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## Liber Belial: a vademecum for roman-canonical procedure in Europe

### A successful vademecum about the civil procedure

- 1 The following essay is a summary of some results of a group research, coordinated by Prof. Francesco Mastroberti (University of Bari Aldo Moro) <sup>1</sup>, on the *Consolatio peccatorum* or *Processus Belial*, written by Giacomo Palladino alias Jacopo da Teramo (1349-1419) <sup>2</sup>. The research was followed the reading of the French printed edition, translated by Pierre Farget and published by Mathis Husz (Lyon) in 1487, and went on with the identification and the comparison of the main European editions, the Italian ones particularly. Its purpose was to develop a historical-juridical research so to reconstruct the roman-canonical procedure made between XIII and XVI centuries <sup>3</sup>, to trace its sources and outline the procedural differences within several European areas, through the Palladino's work <sup>4</sup>.
  1. F. Mastroberti, S. Vinci, M. Pepe, *Il Liber (...)*
  2. Cf. J.R. von Stintzing, *Geschichte der populären Literatur des (...)*
  3. Cf. M. Ascheri, *Tribunali, giuristi e istituzioni dal (...)*
  4. This comparative work carried out on the basis (...)
  5. *Speculum iudiciale* by Guilelmus Durandus was published between (...)
  6. Bartolus de Saxoferrato wrote more works of this (...)
  7. Cardelle de Hartmann, *Die "Processus Satanae" (cit. 2), (...)*
  8. Cardelle de Hartmann, *Die "Processus Satanae", (cit. 2), (...)*
  9. Müller, *Belial (cit. 2), p. 519: «Belial oder (...)*
  10. About the manuscripts it is possible to refer (...)
  11. For the printed editions, the most reliable is (...)
  12. Hagemann, *Der processus Belial (cit. 2), p. 57: (...)*
  13. Müller, *Belial (cit. 2), 519. (...)*
  14. Ascheri, *Tribunali, giuristi e istituzioni (cit. 3), p. (...)*
  15. G. Salvioli, *Storia della procedura civile e criminale, (...)*
  16. Salvioli, *Storia della procedura civile e criminale (cit. (...)*
  17. Cardelle de Hartmann, *Die "Processus Satanae" (cit. 2), (...)*
  18. M. Cappelletti, *Processo e ideologie, Bologna 1969, p. (...)*
  19. Müller, *Belial (cit. 2), p.*
- 2 It is possible to collocate *Liber Belial* between several printed works or manuscripts (spread across Europe during XIV and XVI centuries) on treaties of procedure such as *Speculum Iudiciale* by Guilelmus Durandus <sup>5</sup> or the "mock trials" e.g. *Satan contra Mariam* attributed to Bartolus de Saxoferrato <sup>6</sup>, which sought to explain deeply the procedural system and the apprentice in the courts. It was well-identified by Carmen Cardelle de Hartmann, in 'Satanprozesse' - «eine Gruppe von Texten, die zwischen dem zwölften und dem sechzehnten Jahrhundert in verschieden europäischen Sprachen entstanden sind» <sup>7</sup> - was staged a judgement: «der Teufel kommt vor das himmlische Gericht und reicht eine Klage ein, denn er will sein ihm entwendetes Eigentum, nämlich die Menschheit, zurückhaben. Im Prozess steht vor ihm ein Anwalt der Menschheit, dem es gelingt, die Ansprüche des Teufels abzuwenden» <sup>8</sup>.
- 3 Between the 'Satanprozesse', the case *ioco serius* of Palladino - in which the author described an imaginary lawsuit brought against the dispossession suffered by Jesus, who had gone down into hell after his resurrection and had liberated all the souls of the Patriarchs <sup>9</sup> - had a vast diffusion in all the Europe since the XVth century with several translations (there were manuscripts <sup>10</sup> and printed editions <sup>11</sup> currently identified only in part), that passed the border of the Channel <sup>12</sup>. Jörg Müller wrote: «Durch diese Art ist der *Belial* im lit. Genre der Teufelsprozesse wohl einer der erfolgreichsten, was sowohl die hss. Überlieferung, als auch die rasche Aufnahme in frühe Drucke und etliche Übersetzungen (u.a. dt., franz., engl., dän., ung.) bezeugen» <sup>13</sup>. The success of this work was justified by the fact that *Liber Belial* became an easy reading vademecum about Civil law procedure that was «elaborate, written, with a specific vocabulary, solemn and long» <sup>14</sup>, with a very strong fragmentation between Justinian sources and Papal provisions <sup>15</sup>. So it was requested to be «popularized» <sup>16</sup>. Carmen Cardelle de Hartmann wrote: «Aber das ganze didaktische Potential des 'Processus' hat erst Jacobus von Theramo in seinem *Belial* ausgeschöpft. Dort wird ganz genau ein Verfahren dargelegt, alle Urkunden werden angeführt, so dass der *Belial* als Lehrbuch des Verfahrensrechts eingesetzt werden konnte, ein geradezu unterhaltsames Lehrbuch für ein ausgesprochen trockenes Fach» <sup>17</sup>. The large compendium of juridical citations, given by Palladino for accompanying the reader with «small steps or detailed and pre-determined formal words» of the so-called Romano-canonical proceeding <sup>18</sup>, doubtless made a success of the work. <sup>19</sup>
- 4 But which were the sources suggested by the author and which main sources did he refer to especially? For answering these questions I thought of grouping all the legal references in the Italian *Beliale volgare* <sup>20</sup> into categories and comparing them with the French printed edition translated by Pierre Farget and the German

one, which we assume to be the first one published in Germany and the most ancient edition found in Europe, edited by Albrecht Pfister and printed in Bamberg in 1464.

520: «Ausdrücklich wird (...)

20. This is the Italian edition of the text (...)

5 It is possible to group the legal notes <sup>21</sup> of *Beliale volgare* into "simple notes", formed by a unique reference to a doctrinal or a law source (canonical or roman) and "complex notes" formed by more references to doctrinal and law sources or between Canon law and Roman law sources. So we can say that the purpose of the author was to give a complete picture of juridical references to the readers, which possibly show satisfactory indications and instructions.

21. By the term "note", I mean to indicate (...)

6 In the 249 juridical notes of *Beliale volgare* it is possible to find 121 single <sup>22</sup> and 128 complex citations <sup>23</sup>.

22. References to a single fragment of a single (...)

23. The multiple citations can be found in the (...)

7 Another subdivision into three groups was made according to the previous classification:

1. Simple citations (a citation of a fragment of a source):
  - a. commentaries
  - b. Canon law
  - c. Roman law
2. Complex citations (more citations of more passages from doctrinal or legal sources)
  - a. commentaries
  - b. Canon law
  - c. Roman law
3. Complex mixed citations (more citations of more passages from doctrinal and legal sources)
  - a. commentaries and Canon law
  - b. Canon and Roman law

### **First group: simple citations**

8 There are 121 simple notes written in *Liber Belial* (Italian edition). Among these, 53 refer to *Liber Extra* <sup>24</sup>, 34 to *Decretum* by Gratianus <sup>25</sup>, 13 to *Liber Sextus* <sup>26</sup>, 6 to *Codex* by Justinian <sup>27</sup>, 3 to *Clementinae* <sup>28</sup>, 3 to *Digesta* <sup>29</sup>, 3 to *Authenticum* <sup>30</sup>, 3 to *Glossae* to *Liber Extra* <sup>31</sup> and 3 to *Glossae* to *Clementinae* <sup>32</sup>. By this synthetic numerical summary it is possible to understand immediately the preponderance (for this group of sources, but it is also possible to generalize this concept) of the canon law and especially the absolute predominance of the citations of *Liber Extra* <sup>33</sup>.

24. Notes n. 7, 9, 12, 16, 17, 18, (...)

25. Notes n. 30, 38, 45, 64, 73, 92, (...)

26. Notes n. 5, 21, 47, 61, 77, 110, (...)

27. Notes n. 72, 106, 144, 146, 178, 232. (...)

28. Notes n. 83, 193, 223. (...)

9 There are only 6 simple citations of doctrinal sources. In this group there are 3 simple notes referring to *Glossa ordinaria* to *Liber Extra* by Bernardus Parmensis <sup>34</sup> and another 3, that refer to *Glossa ordinaria* to *Constitutiones Clementinae* by Johannes Andreae <sup>35</sup>. For instance the note n. 6 of *Beliale Volgare*: written in the chapter III linked to the «rescritto della delegazione», in which God chooses as expert judge King Salomon, it is possible to read: «Come si nota nel ditto §. In la glosa. Olim». First of all «ditto §», which the author refers to individuate the title of *Liber Extra* (it has to be identified with the main source, when there is no other identifying information about a normative body) corresponds to the title I, title III «de rescriptis», obtainable from the previous note, in which the homonymous title of *Liber Sextus* is recalled <sup>36</sup>. In this title, chapter XXV was opened with the word «Olim ex literis» <sup>37</sup>, to which corresponds *glossa* with the same incipit <sup>38</sup>.

29. Notes n. 69, 94, 214 (...)

30. Notes n. 66, 100, 118. (...)

31. Notes n. 6, 44, 86. (...)

32. Notes 58, 91, 113. (...)

33. Müller, *Belial* (cit. 2), p. 520: «die Allegationen (...)

34. Cf. P. Ourliac, *Bernard de Parme ou de* (...)

35. Cf. Erdö, *Storia della scienza del diritto canonico* (...)

36. Note n. 5: «Come si nota de rescriptis. (...)

37. X 1.3.25: «Quando in rescripto plura narrantur, diversos effectus (...)

10 Conversely, there are 103 simple citations of canonical law sources, that have an absolute numeric predominance, compared to the others with the prevalence to the citations to *Liber extra*, mentioned 53 times. It is possible to discover the importance for the author of this source not only through the recurrence of the notes, but also because he did not use abbreviations to identify the work.

38. *Glossa*: «[Olim ex literis] Dividit primo ponitur

11 There are only 12 simple Roman law citations, divided into *Authenticum*, *Digesta*

and Codex : the last one is mentioned more often.

consultat (...)

### **Second group: complex citations**

- 12** There are 84 notes <sup>39</sup>, which are the result of more citations of the same or different sources. They belong to this huge group, but just one of them links two different canonical doctrinal sources, 80 refers to different canonical law sources and 3 to roman law sources.
- 13** Among the few doctrinal notes, 12 in total between simple and complex, just one refers two canonical law sources. It is the note n. 103 composed of two parts: the first (Come si nota nella glosa nel cap. Impetrandis de iuramento calumniae) refers to Glossa ordinaria to Liber Extra, book II, title VII de iuramento calumniae, chapter III in pertractandis <sup>40</sup>; the second one (Et in quel medesimo tit. capit. penulti. lib. vi. ne la glosa) refers to Glossa ordinaria to Liber Sextus by Johannes Andreae <sup>41</sup>, book II, title IV de iuramento calumniae, chap. II which begins with the words «In appellationis causa» <sup>42</sup>.
- 14** Among the 80 citations to canonical law sources, 26 refer to more decretals of Liber Extra <sup>43</sup>; 6 more canons of Decretum <sup>44</sup>; 1 more constitutions of Liber Sextus <sup>45</sup>; whilst 22 combine Liber Extra with Decretum <sup>46</sup>; 12 Liber Extra with Liber Sextus <sup>47</sup>, 5 Decretum with Liber Sextus <sup>48</sup>; 3 Liber Extra and Decretum with Liber Sextus <sup>49</sup>; 2 Liber Extra with Clementinae <sup>50</sup>, 1 Liber Extra, Clementinae with Liber Sextus <sup>51</sup>; 1 Liber Sextus with Clementinae <sup>52</sup> and 1 Decretum with Clementinae <sup>53</sup>.
- 15** An example of multiple citation of the same source may be found in the note 14 «come si nota, de probationibus. Quoniam igitur, e de appellationibus. cum pati», placed at the bottom of the very short chapter VII, which describes the «Relatione per lo nuncio fatta secondo la commissione data à lui». This recalls two decretals of Liber Extra <sup>54</sup>: the first refers to book II, title XIX De probationibus, chapter XI, which incipit is formed by the words «Quoniam contra» <sup>55</sup>; the second one also to book II, title XXVIII De appellationibus, recusationibus, et relationibus, chapter XIX, which begins with the words «Quum parati» <sup>56</sup>.
- 16** In the group of the Roman law complex citations it is possible to attribute just 3 notes that combine more constitutions of Codex <sup>57</sup>, Codex with Authenticum <sup>58</sup> and Codex with Digesta <sup>59</sup>. The small number of citations, which unifies different roman law sources, allows to verify the absolute predominance of the canonical element in Palladino's works. For this reason it is very important to study the cases, in which the canonical sources were not considered.
- 17** In this group there are 44 notes and just 4 of them combine commentaries (the note 119 is the only, that refers to Speculum Iudiciale linked to Liber Extra and to Clementinae) and canonical law sources (in the Italian version of Consolatio peccatorum there are not links between commentaries and roman law sources). The other 40 notes combine canonical and roman law sources. In general, also in this case, it is possible to highlight the strong presence of Liber Extra, that was frequently combined with sources of Justinian compilation, to Speculum Iudiciale and to glossae to other canonical sources.
- 18** The notes, combining commentaries (canonical or roman) and canonical law sources, are completely different. Indeed the first one refers to Liber Extra, Decretum and glossae to Liber Sextus <sup>60</sup>; 1 to Speculum Iudiciale, Liber Extra and Clementinae <sup>61</sup>; 1 to Clementinae and glossae to the Clementinae <sup>62</sup>; 1 to Liber Extra and Novella by to Liber Sextus <sup>63</sup>.
- 19** Among the 40 notes that combine sources of canonical and roman law, 9 of them
39. Notes n. 1, 2, 3, 4, 8, 10, (...)
40. Gl. ad X 2.7.3: « In pertractandis.] Iurari (...)
41. Cf. Erdö, Storia della scienza del diritto canonico (...)
42. Gl. ad VI 2.4.2: « In appellationis causa.] (...)
43. Notes n. 13, 14, 33, 34, 41, 50, (...)
44. Notes n. 11, 25, 27, 160, 221, 228. (...)
45. Note n. 186. (...)
46. Notes n. 3, 4, 8, 32, 37, 62, (...)
47. Notes n. 1, 10, 40, 51, 56, 98, (...)
48. Notes n. 26, 155, 161, 162, 224. (...)
49. Notes n. 130, 151, 157. (...)
50. Notes n. 141 e 172. (...)
51. Note n. 2. (...)
52. Note n. 182. (...)
53. Note n. 220. (...)
54. To understand the above quotation, the French version (...)
55. X 2.19.11: « Iudex debet habere notarium vel (...)
56. X 2.28.19:« . H. d. et est casus (...)
57. Note n. 147. (...)
58. Note n. 84. (...)
59. Note n. 109. (...)
60. Note n. 24. (...)
61. Note n. 119. (...)
62. Note n. 183. (...)
63. Note n. 191c (...)
64. Notes n. 20, 39, 42, 46,

mention fragments of Liber Extra and Digesta by Justinian <sup>64</sup> ; 7 of Liber Extra and Codex <sup>65</sup> ; 5 of Digesta , Liber Extra and Decretum by Gratianus <sup>66</sup> ; 4 of Decretum and Digesta <sup>67</sup> ; 3 of Liber Sextus and Digesta <sup>68</sup> ; 2 of Decretum and Codex <sup>69</sup> ; 2 of Codex, Decretum, Liber Extra and Clementinae <sup>70</sup> ; 2 of Codex, Liber Sextus and Liber Extra <sup>71</sup> ; 2 of Decretum, Codex and Liber Extra <sup>72</sup> ; 1 of Digesta , Decretum and Liber Sextus <sup>73</sup> ; 2 of Liber Extra and Authenticum <sup>74</sup> ; 1 of Institutiones by Justinian, Liber Extra, Clementinae and Digesta <sup>75</sup> . Again, the source most commonly recurring is the Liber Extra , which brings together different sources of Roman law. It is probably enough to examine the note n. 20 ( Come si nota nel cap. de iudiciis. Intelleximus. Et nel digesto. si quis casu. lege Servus ) in chapter XI entitled «Oppositioni fatte per Moise procuratore di Giesù contra Belial procuratore dell'inferno, et altri»: on the specific objection raised by Moses on the inability to stand on a trail for excommunicated people, It referred above all to a decretal of Liber Extra and in addition a fragment of Digesta . The first part ( Come si nota nel cap. de iudiciis. Intelleximus ) clearly identifies Liber Extra (without a different reference to other sources), book II, title I De iudiciis , chap VII (its heading concerns exactly the question addressed in the Italian text: « Excommunicatus in iudicio, nisi tanquam reus, stare non potest. Idem Paduano Episcopo») which incipit is the verb «Intelleximus» <sup>76</sup> . The second part of the note ( Et nel digesto. si quis casu. lege Servus ) refers to Digesta , title «Si quis cautionibus in iudicio sistendi causa factis non obtemperabit», fragment D.2.11.9 which begins with the words: «Si servus» <sup>77</sup> .

### The impact of Liber Belial in modern and contemporary historiography

- 20 The large compendium of quotations that accompanied the judicial phases of the trial may have been the reason why the Liber Belial had a vast fortune during the Middle Ages <sup>78</sup> . As matter of fact, despite not having a scientific character, the work lent itself well to the needs of practical people that, through it, could easily learn how the process works, reference principles, terms and formulas of acts <sup>79</sup> .
- 21 The reasons that led Jacopo Palladino to begin the Work must be seized in the political situation that was living the Church in the Fifteenth Century as a result of the Great Western Schism of 1378: the book of Belial was, in fact, an important allegorical work impersonating Jesus and Satan in the battle fought with religious, political and legal weapons between the Roman Pope Urban VI - perhaps the real inspirator of the work - and the french Antipope Clement VII <sup>80</sup> . The multidisciplinary approach among law, prophecy and theology would then allowed to argue before the people of God the Pope's reasons, in Rome, in proceedings with the cyclopean dimensions that was tearing the Church: and in fact the imaginative process established by Satan against Jesus to regain possession of the souls of the Patriarchs was the obvious metaphor of Avignon seizure and the return of the papacy in Rome that had triggered the reactions of French ecclesiastics. Such references were anything but hidden by the author, whom in one passage of Liber Belial makes specific reference to the Avignon captivity, comparing the French city to the demonic ancient Babylon <sup>81</sup> .
- 22 Although the work was banned by the Council of Trent in the first edition of the Index in 1559 <sup>82</sup> the text returned to prominence in 1611 as Processus Luciferi contra Jesum coram iudice Salomone in the collection Processus iuris joco-serius , published in Hanover in 1611, along with Processus Satanae contra Divam Virginem coram iudice Jesu attributed to Bartolo da Sassoferrato <sup>83</sup> and Arresta amorum, sive processus inter amantes, cum decisionibus Parlamenti by Marziale d'Auvergne <sup>84</sup> : these were all imaginary processes of the Fourteenth and Fifteenth Century (age can be said of consolidation of the roman-canonical procedure <sup>85</sup> ) processed by different authors and in different geographical contexts shared by a plot of the case still considered useful ad usum fori . And in fact the legal interest for Liber Belial continued until the end of Seventeenth Century: in 1617 the jurist Jacob Ayer (1569-1625) puts it in his collection Historicher Processus Juris , explicitly direct to the practice of judgments and republished in 1691 with additions of Ashaver Fritsch <sup>86</sup> .
- 23 An inevitable loss of interest for Consolatio peccatorum came with the Enlightenment that - condemning all the works of the Middle Ages, considered a barbaric century - did not spare the text of Palladino, one of the most genuine expressions of Medieval world with his load vague of mysticism, theology, politics and law. We read in Encyclopédie ou dictionnaire raisonné des sciences, des artes et des métiers of 1771: «tout cela est aussi grossièrement traité [...]. Les

54, 55, (...)

65. Notes n. 28, 68, 78, 88, 120, 170 (...)

66. Notes n. 22, 23, 90, 205 e 239. (...)

67. Notes n. 29, 31, 153 e 184. (...)

68. Notes n. 53, 112 e 213. (...)

69. Notes n. 70 e 108. (...)

70. Notes n. 137 e 216. (...)

71. Notes n. 145 e 203. (...)

72. Notes n. 195 e 196. (...)

73. Note n. 247. (...)

74. Notes n. 136 e 164. (...)

75. Note n. 15. (...)

76. X 2.1.7:

«Excommunicatus in iudicio, nisi tanquam reus, (...)

77. D. 2.11.9: « Ulpianus libro septuagesimo septimo ad (...)

78. The practical means that the author gave to (...)

79. The merely informative approach would explain why the (...)

80. F. Mastroberti, Il Liber Belial di Giacomo Palladino, (...)

81. Palladino, Beliale volgare (cit. 20), cc. 104v - (...)

82. Index auctorum et Librorum, qui ab Officio sanctae (...)

83. Cf. Cardelle de Hartmann, Die "Processus Satanae" (cit. (...)

84. Arresta amorum are a collection of the Fifteenth (...)

85. Mastroberti, Il Liber Belial di Giacomo Palladino (cit. (...)

86. Historischer Processus Juris, Frankfurt am Main 1691. (...)

87. L. de Jaucourt, Teramo, in: Encyclopédie ou dictionnaire (...)

88. Nuovo dizionario storico, ovvero istoria in compendio di (...)

passages de l'écriture y sont cités d'une manière comique, et plus propre à faire rire qu'à édifier»<sup>87</sup>. This negative opinion reverberated in Italy, in Nuovo Dizionario Istorico published in Naples in 1791, in which we read that the titles of Consolatio «mostrano bastantemente quale sia il libro, nel quale sono tali cose ridicole e talvolta quasi empie, che ad alcuni è venuto in sospetto siervi state fatte non poche aggiunzioni da qualche maligno impostore ... Palladino lo compose in età di trentatré anni e forse in età più matura avrebbe scritto diversamente, oltredicché molto bisogna donare alla nota barbarie e strana maniera di pensare di que' tempi»<sup>88</sup>; and in Storia della letteratura italiana by abbot Girolamo Tiraboschi, published in Florence in 1807, in which Liber Belial was defined «insulso libercolo», whose «titolo abbastanza ci mostra la sciocchezza del libro»<sup>89</sup>.

89. G. Tiraboschi, Storia della letteratura italiana, Firenze 1807, (...)

24 After negative opinions matured in the Enlightenment, who had led the Liber Belial in oblivion, in 1820 the text was rediscovered for its practical purposes by André-Marie-Jean-Jacques Dupin - in the renewed romantic climate of Nineteenth Century, inclined to be seduced by the medieval world - wanted to add it in his Notices historiques, critiques et bibliographiques sur plusieurs livres de jurisprudence française, attributing a relief for the lawyers training<sup>90</sup>. Perhaps thanks to the opinion of Dupin, in the following years the interest around the work of Palladino grew again surpassing the borders of Europe: The correspondent of New York in the First number of 1827 (January 20) opened the Miscellaneous section with a long article on Liber Belial - attributed to Palladino «Archbishop of Florence, and legate Pope" - was described as «very extraordinary and curious book»<sup>91</sup>.

90. A.-M.-J.-J. Dupin, Notices historiques, critiques et bibliographiques sur (...)

91. The correspondent, vol. I, January 20 to July (...)

25 Friedrich Carl von Savigny's opinion was different: in his Geschichte des römischen Rechts im Mittelalter (Bd. 6, 1831), examining the Quaestio inter verginem Maria et diabolum generally attributed to Bartolo da Sassoferrato<sup>92</sup>, Savigny felt that Liber Belial, s. processus Luciferi contra Christum by Iacopo da Theramo was a mere imitation of the long pedantic joke of Bartolo and as such almost irrelevant<sup>93</sup>. The opinion of the illustrious German jurist engraved significantly on luck of Consolatio peccatorum in later historiography, which could not help but overshadow the text of Palladino with respect to the process of the great commentator coming from Bologna<sup>94</sup>. In fact, references to the book of Belial in the following years were rare. Among these, are the short contributions merely descriptive of the work by Italian historians coming from Teramo, birthplace of Jacopo Palladino, and in particular by the priest Niccola Palma in his Storia della città e diocesi di Teramo (1836)<sup>95</sup>; and by Gaetano Crugnola in the essay entitled Belial o Consolatio Peccatorum di Giacomo Paladini published in 1897 in the Rivista abruzzese di scienze, lettere ed arti<sup>96</sup>. In 1866, the book of Belial also appeared under the heading «Teramo» in Nuova Enciclopedia Popolare for which «il Processus Luciferi doveva servire, nell'intenzione dell'autore, a far conoscere in una forma meno arida dell'usato i segreti della procedura»<sup>97</sup>.

92. The authorship of Bartolo of this work is (...)

93. F.C. von Savigny, (...)

94. Schoemaker, When the devil went to Law School (...)

95. N. Palma, Storia della città e diocesi di (...)

96. G. Crugnola, Belial o Consolatio Peccatorum di Giacomo (...)

97. Nuova Enciclopedia Popolare italiana, ovvero dizionario generale di (...)

26 Except for these interventions, the first to react to the minimization of Savigny on Liber Belial was Roderich Stintzing in his Geschichte der populären Literatur des römisch-kanonischen Rechts, published in Leipzig in 1867: he assigned a prominent place at Liber Belial within the legal literature of the reception of the roman-canonical procedure and ius commune in Germany,<sup>98</sup> calling it a «prozessualische Lehrbuch»<sup>99</sup>. In the same way Emil Ott in his Beiträge zur receptions-geschichte des römisch-kanonischen processes in den böhmischen ländern (Leipzig 1879) supported the importance of Liber Belial as part of the reception, highlighting the interesting legal content<sup>100</sup>. At the end of the nineteenth century, therefore, in Germany, began a reassessment of the text, for his profile of procedural manual devoted to the practice. And those comments were reflected also in Italy, where in 1925, the legal historian Gaetano Salvioi in his Storia della procedura civile e criminale inserted between the major works of procedure made in Italy in the Fourteenth Century both Processus of Bartolo and Liber Belial, recognizing authoritatively to the work of Palladino a significant legal meaning<sup>101</sup>.

98. On German legal literature on the Fifteenth and (...)

99. R. Stintzing, Geschichte der populären Literatur des römisch-kanonischen (...)

100. E. Ott, Beiträge zur receptions-geschichte des römisch-kanonischen processes (...)

101. G. Salvioi, Storia della procedura civile e criminale, (...)

27 The renewed interest in the work especially in the German scientific community, made to mature the conviction that it was necessary a critical edition of the Liber Belial that would help solve the doubts about the legal or theological identity of the text and identifying differences between the different printed editions than the original Latin manuscript, never identified. A first comparative approach to Liber Belial was the one followed by the English medievalist Paul B. Salmon<sup>102</sup> who, in the early fifties of the Twentieth Century, had tried to compare the Latin edition of

102. P.B. Salmon, Jacobus de Theramo and Belial, in: (...)

103. I. de Theramo, Consolatio peccatorum, seu Processus Belial, (...)

104. Salmon refers to Ms.

the text - that the author identified with the first edition in latin printed in Augsburg in 1472<sup>103</sup> - with the german edition, found in a manuscript of the early Fifteenth Century preserved in the University Library of Heidelberg<sup>104</sup>. A series of aspects, writes Salmon, differentiate the two versions. Stylistic aspects, first of all, but also of content: for example, the almost total absence, in the german version, of references to the Schism, or the fact that in the german version, there would be a greater number of references to legal texts as if Belial could have hired just beyond the Alps its nature of matrix legal text<sup>105</sup>. However, as pointed out Norbert Ott in his detailed study on the german editions of *Consolatio peccatorum*<sup>106</sup>, Salmon considered a base of manuscripts relatively narrow and rather random: it was a useful work, but certainly not exhaustive of the text. Further attempt to publish a critical edition of the text of Palladino was experienced in Italy in 1985 by the historian Angelo Lettieri who merely give to the press the venetian edition in latin of 1533, accompanied by introductory notes in which refuted every heresy of work, reconstructing the Palladino biography and bibliography and attributing to his work a prevalent theological character<sup>107</sup>.

**28** In the last decade, the european scientific historiography has shown a growing interest in the work from a historical-legal profile: in this line fit interventions of Eltjio Schrage of 2001, who recognized the practical purpose of the Work «as an introduction to the law of procedure, for students, legal clerks, proctors, solicitors and other practitioners. For that purpose it illustrates every possible stage of the procedure and shows, a complete, ordinary procedure, from the beginnings (the citatio) until the final judgement, at first instance and in later stages, including the form in which compromissa are concluded. The legal acts in writing are discussed, the oaths, the hearing of witnesses, etc»<sup>108</sup>; Carmen Cardelle de Hartmann in his essay on "Processus Satanae" (2004), in which the author has highlighted the great educational potential of the book of Palladino and its importance for the reconstruction of the civil medieval trial: «Aber das ganze didaktische Potential des "Processus" hat erst Jacobus von Theramo in seinem Belial ausgeschöpft. Dort wird ganz genau ein Verfahren dargelegt, alle Urkunden werden angeführt, so dass der Belial als Lehrbuch des Verfahrensrechts eingesetzt werden konnte, ein geradezu unterhaltsames Lehrbuch für ein ausgesprochen trockenes Fach»<sup>109</sup>. Of the same opinion was Jörg Müller who attributed an important role to Liber Belial in the reception of Roman law in Germany<sup>110</sup>. And also in 2006 Anne Lefevre-Teillard analyzed the *Consolatio peccatorum* with reference to that part of the *processus Belial* relative to arbitration, identifying cases and practical issues - in which the author sees the obvious references to *Speculum* by Guillaume Durand - about les pouvoirs des arbitres, l'objet du compromis, l'engagement de respecter la décision des arbitres, les renonciations, les garanties as an example of a consolidated practice «d'un droit canonique relatif à l'arbitrage»<sup>111</sup>.

**29** Finally, the collective book published in 2013 in the series of Jonian Department of the University of Bari by Francesco Mastroberti, Stefano Vinci, Michele Pepe has offered an original contribution on the analysis in detail of the legal sources used by Palladino and differences between the european editions of Belial in the parts related to the articulation and operation of the process. The comparative examination conducted by the authors allowed to detect a substantial conformity between the italian manuscript and other issues identified, leading to the hypothesis that there was a single reference model and that the translators are adhered to it without making upheavals: what to suggest that the Belial already in the original manuscript had the legal content present in the printed editions and that the pattern of the case articulated by Palladino in Italy in 1382 was available throughout Europe, except for some variants, especially in the german edition, in which it is recorded the highest number of omissions of legal citations compared to the italian edition<sup>112</sup>. The missing references are placed mostly in those sections of the book of Belial relating not to procedural matters, but to substantive criminal law matters, by virtue of the fact that in germanic territories, regarding criminal law and criminal procedure regulated in different states from ancient customary practices, showed greater resistance to the phenomenon of reception<sup>113</sup>.

Cod. Pal. Germ. 477. (...)

105. The thesis is not convincing at all if (...)

106. N.H. Ott, *Rechtspraxis und Heilsgeschichte. Zu Überlieferung, Ikonographie* (...)

107. A. Lettieri (Ed.), *Belial: incunabula der Staat* - (...)

108. Schrage, *Descendit ad Inferos* (cit. 2), p. 353-364. (...)

109. Cardelle de Hartmann, *Die "Processus Satanae"* (cit. 2), (...)

110. Müller, *Belial* (cit. 2), p. 519. (...)

111. Lefebvre-Teillard, *L'arbitrage en droit canonique* (cit. 2), p. (...)

112. In all, 88 normative references not found in (...)

113. E. Dezza, «Pour pouvoir au bien de notre

**1** F. MASTROBERTI, S. VINCI, M. PEPE, *Il Liber Belial e il processo romano-canonico in Europa tra XV e XVI secolo con l'edizione in volgare italiano (Venezia 1544) trascritta ed annotate*, Bari 2012.

**2** Cf. J.R. VON STINTZING, *Geschichte der populären Literatur des römischkanonischen Rechts in Deutschland*, Leipzig 1867, p. 271-279; D. HEUBACH, *Der Belial: kolorierte Federzeichnungen aus*

einer Handschrift des XV. Jahrhunderts, in: Studien zur deutschen Kunstgeschichte, Strassburg 1925; F. NEUGASS, Studien zur Deutschen Kunstgeschichte. Mittelalterliches Chorgestühl in Deutschland, Strassburg 1927, p. 5-18; H.R. HAGEMANN, Der Processus Belial, in: Basler Studien zur Rechtswissenschaft, heft 55, Basel 1960, p. 55-83; NORBERT H. OTT, Rechtspraxis und Heilsgeschichte: zu Überlieferung, Ikonographie und Gebrauchssituation des deutschen "Belial", München 1983; E. SCHRAGE, Descendit ad Inferos: And Belial Sued Jesus Christ for Trespass in: J.W. CAIRNS, Critical Studies in Ancient Law, Comparative Law and Legal History, Oxford 2001, p. 353-364; C. CARDELLE DE HARTMANN, Die "Processus Satanae" und die Tradition der Satansprozesse, in: Mittellateinisches Jahrbuch 39 (2004) s. 417-430; A. LEFEBVRE-TEILLARD, L'arbitrage en droit canonique, in: Revue de l'arbitrage 1 (2006), p. 5-34; J. MÜLLER, Belial, in: HRG, Bd. 1, 2. Aufl., Berlin 2008, Sp. 519-520; KARL SHOEMAKER, The Devil at Law in the Middle Ages in: Revue de l'histoire des religions, Tome 228 (2011/4), p. 567-586;

**3** Cf. M. ASCHERI, Tribunali, giuristi e istituzioni dal medioevo all'età moderna, Bologna 1995; V. COLLI, L'apografo dello "Speculum iudiciale" di Guillelmo Durand, in: Ius commune, XXIII (1996); E. MAFFEI, Dal reato alla sentenza. Il processo criminale in età comunale, Roma 2005; E. CONTE, Diritto Comune, Storia e Storiografia di un sistema dinamico, Bologna 2009, p. 34-37.

**4** This comparative work carried out on the basis of the ideas and suggestions offered by German historians, is intended to highlight: a) the legal character of the Palladino's text and its place in medieval literature; b) the differences between the various european editions to identify the differences of roman-canonical rules in the different areas of influence of Liber Belial. On the life and the works of Jacopo Palladino cf. F. MASTROBERTI, Jacopo da Theramo, in: Dizionario Biografico degli Italiani, Roma 2013.

**5** Speculum iudiciale by Guillelmus Durandus was published between 1271 and 1276 and had over 40 reprints until 1690. Besides this, were published other works: Pratica libellandi seu pratica aurea by Petrus Jacobi with 9 editions between 1473 and 1575; Pratica aurea o Pratica papiensis by Johannis Petrus de Ferrariis, published in Venice in 1473 and reprinted in Lyon, Cologne and Milan until 1585; Aurea iudiciaria pratica by Lanfrancus de Oriano, published in Lyon in 1521 with 6 reprints until 1587; Tractatus de ordine iudiciario vulgo Speculum aureum et lumen advocatorum by Roberto Maranta published in Lyon in 1544 with a lot of reprints in Venice, Frankfurt and Cologne until 1650.

**6** Bartolus de Sassoferato wrote more works of this kind: Tractatus procuratoris sub nomine dyaboli editus (Venezia 1478); Processus Satanae in three editions (Processus contemplativus quaestionis ventilatae coram D. n. Jesu Cristo, o Processus Sathanae contra genus humanum, o Processus iudiciarius inter Mariam et Diabolum) with many reprints from 1473 and in 1611 was entitled Processus ioco-serius.

**7** CARDELLE DE HARTMANN, Die "Processus Satanae" (cit. 2), p. 417. The author identified several mock trials between XII and XVI century: Conflictus inter Deum et Diabolum (XII secolo); Processus Satanae (Mascharen-Fassung), Jakob van Maerlant, Boek van Merline (Maskeron-Episode), Dialogus lucis et tenebrarum (XIII secolo); Guido de Collemedio, Processus Satanae (Advocacia-Fassung), Jean de Justice, L'Advocacie Nostre-Dame ou la Viergie Marie plaidant contre le diable, Mystère de l'Advocacie Nostre-Dame, Stricker, Processus Luciferi (deutsch), Otto der Rasp, Die Anspruch des Tewffels gegen unsern Herren, Jacobus de Theramo, Belial (XIV secolo); Processus Satanae (Bartolo-Fassung), Georg Alt, Ein nützlicher gerichteshandel vor got dem almechtigen unsern herren durch die gloriwidigsten Jungfrawen Maria, Deutscher Belial (zwei Übersetzungen), Le Proces Belial a l'encontre de Jhesus (XV secolo); Ulrich Tengler, Ain kurtz gedichter process verteutscher, Aucto de acusacion contra el género humano, Sebastian Wild, Ein schöne Tragedy wie Belial ein Recht mit Christus anfecht, Jacob Ayrrer d.j., Historischer Processus iuris (XVI secolo).

**8** CARDELLE DE HARTMANN, Die "Processus Satanae", (cit. 2), p. 419: «Das bekannteste Werk aus dieser Gruppe ist zweifelsohne der zahlreich überlieferte Belial des Jacobus de Theramo. Die Monographie Norbert Otts zu den deutschen Übersetzungen, die einzige eingehende Untersuchung zu einem Satanprozess, hat entscheidend zu seiner Bekanntheit beigetragen».

**9** MÜLLER, Belial (cit. 2), p. 519: «Belial oder Beliar ist ein Angehöriger der Finsternis, ein Teufel (2. Kor 6, 15), nach apokrypher Überlieferung ein Anführer der Dämonen, gar der Antichrist. In dieser Rolle wird er der Kläger gegen Jesus in einer umfangreichen Lehrschrift zum röm.-kan. Prozess».

**10** About the manuscripts it is possible to refer to the inventory compiled by «Handschriftencensus», under the item «Jacobus de Theramo: Belial», indicates ninety-nine manuscripts kept mainly in german library, but also in Oxford, Boston, Paris, London, Budapest, Cambridge, Bruxelles. Cf. <http://www.handschriftencensus.de/werke/835>.

**11** For the printed editions, the most reliable is the catalogo of the incunabola of British Library (currently online at <http://istc.bl.uk/search/search.html>) that under the item «Belial» recalls 38 printed editions between 1464 and 1500.

**12** HAGEMANN, Der processus Belial (cit. 2), p. 57: «Der Belial, an Papst Urban VI gerichtet, ist ursprünglich in lateinscher Sprache gehalten; doch er hat, mit wachsender Verbreitung, schon früh Übersetzungen in andere Sprachen, so auch in die deutsche, erfahren. Ein ungenannter Gelehrter, der im Jahre 1611 den Belial wieder in der Originalsprache herausgab, behauptet gar, es lägen Übersetzungendieses Werkes ins Deutsche, Französische, Italienische, Spanische, Englische, Flämische, Dänische, Polnische und Ungarische vor». Cf. K. RUH, Die deutsche

Literatur des Mittelalters: Verfasserlexikon, Berlin (oben n. 2), Bd. I, 1933, p. 190-1; Neue Deutsche Biografie, Bd. I, Berlin 1952-3, p. 473; H. MÜLLER-LOBEDA, Jakob Ayrer der Jüngere, Mitteilungen des Vereins für Geschichte der Stadt Nürnberg, Bd. 45, Nürnberg 1954, p. 407.

- 13** MÜLLER, Belial (cit. 2), 519.
- 14** ASCHERI, Tribunali, giuristi e istituzioni (cit. 3), p. 34; CONTE, Diritto Comune (cit. 3), p. 35.
- 15** G. SALVIOLI, Storia della procedura civile e criminale, in P. DEL GIUDICE, Storia diritto italiano, III, Frankfurt-Firenze 1969, p. 154-5.
- 16** SALVIOLI, Storia della procedura civile e criminale (cit. 15), p. 153.
- 17** CARDELLE DE HARTMANN, Die "Processus Satanae" (cit. 2), p. 426.
- 18** M. CAPPELLETTI, Processo e ideologie, Bologna 1969, p. 307-8.
- 19** MÜLLER, Belial (cit. 2), p. 520: «Ausdrücklich wird als Zweck in der dt. Vorende zur Übersetzung betont, man solle daraus lernen, wie ein Verfahren vor dem kirchl. Gericht zu führen sei. Als Teil der sog. „populären Lit.“ für den „halbgebildeten Laien“ erweist sich der B. gerade durch die Übersetzung als wichtiger Teil der Rezeption».
- 20** This is the italian edition of the text entitled *Beliale volgare* intitolato *Consolazione de peccatori*, quale narra la quistione in forma di lite mossa al nostro signor messer Giesu Christo dal Dimonio infernale, Venezia 1544.
- 21** By the term "note", I mean to indicate each annotation (or "string") positioned to explain a passage of *Beliale Volgare* (single - containing a single quote or multiple, containing more text of the same source or different sources ). If we count all the quotes (combined in the same note that it can contain, for example, even more fragments of the Digest or chapters of the Liber Extra) they amounted to 462 (counting also the only mention of the *Speculum Iudiciale*, that we can merge in the group of doctrinal quotations).
- 22** References to a single fragment of a single source can be found in the notes n. 5, 6, 7, 9, 12, 16, 17, 18, 19, 21, 30, 35, 36, 38, 43, 44, 45, 47, 48, 49, 52, 57, 58, 59, 61, 63, 64, 66, 69, 72, 73, 75, 76, 77, 79, 80, 81, 82, 83, 86, 89, 91, 92, 94, 95, 96, 99, 100, 104, 105, 106, 107, 110, 111, 113, 116, 118, 122, 123, 124, 127, 128, 131, 133, 139, 142, 144, 146, 148, 149, 152, 154, 158, 167, 169, 171, 173, 175, 176, 177, 178, 179, 180, 185, 187, 188, 189, 190, 193, 197, 201, 206, 208, 209, 210, 212, 214, 215, 219, 222, 223, 225, 226, 227, 229, 230, 231, 232, 234, 235, 236, 237, 238, 241, 242, 243, 244, 245, 246, 248, 249.
- 23** The multiple citations can be found in the notes n. 1, 2, 3, 4, 8, 10, 11, 13, 14, 15, 20, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 37, 39, 40, 41, 42, 46, 50, 51, 53, 54, 55, 56, 60, 62, 65, 67, 68, 70, 71, 74, 78, 84, 85, 87, 88, 90, 93, 97, 98, 101, 102, 103, 108, 109, 112, 114, 115, 117, 119, 120, 121, 125, 126, 129, 130, 132, 134, 135, 136, 137, 138, 140, 141, 143, 145, 147, 150, 151, 153, 155, 156, 157, 159, 160, 161, 162, 163, 164, 165, 166, 168, 170, 172, 174, 181, 182, 183, 184, 186, 191, 192, 194, 195, 196, 198, 199, 200, 202, 203, 204, 205, 207, 211, 213, 216, 217, 218, 220, 221, 224, 228, 233, 239, 240, 247.
- 24** Notes n. 7, 9, 12, 16, 17, 18, 19, 35, 36, 43, 48, 49, 52, 57, 59, 63, 75, 76, 79, 80, 81, 82, 89, 95, 96, 99, 104, 107, 111, 123, 124, 127, 131, 133, 139, 148, 149, 152, 167, 171, 173, 175, 185, 188, 189, 190, 197, 201, 206, 226, 227, 235, 238. Among these, the notes 6, 44 and 86 refer to the glossa of the fragment reference.
- 25** Notes n. 30, 38, 45, 64, 73, 92, 105, 116, 122, 128, 154, 158, 169, 176, 177, 180, 209, 210, 212, 219, 222, 225, 229, 230, 231, 234, 236, 237, 241, 242, 243, 244, 245, 246.
- 26** Notes n. 5, 21, 47, 61, 77, 110, 142, 179, 187, 208, 215, 248 e 249.
- 27** Notes n. 72, 106, 144, 146, 178, 232.
- 28** Notes n. 83, 193, 223.
- 29** Notes n. 69, 94, 214.
- 30** Notes n. 66, 100, 118.
- 31** Notes n. 6, 44, 86.
- 32** Notes 58, 91, 113.
- 33** MÜLLER, Belial (cit. 2), p. 520: «die Allegationen verweisen konkret auf die sedes materiae in Liber Extra und Sextus».
- 34** Cf. P. OURLIAC, Bernard de Parme ou de Botone, DDC 2 (1937), p. 781-2; S. KUTTNER, B. SMALLEY, The Glossa Ordinaria to the Gregorian decretals, EHR 60 (1945), p. 97-105; S. KUTTNER, Notes on the Glossa ordinaria of Bernard of Parma, BMCL, 11 (1981), p. 86-93; P. ERDÖ, Storia della scienza del diritto canonico, Roma 1999, p. 90.
- 35** Cf. ERDÖ, Storia della scienza del diritto canonico (cit. 34), p. 92.
- 36** Note n. 5: «Come si nota de rescriptis. Statutum. paragrapho. Cum autem. Libro vi».
- 37** X 1.3.25:«Quando in rescripto plura narrantur, diversos effectus operantia, non sufficit impetranti alterum solum probare, ad utrumque effectum consequendum [...]».



- 38** Glossa: «[Olim ex literis] Dividit primo ponitur consultat io secundo responsio ibi [...]».
- 39** Notes n. 1, 2, 3, 4, 8, 10, 11, 13, 14, 25, 26, 27, 32, 33, 34, 37, 40, 41, 50, 51, 56, 60, 62, 65, 67, 71, 84, 85, 87, 93, 97, 98, 101, 102, 103, 109, 114, 115, 117, 121, 125, 126, 129, 130, 132, 134, 135, 138, 140, 141, 143, 147, 150, 151, 155, 156, 157, 159, 160, 161, 162, 163, 165, 166, 168, 172, 174, 181, 182, 186, 192, 194, 198, 199, 202, 204, 207, 211, 218, 220, 221, 224, 228, 240
- 40** Gl. ad X 2.7.3: « In pertractandis.] Iurari potest de calumnia principales [...]».
- 41** Cf. ERDÖ, Storia della scienza del diritto canonico (cit. 34), p. 91-2.
- 42** Gl. ad VI 2.4.2: « In appellationis causa.] In causa appellationis iurari debet de calumnia [...]».
- 43** Notes n. 13, 14, 33, 34, 41, 50, 60, 65, 67, 85, 87, 114, 115, 125, 134, 140, 150, 156, 165, 166, 174, 198, 204, 207, 218, 240.
- 44** Notes n. 11, 25, 27, 160, 221, 228.
- 45** Note n. 186.
- 46** Notes n. 3, 4, 8, 32, 37, 62, 71, 93, 97, 117, 121, 126, 129, 132, 135, 138, 143, 159, 168, 199, 202, 211.
- 47** Notes n. 1, 10, 40, 51, 56, 98, 101, 102, 163, 181, 192, 194.
- 48** Notes n. 26, 155, 161, 162, 224.
- 49** Notes n. 130, 151, 157.
- 50** Notes n. 141 e 172.
- 51** Note n. 2.
- 52** Note n. 182.
- 53** Note n. 220.
- 54** To understand the above quotation, the French version is more useful than the Italian. The latter reads «cum parati» instead of «cum pati», and might therefore be misleading: «Ut de proba. c. quoniam contra. et de appella. c. cum parati».
- 55** X 2.19.11: « Iudex debet habere notarium vel duos viros idoneos, qui scribant acta iudicii; alias, si quid difficultatis emerit, per superiorem punietur, nec creditur ei super processu, nisi in quantum per acta vel alias per legitima documenta constabit. Idem in concilio generali. Quoniam contra falsam assertionem [...]».
- 56** X 2.28.19: « . H. d. et est casus notabilis in eo, quod dicitur, istum esse puniendum. Idem Zamorensi Episcopo. Quum parati essemus petitiones [...]».
- 57** Note n. 147.
- 58** Note n. 84.
- 59** Note n. 109.
- 60** Note n. 24.
- 61** Note n. 119.
- 62** Note n. 183.
- 63** Note n. 191c
- 64** Notes n. 20, 39, 42, 46, 54, 55, 74, 217 e 233.
- 65** Notes n. 28, 68, 78, 88, 120, 170 e 200.
- 66** Notes n. 22, 23, 90, 205 e 239.
- 67** Notes n. 29, 31, 153 e 184.
- 68** Notes n. 53, 112 e 213.
- 69** Notes n. 70 e 108.
- 70** Notes n. 137 e 216.
- 71** Notes n. 145 e 203.
- 72** Notes n. 195 e 196.
- 73** Note n. 247.
- 74** Notes n. 136 e 164.
- 75** Note n. 15.
- 76** X 2.1.7: «Excommunicatus in iudicio, nisi tanquam reus, stare non potest. Idem Paduano Episcopo. Intelleximus [...]».

**77** D. 2.11.9: « Ulpianus libro septuagensimo septimo ad edictum. Si servus iudicio se sisti promittat, non committitur stipulatio neque in eum neque in fideiussores eius».

**78** The practical means that the author gave to law practitioners of the time could be, in fact, an easy guide instead of bodied treatises on civil procedure developed by civil and canonical doctrine. Cf. K.W. NÖRR, *Iudicium est actus trium persona rum. Beiträge zur Geschichte des Zivilprozessrechts in Europa*, Leinen 1993; L. FOWLER-MAGERL, *Ordines iudicarii and Libelli de ordine iudiciorum*, Turnhout 1994.

**79** The merely informative approach would explain why the *Liber Belial* was neglected by contemporary legal works and later. So it was also for the *Tractatus questionis ventilate coram domino nostro Iesu Christo inter virginem Mariam ex una parte et diabolum ex altera parte* attributed to Bartolo da Sassoferrato (*Tractatus varii, Venetiis ed. Vindelinius Spira 1472, ff. 66v-72r*), which does not appear to have been enhanced by the civil and canonical contemporary legal treatises. Cf. K. SCHOEMAKER, *When the devil went to Law School: canon law and theology in the Fourteenth century*: in S.E. YOUNG (ed.), *Crossing Boundaries at Medieval University*, Leiden 2011, p. 255-270; B. PASCUTA, *Il diavolo e il diritto: il Processus Satane (XVI sec.)* in: *Il Diavolo nel Medioevo, Atti del XLIX Convegno storico internazionale. Todi, 14-17 dicembre 2012, Spoleto 2013*, p. 421-447.

**80** F. MASTROBERTI, *Il Liber Belial di Giacomo Palladino*, in: MASTROBERTI, VINCI, PEPE, *Il Liber Belial* (cit. 1), pp. 25-28.

**81** PALLADINO, *Beliale volgare* (cit. 20), cc. 104v – 105r. This passage reveals all the allegory of *Belial*: The New Babylon is Avignon and Jesus must regain sovereignty over his people held captive in the lost city.

**82** *Index auctorum et Librorum, qui ab Officio sanctae Romanae et Universalis Inquisitionis caveri ab omnibus et singulis in universa Christiana Republica mandantur, sub censuris contra legentes, vel tenentes libros prohibitos in Bulla, quae lecta est in Coena Domini expressi et sub aliis poenis in Decreto eiusdem Sacri officii contentis*, Roma 1559.

**83** Cf. CARDELLE DE HARTMANN, *Die "Processus Satanae"* (cit. 2), p. 417.

**84** *Arresta amorum* are a collection of the Fifteenth Century of so-called trial of love that took place in southern France at the presence of the Prince of Love and a Court made up of councilors and ladies (*Courts of Love*). Cf. D. BORNSTEIN, *Courtly love*, in: *Dictionary of Middle Age, III* (1986), pp. 668-674.

**85** MASTROBERTI, *Il Liber Belial di Giacomo Palladino* (cit. 80), p. 29.

**86** *Historischer Processus Juris*, Frankfurt am Main 1691.

**87** L. DE JAUCOURT, *Teramo*, in: *Encyclopédie ou dictionnaire raisonné des sciences, des artes et des métiers*, t. XXXIII, Losanna-Berna 1771, pp. 191-4 : «Il n'est pas nécessaire de dire que tout cela est aussi grossièrement traité... c'est le fruit d'un siècle barbare. Les passages de l'écriture y sont cités d'une manière comique, et plus propre à faire rire qu'à édifier». For the reconstruction of the historiographical events of *Liber Belial* between the Nineteenth and Twentieth century, cf. MASTROBERTI, *Il Liber belial di Giacomo Palladino* (cit. 80), p. 29 ss.

**88** *Nuovo dizionario storico, ovvero istoria in compendio di tutti gli uomini che si sono renduti celebri per talenti, virtù, sceleratezze, errori*, Napoli 1791, tomo XX, p. 45 ss.

**89** G. TIRABOSCHI, *Storia della letteratura italiana*, Firenze 1807, vol. VI, p. 267-268.

**90** A.-M.-J.-J. DUPIN, *Notices historiques, critiques et bibliographiques sur plusieurs livres de jurisprudence française*, Paris Chez B. Warée, 1820, pp. 78-80.

**91** *The correspondent*, vol. I, January 20 to July 21, 1827, p. 12.

**92** The authorship of Bartolo of this work is welcomed by R. JACQUIN, *Le «Procès de Satan »*, in: D. SEGOLONI (Ed.), *Bartolo da Sassoferrato: studi e documenti per il VI centenario*, Milano, 1962, vol.2, p. 269-280.

**93** F.C. VON SAVIGNY,

**94** SCHOEMAKER, *When the devil went to Law School* (cit. 79), p. 267. This approach also became necessary because of the insertion of both works in the collection *Processus iuris jocosius* of 1611, in which the curator created a sort of genre, however, giving it a name not exciting. MASTROBERTI, *Il Liber Belial di Giacomo Palladino* (cit. 80), p. 31;.

**95** N. PALMA, *Storia della città e diocesi di Teramo*, Teramo 1836, vol. V, p. 93: «A stare alla protesta dell'autore, egli avrebbe scritto quell'opera ad oggetto di consolare ed incoraggiare i peccatori ravveduti. Sia a noi permesso diffidare di tale purità d'intenzione e giudicare che piuttosto la smania di tirare la pubblica ammirazione ad una pratica procedura, lo avesse indotto ad adottare un argomento inaudito e sorprendente».

**96** G. CRUGNOLA, *Belial o Consolatio Peccatorum di Giacomo Paladini*, in: *La Rivista abruzzese di scienze, lettere ed arti di Teramo*, fasc. XI, Novembre 1897, p. 499-501: «Il Paladini credette di dovere piegarsi alla tendenza dell'epoca e presentare con veste religiosa le formole della giurisprudenza e del diritto romano vigenti. Ne risultò un romanzo metà religioso metà giuridico, che colpiva grandemente le immaginazioni dei suoi contemporanei ed anche dei posteri del secolo successivo, ai quali la forma religiosa rendeva accessibili e accettabili le pratiche giudiziarie

del tempo».

**97** Nuova Enciclopedia Popolare italiana, ovvero dizionario generale di scienze, lettere, arti, storia, geografia, Torino 1866, vol. 23, voce "Teramo".

**98** On german legal literature on the Fifteenth and Sixteenth century cf. E. GENZMER, *Il diritto romano come fattore della civiltà Europea*, Trieste 1954; W. TRUSEN, *Anfänge des gelehrten Rechts*, in: *Deutschland: ein Beiträge zur Geschichte der Frührezeption*, Wiesbaden 1962; H. COING, *Römisches Recht in Deutschland*, in: *Ius Romanum medii Aevi*, vol. 5.6, Milano 1954; F. WIEACKER, *Privatrechtsgeschichte der Neuzeit: unter besonderer Berücksichtigung der deutschen Entwicklung*, Göttingen 1996.

**99** R. STINTZING, *Geschichte der populären Literatur des römisch-kanonischen Rechts in Deutschland am Ende des fünfzehnten und in Anfang des sechszhnten Jahrhunderts*, Leipzig 1867, p. 271-279.

**100** E. OTT, *Beiträge zur receptions-geschichte des römisch-kanonischen processes in den böhmischen ländern*, Leipzig 1879.

**101** G. SALVIOLI, *Storia della procedura civile e criminale*, in: *Storia del diritto italiano diretta da P. de, Giudice*, vol. 3.1, Milano 1925, p. 162.

**102** P.B. SALMON, *Jacobus de Theramo and Belial*, in: *London Mediaeval Studies*, London 1951, v. II, part I, pp. 101-115. By the same author see also *Belial*; an edition with commentary of the German version of Jacobus de Theramo's *Consolatio peccatorum*. Master of Art These (masc.), London 1950.

**103** I. DE THERAMO, *Consolatio peccatorum, seu Processus Belial*, Augsburg, Johann Schüssler, 1472.

**104** Salmon refers to Ms. Cod. Pal. Germ. 477.

**105** The thesis is not convincing at all if you are taking the results of the comparison shown in the recent contribution of M. PEPE, *Il Liber Belial in Europa: analisi comparativa delle citazioni giuridiche*, in: MASTROBERTI, VINCI, PEPE, *Il Liber Belial* (cit. 1), p. 97-133. According to this recent study - which examines different versions of the book of Belial, including a copy of the manuscript with a certain Italian origin - the Italian version had originally a distinctly legal character and, in it, there was even a greater number of legal references.

**106** N.H. OTT, *Rechtspraxis und Heilsgeschichte. Zu Überlieferung, Ikonographie und Gebrauchssituation des deutschen 'Belial'*, München 1983.

**107** A. LETTIERI (Ed.), *Belial: incunabula der Staat – und Stadtbibliothek Augsburg, Teramo 1985*, pp. X – XI: «La funzione strumentale del processo, pur nella sua necessaria osservanza di comportamenti, mette in evidenza nel mondo del diritto l'esistenza, la presenza e l'efficacia di valori superiori che vanno affermati e realizzati allo scopo di creare tra gli uomini una sempre migliore armonia di rapporti».

**108** SCHRAGE, *Descendit ad Inferos* (cit. 2), p. 353-364.

**109** CARDELLE DE HARTMANN, *Die "Processus Satanae"* (cit. 2), p. 426.

**110** MÜLLER, *Belial* (cit. 2), p. 519 .

**111** LEFEBVRE-TEILLARD, *L'arbitrage en droit canonique* (cit. 2), p. 8.

**112** In all, 88 normative references not found in German version than Italian edition of 1544. PEPE, *Il Liber Belial in Europa* (cit. 105), p. 97-133.

**113** E. DEZZA, «Pour pouvoir au bien de notre justice». *Legislazioni statali, processo penale e modulo inquisitorio nell'Europa del XVI secolo*, in: *Diritto@Storia*, n. 3, Maggio 2004, Memorie.