<sup>81</sup> The standard discussion of translation and its attendant legal difficulties is Sebastian Scholz, *Transmigration und Translation: Studien zum Bistumswechsel der Bischöfe von der Spätantike bis zum Hohen Mittelalter*, Kölner historische Abhandlungen 37 (Cologne, 1992), with a lengthy consideration of the ninth century at 102–70.

<sup>82</sup> Respectively, JK †21, ed. Hinschius, *Decretales*, 90–91; JK †86, ed. Hinschius, *Decretales*, 139–40; JK †90, ed. Hinschius, *Decretales*, 152; and JK †1050, ed. Hinschius, *Decretales*, 725–30, with key remarks at 725–28. Three of these four decretal forgeries fall within the A2 recension of the False Decretals, and so what follows is directly relevant for Zechiel-Eckes's argument ("Auf Pseudoisidors Spur," 25–26, but especially "Unbeugsame Exterminator") that the A2 decretals were the earliest product of the forgers, available perhaps in some form to Amalar before 838.

serting, with some help from genuine sources, that bishops should be permitted to change sees in cases of “utility” or “necessity.” At the same time, these pseudopopes insist that nobody can replace a bishop who has been driven from his see by force or other circumstances. Pseudo-Isidore therefore aims to cement sees to their bishops, but not, necessarily, bishops to their sees—an unbalanced position that we can only explain by relating our forgers’ agenda to the final stages of Ebo’s career. Indeed, the relationship between Ebo and Pseudo-Isidore on this point is so clear that early scholars cited it widely as evidence for the date of the False Decretals. Translations, after all, were exceedingly rare in Pseudo-Isidore’s world, to say nothing of the conditions that prevailed at Reims and Hildesheim after Hincmar’s consecration and Ebo’s move.<sup>83</sup>

Unfortunately for Ebo and Pseudo-Isidore, conciliar pronouncements of grave authority forbade episcopal translation in no uncertain terms. The Council of Nicaea famously complained of the disturbances caused by mobile clergy and ordered bishops, priests, and deacons to remain at their sees.<sup>84</sup> Two decades later, the Council of Sardica condemned the practice root and branch, observing that bishops only ever moved from lesser to greater sees and that this proved they did so in a spirit of ambition, out of avarice and a lust for power.<sup>85</sup> Still bleaker was the Council of Antioch, which declared that no bishop could change sees whatever the reason, whether he chose to do so of his own will, was forced by the people, or compelled by some other necessity. He was, instead, to “remain in the church that God originally granted him,” regardless of circumstances.<sup>86</sup>

<sup>83</sup> Göcke, *De exceptione spoliis*, 54–59, was the first to make this argument as far as I know. From there Weizsäcker, *Kampf*, 48, and “Die pseudo-isidorische Frage,” 77–79; and even as late as Karl-Ulrich Betz, *Hincmar von Reims, Nikolaus I., Pseudo-Isidor: Fränkisches Landeskirchentum und römischer Machtanspruch im 9. Jahrhundert* (D. Theol. Dissertation, Bonn, 1965), 94–95. Aside from Ebo, at best only three other bishops changed sees with any chronological vicinity to Pseudo-Isidore. The first is Fortunatus of Grado, driven out by the Byzantines in 806 and installed, briefly, at Pola: see Scholz, *Transmigration*, 102–3. Beyond Fortunatus, the missionary bishops Gauzbert and Ansgar were forced from their operations in Denmark and Sweden and ultimately settled at Osnabrück and Bremen: see Scholz, *Transmigration*, 125–30; and Knibbs, *Ansgar, Rimbert and the Forged Foundations of Hamburg-Bremen* (Farnham, 2011). None of these bishops can have provoked Pseudo-Isidore’s concerns. As we will see, our forgers envision a bishop who has been forced to abandon a fixed see where he has been replaced by a hostile cleric—circumstances that apply only to Ebo. Fortunatus, Gauzbert, and Ansgar all fled in the face of military disasters rather than ecclesiastical controversies, and their sees or centers of operation remained unoccupied in their absence.

<sup>84</sup> The prohibition stands in the forgers’ own interpolated *Hispana* (Vat. lat. 1341, fol. 9rb, transcribed by Grabowsky, [http://www.benedictus.mgh.de/quellen/chga/chga\\_009t.htm](http://www.benedictus.mgh.de/quellen/chga/chga_009t.htm)): “Propter multas perturbationes et frequentes tumultus seditionum quae fieri solent, placuit omnimodo abscidi istam consuetudinem, quae contra regulam est sic ubi tamen fit, id est ne de civitate ad civitatem transeat vel episcopus vel presbiter vel diaconus.”

<sup>85</sup> Sardica, cap. 1, also from the interpolated *Hispana* (Vat. lat. 1341, fol. 14vb, transcr. Grabowsky, [http://www.benedictus.mgh.de/quellen/chga/chga\\_013t.htm](http://www.benedictus.mgh.de/quellen/chga/chga_013t.htm)): “Non minus mala consuetudo, quam perniosa corruptela funditus eradicanda est. Nec cui liceat episcopo de civitate sua, ad aliam civitatem transire. Manifesta est enim causa qua hoc facere temptant, cum nullus in hac re inventus sit episcopus, qui de maiore civitate, ad minorem transiret. Unde apparet avaritiae eos ardore inflamari, et ambitioni servire, et ut dominationem exerceant.”

<sup>86</sup> Antioch, cap. 21, here from the *Dionysio Hadriana*, ed. Cuthbert Turner, *Ecclesiae occidentalis monumenta iuris antiquissima* 2.2 (Oxford, 1907), 295: “Episcopus ab alia parrochia nequaquam migret ad aliam, nec sponte sua prorsus insiliens nec vi coactus a populis nec ab episcopis necessitate

Happily, Evaristus, Calixtus I, and Anterus lived long before the conciliar tradition objected to episcopal translation. When writing in their names, Pseudo-Isidore was thus spared the ordeal of addressing the ancient prohibitions directly. Instead, he opted to massage the ancient metaphor that equated the relationship between a bishop and his church with marriage by elaborating a double standard to Ebo's advantage.<sup>87</sup> Pseudo-Evaristus provides the fullest version of this argument:

And just as a man should not be unfaithful, so should a bishop not be unfaithful to his church—that is, he should not dismiss that church to which he was consecrated, absent inevitable necessity or an apostolic, legally sanctioned translation—and join it to another [bishop] out of ambition. . . . And just as a wife is not allowed to send away her husband, that she may join herself to another during his lifetime or be unfaithful to him (even though her husband may have committed fornication), but instead, according to the apostle, she should either reconcile herself to her husband or remain unmarried—so too is a church not permitted either to dismiss or separate herself from her bishop, in order to receive another during that bishop's life.

According to Pseudo-Evaristus, the diocese that has expelled its bishop has two options. It can “either be reconciled to its bishop after the bitterest penance or remain unwed.”<sup>88</sup> He forgets typical proepiscopal Pseudo-Isidorian rhetoric when contemplating the consequences that usurpers who try to replace expelled bishops should face. These men “hold their spouses in adulterous filth” and must therefore “be cast out and esteemed as adulterers and infamous and denied their ecclesiastical *honores*.”<sup>89</sup> At the same time, a bishop who moves to a see vacated by the death of his colleague acts completely within the law, provided his move takes place for the familiar reasons of utility and necessity.<sup>90</sup>

Pseudo-Pelagius II, ostensibly writing in the sixth century, is uniquely positioned to address the conciliar prohibitions without anachronism. He ignores Nicaea, while aiming to mitigate the force of the legislation promulgated at Antioch and Sardica by distinguishing between those who actively choose to translate and those whose translations are compelled by circumstance.<sup>91</sup> Conciliar prohibitions, he claims, are directed not against “those who have either been expelled by

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compulsus; maneat autem in ecclesia quam primitus a Deo sortitus est nec inde transmigret, secundum pristinum de hac re terminum constitutum.”

<sup>87</sup> On this metaphor and its origins, see Scholz, *Transmigration*, 20–24.

<sup>88</sup> Ed. Hinschius, *Decretales*, 90–91: “et sicut vir non debet adulterare, ita nec episcopus ecclesiam suam, id est, ut illam dimittat ad quam sacratus est, absque inevitabili necessitate aut apostolica vel regulari mutatione, et alteri ambitus causa coniungat. Ut uxor viro suo reconciliet, et sicut uxori non licet dimittere virum suum, ut alteri se vivente eo matrimonio sotiet aut eum adulteret, licet fornicatus sit vir eius, sed iuxta apostolum aut viro suo debet reconciliari aut manere innupta: ita ecclesia non licet dimittere aut ab ea se segregare episcopum suum, ut alterum vivente eo accipiat, sed aut ipsum habeat aut innupta maneat, id est, ne alterum episcopum vivente suo accipiat, vel fornicationis aut adulteri crimen incurrat.” See also Pseudo-Calixtus I, ed. Hinschius, *Decretales*, 139–40, on this point.

<sup>89</sup> Ed. Hinschius, *Decretales*, 91: “illos . . . qui adulterina feditate sua sponsas . . . tenent, eici et adulteros atque infames fieri, eosque ab ecclesiasticis honoribus arceri iubemus.”

<sup>90</sup> Thus Pseudo-Evaristus on the illegality of occupying a see whose former bishop has been expelled and still lives, a point he emphasizes three times in the short passage at n. 88.

<sup>91</sup> Ed. Hinschius, *Decretales*, 726: “Nam et aliud est sponte transire et aliud est coacte aut necessitate venire: unde non isti mutant civitates, sed mutantur, quia non sponte sed coacte hoc agunt.”

force, compelled by necessity, or who do this by the authority of their superiors” but rather against “those who, inflamed by the ardor of avarice, of their own will flit about through a desire to serve their ambition rather than the church’s utility.”<sup>92</sup> The canons forbid bishops to *translate*, but *being translated* is perfectly permissible.

All four decretals are studiously vague about how a translation might be sanctioned.<sup>93</sup> Pseudo-Evaristus will only say that it must be “regular and apostolic.” For Pseudo-Anerus, translation must occur “by the counsel and election of others,” or “the election and exhortation of the clergy and the people.”<sup>94</sup> Whether he means to put us in mind of an ordinary episcopal election by the people and the clergy of the vacant diocese, or rather of a broader provincial gathering convened for the purpose of approving the arrangement, is unclear. Pseudo-Pelagius II, for his part, asserts several times that “good counsel or the exhortation of . . . superiors” is enough to sanction translation. That our forgers’ obfuscation is deliberate becomes clearest in the case of Pseudo-Calixtus I, whose discussion draws on the Fourth Council of Carthage. The fathers at Carthage, unlike some of their predecessors, were willing to swallow translations in select cases, provided they occurred for reasons of “utility” rather than “ambition” and were sanctioned “by the decision of a synod.”<sup>95</sup> Pseudo-Calixtus adopts the Carthaginian opposition between “ambition” and “utility,” while carefully replacing the synodal requirement with a vague gesture towards “the invitation of . . . brothers and the authority of the holy see.”<sup>96</sup> The reason for this obfuscation lies near at hand: as far as we know, no council ever approved Ebo’s move to Hildesheim. Ebo was himself

<sup>92</sup> Ed. Hinschius, *Decretales*, 726: “Quod enim in canonibus legitur non debere episcopum de civitate ad civitatem transire vel transformari, non de his dicitur qui aut vi expulsi, necessitate coacti aut auctoritate maiorum hoc agunt, sed de his, qui avaritiae ardore inflammati sponte sua prosiliunt et potius ambitioni quam utilitati aeclaesiae servire et ut dominationem agant insistere cupiunt.” Scholz (*Transmigration*, 114–15) seems mistaken in writing that Pseudo-Pelagius attacks the Antiochene prohibition on translation as uncharitable and out of keeping with Gospel mandates. The forgers’ approach to conciliar authority is rather more indirect. See Hinschius, *Decretales*, 726: “Sententia vero que in Antiocheno concilii habetur, ut episcopus ab alia nequaquam migret ad aliam, tota atque omnes sententiae de ea re vim superius comprehensam retinent et nihil pretaxato modo translationibus episcoporum actis vel agendis nocent, sed magis roborem eis ac domini salvatoris que omnes canonicos superexaltat libros, auctoritate prestant. Tales autem questionones magis ex invidia quam ex caritate aut utilitate nasci videntur.” Pseudo-Pelagius insists that his argument if anything reinforces the Antiochene legislation; the uncharitable act is the attempt to deploy Antiochene provisions against translating bishops.

<sup>93</sup> Scholz, *Transmigration*, esp. 110, attempts to systematize Pseudo-Isidore’s disparate statements.

<sup>94</sup> Ed. Hinschius, *Decretales*, 152: Translations must be accomplished “humiliter ab aliis,” “consilio et electione aliorum,” “electione et exortatione sacerdotum et populorum.” See also below, n. 101.

<sup>95</sup> The full decree, in Pseudo-Isidore’s interpolated *Hispana* (Vat. lat. 1341, fol. 35v, transcr. Grabowsky, [http://www.benedictus.mgh.de/quellen/chga/chga\\_022t.htm](http://www.benedictus.mgh.de/quellen/chga/chga_022t.htm)): “Ut episcopus de loco ignobili ad nobilem per ambitionem non transeat, nec quisquam inferioris ordinis clericus. Sane si pro utilitate ecclesiae faciendum poposcerit, decreto pro eo clericorum et laicorum episcopis porrecto, in praesentiam synodi transferatur, nihilominus alio in loco eius episcopo subrogato, inferioris vero gradus sacerdotes vel alii clerici concessione suorum episcoporum possunt ad alias ecclesias transmigrare.”

<sup>96</sup> Ed. Hinschius, *Decretales*, 140: “Si autem utilitatis causa fuerit mutandus, non pro se hoc agat, sed fratribus invitantibus et auctoritate huius sanctae sedis faciat—non ambitus causa, sed utilitatis.”

nervous about the legality of his translation, and he forged a privilege in the name of Pope Gregory IV that purports to approve his reassignment. Ebo's forgery, as we will see below, discusses translation in terms that recall Pseudo-Isidore's discussion with remarkable precision, and it must explain why our forgers are willing to introduce papal approval as a sufficient (if not a necessary) condition for episcopal translation, while avoiding overt calls for conciliar approval beyond an ordinary episcopal election accomplished by the clergy and the people of the diocese concerned.<sup>97</sup>

The progression from False Capitularies to False Decretals that we observed in discussing the *exceptio spolii* and forced confessions is also evident in our forgers' approach here. Pseudo-Evaristus, we have seen, declares that a bishop cannot leave his see "absent inevitable necessity," while Pseudo-Anterus and Pseudo-Pelagius repeatedly characterize legitimate translations as occurring in cases of "necessity or utility." This language originates not in any ancient decree, but rather with the 829 Council of Paris, where the concern was not translation but rather episcopal absenteeism. The fathers at Paris thus complained that many bishops left their dioceses for long periods, not "for any purpose of *necessity or utility*, but rather . . . out of avarice and for their own pleasure." They forbade extended absences in future, excepting cases of "*inevitable necessity* or certain *utility*."<sup>98</sup> There can be no doubt that Benedict knew and approved of this canon as originally worded, for he folded its text, unretouched, into book 1 of the False Capitularies.<sup>99</sup> In the False Decretals, however, we find no more than a passing interest in residency requirements.<sup>100</sup> From Paris 829, our pseudopopes appropriate only the language about "inevitable necessity" and "necessity or utility," replacing the original concerns about absent bishops with special provisions for Ebo's benefit. Once again, we see that Ebo—more specifically, Ebo circa 845—loomed larger for Isidore than he did for Benedict.

Contrary to prevailing views, therefore, the False Decretals in their current form cannot predate Ebo's translation to Hildesheim in 845. To argue otherwise is to make prophets of the forgers. Perhaps, though, these lengthy and for the most part freely composed passages on translation were late arrivals to the False Decretals. Perhaps an early date can nevertheless be salvaged—however concep-

<sup>97</sup> Ebo or his supporters put it about that the pope had approved his move to Hildesheim; thus Hrabanus Maurus's intriguing remarks to Heribald of Auxerre, MGH Epp. 5:514 (written sometime in the early 850s): "Ego autem cum in episcopatum Magontiacensis ecclesiae indignus constitutus sum [so, 847], inveni eum [i.e., Ebo] in Saxonia episcopalem sedem habere nec eum prohibui praesulis officium gerere, *quia audivi ab apostolica sede in locum suum retitutum esse*, sicque usque ad finem vitae in suo officio permansit."

<sup>98</sup> Paris 829, 1.21, MGH Conc. 2.2:627: "Conperimus etiam quosdam socios ordinis nostri non causa *necessitatis aut utilitatis*, sed potius avaritiae et propriae delectationis saepissime, propria civitatis suae sede relicta cleroque neglecto, remociora loca frequentare, de qua re et distitutio divini cultus et praedicatio in plebibus et cura subiectorum postponitur et hospitalitas negligitur. Quod ne ulterius a quoquam sine *inevitabili necessitate* et certa *utilitate* fiat, pari consensu inhibuimus."

<sup>99</sup> BL 1.329, MGH LL 2.2:65. On the problem of episcopal absenteeism in the early ninth century, Scholz, *Transmigration*, 108–9.

<sup>100</sup> Scholz, *Transmigration*, believes that, "[g]enau betrachtet," Pseudo-Evaristus "verbietet . . . dem Bischof überhaupt, seine Dözese zu verlassen, wenn er nicht durch zwingende Gründe oder eine Translation dazu veranlaßt wird" (108), a point I find arguable.

tually and theoretically—for Pseudo-Isidorian polemics on other topics. A final source-critical moment will illuminate the degree to which such counterarguments may be deemed credible. At one point deep in his polemic, Pseudo-Pelagius pauses to argue that translation was widely observed in the early church. “Among the ancients,” he writes, “. . . a bishop moved from one city to another whenever utility or necessity required.” This, he asserts, is clear from “the canons,” and he proceeds to quote canon 18 of the Council of Antioch. In a related passage, Pseudo-Anterus also adduces the precedent of several past translations, which he again says occurred in accordance with utility and necessity.<sup>101</sup> Both excurses derive from the same passage of book 12 of the *Historia tripartita* of Cassiodorus/Epiphanius. In the Corbie *Historia tripartita* codex, the Pseudo-Isidorian excerptors discovered by Zechiel-Eckes have even marked the source passage for extraction.<sup>102</sup> Not only Pseudo-Isidore’s interest in translation, therefore, but also at least some portion of the work undertaken by Zechiel-Eckes’s excerptors must postdate 845. These clearly mined the *Historia tripartita* for texts that could be employed in furtherance of Ebo’s later career and that ultimately found their way into Pseudo-Isidore’s discussion of translation and nowhere else.<sup>103</sup>

#### EBO AND PSEUDO-ISIDORE

Pseudo-Isidore does not only reach out to Ebo. Their relationship is also reciprocal, for as Karl Hampe first realized, Ebo discusses his own predicament, insofar as it is relevant for the *exceptio spoli*, forced confessions, and transla-

<sup>101</sup> Pseudo-Pelagius, ed. Hinschius, *Decretales*, 728: “Apud veteres enim sine ulla differentia de una civitate ad alteram migrat episcopus, dum utilitas aut necessitas evocaret. Quapropter ipsam etiam regulam huic epistolae placuit inseri, ut monstretur eos mentitos esse qui episcopum non posse in-tronizare dixerunt; unde et in canonibus legitur ita: ‘Si quis episcopus ordinatus ad parrochiam, in qua ordinatus est, minime proficiscitur, non sua culpa, sed aut populo respuente aut propter aliam quamlibet causam non necessitate factum hunc honore ministerioque participare, tamen nec eum misceri rebus aecllaesiae in qua collectas caelebrant aecllaesiae, sed sustinere quod provintiae synodus suo iudicio terminaverit.’” The more standard *Dionysio-Hadriana* recension of Antioch, cap. 18, is edited by Turner, *Ecclesiae occidentalis monumenta* 2.2:285–87. Pseudo-Anterus, ed. Hinschius, *Decretales*, 152: “Similiter Felix de civitate qua ordinatus erat electione civium propter doctrinam et bonam vitam quam habebat, *communi episcoporum et reliquorum sacerdotum ac populorum consilio* translatus est Ephesum. Non enim transit de civitate ad civitatem, qui non suo libitu aut ambitu hoc facit, sed utilitate quadam aut necessitate, *aliorum hortatu et consilio potiorum* transfertur.”

<sup>102</sup> Zechiel-Eckes, “Ein Blick in Pseudoisidors Werkstatt,” 43.

<sup>103</sup> To reinforce the conclusions of this section, it is worth noting the ingenious argument of Göcke, *De exceptione spoli*, 52–53, followed with some additional details by Weizsäcker, “Die pseudo-isidorische Frage,” 77–78: Forty-three bishops subscribed Ebo’s statement of resignation proffered at Thionville 835 (MGH Conc. 2.2:701–3, at 703), while twenty bishops subscribed Lothar’s declaration of Ebo’s restitution, issued at Ingelheim in 840 (MGH Conc. 2.2:793). A smaller council therefore overturned the decision of a larger council, which appears to violate cap. 12 of the Council of Antioch (ed. Turner, *Ecclesiae occidentalis monumenta* 2.2:268–71). Pseudo-Julius (JK †196), ed. Zechiel-Eckes, “Ein Blick in Pseudoisidors Werkstatt,” 82–83, strikes at this precise prohibition. Athanasius of Alexandria is cast as the explicit beneficiary, but the real benefactor would appear to be Ebo. Because undoing Antioch, cap. 12, could have helped Jesse of Amiens and perhaps also Agobard of Lyon (see Appendix), it falls outside the methodological frame of this paper.

tion, using many of the same words and phrases as the False Decretals.<sup>104</sup> The relevant texts are the so-called *Apologeticum* that Ebo wrote in two versions between 841 and 842 and a forged privilege in the name of Gregory IV that Ebo concocted around 845, when he and Hincmar took up their respective positions at Hildesheim and Reims.<sup>105</sup> Textual echoes are clearest between the False Decretals and Ebo's Gregory forgery, which Ebo likely drafted after Pope Sergius II, Gregory's successor, rejected Ebo's request for the pallium and therefore for papal recognition of his claim to Reims. Ebo had a much smaller library than the Pseudo-Isidorians, and he modeled his own invention on a single text, an authentic privilege he had received years earlier from Pope Paschal I.<sup>106</sup> With this repurposed rhetoric, Ebo's Gregory complains to the Christian faithful of the injustices that the archbishop of Reims has experienced at the hands of his enemies. Specifically, he laments that Ebo was "not canonically summoned, but violently seized from his church, and having . . . been forced into harsh custody, he was convicted of no definite crime, nor did he confess freely, since he had been confined away from his church under the power of another."<sup>107</sup> Ebo's Gregory then grants Ebo and all similarly situated bishops "the free faculty . . . of fleeing to another see and prospering in vacant dioceses."<sup>108</sup>

Ebo's Gregory forgery is the first text to assert the legality of an episcopal translation on the strength of papal sanction alone, an argument in harmony with Pseudo-Isidore's view that apostolic authority is sufficient to legitimize a change in see.<sup>109</sup> This congruency places a relationship between Ebonian and Pseudo-Isidorian provisions on this point beyond all reasonable doubt, and the verbal

<sup>104</sup> Karl Hampe, "Zum Streite Hincmars von Reims mit seinem Vorgänger Ebo und dessen Anhängern," *Neues Archiv* 23 (1898): 180–91, esp. 190 with n. 1.

<sup>105</sup> Both recensions of the *Apologeticum* are edited in MGH Conc. 2.2:794–806. See Albert Werminghoff, "Ein neuer Text des Apologeticum Ebonis," *Neues Archiv* 25 (1900): 363–78; and Patzold, *Episcopus*, 319–21 and 322. Ebo seems to have rewritten the *Apologeticum* after losing Reims for a second time. On the date of the Gregory forgery (JE †2583), see Hampe, "Zum Streite Hincmars von Reims," 189; and more generally, Scherer, *Der Pontifikat Gregors IV*, 157–62.

<sup>106</sup> On Sergius II's response to Ebo's overtures, n. 79 above. The Paschal privilege that Ebo used as a model is JE 2553, MGH Epp. 5:68–70. With this document Paschal I authorized Ebo's missionary activity in Denmark and bestowed the *legatio* upon him. For Hampe, "Zum Streite Hincmars von Reims," as for me, the use of the Paschal privilege and the considerable verbal and stylistic resonance between JE †2583 and the *Apologeticum* clearly demonstrates that Ebo forged the former. Compare Booker, "The False Decretals," 237 n. 110.

<sup>107</sup> MGH Epp. 5:82: "sicut et inter multa alia magna certamina vestra non fuisse minima fratris nostris Ebonis archiepiscopi causa, ut et per multos relatores fideles saepe comperimus, quod nec canonicè vocatus, sed violenter ab ecclesia raptus, diversaque exilia passus, arcta quoue sub custodia trusus, nullo certo crimine convictus, nec sponte confessus, quia absente ecclesia sua alterius sub potestate erat constrictus, et sic a mundana potentia vobis adductus est discutiendus vel deponendus."

<sup>108</sup> MGH Epp. 5:84: "His etenim multiplicibusque aliis veteris ac novi testamenti documentis instructi, evangelicam atque ecclesiasticam dispositionem fidenter agimus, si persecutionem passis et ad aliam civitatem confugientibus episcopis proficiendi in locis vacantibus liberam annuimus facultatem." Hampe, "Zum Streite Hincmars von Reims," 189: "Mit Bedacht lässt er sich nicht etwa die Versetzung nach Hildesheim von diesem Papste, der schon im Januar 844 gestorben war, bestätigen—das wäre ein zu auffälliger Anachronismus gewesen."

<sup>109</sup> So Scholz, *Transmigration*, 119. On Ebo's forgery for the purposes of his Hildesheim translation, see especially Scholz, *Transmigration*, 118–22, who also notices the powerful parallels between this text and the Pseudo-Isidorian forgeries.

evidence goes still further. Ebo's Gregory writes that bishops may choose to flee cities where they are persecuted and prosper in a vacant diocese; further on, he gestures towards Ebo's past privilege from Paschal I, which he received for the purpose of missionary work. This prior privilege applies to Ebo in his new see as well, and indeed "in whatever place he should prove better able to prosper." Pseudo-Isidore uses precisely the same turn of phrase to note that the apostle Peter "was translated from Antioch . . . to Rome, that there he might be more able to prosper."<sup>110</sup>

As for forced confessions, Pseudo-Isidore writes that "Confession . . . should be proffered freely," and Ebo's Gregory laments that Ebo did not "confess freely."<sup>111</sup> Pseudo-Isidore, of course, deplors confessions given during confinement, which is the substance of Ebo's complaint. Pseudo-Isidore therefore worries about "written statements" that have been extorted "whether through fear or deception or force . . . that [the accused] might be able to obtain their freedom," while Ebo's Gregory writes that Ebo "made satisfaction with his subscription, which he set down in terror, in order to secure his release."<sup>112</sup> Here again the weight of the shared argument is considerable. Nobody else in the ninth century objects to the confessions of imprisoned parties, yet Ebo's Gregory finds the circumstances surrounding Ebo's confession regrettable, and for the Pseudo-Isidorians they are illegal. Both texts worry specifically about confessions made to obtain release from prison.

And then there is the *exceptio spoli*. Ebo's Gregory says that Ebo was "violently seized from his church," while in the *Apologeticum* Ebo writes that he was "seized from his own see." As we have seen, Pseudo-Isidore finds many occasions to declare that bishops who have been "expelled" or "ejected from their own sees" cannot be tried until they are reinstated.<sup>113</sup> Once again, a reproach in Ebo recurs as a prohibition in the False Decretals. In discussing a Gospel analogue to Ebo's case, Ebo's Gregory speaks of the father who "restored" his prodigal son "to his original status," while Pseudo-Isidore writes repeatedly that bishops who have been unjustly driven from their sees and deprived of their possessions ought to be "returned" or "restored to their original status." The ultimate source for this turn of phrase, as applied to episcopal dignity, is of course the Fourth Sym-

<sup>110</sup> Pseudo-Gregory, MGH Epp. 5:84: "Ubi et evangelizandi legatione percepta, quocumque *melius poterit proficere* loco." Pseudo-Anterus, ed. Hinschius, *Decretales*, 152: "Petrus, sanctus magister noster et princeps apostolorum, de Antiochia utilitatis causa translatus est Romam, ut ibidem *potius proficere posset*."

<sup>111</sup> Pseudo-Alexander, ed. Hinschius, *Decretales*, 98: "Confessio . . . spontanea fieri debet"; Pseudo-Gregory, MGH Epp. 5:82: "nec sponte confessus."

<sup>112</sup> Pseudo-Alexander, ed. Hinschius, *Decretales*, 97–98: "Similiter si huiusmodi personis quaedam scripturae quoquomodo per metum aut fraudem aut per vim extortae fuerint, vel ut se liberare possint." Pseudo-Gregory, MGH Epp. 5:83: "Subscriptionem etiam, quam perterritus, ut evaderet composuit, similiter . . . satisfecit."

<sup>113</sup> Pseudo-Gregory, MGH Epp. 5:82: "violenter ab ecclesia raptus"; *Apologetici forma prior*, MGH Conc. 2.2:798: "raptus a propria sede" (from the document of Ebo's restitution; see also the variant phrasing in the later *Apologeticum*, MGH Conc. 2.2:805: "a sede propria abreptus"). Pseudo-Isidore, ed. Hinschius, *Decretales*, 18 and 201: "a sede propria . . . pulsus" or "a sede propria eiectus" (the latter is Pseudo-Felix, JK †143): two of various possible examples.



machan Synod, which Pseudo-Isidore mined specifically for the construction of the *exceptio spoli*.<sup>114</sup>

Once we become aware of this connection between the separate polemics of Ebo and Pseudo-Isidore, it becomes possible to read other passages of the False Decretals in a new light. The primary argument that Ebo sustains across both recensions of his *Apologeticum* is that he did indeed confess to sins, if not definite crimes, at Thionville; and that his subsequent exile and imprisonment constituted penance, after which it is only just that he be restored both to the communion of the faithful and to archiepiscopal office. He writes that “laity of both genders” who were “compelled . . . to take the monastic habit in penance have, with the return of peace, also returned to their prior state in the world.” There is therefore every reason to permit a cleric like Ebo “to regain his position after he has made humble satisfaction.” Indeed, this “humble satisfaction” entitles Ebo to “restoration rather than condemnation.”<sup>115</sup>

For the most part, Pseudo-Isidore is not interested in penance; his bishops are innocent or their guilt is utterly unprovable. An exception is the very same Pseudo-Calixtus I decretal (JK †86) that addresses translation on terms favorable to Ebo and his new job at Hildesheim. Towards the end of this letter, Pseudo-Calixtus moves abruptly from a typical discussion of accusations against clergy to a much different disquisition on sin and penance. David, he reminds his readers, did penance for adultery and retained his position as king: “They are therefore in error who think that bishops (*sacerdotes*), after a lapse, if they do worthy penance, cannot serve the Lord and enjoy their *honores*, if subsequently they have led a good life and conducted their priesthood in a worthy manner. . . . And so we believe without a doubt that both the Lord’s bishops as well as the rest of the faithful can return to their *honores* after worthy satisfaction.”<sup>116</sup> Ebo’s repeated insistence on “humble satisfaction” and his wish to be treated no better than lay contemporaries who were forgiven their disloyalty upon Lothar’s succession are

<sup>114</sup> Pseudo-Gregory, MGH Epp. 5:84: “Statui pristino reparavit”; Pseudo-Felix (JK †143), ed. Hinschius, *Decretales*, 201: “statui pristino reddatur”; and BL 3.116, MGH LL 2.2:209. Pseudo-Gregory employs the adjective *pristinus* again and again. Thus he tells us that Peter, prince of the apostles, was restored to his “original dignity” (*pristinam dignitatem*, MGH Epp. 5:83) after denying Christ (e.g., Matt 14.70), and that Ebo himself is to be restored to his “full original episcopal office” (*omni pristini episcopali officio*, MGH Epp. 5:84) as a result of Gregory’s privilege. Of course *pristinus* is a common adjective, but it is used in precisely the same connection as we find it in Pseudo-Isidorian provisions on the *exceptio spoli*.

<sup>115</sup> Ebo, *Apologetici forma prior*, MGH Conc. 2.2:799: “Moderna equidem auctoritate palatina compulsi in angustiis ad monasticum penitentis habitum utriusque sexus laici itemque pace reddita redisse ad statum seculi pristinum manifestum est; quo etiam ritu nullum inesse dedecus constat, si offensus clericus post humilem satisfactionem suum debitum clericatum recuperat. Igitur . . . ad iam dictam vulgo notam satisfactionem humilem me devotus obtuli, eo quod recuperationem magis quam damnationem umquam ab initio semper humilis meruit satisfactio. Post quam vero persecutionem, succedente offensi principis glorioso herede Hlothario Caesare, mox mihi aecclesiastica restituta est concordia et vacantem aecclesiam, quam quondam violenter amiseram, inveniens non praesumptive, sed repetentibus sanctis ibi ordinibus debite septennem fere post satisfactionem recepi.”

<sup>116</sup> Hinschius, *Decretales*, 142: “Errant enim qui putant sacerdotes post lapsum, si condignam egerint paenitentiam, Domino ministrare non posse et suis honoribus frui, si bonam deinceps vitam duxerint et suum sacerdotium condigne custodierint. . . . Nos vero indubitanter tam domini sacerdotes quam reliquos fideles post dignam satisfactionem posse redire ad honores credimus.”

here reflected by Pseudo-Calixtus's interest in "worthy satisfaction" and his declaration that the remedy of penance is available to the ordinary faithful no less than to the episcopate.

These congruencies between Ebo and Pseudo-Isidore are too loose to permit responsible conclusions about the origins of the underlying ideas and the direction of their flow. They are nevertheless deeply significant. The False Decretals were wholly unknown between 841 and 845, when Ebo drafted his Gregory privilege and wrote his *Apologeticum*, while the *Apologeticum* itself never reached an audience beyond a narrow circle of Ebo's allies. And while Ebo circulated rumors that the pope had sanctioned his Hildesheim move, we have the unequivocal statement of Hincmar that Ebo's Gregory forgery did not come to light until after 867.<sup>117</sup> Ebo and the Pseudo-Isidorians therefore enjoyed privileged access to each other's ideas, and Zechiel-Eckes was entirely correct to suspect a relationship between the two. The Ebo who inspires and receives favors from the decretal forgers, however, is not the imprisoned former archbishop of Reims from Louis the Pious's later years. He is, instead, the bishop of Hildesheim from the beginning of Lothar's reign, whose rehabilitation was complicated by the practicalities of Carolingian political division and the corresponding implications for affairs at Reims.

#### CONCLUSION

It remains to pull together some scattered threads and clarify what all this might mean. The *exceptio spoli* is the only clearly pro-Ebonian provision that occurs across all major constituents of the forgery complex, including the False Capitularies and the False Decretals. Because it prohibits procedures that had been employed to the disadvantage of Ebo and Hildemann at their respective trials, it is an obvious reaction to Thionville in 835. Yet on its own it gives Ebo very little, for it establishes no remedy for bishops who have been tried in violation of this principle and condemned on the strength of a coerced confession nevertheless. Like most other elements of procedural law invented by our forgers, it is cast in universal terms that obscure its Ebonian inspiration, and its purpose is to prevent what were perceived as past abuses from recurring in the future rather than to provide redress in any specific case.

Pseudo-Isidorian doctrines on forced confession and episcopal translation are different in every way. They are exclusive to the False Decretals, they are mostly free compositions of our forgers, and they angle for the advantage and disadvantage of specific actors in Pseudo-Isidore's world. Pseudo-Alexander on forced confession references a concept relevant for the *exceptio spoli*—imprisonment before or during trial—and supplies an explicit remedy for Ebo, declaring writ-

<sup>117</sup> On the limited reception of the *Apologeticum*, Schrör, "Aufstieg und Fall," 219. Hincmar, writing about Wulfad's legal maneuvering at the 867 Council of Troyes, MGH Epp. 8.1:224: "Sed et de carta transmirationis ad aliam parrochiam a Gregorio papa praefato Eboni fata nihil in praedictis eorum scriptis habetur, quoniam in istis nostris regionibus antea visa non fuit nisi modo, cum dilectus frater noster Wulfadus apud Trevas eam nobis ostendit." For Wulfad see just below. As noted above (n. 97), Hrabanus Maurus writes in the 850s that he had "heard" of papal sanction for Ebo's move to Hildesheim, but not that he had seen anything specific.

ten confessions produced during confinement to be devoid of all legal significance. Elsewhere, the False Decretals strive to permit episcopal translation to sees that have been vacated by death, an effort that redounds to Ebo's advantage alone. Clearly, the decretal forgers sympathized with Ebo and wished him well at Hildesheim. Still more clearly, they were no friends of their own archbishop, Hincmar of Reims. The measure of their hatred can be taken from Pseudo-Isidore's complaints about those who occupy the dioceses of expelled bishops. These men are usurpers and criminals "who hold their spouses in adulterous filth," who must be "cast out and regarded as adulterers and infamous and . . . denied their ecclesiastical *honores*."

Together, this trio of provisions reflects the ecclesiastical and political tensions that prevailed between 845 and 851, when Ebo was bishop of Hildesheim and Hincmar was archbishop of Reims. The ground we have covered in this paper reinforces the evidence of Benedict, who composed his preface to the False Capitularies after the death of Otgar of Mainz on 21 April 847; the history of Pseudo-Isidore's reception, which, we will see shortly, begins possibly as early as 845 and certainly as early as 852; and our earliest Pseudo-Isidorian codices, none of which can be shown to antedate the middle of the ninth century. The False Decretals assumed final form in the several years around 850, and we must revise our estimation of their purpose and authorship accordingly.

Though Ebo tried to deploy Pseudo-Isidorian principles on his own behalf, he was not the only party with a stake in these quarrels. During his brief restoration to Reims in 840/1, Ebo ordained at least thirteen men to holy orders, ordinations that could only be valid if Ebo's 835 deposition had been invalid. The matter became a pressing problem when Hincmar acceded to the archdiocese in 845, for Hincmar's episcopal consecration could only be canonical if Ebo's deposition were in order. This had to mean, in turn, that Ebo's clerics held office on the strength of empty ordinations conferred by a deposed bishop who did not enjoy even lay communion. Conversely, arguments on behalf of Ebo's clerics became arguments that Hincmar was a usurper in the archdiocese. Hincmar therefore struggled throughout his career to have the invalidity of Ebo's ordinations formally recognized, precisely as one of these clerics, Wulfad, proceeded to an illustrious career as a favorite of Charles the Bald and, eventually, as archbishop of Bourges. The associated controversies inspired exasperation in kings and popes and prompted debates about trial procedure and other matters near and dear to Pseudo-Isidore's heart through 867.<sup>118</sup>

That Pseudo-Isidore and Ebo's clerics might have something to do with one another is not a new theory, but it has long been out of fashion.<sup>119</sup> There are powerful reasons to revive it. We have already seen that Ebo discussed his own

<sup>118</sup> On Ebo's clerics, see Devisse, *Hincmar: Archevêque de Reims, 845–882*, 2 vols. (Geneva, 1975), esp. 1:71–97 and 2:600–35; and more recently Patzold, *Episcopus*, 325–50. For the 867 Council of Troyes that ultimately ended the controversy, Hartmann, *Synoden der Karolingerzeit*, 320–21; and MGH Conc. 4:229–45.

<sup>119</sup> See Seckel, "Pseudoisidor," 286–87; also Heinrich Schrörs, *Hincmar, Erzbischof von Reims* (Freiburg, 1884), esp. 274–76. Fuhrmann, "Pseudo-Isidorian Forgeries," 171, alights upon "[t]he circle of the opponents of Hincmar of Reims and the adherents of Ebo of Reims" as the only one of several theories with evidence in its favor.

misfortune around the time of Hincmar's consecration in 845 using ideas and vocabulary that we also encounter in Pseudo-Isidore. Hincmar's 845 consecration marked the first moment of danger for Ebo's clerics, and so it is intriguing to find faint traces of Pseudo-Isidore elsewhere, at an apparently unrelated venue, at this precise moment. Specifically, bishops gathered at the 845 Council of Meaux/Paris promulgated a seemingly mundane canon declaring "that nobody should presume to consecrate holy chrism on any day besides the Thursday of Holy Week."<sup>120</sup> This liturgical regulation is far from innocent, for in the entire canonical tradition through 845, only a false capitulary of Benedict agrees in confining the consecration of chrism to Maundy Thursday.<sup>121</sup>

Seven years later, Ebo's clerics found their position even more critical, as Hincmar arranged for the formal condemnation of their ordinations at the Council of Soissons in 853.<sup>122</sup> As if on cue, the Pseudo-Isidorians seem to have taken their ideas for a second stroll at this precise moment. Probably in 852 or 853, Archbishop Thietgaud of Trier revealed knowledge of the concept of primacy, a sly Pseudo-Isidorian device that sought to subordinate some metropolitan sees to others on the basis of their designations in the survey of late Roman provinces known as the *Notitia Gal-*

<sup>120</sup> Council of Meaux/Paris, cap. 46, edited by Wilfried Hartmann, MGH Conc. 3 (Hannover, 1984), 107: "Ut nemo sacrum chrisma nisi in quinta feria maioris septimanae, id est in cena, que specialiter appellatur dominica, conficere praesumat."

<sup>121</sup> BL 3.394, MGH LL 2.2:126–27. Remarkably, Pseudo-Isidorian tendencies are on hand throughout the legislation promulgated at Meaux/Paris 845; see the perceptive discussion of Hartmann, *Synoden der Karolingerzeit*, 208–17. The chrism is merely the clearest and least arguable instance. Pseudo-Isidore, via Pseudo-Fabian (JK †93), ed. Hinschius, *Decretales*, 160–61, requires that chrism be consecrated annually on Maundy Thursday, even if sufficient amounts remain from prior years. Heinen, "Pseudoisidor auf dem Konzil," 118–19, believes that a similar discussion from the 836 Council of Aachen (2.28 [20], MGH Conc. 2.2:710) requiring that the oil of the sick be consecrated annually on Maundy Thursday actually depends upon Pseudo-Fabian. The discussion of Aachen 836 is not related in any verbal way to Pseudo-Fabian, but the council does invoke otherwise unspecified "decretalia statuta," which in Heinen's view can only be the Pseudo-Fabian decretal. As Heinen notes (119 n. 74) with Seckel ("Studien," VIII Part III, 197–98), annual consecration of the holy oils on Maundy Thursday is a requirement of the Roman liturgy, alien to decretal law beyond Pseudo-Isidore, but called for in the *ordines Romani*. (Amalar assumes its apostolic foundation on this basis and takes its requirement for granted: see, for example, *Liber officialis*, 1.12.4–6; ed. Hanssens, *Opera liturgica omnia*, 67–68). Otherwise, Pseudo-Fabian addresses chrism, while the fathers at Aachen mention only the oil of the sick. Heinen cites Wasserschleben. The latter also insists on a relationship between Aachen 836 and Pseudo-Fabian, asserting that the distinction between the two oils is "ganz irrelevant, weil die verschiedenen Arten des heiligen Oels an demselben Tage zubereitet wurden" (*Beiträge*, 50). I do not understand this argument. The legislation before us is clearly grappling with variant liturgical practices, according to at least some of which the three oils are not always consecrated as part of the same ceremony. Even with Pseudo-Fabian we do not have any "decretalia statuta" that mandate the consecration of the oil of the sick on the Thursday of Holy Week. There is, in other words, no specific relationship between the chrism in Pseudo-Fabian and the oil of the sick in Aachen 836, and Heinen brings us no nearer to dating the False Decretals than Zechiel-Eckes was able to with Amalar's forged pontifical decrees. In contrast to all of this, the confinement of the consecration of chrism to Maundy Thursday alone is an innovation that cuts against Spanish legislation permitting the consecration of chrism at any point (see, for example, Toledo I, cap. 20, in the interpolated *Hispana* [Vat. lat. 1341] at fol. 62vb, transcr. Grabowsky, [http://www.benedictus.mgh.de/quellen/chga/chga\\_043t.htm](http://www.benedictus.mgh.de/quellen/chga/chga_043t.htm)), and occurs nowhere beyond Benedict and Meaux/Paris 845.

<sup>122</sup> MGH Conc. 3:253–93 (with basic bibliography at 254–55); Hartmann, *Synoden der Karolingerzeit*, 245–50.

*liarum*. Pseudo-Isidore's primatial system granted Thietgaud, as archbishop of the late Roman province of Belgica Prima, or Trier, a nebulous "primacy" over Hincmar, as archbishop of Belgica Secunda, or Reims. Thietgaud asserted his primacy just as Hincmar himself appears to have cited the Pseudo-Isidorian forgeries for the first time. In both cases, the use of Pseudo-Isidore is vague and fleeting, yet the chronological coincidence is undeniable.<sup>123</sup>

The first verbatim and undisputed citations of the Pseudo-Isidorian corpus do not occur until 857, and they come to us entangled with a third moment of controversy provoked by Ebo's ordinations. Though he had been deposed at Soissons, Ebo's cleric Wulfad secured a series of promotions in the years afterwards, ultimately angling to become bishop of Langres in 856. Hincmar opposed these ambitions utterly. At the Council of Quierzy in 857, he proceeded as one intensely provoked, even compelling Wulfad to put his name to a written statement "in which, through an oath upon the Holy Trinity, . . . [Wulfad] professed that he would never again aspire to ecclesiastical office or do anything else by which the peace of the church and clerical quiet could be disturbed."<sup>124</sup> In the midst of these proceedings, Charles the Bald promulgated a capitulary against violators of church property, the text of which was clearly composed by Hincmar and which quotes openly from both the False Decretals and False Capitularies.<sup>125</sup> What our sources do not say about these events speaks volumes. Clearly the Pseudo-Isidorians had again opened their books, this time in Wulfad's defense. Hincmar recognized the danger and took every possible step against Wulfad, while characteristically using helpful texts from this new collection to further his agenda in other respects.

The 857 Council of Quierzy released Pseudo-Isidore finally and definitively into the wild. Hincmar's long string of Pseudo-Isidore citations begins later that year, and afterwards we find knowledge of the forgeries far beyond Pseudo-Isidore's circle of concern.<sup>126</sup> In the first decade after 845, however, our forgeries move amongst the shadows, towards various ends but always in tandem with the fortunes of Ebo and the clerics he ordained. These coincidences cannot fail to color our theory of Pseudo-Isidore's identity. Since Zechiel-Eckes began his revolution

<sup>123</sup> On Thietgaud and primacy, see Fuhrmann, "Pseudo-Isidorian Forgeries," 173–74 with n. 136; the date on which Thietgaud first raised his argument is uncertain, but 852/3 is the prevailing view. Our only source is Flodoard, *Historia Remensis Ecclesiae*, 3.21, MGH SS 36:271. For Hincmar's 852 references, see Rudolf Pokorný and Martina Stratmann, eds., MGH Capit. episc. 2 (Hannover, 1995), 40 and 68–69. Some earlier scholars were unwilling to accept these as citations to Pseudo-Isidore and raised a host of objections. See Fuhrmann, *Einfluß und Verbreitung*, 1:200–210, whose impartial discussion tends to vindicate the clear and straightforward import of Hincmar's *capitula*.

<sup>124</sup> See also Hincmar's efforts to find a replacement for Wulfad at MGH Epp. 8.1, nos. 100–103 (50). Hincmar discusses Wulfad's statement at MGH Epp. 8.1:186: "In quo sub ieiurando per sanctam trinitatem unius deitatus professus est se numquam et nusquam ad sibi interdictam praesumptionem et ad graduum ecclesiasticorum administrationem ulterius adspiraturum neque aliam huiusmodi temeritatem, qua pax ecclesiae valeat perturbari et quies sacerdotalis possit inquietari, scienter vel libenter ulterius moliturum."

<sup>125</sup> For Quierzy, MGH Conc. 3:383–98, esp. 392–96 for the Pseudo-Isidore reception. Also Fuhrmann, "Pseudo-Isidorian Forgeries," 175–76.

<sup>126</sup> For reception beyond Reims after 857, see Fuhrmann, "Pseudo-Isidorian Forgeries," 181–84; and also Fuhrmann, *Einfluß und Verbreitung*, 1:219–24.

in Pseudo-Isidorian studies, scholars have weighed the probability of Paschasius Radbertus as the driving force behind the forgery enterprise in general and the False Decretals in particular. Fifteen years of research within Zechiel-Eckes's paradigms has uncovered little evidence that Radbertus and the Pseudo-Isidorians were anything more than users of the same library. In fact it is hard to find clear connections between Radbertus's views and Pseudo-Isidore's agenda, and in the later 840s, when the ideological vision of our forgers intersects with their practical efforts to deploy the False Decretals within the Reims province, the abbot of Corbie seems distant from Pseudo-Isidore's activities. Rather than Radbertus and Corbie, the theme of these years is Ebo and the consequences of his deposition. These were the most pressing problems facing the secular clergy of the Reims province in the years after Hincmar's consecration, and this is surely where our forgers are to be found. Restoring the False Decretals to the political and ecclesiastical environment of the western kingdom around 850 therefore casts us back upon highly traditional approaches to Pseudo-Isidore's origins and authorship.

Since Zechiel-Eckes found our forgers at work in Corbie's library, we have explored Pseudo-Isidore's relevance for the upheaval that characterized Louis the Pious's later years. In doing so, we have come to appreciate an older side of Pseudo-Isidore than previous generations thought to acknowledge. The forgers may have begun interpolating their *Hispana* and drafting other elements of the forged corpus far earlier than expected, perhaps inspired or provoked by the wave of church reform that culminated at the Council of Paris in 829. Yet the research and ideology underlying our forgeries took many years to coalesce, and Pseudo-Isidore manifests many influences. More imposing constituents of Pseudo-Isidore's library, particularly the False Decretals, bear the hallmarks of a later period. We must therefore never fail to appreciate the younger side of our forgeries and their interaction with the Frankish church and Carolingian politics in the middle of the ninth century. Amid much flotsam and jetsam, we encounter our forgers' unmistakable attempts to influence affairs in the Reims province in the years between 845 and 851. The men who shepherded the False Decretals into the wider world had many goals. Among them were peace for Ebo at Hildesheim and vexation for Hincmar at Reims.

APPENDIX. A PRÉCIS OF EPISCOPAL TRIALS AND DEPOSITIONS IN THE  
CAROLINGIAN EMPIRE FROM THE ACCESSION OF LOUIS THE PIOUS THROUGH  
THE EMERGENCE OF PSEUDO-ISIDORE (814–858).

*814–16: Amalar of Trier (?)*

Amalar was removed from his position as archbishop of Trier shortly after the succession of Louis the Pious. Nothing is known of the circumstances; it is possible that Amalar's position at Trier was less than regular and that he had only been installed as a kind of interim administrator. For an overview of our opaque and indirect source material on this point, see Wolfgang Steck, *Der Liturgiker Amalarius* (Munich, 2001), 7–8 and 60–62.

*818: Theodulf of Orléans, Anselm of Milan, and Wolfold of Cremona*

All three bishops were implicated in the rebellion of King Bernard of Italy in 817. In 818, after Easter, the emperor convened an assembly at Aachen to deal with Bernard and his

co-conspirators. The bishops were deposed by a synod of bishops, abbots, and other priests and sent to monasteries. From exile, Theodulf proclaimed his innocence until death. See the *Annales regni Francorum*, a. 817 and a. 818 (ed. Georg Heinrich Pertz and Friedrich Kurze, MGH SS rer. Germ. 6 [Hannover, 1895], 148); the *Chronicon Moissiacense*, a. 817 (ed. Pertz, MGH SS 1 [Hannover, 1826], 313); Thegan, cap. 22 (ed. Ernst Tremp, MGH SS rer. Germ. 64 [Hannover, 1995], 210); Astronomer, cap. 30 (MGH SS rer. Germ. 64:386).

830: *Jesse of Amiens*

As an episcopal participant in the rebellion of 830, Jesse was deposed “by the just judgment of bishops” who convened with Louis the Pious at Nijmegen. Among those presiding over the judicial process was Jesse’s metropolitan, Ebo of Reims, who restored Jesse to office in 833. See Thegan, *Gesta Hludowici imperatoris*, cap. 37 and 44 (MGH SS rer. Germ. 64:225 and 237).

835: *Ebo of Reims, Hildemann of Beauvais, Jesse of Amiens, Heribald of Auxerre, Agobard of Lyons, Bartholomew of Narbonne, Bernard of Vienne, Elias of Troyes*

After the rebellion against Louis the Pious collapsed in early 834, Lothar fled to northern Italy. Jesse of Amiens, Heribald of Auxerre, Bartholomew of Narbonne, Bernard of Vienne, and Elias of Troyes accompanied him and forfeited their sees as a result; Agobard of Lyons ignored the summons to Thionville and was likewise deposed. Hildemann of Beauvais, meanwhile, delayed his flight and was confined at Saint-Vaast; Ebo, lame in both feet, was detained by Rothad of Soissons, Erchinrad of Paris, and others, and ultimately confined at Fulda. In February 835, clergy from across the empire convened at the imperial palace in Thionville. The bishops there composed and subscribed a statement declaring Louis’s deposition invalid. Ebo also submitted his own statement admitting that Louis’s deposition, which he had orchestrated, was uncanonical and unjust. After Mass at the church of Saint Stephen in Metz, Ebo ascended the ambo and again denounced his proceedings against Louis. The council later reconvened at the palace, where Hildemann cleared his name before the synod. At the same gathering the emperor personally accused Ebo of falsely accusing him and deposing and excommunicating him “contra regulas ecclesiasticas.” Ebo then asked Louis to depart so he could conduct his case privately in front of chosen judges, here according to canon 96 of the Concilium Africanum of the Dionysio-Hadriana (407 Council of Carthage). In front of these judges Ebo confessed to unspecified misdemeanors; he did so secretly on account of his own sense of shame and to preserve the dignity of the priesthood. He also subscribed a *libellus* in which he resigned his office. For the major contemporary sources see MGH Conc. 2.2:696–703.

838: *Amalar of Lyon*

Agobard’s replacement at Lyon, Amalar, faced accusations of heresy from the Lyon deacon Florus for ideas advanced in his lengthy and opaque liturgical commentaries. Eventually, Agobard arranged for Louis the Pious to put Amalar’s case on the agenda at the Council of Quierzy; the emperor duly brought the matter before the assembled bishops. There, according to Florus, Amalar’s theories were read, and after interrogation Amalar was condemned. The attending bishops included Drogo of Metz, Hetti of Trier, Aldric of Le Mans, and Alberic of Langres. Amalar was subsequently removed from office, and within a year Agobard was reinstated. See MGH Conc. 22:768–82.

841: *Ebo of Reims*

After his reinstatement at Reims under Lothar I in 840, Ebo was forced from office once again in 841, in the face of Charles the Bald’s victory at Fontenoy. According to Hincmar, a synod convened at Bourges around the time of Ebo’s flight; Archbishop Rodulf of Bourges

presided, and the assembled bishops confirmed that Ebo's 835 deposition had been canonical. See MGH Epp. 8.1:192.

*From 845: Ebo's Clerics*

During his brief return to Reims in 840/1, Ebo ordained at least thirteen clerics to holy orders. Among them was Wulfad, who would go on to become a key advisor to Charles the Bald and eventually archbishop of Bourges. The validity of these ordinations and the legitimacy of Hincmar's own consecration as archbishop of Reims in 845 were at odds: if Ebo's clerics were validly ordained, Ebo was the legitimate archbishop of Reims and Hincmar was a usurper. Hincmar therefore refused to recognize Ebo's ordinations. The resulting controversy ensured the enduring relevance of Ebo's case through the later 860s and prompted detailed discussions of trial procedure and other matters central to the Pseudo-Isidorian program. For a sensitive overview, see Jean Devisse, *Hincmar: Archevêque de Reims, 845–882* (Geneva, 1975), esp. 71–97 and 600–635.

*848/9: Susannus of Vannes, Salaco of Alet (or Dol?), Liberalis (or Garnobrius?) of Saint-Pol, and Felix of Quimper*

The Breton duke Nominoe convened a council to condemn and ultimately depose four Breton bishops in either 848 or 849; the Frankish episcopate and the papacy alike denounced the proceedings. The charges included simony, and Pope Leo IV was consulted at some point in the process. Leo responded by insisting on a trial by twelve bishops and also remarked that no condemnation could be procured without seventy-two witnesses (depending on a canon promulgated at Carthage in 390 and the Symmachan forgery known as the pseudo-Symmachan *Constitutum Sylvestri*, respectively). According to the highly contentious *Gesta sanctorum Rotonensium*, Susannus was by far the most culpable of the accused, and the initial accusation was brought by Conwoion, abbot of Redon (832–68) to Nominoe. Nominoe himself then convoked “all the bishops of the province,” together with experts in the law, to look into the matter. After an appeal to Rome, the bishops were deposed. The *Chronicle of Nantes* tells a related story with many of the same points, including the abbot's involvement and the consultation of Leo IV, though it casts Nominoe as the central actor. See MGH Conc. 3:185–93; MGH Epp. 6:619–22; and Julia M. H. Smith, *Province and Empire: Brittany and the Carolingians* (Cambridge, UK, 1992), 154–61.

*855: Bishop of Valence*

A council considered the crimes of the unnamed bishop of Valence, at Valence. The only source is an offhand remark in MGH Conc. 3:351–52.

*858: Hermann of Nevers*

The bishops who convened at the provincial synod of Sens prepared to depose their insane colleague, Hermann of Nevers. Yet they hesitated, as some remembered having seen or heard of a letter in the name of Pope Melchiades according to which no bishop can be deposed without the approval of the pope. Lupus of Ferrières therefore wrote, in the name of Wenilo of Sens, to Pope Nicholas I to ask for a full copy of the letter from the papal archives. The Melchiades letter in question is, of course, a Pseudo-Isidorian forgery, JK †171. See MGH Epp. 6:114.

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