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ISSN 2295-3493.

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Bishops on the Move: Rather of Verona, Pseudo-Isidore, and Episcopal Translation

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Abstract: In 953, the Lotharingian monk Rather was appointed bishop of Liège. Eighteen months later, he was banished from the see, accused of illegally transferring from one bishopric to another. Canon law prohibited the translation of a bishop, and Rather had previously held the see of Verona. This article looks at the episode afresh, examining how Rather sought to justify his appointment to Liège, and focusing particularly on his use of the Pseudo-Isidorian forgeries. Rather's abortive transfer provides a rare opportunity to study the dissemination of Pseudo-Isidore and the application of its norms in matters of episcopal autonomy. This analysis suggests that the affair was a key moment in the diffusion of Pseudo-Isidorian ideas about episcopal translation, paving the way for the revolutionary attitudes to episcopal mobility that prevailed in the late tenth and eleventh centuries. In view of these later developments, the article also asks why Rather's career floundered despite having the backing of Otto I and his bishops.

Introduction

The copious writings of Rather of Verona (c.890–974) document the life of one of the most remarkable, controversial, and fractious bishops of the tenth century. Having been given as a boy to the monastery of Lobbes in Lotharingia in the 890s, Rather went on to an episcopal career punctuated with turmoil, itinerancy, and exile which would see him deposed three times from the see of Verona and once from the see of Liège.¹ At other points he gained and lost various abbacies, and between all these appointments he traversed Italy, Provence, West Francia, and Lotharingia in search of hospitality and patronage. By his own account, he was cantankerous and obstinate, and, sooner or later, he quarrelled with just about everyone he encountered, even those who supported him. One such 'frenemy', Archbishop Robert of Trier, called him a *phreneticus* ('madman'), an insult Rather effectively wore as a badge of honour. Rather presents himself as eccentric and difficult, but, as has recently been stressed, modern readers may have too readily taken him at his word on this point.²

In spite of the obvious irony which permeates works with satirical titles such as *Phrenesis* ('The Ravings of the Madman'), *Dialogus confessionalis cuiusdam sceleratissimi* ('The Confessions of a Criminal'), or *Ratherii Veronensis episcopi inefficax ut sibi visum est garritus* ('The Pointless Chattering of Bishop Rather of

¹ For an introduction to Rather's career, see *The Complete Works of Rather of Verona*, trans. by Peter L. D. Reid (Binghamton, NY: Medieval & Renaissance Texts & Studies), pp. 3-16. I would like to thank Conrad Leyser and Charles West for their assistance and suggestions, as well as Brigitte Meijns and Steven Vanderputten for all their organizational and editorial work. This article was written with the financial support of a Leverhulme Trust Early Career Fellowship.

² Irene van Renswoude, 'The Sincerity of Fiction: Rather and the Quest for Self-knowledge', in *Ego Trouble: Authors and Their Identities in the Early Middle Ages*, eds Richard Corradini, Matthew Gillis, Rosamond McKitterick, and Irene van Renswoude (Vienna: Österreichische Akademie der Wissenschaften, 2010), pp. 227-42.

Verona'), Rather's famous invectives against the behaviours of his fellow clerics are a *locus classicus* for the supposed moral laxity of the 'unreformed', 'pre-Gregorian' tenth-century Church.³ His career could be portrayed as the story of a pious Lotharingian monk whose attempt to become a bishop in Italy floundered after he became appalled by the customs of his new colleagues. Rather's public tirades against simony, avarice, clerical marriage, gaming, attire, and appearance played no small part in his expulsions from Verona in 934, 948, and 968. While his corrective zeal seems to anticipate eleventh-century clamours for 'reform', it is worth pausing before labelling Rather in relation to a paradigm which has come in for sustained criticism in recent years.⁴ In the last decade, historians have demonstrated a clear need to take tenth- and eleventh-century prelates on their own terms, examining how the demise of the Carolingian empire enabled bishops to develop new institutional identities and assume greater roles in political and pastoral life.⁵

One could also question how earnest an activist Rather really was, for on closer inspection, his career and writings present a heap of contradictions. Rather is one of the most complex and fascinating authorial personalities of the Middle Ages. His dense, difficult, and sprawling works have long defied generic classification or sometimes even basic comprehension.⁶ He was extraordinarily learned in both scripture and classics, and was clearly revered as such by his contemporaries.⁷ Yet his writings seem invariably to turn to introspection and bitter criticism. And while he cannot refrain from ranting about the corruption of his peers, at other points he confesses to simony and stealing from

³ For example, Augustin Fliche, *La réforme grégorienne*, 3 vols (Paris: E. Champion, 1924-37) I, 60-1, 74-92, 121-4, 306-7; Louis Francis Lumaghi, 'Rather of Verona: Pre-Gregorian Reformer' (unpublished doctoral thesis, University of Colorado, 1975).

⁴ Among a wealth of recent discussion, see Julia Barrow, 'Ideas and Applications of Reform', in *The Cambridge History of Christianity, Vol. 3: Early Medieval Christianities, c.600–c.1100*, eds Thomas F. X. Noble and Julia M. H. Smith (Cambridge: Cambridge University Press, 2008), pp. 345-62; Maureen C. Miller, 'The Crisis in the Investiture Crisis Narrative', *History Compass* 7 (2009), 1570-80; Steven Vanderputten, *Monastic Reform as Process: Realities and Representations in Medieval Flanders, 900–1100* (Ithaca, NY: Cornell University Press, 2013); Conrad Leyser, 'Review Article: Church Reform – Full of Sound and Fury, Signifying Nothing?', *Early Medieval Europe* 24 (2016), 478-99. For a rather more traditional approach, see John Howe, *Before the Gregorian Reform: The Latin Church at the Turn of the First Millennium* (Ithaca, NY: Cornell University Press, 2016).

⁵ *The Bishop Reformed: Studies of Episcopal Power and Culture in the Central Middle Ages*, eds John S. Ott and Anna Trumbore Jones (Aldershot: Ashgate, 2007); Conrad Leyser, 'Episcopal Office in the Italy of Liudprand of Cremona, c.890–c.970', *English Historical Review* 125 (2010), 795-817; Conrad Leyser, 'The Memory of Gregory the Great and the Making of Latin Europe, 600–1000', in *Making Early Medieval Societies: Conflict and Belonging in the Latin West, 300–1200*, eds Kate Cooper and Conrad Leyser (Cambridge: Cambridge University Press, 2016), pp. 181-201; *Patterns of Episcopal Power: Bishops in Tenth and Eleventh Century Western Europe*, eds Ludger Körntgen and Dominik Waßenhoven (Berlin: De Gruyter, 2011); Laurent Jégou, *L'évêque, juge de paix. L'autorité épiscopale et le règlement des conflits entre Loire et Elbe (milieu VIII^e–milieu XI^e siècle)* (Turnhout: Brepols, 2011); John Eldevik, *Episcopal Power and Ecclesiastical Reform in the German Empire: Tithes, Lordship, and Community, 950–1150* (Cambridge: Cambridge University Press, 2012); John S. Ott, *Bishops, Authority and Community in Northwestern Europe, c.1050–1150* (Cambridge: Cambridge University Press, 2015).

⁶ On the challenges of Rather's writings, see Peter L. D. Reid, *Tenth-Century Latinity: Rather of Verona* (Malibu, CA: Undena, 1981), and *Complete Works*, trans. by Reid, pp. 13-15.

⁷ Folcuin of Lobbes, *Gesta abbatum Lobbiensium*, c. 19, 23, ed. Georg Heinrich Pertz, *MGH SS 4* (Hanover: Monumenta Germaniae Historica, 1841), pp. 52-74 (p. 63, 64); Ruotger of Cologne, *Vita Brunonis*, c. 38, ed. Irene Ott, *MGH SS rer. Germ. N.S. 10* (Weimar: Böhlau Verlag, 1951), p. 40.

monasteries.⁸ Rather repeatedly professed poverty, but the historian (and Rather's godson) Folcuin of Lobbes shows him to be a wealthy simoniac who buys and sells monasteries capriciously.⁹ Rather's self-portrait of an unlikeable outsider is also puzzling, for he was clearly well connected. As we shall see, among his friends and patrons at various points he could count archbishops Robert of Trier, Brun of Cologne, and William of Mainz – in their day, the most powerful prelates in the Ottonian Reich. Having the ears of such high-ranking churchmen, he repeatedly benefited from the patronage of Otto I. Even in Italy, the purported hostility of his clerical peers must be reconciled with demonstrable friendships with his fellow bishop-intellectuals Atto of Vercelli and Liudprand of Cremona.¹⁰ The contradictions of Rather's career are further exemplified by his abortive attempt to become bishop of his hometown church of Liège in 953. Within eighteen months he was forced to relinquish the diocese. His expulsion hinged partly on the volatile Lotharingian politics of the early 950s, and partly on the fact that he had by this point already served as bishop of Verona (twice). On account of this earlier appointment, it was contrary to canon law for Rather to assume the rule of a different bishopric.

Transfer, or translation, from one bishopric to another had been forbidden since the council of Nicaea in 325: it was ripe for abuse and smacked of worldly ambition and careerism. However, the issue re-emerged as a canonical debate in the late Carolingian world, most notably in the controversial cases of Actard of Nantes, who was forced from his see in the 840s and eventually translated to Tours in the 870s, and of Pope Formosus, whose move from the suburbicarian diocese of Porto to become bishop of Rome in the 890s was posthumously deemed illegal.¹¹ In this period, proponents of episcopal translation could turn to two authorities: first, the letters of Gregory the Great, which became much more widely available in this period. In this correspondence, canonists found examples where Gregory had authorized a transfer if it had been forced by *utilitas*

⁸ For example, Rather of Verona, *Dialogus confessionalis*, cc. 22-3, ed. Peter L. D. Reid, CCCM 46A (Turnhout: Brepols, 1984), pp. 221-65 (pp. 237-40) (*Complete Works*, trans. by Reid, pp. 286-9). For an interpretation of Rather's 'confessions', see Van Renswoude, 'The Sincerity of Fiction', pp. 237-42.

⁹ Folcuin, *Gesta abbatum Lobbiensium*, c. 28, ed. Pertz, pp. 69-70. Even though Rather tried to depose Folcuin as abbot of Lobbes, Folcuin's otherwise warm characterization of Rather seems to have been a genuine attempt at reconciliation. See further Alain Dierkens, 'Notger, Folcuin et Rathier: l'abbaye de Lobbes et les évêques de Liège à la fin du X^e siècle', in *Évêque et prince. Notger et la Basse-Lotharingie aux alentours de l'an Mil*, eds Alexis Wilkin and Jean-Louis Kupper (Liège: Presses Universitaires de Liège, 2013), pp. 271-97; Ingrid Rembold, 'History and (Selective) Memory: Articulating Community and Division in Folcuin's *Gesta abbatum Lobbiensium*', in *Writing the Early Medieval West*, eds Elina Screen and Charles West (Cambridge: Cambridge University Press, 2018), pp. 64-79.

¹⁰ Giacomo Vignodelli, 'Attone e Raterio. Un dialogo tra storiografia e filologia', *Filologia mediolatina* 24 (2017), 221-88; Leyser, 'Episcopal Office'.

¹¹ The standard treatment of translation is Sebastian Scholz, *Transmigration und Translation. Studien zum Bistumswechsel der Bischöfe von der Spätantike bis zum hohen Mittelalter* (Cologne: Böhlau Verlag, 1992). See also Mary E. Sommar, 'The Changing Role of the Bishop in Society: Episcopal Translation in the Middle Ages' (unpublished doctoral thesis, Syracuse University, 1998); Mary E. Sommar, 'Hincmar of Reims and the Canon Law of Episcopal Translation', *Catholic Historical Review* 138 (2002), 429-45; Leyser, 'Episcopal Office'; Pierre Bauduin, 'En marge des invasions vikings: Actard de Nantes et les translations d'évêques *propter infestationem paganorum*', *Le Moyen Age* 117 (2011), 9-20; Annette Grabowsky, 'La papauté autour de 900 entre sacré et pouvoir: Traditions, légitimations, ambitions', in *Compétition et sacré au haut Moyen Âge: entre médiation et exclusion*, eds Philippe Depreux, François Bougard, and Régine Le Jan (Turnhout: Brepols, 2015), pp. 217-34.

or *necessitas*. Second, they could consult several papal pronouncements in the young Pseudo-Isidorian forgery complex, first produced in the 830s or 840s but not widely circulated until the last decades of the ninth century.¹² The autonomy and rights of bishops lay at the heart of Pseudo-Isidore's campaign. Indeed, it has been argued that debates over the validity of an earlier ninth-century translation, that of Ebbo, deposed archbishop of Reims, to the see of Hildesheim in 845, provided the key context for the initial dissemination of the False Decretals (the most influential component of the forgeries).¹³ Among the concocted papal letters could thus be found several which were rather amenable to the possibility of translation.

In the letters and treatises composed by Rather in defence of his appointment as bishop of Liège in 953, he cited Gregory's letters and several Pseudo-Isidorian decretals. Certainly, he was not the first to adopt such a tactic in this context. Pseudo-Isidore had been invoked in the earlier controversies surrounding Actard and Formosus. By the early tenth century, the False Decretals were cropping up in many corners of the former Carolingian empire. As Horst Fuhrmann remarked, however, the early reception of the forgeries could be summed up as a contradiction: 'many manuscripts, little effect'.¹⁴ For Fuhrmann and others, it was not until Bishop Burchard of Worms produced his *Decretum* in the early eleventh century that the first widely diffused 'systematic' attempt to amalgamate Pseudo-Isidorian decretals with other canons was made.¹⁵ Like earlier, 'unsystematic' collections, however, there is rather less evidence for the practical application of Burchard's *Decretum* than for its use simply as a repository for other canon law compilations.¹⁶ Much remains to be said about the history of canon law, and of Pseudo-Isidore in particular, during the 'long tenth century'.¹⁷ Rather's attempt to move to Liège offers a rare example of the application of Pseudo-Isidorian norms, an opportunity to see the False Decretals 'in action' beyond brief conciliar or canonical

¹² The literature is vast and has been developing quickly since the turn of the century. The classic study is Horst Fuhrmann, *Einfluß und Verbreitung der pseudoisidorischen Fälschungen. Von ihren Auftauchen bis in die neuere Zeit*, MGH Schriften 24, 3 vols (Stuttgart: Anton Hiersemann, 1972-4); but for an overview of recent thought and current lines of enquiry, see *Fälschung als Mittel der Politik? Pseudoisidor im Licht der neuen Forschung. Gedenkschrift für Klaus Zechiel-Eckes*, MGH Studien und Texte 57, eds Karl Ubl and Daniel Ziemann (Wiesbaden: Harrassowitz Verlag, 2015).

¹³ Most recently by Eric Knibbs, 'Ebo of Reims, Pseudo-Isidore, and the Date of the False Decretals', *Speculum* 92 (2017), 144-83 (pp. 168-73). For Pseudo-Isidore's pronouncements on translation, see Scholz, *Transmigration*, pp. 105-17.

¹⁴ Detlev Jasper and Horst Fuhrmann, *Papal Letters in the Early Middle Ages* (Washington, DC: Catholic University of America Press, 2001), pp. 173-95, summarizes the reception up to the end of the ninth century (quotation at p. 184). For its subsequent reception in tenth- and eleventh-century canonical collections, see Fuhrmann, *Einfluß*, II, 408-585.

¹⁵ See Fuhrmann, *Einfluß*, II, 442-85; Hartmut Hoffmann and Rudolf Pokorny, *Das Dekret des Bischofs Burchard von Worms. Textstufen – Frühe Verbreitung – Vorlagen*, MGH Hilfsmittel 12 (Munich: Monumenta Germaniae Historica, 1991); and Greta Austin, *Shaping Church Law Around the Year 1000: The Decretum of Burchard of Worms* (Farnham: Ashgate, 2009).

¹⁶ Austin, *Shaping Church Law*, pp. 28-31.

¹⁷ Preliminary work has set the scene for sustained investigation: Greta Austin, 'Bishops and Religious Law, 900-1050', in *The Bishop Reformed*, eds Ott and Trumbore Jones, pp. 40-57; Wilfried Hartmann, *Kirche und Kirchenrecht um 900. Die Bedeutung der spätkarolingischer Zeit für Tradition und Innovation im kirchlichen Recht*, MGH Schriften 58 (Hanover: Hahnsche Buchhandlung, 2008); Charles West, 'Legal Culture in Tenth-Century Lotharingia', in *England and the Continent in the Tenth Century: Studies in Honour of Wilhelm Levison (1876-1947)*, eds David Rollason, Conrad Leyser, and Hannah Williams (Turnhout: Brepols, 2011), pp. 351-75.

citations. Although Rather's knowledge of Pseudo-Isidore has previously been noted, his works have not been examined as witnesses to the reception of Pseudo-Isidorian ideas about episcopal authority in the tenth century. Through the dissemination of its pronouncements in tenth- and eleventh-century canon law collections, Pseudo-Isidore went on to underpin and justify the growth of episcopal autonomy and papal power in the age of 'Gregorian reform'. As scholars abandon the timeworn narratives of 'post-Carolingian' or 'pre-Gregorian' decline and failure, can a closer look at Rather and Pseudo-Isidore tell us something more about episcopal culture and canon law in this period?

This article has three objectives. The first is to understand how Rather justified his transfer to Liège by examining the authorities to which he appealed. My interest here is less in why he was unable to hold the see – as we shall see, he was quite clearly the victim of wider political turmoil amidst Otto I's attempts to dominate Lotharingia – than in understanding his arguments for why his transfer should have been permitted. Additionally, from an analysis of Rather's use of Pseudo-Isidore, I suggest that he may have been responsible for the dissemination of one particularly influential recension of the forgeries from Northern Italy to Lotharingia. My second aim is to investigate Rather's role in the shaping of Lotharingian and Ottonian episcopal culture through his efforts to normalize episcopal transfer. Although the ability to move between bishoprics has never been considered a 'reform' due to its overtones of careerism and avarice, it was cast in the False Decretals as 'traditional' practice, and, by the twelfth century, it had become routine. Finally, I ask why Rather lost out. Nearly two decades after his death, Rather's plight was recalled at the 991 synod of Saint-Basle, where Archbishop Arnulf of Reims was deposed and replaced with Gerbert of Aurillac. Rather's deposition from Verona was discussed as a recent example of procedural uncertainty.¹⁸ His career had been enabled by the Ottonian empire, and he was on the right side of history, so what went wrong? Was his self-presentation as an eccentric 'madman' really just a literary fiction, or did a genuinely bad attitude contribute to his struggles?

Rather at Liège

First of all, let us recount what actually happened. In a rare burst of narrative clarity, Rather summarized the key events surrounding his brief tenure in the preface to his *Phrenesis*, a complex and long-winded justification of his actions written in 955–6 at Mainz, where he was staying with Archbishop William following his expulsion from Liège. The work was directed to Archbishop Robert of Trier, who, as Rather explained, had inspired its title:

This is the reason for the name [*Phrenesis*]: after Rather had been driven from the see of Verona in Italy where he had been ordained, he applied for support to the most glorious king Otto, but he failed to achieve his restoration despite the efforts of that most pious monarch. Then, when an

¹⁸ *Die Konzilien Deutschlands und Reichsitaliens, 916–1001. Teil 2: 962–1001, MGH Conc. 6.2* ed. Ernst-Dieter Hehl (Hanover: Hahnsche Buchhandlung, 2007), pp. 442-3.

opportunity arose at Liège, by the means and intervention of the king's brother, Archbishop Brun, he was not only elected in the king's presence at the palace called Aachen by the proper representatives, but was also nominated by the bishops, abbots, counts, and leaders of the whole realm, on the fourth day of the solemn fast of the seventh month [21 September 953]. And on the following Sunday [25 September], he was again elected by that congregation, that is, of the church of Liège, by seven fellow-bishops, of whom two were archbishops, Brun [of Cologne] and Robert [of Trier], and the rest bishops, Balderic [of Utrecht], Hildibald [of Munster], Drogo [of Osnabrück], Berengar [of Verdun], and Fulbert [of Cambrai], in accordance with the decretals and following the precedent example of several to whom this had happened in times past. He was acclaimed with great applause by the whole congregation which was present, and solemnly enthroned. Then, afterwards, by the intrigue of the abovementioned Balderic and at the instigation of Robert, archbishop of Trier, who in particular had praised him in front of the whole congregation from the pulpit of the church of Cologne, he was expelled by the men-at-arms of Counts Reginar [III of Hainault] and Rudolf [of Hesbaye], so that their nephew, a boy also called Balderic, might be appointed. He was also the son of Balderic's brother, so it is not difficult to guess why that happened. To bring the matter to light in every detail without showing partiality to individuals: because of the timidity of the king's brother [Brun], who was afraid that those two counts might now defect from the king to Conrad [the Red, duke of Lotharingia] (who was at that time moving against him) and might join Conrad in opening hostilities – or (as [Brun's] apologists more correctly declare) because the archbishop could find no one among Bishop Rather's friends and retainers to help in opposing this action, as he had earnestly hoped – Rather was expelled. Now, enjoying at Mainz the generous kindness and abundant hospitality of Archbishop William, the king's son, Rather had been given this opportunity for leisure, and has taken in hand to put down on paper what had been done to him, endeavouring that the circumstances of his time would not be hidden from those interested. Hearing this, those two particular enemies of his, Robert and Balderic, said that he was *phreneticus*.¹⁹

Other contemporary authors, including Folcuin of Lobbes and Ruotger of Cologne, also discuss the affair, and they confirm that Rather's version of events is accurate.²⁰

Otto I's moves to subjugate the unruly duchy and one-time kingdom of Lotharingia provide the key political context for Rather's unsuccessful translation. Control of this strategically, symbolically, and economically significant but volatile region was a pivotal issue in tenth-century politics.²¹ In 925, the Lotharingian magnates pledged themselves to Henry I, but, shortly after Otto's accession in 936, they rebelled under the leadership of *dux* Giselbert. Although Otto overcame the revolt, dissent in Lotharingia simmered, and conflict erupted again in the early 950s between Conrad 'the Red', Otto's son-in-law and *dux* in Lotharingia, and the local magnates, namely, Reginar III of Hainault and Rudolf of Hesbaye (as alluded to above by Rather). In 952, Conrad seems to have become aggrieved by Otto's unwillingness either to accept terms of surrender he had negotiated with Berengar II of Italy during an expedition earlier that

¹⁹ Rather of Verona *Phrenesis*, c. 1, ed. Reid, *CCCM* 46A, pp. 199-218 (pp. 199-200) (*Complete Works*, trans. by Reid, pp. 245-6. I have slightly modified Reid's punctuation for clarity).

²⁰ Folcuin, *Gesta abbatum Lobbiensium*, c. 23, ed. Pertz, pp. 64-5; Ruotger, *Vita Brunonis*, c. 38, ed. Ott, p. 40. A strong case has been made that Liudprand of Cremona, in his *Antapodosis*, implicitly referred to Rather's transfer to Liège and judged it valid: Leyser, 'Episcopal Office', pp. 806-10.

²¹ For an overview, see Simon MacLean, 'Shadow Kingdom: Lotharingia and the Frankish World, c.850–c.1050', *History Compass* 11 (2013), 443-57.

year or to support him in the increasingly violent situation unfolding in his duchy. By early 953, Conrad was in open rebellion alongside Otto's son Liudolf. That summer, the sees of Cologne and Liège fell vacant. In a bid to reassert control in Lotharingia, Otto appointed his brother, Brun, as both *dux* in Lotharingia and archbishop of Cologne. Brun in turn pushed through the installation of Rather, his friend and erstwhile tutor, at Liège, and both were consecrated on 25 September. Brun, however, was unable to stop the counts Reginar and Rudolf and the bishops Robert and Balderic from expelling Rather and installing their own man at Liège around April 955.²²

As Rather stressed in the *Phrenesis*, he was 'solemnly enthroned' (*solempniter inthronizatus*) following an election 'in accordance with the decretals and following the precedent example of several to whom this had happened in times past' (*conniventia decretorum, consensu atque exemplis nonnullorum, quibus et id contigerat, antiquorum*). This was not simply a generic assertion: a number of Rather's surviving writings shed further light on the situation and offer specific canonical justification for both the translation and the illegality of his ejection. I shall discuss these texts chronologically.²³

Rather first demonstrated knowledge of the False Decretals early in his career: in his *Praeloquia* ('Prefaces'), which he wrote while imprisoned in Como in 934–6, he drew on Pseudo-Isidorian letters ascribed to Clement I, Alexander I and Fabian, albeit rather vaguely.²⁴ Following his second removal from the see of Verona in 948, he began citing Pseudo-Isidore more purposively. In late 951, Rather wrote two letters: one to Pope Agapetus II, the other an open letter to the bishops of Italy, Gaul, and Germany.²⁵ Rather wanted a synod convened to decide whether he or his successor, Milo, was the legitimate bishop of Verona. According to Rather in his letter to Agapetus, this Milo had bought the bishopric in 948 from Manasses, the pluralist archbishop of Arles and Milan who also served, at various points in the 930s and 940s, as bishop of Verona, Mantua, and Trent.²⁶ This was a reasonable request, for Agapetus and the Ottonian episcopacy had recent form in settling episcopal disputes: in 948, a great synod was held in Ingelheim to resolve a long-running conflict over the archbishopric of Reims. In his letter to Agapetus, Rather claimed that none of his episcopal colleagues had supported him during his ordeal, and that those who did so only feigned it. For this, he drew on a Pseudo-Isidorian pronouncement: 'If they bore me any goodwill, I think, they did so out of fear of the decretals of the great Pope Alexander, who said, "Any of your college who refuses help to them" – the bishops, that is, and the deprived – "will be judged a schismatic, not a

²² Henry Mayr-Harting, *Church and Cosmos in Early Ottonian Germany: The View from Cologne* (Oxford: Oxford University Press, 2007), pp. 22-4, 31-2. Rather himself reports the double-consecration: *Conclusio deliberativa*, ed. Peter L. D. Reid, CCCM 46 (Turnhout: Brepols, 1976), pp. 1-7 (p. 5) (*Complete Works*, trans. by Reid, p. 238).

²³ What follows builds on the preliminary observations of Scholz, *Transmigration*, pp. 171-7.

²⁴ Rather of Verona, *Praeloquia*, III.26, ed. Reid, CCCM 46 A, pp. 1-196 (p. 100) (Ps.-Alexander I, JK †24, *Decretales Pseudo-Isidorianae et Capitula Angilramni*, ed. Paul Hinschius, p. 98; Ps.-Fabian, JK †93, ed. Hinschius, p. 165), V.7, p. 148 (Ps.-Alexander I, JK †25, ed. Hinschius, pp. 102-3); VI.16, p. 183 (Ps.-Clement I, JK †12, ed. Hinschius, pp. 54-5).

²⁵ *Die Briefe des Bischofs Rather von Verona*, ed. Fritz Weigle, *MGH Briefe d. dt. Kaiserzeit* 1 (Weimar: Böhlau Verlag, 1949), nos. 7 and 8, pp. 33-45 (*Complete Works*, trans. by Reid, pp. 223-31).

²⁶ This is also reported by Liudprand of Cremona, *Antapodosis*, IV.6, ed. Paulo Chiesa, CCCM 156 (Turnhout: Brepols, 1998), p. 98. See further Leyser, 'Episcopal Office', pp. 806-10.

priest”²⁷. As proof that Manasses had overstepped his mark as archbishop of Arles, he quoted a false decretal of Pope Calixtus I: ‘Where the words of the law: “If any metropolitan tries to do anything beyond what pertains to his own parish alone, it will lie to his peril”²⁸. Rather also quoted decretals of Pseudo-Julius, Pseudo-Felix, and Pseudo-Evaristus in his letter to Agapetus.²⁹ Around the same time, Rather asked ‘the bishops throughout all Italy, Gaul, and Germany’ to consider his dispute with Milo in synod. In his appeal, he again backed up his request with quotations from the decretals attributed to Julius, Calixtus, and Alexander.³⁰

No synod was convened, and, as we have seen, Rather was instead appointed to the bishopric of Liège, only to be forced out once more from office. In the justifications and invectives he wrote following his latest expulsion, Rather again turned to Pseudo-Isidore. In April 955, on the eve of his ejection, he issued the *Conclusio deliberativa* (‘His Decision’), a collection of forty statements of self-justification. In the final article, Rather indicated that he had been charged with transferring to Liège illegally. He reproduced a list of bishops translated in late antiquity which is identical to that included in the *Historia ecclesiastica tripartita* of Epiphanius–Cassiodorus (itself a source for Pseudo-Isidore).³¹ Rather then drew on three letters of Gregory the Great approving transfers, along with two Pseudo-Isidorian decretals: ‘Their [the translated bishops’] supporters are Pope Calixtus, Pope Anterus, and Gregory, our esteemed theologian.’³² According to Pseudo-Calixtus, a bishop forced to abandon his see through persecution could be translated with papal approval. According to Pseudo-Anterus, a bishop could be translated with the approval of an episcopal synod. Rather had sought precisely these authorizations in his two letters of 951, but whether he had requested them with a view to a transfer is impossible to say. By the tenth century, recourse to Gregory, Calixtus, and Anterus was a common canonical justification for episcopal translation.³³ The inclusion of Cassiodorus’s list of translated bishops, however, is a little more unusual, although it was included in a treatise probably composed by Anastasius Bibliothecarius in 872 in defence of Actard of Nantes’ transfer to Tours, and it was circulating in northern Italian canonical collections in the early tenth century.³⁴

²⁷ *Briefe*, no. 7, p. 34 (*Complete Works*, trans. by Reid, p. 224); Ps.-Alexander I, JK †25, ed. Hinschius, pp. 102-3.

²⁸ *Briefe*, no. 7, pp. 39-40 (*Complete Works*, trans. by Reid, pp. 226-7); Ps.-Calixtus I, JK †86, ed. Hinschius, p. 139.

²⁹ *Briefe*, no. 7, p. 42 (*Complete Works*, trans. by Reid, pp. 228-9); Ps.-Julius I, JK †196, ed. Hinschius, p. 467; Ps.-Felix, JK †143, ed. Hinschius, p. 201; Ps.-Evaristus, JK †21, ed. Hinschius, p. 90.

³⁰ *Briefe*, no. 8, pp. 44-5 (*Complete Works*, trans. by Reid, pp. 230-1); Ps.-Julius I, JK †196, ed. Hinschius, p. 465; Ps.-Calixtus I, JK †86, ed. Hinschius, p. 138; Ps.-Alexander I, JK †25, ed. Hinschius, pp. 102-3.

³¹ Epiphanius–Cassiodorus, *Historia ecclesiastica tripartita*, XII.8, eds Walter Jacob and Rudolf Hanslik, CSEL 71 (Vienna: Hoelder-Pichler-Tempsky, 1952), pp. 673-7.

³² *Conclusio deliberativa*, p. 6 (*Complete Works*, trans. by Reid, p. 240); cf. Gregory the Great, *Registrum epistularum*, I.77, II.31, III.13, ed. Dag Norberg, CCSL 140 (Turnhout: Brepols, 1982), pp. 85, 117-18, 159-60; Ps.-Calixtus I, JK †86, ed. Hinschius, pp. 139-40; Ps.-Anterus, JK †90, Hinschius, p. 152.

³³ Leyser, ‘Episcopal Office’, pp. 803-6; Grabowsky, ‘La papauté autour de 900’, pp. 221-6. On the Pseudo-Isidorian conception of the papacy, see Clara Harder, *Pseudoisidor und das Papsttum. Funktion und Bedeutung des apostolischen Stuhls in den pseudoisidorischen Fälschungen* (Cologne: Böhlau Verlag, 2014).

³⁴ Sommar, ‘Hincmar of Reims’, pp. 437-9; Leyser, ‘The Memory of Gregory the Great’, pp. 198-9.

Next, between April 955 and May 956, Rather composed an acrimonious letter to Balderic, his successor at Liège, which only partially survives. He wrote this from Mainz, where he had been cordially received by Archbishop William. In one section, Rather rebuked Robert of Trier for judging him in his absence and because there was doubt in the matter, with the archbishop evidently ‘not fearing to cast a sure opinion in a case of doubt contrary to the command of the canons, not understanding that when it says that no one should be condemned in his absence, this too is also equally contradicted’. Here Rather quoted language contained in decretals attributed to Pope Zepherinus and Pope Cornelius, although he did not cite them by name. He did, however, explicitly cite and quote from Gregory the Great’s letter to Bishop Martin of Corsica, which he had also used in his *Conclusio deliberativa*: ‘Yet if he [Robert] had read the letter written by Gregory to Martin of Corsica and had not ignored it, he would have been able to see clearer than light that when another seat is conceded to a bishop who has been expelled, if he rejoices that he has won his desire, he avoids the criticism of this theologian of such great authority’.³⁵

Rather also pursued canonical justification at several points in his *Phrenesis*. Judging from an included table of contents, this was once a much longer polemic combined with several earlier letters and works, now mostly lost (and perhaps destroyed by Rather himself). The text, as mentioned, was directed predominantly at Robert. A decade earlier, the two had been close acquaintances; surviving correspondence attests to their shared interest in the works of Persius, among other things. Rather was an influential member of Robert’s illustrious school at the monastery of St-Maximin in Trier in the early 940s, where he tutored and studied with such luminaries as Brun of Cologne and Israel the Grammarian.³⁶ At one point, Rather indicated that he had attached several pertinent decretals to the *Phrenesis*:

The appended precedents of the saintly Fathers (which he [i.e. Rather] brings to your [i.e. Robert’s] notice, learned father, by way of reminder, not for your information) show by their very clarity that it will be quite unnecessary for him to keep wearing down the ears of one like you without success, since you are a knowledgeable upholder of right. From these examples it is quite clear that if anyone lawfully promoted from anywhere, lawfully appointed, not coming on his own account but sent by one who has authority to send him, has in any way once undertaken the office conferred on him of residing somewhere as bishop (though unworthy), so long as his appointer and committee are in a state of salvation (if I may venture to put it this way, though my ill-wishers may rave enough to murder me), he cannot legally be removed from his position, while the defence of the order stands secure – unless perchance it is the civil code rather than the precedents of the saints which is stronger, or the mill-house has more authority than the office of the pontiff. For once he has accepted it, a bishop cannot be driven from his position, unless there has been a prior, uninterrupted, hearing. By this precedent, there is no force strong enough to

³⁵ *Briefe*, no. 10, pp. 50-1 (*Complete Works*, trans. by Reid, pp. 241-2); Ps.-Zepherinus, JK †80, ed. Hinschius, p. 131; Ps.-Cornelius, JK †115, ed. Hinschius, p. 174; Gregory the Great, *Registrum*, I.77, ed. Norberg, p. 85.

³⁶ Mayr-Harting, *Church and Cosmos*, pp. 11, 29-30, 52-3, 56-7.

dislodge a bishop; reason, the praise and censure of Christians, the demands and prohibitions of the law, agree with equal weight and equally protect him.³⁷

This passage suggests that Rather had firmly grasped one of Pseudo-Isidore's central premises: strident insistence on episcopal rights and the virtual impossibility of deposition from office.³⁸ Indeed, in the ensuing chapter, Rather once again invoked the authority of the pseudo-popes and the letters of Gregory the Great:

I know that you [i.e. the other bishops at Rather's consecration] are well aware of the trenchant remark of Pope Alexander, who said: "If anyone fails to give help to one of these [i.e. a fellow bishop], he will be judged not a priest but a schismatic." These arguments are the supports of my position, unworthy though I am (I bring them up not of my own accord but in obedience to command), and I submit them to your most holy hands for appraisal [...] This *phreneticus* laboured to prove by the decretals of the saintly Fathers, namely Anterus, Calixtus, and Gregory, and by the precedents of several saints, that he was legally enthroned in a vacant Church. After inserting these precedents below, he [Rather] added: "No one can in any way invalidate what has been legally done, but should someone want to make it undone again by the charge, true or false, of some crime, these again are the supports on which I rely, thanks be to God. But I do not know if they will do me any good; these are times (for shame!) that do not recognize law." And having proved conclusively that he had been instituted according to the precedents of the saintly Fathers, and particularly by your pronouncement, and, as Pope Telephorus says, had as it were fortified himself in by building a wall of these arguments around him, he continues as follows [...]³⁹

Later, Rather invoked Pseudo-Anterus again:

Notice please (you easily can) how clearly the decree of Pope Anterus upsets your Eloquence's firm judgement against me, just as it also upsets the more distant judgements of all the same authority. For Anterus first says, most favourably to my cause: "But to both – that is, to those suffering hunger of the Word and to bishops in need when they are enthroned in other cities – a great amount of pity is shown. Those who deny this, though they have the appearance of piety, yet deny piety's essence".⁴⁰

Pseudo-Anterus, it has recently been observed, was a particularly oft-cited translation decretal, with wide currency in northern Italy at the turn of the tenth century, but it was also extremely ambiguous in its emphasis on the slippery requirement of *utilitas* or *necessitas*.⁴¹ As Rather recognized, however, these letters amounted to a general pronouncement that a transfer was acceptable provided the impulse to move did not originate with the bishop himself. In the light of his improper expulsion from Verona, Rather believed that this plainly applied to his case. But his justifications fell on deaf ears.

³⁷ *Phrenesis*, c. 11, p. 207 (*Complete Works*, trans. by Reid, pp. 252-3).

³⁸ Knibbs, 'Ebo of Reims', p. 155.

³⁹ *Phrenesis*, c. 12, pp. 207-8 (*Complete Works*, trans. by Reid, pp. 253-4); see above, n. 30, as well as Ps.-Telesphorus, JK †34, ed. Hinschius, p. 112.

⁴⁰ *Phrenesis*, c. 17, pp. 212-13 (*Complete Works*, trans. by Reid, pp. 258-9); Ps.-Anterus, JK †90, Hinschius, p. 153.

⁴¹ Leyser, 'Episcopal Office', pp. 803-6.

As a consolation prize, he was made abbot of the monastery of Aulne, in the bishopric of Liège, where he wrote his *Dialogus confessionalis* around 960. Shortly afterwards, he wrote to Brun of Cologne, revealing that Brun was arranging a synod to restore Rather to Liège, but he said he no longer wanted the position.⁴² Possibly he was already eyeing a return to Italy: in 961, he accompanied Otto I on his expedition to depose Berengar II and secure the imperial crown. En route to Rome, Otto reinstated Rather at Verona.

Pseudo-Isidore in the early tenth century

In an era before the supposed systematization of Pseudo-Isidore in Burchard's *Decretum*, Rather can be considered something of an early adopter of the False Decretals. There is good evidence that certain forms of the forgeries were becoming relatively common in the late Carolingian world. Canon law collections containing elements of Pseudo-Isidore were clearly circulating, and the False Decretals were invoked in the acts of synods such as Tribur (895), Trosly (909), and Hohenaltheim (916).⁴³ Apart from a few allusive airings, however, conciliar evidence for Pseudo-Isidore becomes remarkably thin until the end of the tenth century. Rather's recourse to the False Decretals thus emerges as one of the most concerted uses of the forgeries in the period between their swift dissemination around the year 900 and 'take-off' in the early eleventh century. Upon closer examination of the specific texts exploited by Rather and the subsequent footprint of his own case, it may be possible to discern a wider role for the embattled bishop with respect to both the integration of Pseudo-Isidorian norms in the broader canonical tradition and a shift in attitude towards episcopal translation.

The nomadic nature of Rather's career makes it hard to be sure where and in what form he found Pseudo-Isidore. As noted, however, he clearly knew the False Decretals from his first tenure in Verona (931–4). From the late ninth century, the False Decretals became widespread in northern Italy via a canon law collection known as the *Collectio Anselmo dedicata*, produced in perhaps Pavia or Vercelli during the episcopate of Anselm II of Milan (882–96). Of its two thousand canons, about five hundred were drawn from Pseudo-Isidore and about three hundred were excerpted from the letters of Gregory the Great.⁴⁴ The compiler of the *Anselmo dedicata* used a shorter form of the False Decretals known as the A2 recension. The A2 version contained all of 'Part one' of the corpus (forged decretals from Clement I to Melchisedech), almost nothing of 'Part two' (the

⁴² *Briefe*, no. 14, pp. 69-70 (*Complete Works*, trans. by Reid, pp. 318-19).

⁴³ Fuhrmann, *Einfluß*, I, 226; II, 311-15, 419; West, 'Legal Culture', pp. 352-8. On late Carolingian synods more generally see Hartmann, *Kirche*, pp. 109-38.

⁴⁴ See Irene Scaravelli, 'La collezione canonica *Anselmo dedicata*: lo status quaestionis nella prospettiva di un'edizione critica', in *Le storie e la memoria. In onore di Arnold Esch*, eds Roberto Delle Donne and Andrea Zorzi (Florence: Florence University Press, 2002), pp. 33-52; Linda Fowler-Magerl, *Clavis canonum. Selected Canon Law Collections Before 1140, MGH Hilfsmittel 21* (Hanover: Hahnsche Buchhandlung, 2005), pp. 70-4; Klaus Zechiel-Eckes, 'Quellenkritische Anmerkungen zur "Collectio Anselmo dedicata"', in *Recht und Gericht in Kirche und Welt um 900*, eds Wilfried Hartmann and Annette Grabowsky (Munich: R. Oldenbourg Verlag, 2007), pp. 49-65; Hartmann, *Kirche*, pp. 143-9. For the compiler's use of Pseudo-Isidore, see Fuhrmann, *Einfluß*, II, 425-35; and on the growing interest in Gregory's register in this period, see Leyser, 'The Memory of Gregory the Great', pp. 188-93.

Hispana Gallica Augustodunensis, an interpolated version of an authentic Spanish collection of conciliar decrees) and only the beginning of ‘Part three’ (forged and interpolated decretals from Sylvester I to Gregory II; A2 contains the first twenty letters, cutting off about halfway through those attributed to Damasus I).⁴⁵ The *Anselmo dedicata* thus further distilled the short-form Pseudo-Isidore.

As one would probably expect, all the decretals cited by Rather in his *Praeloquia* were included in and therefore most likely taken from the *Anselmo dedicata*, given its prevalence in Italy in the early tenth century. More surprisingly, however, all the decretals quoted or cited by Rather at any point, including those invoked in his letters and tracts of the 950s, could also be found in the *Anselmo dedicata* (and were thus derived from the A2 recension of the False Decretals).⁴⁶ In fact, there is no evidence that Rather knew any of the longer versions of Pseudo-Isidore. Perhaps most tellingly, of the four Pseudo-Isidorian decretals which discussed episcopal translation, Rather was familiar only with the three included in the *Anselmo dedicata* (those ascribed to Evaristus, Calixtus, and Anterus); nowhere does he imply knowledge of a further pronouncement attributed to Pelagius II which was omitted in the shorter A2 version.⁴⁷

The northward dissemination of the *Anselmo dedicata* has long been a subject of interest for the history of canon law, chiefly because it was through this collection that Burchard of Worms absorbed Pseudo-Isidore in his *Decretum* and ensconced the False Decretals in canonical tradition. The *Anselmo dedicata* was Burchard’s second most important source, after Regino of Prüm’s *Libri duo* (which made minimal use of Pseudo-Isidore).⁴⁸ The reception of the *Anselmo dedicata* outside of Italy is not well understood, however. It seems to have reached the West Frankish kingdom very early on, before the end of the ninth century: Milan Biblioteca Ambrosiana A. 46 inf., written at Reims, contains excerpts of Roman law seemingly taken from the *Anselmo dedicata*. The only complete extant manuscript from outside Italy is Paris Bibliothèque nationale lat. 15392, which was copied in Verdun in 1009 (another complete copy, Metz Bibliothèque municipale 100, perished in 1944). During the tenth century, other manuscripts made their way across the Alps, ranging from near-complete copies (e.g., Bamberg Staatsbibliothek Can. 5, written in Italy in the early eleventh century) to minor fragments.⁴⁹ Among these

⁴⁵ For an overview of the Pseudo-Isidorian components and manuscript classes, see <<http://www.pseudoisidor.mgh.de/>> (accessed 19 October 2017). This website, now defunct, will gradually be superseded by Eric Knibbs’s edition-in-progress of the False Decretals, <<https://pseudo-isidore.com/>> (accessed 19 October 2017). Klaus Zechiel-Eckes, whose work has transformed the study of Pseudo-Isidore in recent years, argued that this shorter version was the earliest form of the forgeries: see, for instance, his ‘Der “unbeugsame” Exterminator? Isidorus Mercator und der Kampf gegen den Chorepiskopat’, in *Scientia veritatis. Festschrift für Hubert Mordek zum 65. Geburtstag*, eds Oliver Münch and Thomas Zotz (Ostfildern: Jan Thorbecke Verlag, 2004), pp. 173-90.

⁴⁶ There is no edition of the *Anselmo dedicata*, but its contents can be explored via the *Clavis canonum* database: <<http://www.mgh.de/ext/clavis/index.html>> (accessed 19 October 2017). My findings are based on a collation of this database, Rather’s citations and quotations, and *Decretales Pseudo-Isidorianae*, ed. Hinschius.

⁴⁷ On this decretal, see Knibbs, ‘Ebo of Reims’, pp. 170-1.

⁴⁸ Hoffmann and Pokorny, *Das Dekret*; Austin, *Shaping Church Law*. For Regino’s use of Pseudo-Isidore, see Fuhrmann, *Einfluß*, II, 435-41.

⁴⁹ The most recent survey of these and other manuscripts is provided by Scaravelli, ‘La collezione canonica’. For the Verdun codex, see Charles West, this volume. For links between scholars and political

witnesses, it is striking to find that two northern Italian (possibly Milanese) fragments from c.900, Vatican Pal. lat. 580 and 581, found their way to Mainz, where they were housed at the cathedral of St Martin. Pal. lat. 580 breaks off in the fourth book of the twelve-book collection, while Pal. lat. 581 contains portions of the first three books.⁵⁰

One cannot help but notice that Rather of Verona offers a tantalizing link in this transmission. He stayed at Mainz with Archbishop William for about a year following his expulsion from Liège in spring 955, and it was there that he composed his letter to Balderic of Utrecht and the *Phrenesis*. Across all his writings, each of the decretals he cited could be found in the first four books of the *Anselmo dedicata* (which covered, respectively, the Roman church, bishops, councils, and priests). It is therefore quite possible that Rather, who demonstrably carried books with him on his travels across the post-Carolingian kingdoms, played some role in the dissemination of the *Anselmo dedicata*, and was perhaps even involved in the relocation of the two Palatini manuscripts to Mainz. Such an assertion is admittedly rather tenuous, and one might argue that Rather simply used another A2 version of Pseudo-Isidore, not necessarily the *Anselmo dedicata*. But the A2 recension achieved currency primarily via its redaction in the *Anselmo dedicata*, and, as we have seen, Rather would have almost certainly known this collection from his time in Italy in the 930s. The apparent limit of Rather's knowledge of the False Decretals to what was in the *Anselmo dedicata* even in the 950s, however, is striking.

It is also clear that some form of Pseudo-Isidore was circulating in Lotharingia, and in particular at Trier, where, as mentioned, Rather taught at the monastery of St-Maximin under Archbishop Robert's auspices in the early 940s.⁵¹ While Rather could have studied the False Decretals in Trier, the use of Pseudo-Isidore at the 948 synod of Ingelheim indicates that this was not an A2 copy but a 'long-form' recension. Robert played a leading role at Ingelheim, which was convened primarily to settle a long-running dispute over the archbishopric of Reims.⁵² As the chronicler and attendant Flodoard of Reims put it, the synod's judgement was made 'in accordance with the institutes of the sacred canons and the decrees of the holy fathers Sixtus, Alexander, Innocent, Zosimus, Boniface, Celestine, Leo, Symmachus, and others'.⁵³ While the (forged) decretals of Sixtus and Alexander were contained in A2, those attributed to the other popes were not. Since there is no evidence that Rather knew any long Pseudo-Isidorian recension, it seems unlikely that he drew on what was available in Robert's Trier.

figures in the West Frankish and Italian kingdoms at the end of the ninth century, see Frédéric Duplessis, 'Les sources des gloses des *Gesta Berengarii* et la culture du poète anonyme', *Aevum* 89 (2015), 205-63.

⁵⁰ Fuhrmann, *Einfluß*, II, 312 n. 46, 426 n. 8; Hartmann, *Kirche*, pp. 145, 182-3.

⁵¹ On the manuscript evidence for Pseudo-Isidore in Lotharingia, see West, 'Legal Culture', pp. 352-8.

⁵² *Die Konzilien Deutschlands und Reichsitaliens, 916–1001. Teil 1: 916–961*, MGH Conc. 6.1, ed. Ernst-Dieter Hehl (Hanover: Hahnsche Buchhandlung, 1987), pp. 135-63; Ernst-Dieter Hehl, 'Erzbischof Ruotbert von Trier und der Reimser Streit', in *Deus qui mutat tempora: Menschen und Institutionen im Wandel des Mittelalters. Festschrift für Alfons Becker*, eds Ernst-Dieter Hehl, Hubertus Seibert and Franz Staab (Sigmaringen: Jan Thorbecke Verlag, 1987), pp. 55-68.

⁵³ Flodoard of Reims, *Annales*, s.a. 948, ed. Philippe Lauer, *Les annales de Flodoard* (Paris: Alphonse Picard et Fils, 1905), p. 114; cf. MGH Conc. 6.1, pp. 162-3, with n. 223. On Flodoard's participation at Ingelheim, see Edward Roberts, *Flodoard of Rheims and the Writing of History in the Tenth Century* (Cambridge: Cambridge University Press, forthcoming), chapter 1.

Rather's role in the transmission of Pseudo-Isidorian attitudes towards episcopal mobility more generally is also worth a glance. In the late tenth century, questions were mounting over procedural regularity in the abdication, translation, and deposition of bishops.⁵⁴ Following his third and final ejection from Verona in 968, Rather returned to Lotharingia, where he apparently expelled his godson Abbot Folcuin from Lobbes and took over the monastery himself. Folcuin was soon restored and Rather returned to Aulne, remaining there until his death in 974.⁵⁵ Interestingly, it is precisely around this time that evidence for knowledge of Pseudo-Isidore becomes visible at Liège and Lobbes. The earliest demonstration of the False Decretals' presence would seem to be Heriger of Lobbes' *Vita Remacli*, written in the 970s, which drew on the decretal of Pseudo-Evaristus in a discussion of the canonical basis for episcopal abdication. Rather employed the language of this decretal in his 951 letter to Agapetus and later discussed it in a 963 letter to Bishop Hubert of Parma (also known as *De contemptu canonum*).⁵⁶ Elsewhere, legal minds continued to turn to Pseudo-Isidore's pronouncements on episcopal translation, as for instance in the case of Giseler, whose transfer in 981 from the diocese of Merseburg to its metropolitan see of Magdeburg was approved with the help of Pseudo-Anterus.⁵⁷

It is also clear that Rather's career was studied as a barometer of episcopal procedure: his ousting from Verona was highlighted at the synod of Saint-Basle in 991 as a case of unclear deposition. Here, Arnulf of Reims was deposed for treason and replaced by Gerbert of Aurillac. The *acta* of Saint-Basle are hardly typical conciliar proceedings, however; they were assembled by Gerbert himself to render Arnulf's guilt incontrovertible, and the text is replete with insinuation, interpretation, and invention.⁵⁸ Following Arnulf's confession, the bishops had to decide how exactly to stage the deposition, so they turned to late Roman precedents and recent history for guidance. Pseudo-Isidore featured prominently at Saint-Basle: earlier, Bishop Ratbod of Noyon had brought forth a Lotharingian law-book, which, as the subsequent quotations make clear, was a copy of the False Decretals.⁵⁹ In Gerbert's *acta*, Rather's deposition from Verona (it is not clear which one) was named as an example of an ambiguous procedure, for as far as anyone present could tell he had been removed from office without writing a letter of abdication or laying down his priestly insignia.⁶⁰ This is all we are told about the council's discussion of Rather. Is it pure coincidence that Gerbert, himself forced to flee

⁵⁴ For possible manuscript evidence of enquiries into this question at Cologne in relation to Rather's case, see Mayr-Harting, *Church and Cosmos*, p. 138 n. 32.

⁵⁵ Folcuin, *Gesta abbatum Lobbiensium*, c. 28, ed. Pertz, pp. 69-70.

⁵⁶ J. R. Webb, 'The Decrees of the Fathers and the Wisdom of the Ancients in Heriger of Lobbes' *Vita Remacli*', *Revue Bénédictine* 120 (2010), 31-58 (pp. 39, 44-6); *Briefe*, no. 16, p. 79 (*Complete Works*, trans. by Reid, p. 358).

⁵⁷ *MGH Conc.* 6.2, pp. 370-1; Scholz, *Transmigration*, pp. 177-87.

⁵⁸ For recent discussion, see Jason Glenn, *Politics and History in the Tenth Century: The Work and World of Richer of Reims* (Cambridge: Cambridge University Press, 2004), pp. 98-109; Charles West, *Reframing the Feudal Revolution: Political and Social Transformation Between Marne and Moselle, c.800-c.1100* (Cambridge: Cambridge University Press, 2013), pp. 163-7.

⁵⁹ *MGH Conc.* 6.2, p. 414.

⁶⁰ *MGH Conc.* 6.2, pp. 442-3.

Reims in 996 and soon deposed, went on to transfer first to the archbishopric of Ravenna and then to the bishopric of Rome, where in 999 he became Pope Sylvester II?

Conclusion

With these subsequent developments in mind, it is worth stressing again that Rather may not necessarily have been the irascible, odious ‘madman’ presented in his own writings.⁶¹ But even if this was a literary persona, in his actions he clearly did himself no favours. Looking beyond his self-assessment, contemporaries like Folcuin of Lobbes show that he tested the patience of many. His stubborn behaviour must be at least partly responsible for his failure, given that he was otherwise presented with considerable career opportunities. Yet, as we have also seen, Rather was a well-connected, mainstream Ottonian bishop whose intellectual prowess was widely respected. His moves across the Ottonian Reich were frequently made possible by an elite network of associates that went right to the top of imperial government. Indeed, he was keen to point out this eminence:

With the gracious approval of the king [Otto], with the support of the archbishop whose particular province it was [i.e., Brun of Cologne], with the vote of the clergy and the congregation [of Liège], with the sanction of the decretals, with better men as precedents in no small number, with the consent of the canons, with the voice and counsel of the compatriot bishops, on the announcement of a speaker of such power as you [i.e., Robert of Trier], and announcing it so convincingly from the high pulpit of that splendid church that none could be unaware of it, with the support of so pious a clergy and so vast a multitude, with the blare of trumpets accompanying the melodies of the hymns – with all this, Rather was hailed, ordained, and installed as bishop, one who had no church, for a church that had no bishop.⁶²

Rather repeatedly stressed the quality of all the prelates involved in his installation at Liège and the ceremony’s procedural impeccability.⁶³ He may well have recognized that the canons alone were not enough to sanction his transfer or facilitate a restoration: after all, he had not secured either papal or conciliar assent, as prescribed by the decretals of Pseudo-Calixtus and Pseudo-Anterus. Rather’s case demonstrates that translation was subject to political expediency in the Ottonian world. On the one hand, he had been both made and unmade bishop of Liège by powerful men during a period of great instability. The delicate political situation in Lotharingia following the collapse of the rebellion of 953–4 made intervention by Brun and Otto to restore him far too risky. On the other hand, there was no fixed process for establishing the validity of a transfer. There may still have been ambivalence towards the authority of the relevant decretals, as can perhaps be glimpsed even in Rather’s *Conclusio deliberativa*, when he asserted that his invocation of Calixtus, Anterus, and Gregory stood ‘only if there is no doubt about the testimony of such great authority’.⁶⁴

⁶¹ As argued by Van Renswoude, ‘The Sincerity of Fiction’, pp. 228–9.

⁶² *Phrenesis*, c. 11, p. 206 (*Complete Works*, trans. by Reid, pp. 252).

⁶³ Scholz, *Transmigration*, pp. 174–6.

⁶⁴ *Conclusio deliberativa*, p. 6 (*Complete Works*, trans. by Reid, p. 240).

Finally, Rather's connectedness makes it easier to see him as a mouthpiece for contemporary ideas about episcopal power. It was Rather who essentially introduced canonical debates over translation to Ottonian audiences. Pseudo-Isidorian decretals would soon resurface in the case of Bishop Giseler's translation of 981. This time, however, with the situation in Rome transformed following the Ottonian conquest of Italy, a compliant papacy happily approved Giseler's transfer. The scene was set for a revolution in clerical mobility in the coming generations. The prohibition of translation was one of the few norms established by the early Church that was so completely overturned in the Middle Ages. This could only come about following a long process of reification in which translation was legitimized as a return to ancient practice – in modern parlance, a 'reform', albeit a slightly ironic one. Just when churchmen were arguing most fervently for an end to simony, new opportunities for career mobility rapidly became institutionalized. Translation was converted from a perceived abuse to a standard procedure: eventually, by the papacy of Innocent III, moving bishoprics was completely normalized, provided it was done with papal approval.⁶⁵

Before this era, however, incidents such as Rather's bid to become bishop of Liège provided occasions for clerics to revisit and reinterpret church regulations. In law-books, they increasingly encountered a radical set of ancient norms, apparently ignored by many canonical traditions, but eminently applicable to circumstances prevailing in the expansive new world of the Ottonian empire. Pseudo-Isidore was gaining traction. Rather's attempt to defend his transfer through an innovative application of the False Decretals, unsuccessful though it was, contributed to fresh debates over the rights and powers of bishops and to the emergence of a canon law of episcopal translation. This episode, hitherto seen as a sideshow of the Ottonian subjugation of Lotharingia and a curious but negligible flashpoint of tenth-century episcopal conflict, may be more revealing than has usually been thought.

⁶⁵ Kenneth Pennington, *Pope and Bishops: The Papal Monarchy in the Twelfth and Thirteenth Centuries* (Philadelphia: University of Pennsylvania Press, 1984), pp. 85-100.