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The Liber Belial: an European work between law and theology. Introductory notes for an ongoing research project

Scant bibliography exists in Italy on the so-called *Liber Belial*, the work written by Giacomo Palladino, alias Jacopo or Jacopo da Teramo¹ (1349-1417), when he was a thirty-three-year-old canon in Aversa. He finished the manuscript in 1382, the same year Pope Urban VI visited the Aversa diocese. It is, therefore, likely that the ambitious canon might have handed it over to the Pontiff on that occasion. It was the time of the Great Schism and popes and antipopes had need of jurists and theologians.

In *Liber Belial*, the author imagined that the devils decided to bring legal action against the dispossession by Jesus Christ, when he descended into the Hell to free the patriarchs' soul after the Resurrection. Satan appointed Belial as his proxy and appealed to divine justice, and was thus able to take legal action, which Palladino divided into the following phases: the judgement of the first instance, judged by Solomon; that of the second instance, in the patriarch Joseph's presence; and the final examination of the entire controversy by an arbitration tribunal chaired by Isaiah, Jeremiah, Octavianus, and Aristotle. The text is rich in clues and suggestions referring to the domains of theology, law, literature, symbolism, and iconography (in various printed editions, the text is embellished with several pictures representing the procedural phases and some scenes taken from the Bible), and also politics. With respect to the latter, the *Liber Belial* took on a powerful and effective symbolic meaning: the legal action started by Satan and his court of devils against Jesus Christ and his angelic court stood for the conflict between the Popes in Avignon and those in Rome. In this way, the text indicated a legal path as a means to ensure that good would defeat evil, that is, the Roman Court would prevail. In the *Liber*, the canon expressed his knowledge on the subjects of theology and law, to the extent that it is presented like a Janus two-faced work: a theological side, with a considerable number of quotations taken from the Bible, and a juridical side that focused on civil proceedings, first degree, and appeal trials (with a digression about arbitration).

¹ About Giacomo Palladino and his work cf. L.G. Cerracchini, *Cronologia sacra de' vescovi ed arcivescovi di Firenze composta da L. G. C.*, Firenze 1716, pp. 127-128; F. Ughelli, *Italia Sacra sive de Episcopis Italiae et insularium adjacentium, rebusque ab iis praeclare gestis, deducta serie ad nostram usque aetatem*, T. I, Venetiis 1717, p. 1267; R. Stintzing, *Geschichte der populären Literatur des römisch-kanonischen Rechts in Deutschland*, Leipzig, 1867, pp. 271-279; U. Chevalier, *Repertoire des sources historiques du Moyen Age*, Paris 1894-1907, *Bio-Bibliographie*, vol. II, J-Z, p. 3478; F. Neugass, *Studien zur Deutschen Kunstgeschichte. Mittelalterliches Chorgestühl in Deutschland*, Strassburg, 1927, pp. 5-18; A. Mercati, *Un vescovo fiorentino del primo Quattrocento millenarista*, in "Rivista di Storia della Chiesa in Italia", 1948, II, pp. 157-165; P.B. Salmon, *Belial; an edition with commentary of the German version of Jacobus de Theramo's Consolatio peccatorum. Master of Art Thesis*, London 1950; A. Pelzer, *Palladini, Giacomo*, in *Dizionario ecclesiastico*, edited by A. Mercati and A. Pelzer, vol. II, Torino 1955, p. 103; H.R. von Hagermann, *Der processus Belial*, in *Festgabe zum siebzigsten Geburtstag von Max Gervig*, Basel, 1960, pp. 55-83; N.H. Ott, *Rechtspraxis und heilsgeschichte. Zu Überlieferung, Ikonographie und Gebrauchssituation des deutschen "Belial"*, München, 1983; C. Cardelle de Hartmann, *Die Processus Satanae und die Tradition der Satanprozesse* in "Mittelateinisches Jahrbuch" 39 (2004), pp. 417-430; G. Kocher, *Prozessuale Interaktion im Bild*, in *Symbolische Kommunikation vor Gericht in der Frühen Neuzeit* a cura di R. Schulze, Berlin 2006, pp. 281-297; J. Müller, *Belial*, in "Handwörterbuch zur deutschen Rechtsgeschichte", Bd. 1, 2. Aufl. (2008), pp. 519-520.

The latter seems like a veritable guidebook for judges, lawyers, litigants, and students, accurately provided with legislative references. The Pope, or some influential prelate, must have greatly appreciated the work, as the canon quickly reached the apex of an important career, becoming Bishop of Monopoli, Taranto, and Spoleto. The *Liber Belial*, also known as *Consolatio peccatorum*, was one of the most translated and printed books between the fifteenth and sixteenth centuries.

The *Consolatio peccatorum*, as mentioned, presents interesting juridical content: suffice it to say that out of a total 844 citations, 249 references (almost one third) relate to Canon Law sources (*Decretum* by Gratianus, *Liber extra* by Gregory IX, *Liber sextus* by Boniface VIII, and the *Clementinae*) and Roman law (*Justinian's Codex*, *Digesta*, *Istitutiones*, and *Authenticum*). Studying the juridical controversy of the protagonists, the work describes the intricate and obscure procedural mechanisms, unravelling their *secrets* into the vast world of the profane, in a pleasant fictionalized style. The interplay between theology and law, cleverly interwoven with a clear aim of offering the reader a lucid presentation of civil proceedings in all their phases, qualifies the *Consolatio* as a definitively medieval work, which has been left out of consideration or even denigrated by modernity, both from a theological and juridical viewpoint. The work was placed on the *Index* of forbidden books by the Council of Trent – appearing in the very first edition of the *Index* in 1559.

But in modern times, the *Liber Belial* has not been as successful as other works censured by the Church. It appeared with the title *Processus Luciferi contra Jesum coram iudice Salomone* in the corpus headed *Processus joco-serius*, published in Hanover in 1611, along with *Processus Satanae contra D. Virginem coram iudice Jesu* by Bartolo da Sassoferrato and *Arresta amorum, sive processus inter amantes, cum decisionibus Parlamenti* by Martialis Avernus. Nevertheless, the *Belial* “survived” and again was considered an important juridical work: in 1617, the jurisconsult Jacob Ayrer (1569–1625) included it in his collection *Historischer Processus Juris*, expressly intended for juridical practice (the work was republished in 1691 with some additions by Ashaver Fritsch). The Age of Enlightenment signalled the demise of the *Liber Belial*. The entry «Teramo» in the *Encyclopédie* defines it as «de 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»². The aversion towards the barbarous Middle Ages – which prevented the Enlightenment from grasping its reality or fully understanding it – resulted in an authoritative “mark of shame” on Palladino's work, wrought by a secular censure no less heavy handed than the clerical one. Thus, a series of “attacks” are reported in the late eighteenth century: Abbot Girolamo Tiraboschi – who ascribed to Jacopo da Teramo the *Commento sul Maestro delle sentenze* (Augusta 1472) in his *Storia della letteratura italiana* – labelled the *Belial* a «silly worthless book» whose «title nicely shows its vapidity». However, he tried to defend the author, who was still an influential bishop, by venturing a fanciful suggestion: «perhaps the absurd, I would even say irreverent, contents of it [the *Belial*] were added by a mischievous impostor» since «at that time, Jacopo must have been considered a wise and erudite man, as shown by the high ranks he reached»³.

On its part, the *Nuovo Dizionario Istorico* pointed out that the titles of the work «fairly show the nature of the book, in which there are so many ridiculous, even irrelevant things that it came under suspicion that mischievous impostors made several additions ... Palladino composed it when he was thirty-three-years-old, and perhaps at a more mature

² Cf. L. de Jaucourt, *Teramo*, in *Encyclopédie ou dictionnaire raisonné des sciences, des artes et des métiers*, t. XXXIII, Losanna–Bern, 1771, pp. 191-194.

³ Translated from G. Tiraboschi, *Storia della letteratura italiana*, Firenze, 1807, Vol. VI, pp. 267–268.

age, he would have written it differently; moreover, many aspects are due to the known odd and barbarous way of thinking at that time»⁴. Jurisconsults, and the “experts” in particular, understand better the sense of the work and propose a reassessment: André-Marie-Armand-Jacques Dupin included the *Belial* in his *Notices historiques, critiques et bibliographiques sur plusieurs livres de jurisprudence française*, placing it in an ideal library for lawyers⁵. Nevertheless, the text was not very successful among historians of law. Friderich Carl von Savigny considered the *Liber Belial* a mere imitation of the long pedantic joke by Bartolo da Sassoferrato, and thus without any historical or juridical value⁶. In this regard, it can be noted that the illustrious «company» of Sassoferrato certainly has not benefited the *Liber Belial* in modern times. The juxtaposition of the trial described by the famous annotator and the trial portrayed by the learned Bishop from Abruzzo of course was possible given the titles of the two works; and considering them together became a common practice – both works were included in the corpus *Processus joco-serius* of 1611. Its editor created a sort of new genre with an unimpressive and meaningless title, matching two imaginary trials he had discovered. It is clear, however, that the attention of every reader, and in particular legal historians, was drawn to the work by Sassoferrato, due to his fame, and the recognition of its weakness eventually also affected the *Belial*.

The consideration of the work in the field of historiography of law was strongly influenced by Savigny’s authority. On the other hand, in his *Storia della procedura civile e criminale*, Giuseppe Salvioli includes both trials in the «major works of legal proceedings in Italy» in the fourteenth century⁷; giving Palladino’s work an authoritative place in medieval procedural literature. A certain academic interest in the *Belial* and its author can be found in the area of Teramo; Gaetano Crugnola wrote in 1897: «... Palladino believed he must bend to the trend of the time, so he expressed the formulas of jurisprudence and Roman Law in a religious form. The result was a half-religious, half-judicial story, which deeply impressed the imagination of his contemporaries and that of future generations over the next century; the religious form made the juridical practice of the time more acceptable and accessible»⁸. Nicola Palma followed the same interpretative path: «According to the author’s intentions, he would have written that work in order to comfort and encourage reformed sinners. But let me disbelieve the sincerity of such a practical aim, since I think that, on the contrary, he chose this surprising and unprecedented subject just because he sought to arouse public admiration»⁹.

The *Belial* also appears under the entry «Teramo» in the *Nuova Enciclopedia Popolare* (1866), according to which «the author intended the *Processus Luciferi* as a useful expedient to diffuse the secrets of proceedings in a less blatant form»¹⁰. In 1985, Angelo Lettieri, the

⁴ Translated from L.M. Chaudon and C. M. Olivier Poli, *Nuovo dizionario storico, ovvero istoria in compendio di tutti gli uomini che si sono renduti celebri per talenti, virtù, sceleratezze, errori*, trad. It. Napoli, 1791, tomo XX, pp. 45 e ss.

⁵ A.-M.-J.-J. Dupin, *Notices historiques, critiques et bibliographiques sur plusieurs livres de jurisprudence française*, Paris Chez B. Warée, 1820, pp. 78–80.

⁶ F.C. von Savigny, *Storia del diritto romano nel Medioevo*, italian translation by Bollani, Vol. II, Torino, 1857, p. 50 e n.

⁷ Cf. G. Salvioli, *Storia della procedura civile e criminale*, in *Storia del diritto italiano*, a cura di P. Del Giudice, Vol. III, Firenze, 1969, p. 162.

⁸ Cf. G. Crugnola, *La rivista abruzzese di scienze lettere ed arti*, Teramo 1897, fascicolo XI, p. 499 ff.

⁹ Cf. N. Palma, *Storia della città e diocesi di Teramo*, Teramo, 1981, vol. V, pp. 93 ff.

¹⁰ *Nuova Enciclopedia Popolare italiana, ovvero dizionario generale di scienze, lettere, arti, storia, geografia*, Torino, 1866, vol. XXIII, p. 116.

author of the latest and most notable Italian commentary on the *Belial*, published the Venetian edition of the work in Latin of 1533¹¹. In the introduction, Lettieri seeks to confute any possible charge of heresy against the work; he reconstructs Palladino's biography and bibliography, conferring a mainly theological nature on the *Belial*: «the practical function of the trial, though in the necessary observance of conduct, highlights that in the juridical sphere there are effectively the highest values, which must be claimed and realized, in order to make human relations even more harmonious». Indeed, Palladino's revaluation, albeit acceptable, does not justify the originality of his theological thought or the reason for the wide diffusion of the work throughout Europe. Its juridical nature, considered «practical», has been shelved.

The studies conducted in Germany (reported by N. H. Ott¹²) show a different trend, in accordance with the wide diffusion of Palladino's work throughout Europe. Taking into account the various analytical approaches – the philological, legal, theological, dramatic, literary, and historical, to name just the most important aspects – the *Consolatio peccatorum* appears as a sort of polyhedron, taking on a different form according to the viewpoint, so that it is almost impossible to examine it in its entirety. The first difficulty concerns the census of the printed editions and, in this regard, we can affirm that the fifteenth century offers some certainties. The *British Library* incunabula are the most trustworthy indices (available on the Internet: <http://istc.bl.uk/search/search.html>). They refer to 38 printed editions between 1464 and 1499.

Ten editions are in Latin:

- Four editions are in Germany: two of 1472 are in Augsburg; one of 1473 is in Cologne and one of 1477 is in Erfurt.
- Three editions are in France: two in Lyons (one dated between 1476 and 1478, and the other before 1494); the third of 1484 is in Strasbourg.
- One edition dated between 1474 and 1475 is in Belgium, in Leuven.
- One of 1478 is in Vienna.
- One of 1481 is in Holland, in Gouda.

Twenty-eight editions are translated in these respective countries:

- One Flemish edition was printed in Haarlem in 1484.
- Eight French editions were all published in Lyons: in 1481, between 1482 and 1483, between 1483 and 1484, between 1484 and 1485, in 1486, in 1487, in 1490, and in 1494.
- Nineteen German editions, including the most ancient one (thus the earliest of all translated editions), published in Bamberg in 1464. Twelve editions were published in Augsburg in 1472, around 1476, in 1479, in 1481, in 1482, in 1484, in 1487, in 1490, in 1493, in 1497 and in 1500); three editions were published in Strasbourg in 1477, in 1481, and in 1483; one was probably published in Essling before 1475, and another was printed in Magdeburg in 1492.

With regard to the sixteenth and seventeenth century, no reliable inventory exists, but it can be affirmed that interest in the work gradually diminished in the second half of the sixteenth century, until it was placed on the Expurgatory Index by the Council of Trent. There are two Italian editions in Latin: one is headed “J. De Theramo, *Liber Belial de Consolatione peccatorum*, Vincentiae 1506”, printed by Enrico Ca' Zeno da Sant'Orso; the

¹¹ J. da Teramo, *Belial: Incunabula der Staats – und Stadtbibliothek Aunsburg*, edited by A. Lettieri, Teramo 1985.

¹² N.H. Ott, *Rechtsspraxis*, cit.

other was published for the account of Melchiorre Sessa and printed with the same title by the typographer Giovanni Antonio Nicolini da Sabbio in Venice in 1533. The entry “Ancharano Jacobi de Theramo”¹³ in the *Biblioteca Britannica*, refers to the first Italian edition of 1506. The second Venetian edition, edited by Angelo Lettieri, was republished in 1985. However, a third edition that should be considered was published in Italian (again for the publisher Melchiorre Sessa) and printed by the typographical Society of Bartolomeo “l’Imperatore” and his son-in-law Francesco in Venice in 1544, titled *Beliale volgare intitolato Consolazione de Peccatori, quale narra la quistione in forma di lite mossa al nostro Signor Messer Giesu Christo dal Dimonio infernale circa la salute de gl’huomeni, tutto ciò approvando, et riprovando cò detti della Sacra scrittura* (octavo, page 187)¹⁴.

With regard to manuscripts, it is possible to refer to the entry «Jacobus de Theramo: Belial»¹⁵ in the inventory drawn up by «Handschriftencensus» (Institut für Deutsche Philologie des Mittelalters der Philipps-Universität Marburg), which indicates 99 manuscripts in German, mostly held in German libraries but also in Oxford, Boston, Paris, Graz, London, Budapest, Breslau, Cambridge, and Brussels, etc. Michele Pepe has identified four manuscripts held in Italy, two are in German and two are in Latin: one was copied in the Lateran around mid-fifteenth century and the other, dating from the same period, is held in the Ambrosian Library in Milan¹⁶. The Lateran manuscript is particularly important, because its dating might demonstrate that the *Belial* has always had a strong juridical nature. Indeed, a comparison between the Lateran manuscript and the German edition published in Bamberg in 1464 shows that the latter omitted many juridical references.

These findings are some results of a joint study on the *Belial* conducted by the Chair of History of Medieval and Modern Law in the II Faculty of Law at Bari University (seat of Taranto). The research begins by reading the French edition of the work edited by Pierre Ferget and goes on to identify and compare the main European editions and the Italian copies in particular. The underlying purpose is an historical–juridical study to reconstruct, following Palladino’s work, the roman canonical process practiced in thirteenth and fourteenth century tribunals, along with its sources and the differences between various European areas. The miscellaneous volume, which is now available, recounts the diffusion of the *Belial* in Italy and the publication of its unedited version in Italian. Moreover, it gives an accurate overview of the juridical references in the text, with graphic representations of the relations between the Canon Law and Civil Law sources used by the author (Stefano Vinci has identified and clarified the references, in part thanks to a research stay at the Max Planck Institut in Frankfurt). The study is completed by a tabular collation among the references in the *vulgar Belial* of 1544, the Italian *editio princeps* of 1506, the Lateran manuscript, the French edition of 1482 edited by Pierre Ferget, and the German *editio princeps* in Latin of 1464. The comparison is set out on two levels: An

¹³ *Biblioteca Britannica or a General Index to British and foreign literature*, by R. Watt M.D., Vol. I, Authors, Edinburgh printed for Archibald Constable and Company, 1824, p. 29.

¹⁴ A copy of *Belial volgare*, discovered by Michele Pepe in 2007, is held in the Library of the Episcopal Seminary del Seminario in Padua. Cf. M. Pepe, *Il Belial volgare di Jacopo da Teramo: tra dramma giuridico e manuale di procedura*, degree dissertation in Common Law – academic year 2008/2009 – Università degli Studi di Bari Aldo Moro. Another copy is in Bayerische Staatsbibliothek in München and available on the Internet since 2009.

¹⁵ <http://www.handschriftencensus.de/werke/835>

¹⁶ Cf. M. Pepe, *Il Belial volgare*, cit.

“internal” comparison (i.e., between the juridical references within the *vulgar Belial*), and an “external” comparison (i.e., a comparison between the juridical references in the most ancient manuscripts and in the main European editions), which aims to verify possible omissions or differences. This comparative survey, carried out on the basis of the clues and suggestions in the German historiography, aims to highlight: a) the juridical nature of Palladino’s work and its place within medieval procedural literature and b) the differences between the various European editions, in order to identify the (possible) diversities of the roman canonical process in the different areas of influence of the *Liber Belial*.