
**BEHIND THE
SCENES AT
GALILEO'S
TRIAL**

Including the First English Translation
of Melchior Inchofer's *Tractatus syllepticus*

RICHARD J. BLACKWELL

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Behind the scenes at Galileo's trial
Blackwell, Richard J., 1929-

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In Memory of My Beloved Wife
Rosemary Gallagher Blackwell
1930-2002

"Love is as strong as Death"
—Song of Songs 8:6

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P R E F A C E

Given the enormous size of the literature on the Galileo affair, making an addition to that collection calls for some justification. In the present case the reason is that there is an elaborate theological examination of the judgment against Galileo at his trial which quite likely was requested by the pope at the time, Urban VIII, but whose title has been only very infrequently mentioned by Galileo scholars. Moreover its central arguments have remained unexamined and unknown in English (except for two articles by William R. Shea [1984] and Thomas Cerbu [2001]), even though it presents an inside picture of the theological point of view operating during the trial for at least one, if not more, of its main participants. The purpose of this book is to present this material and an analysis of it as a new component of our knowledge of the Galileo affair.

This treatise, entitled *Tractatus syllepticus*, was written by Melchior Inchofer, S.J., whose judgment of the orthodoxy of Galileo's *Dialogue* had been requested earlier by the Holy Office and was then incorporated into the proceedings of the trial. At the time, Inchofer's judgment was the most detailed and harshest argument against Galileo's book. His later *Tractatus* is published here for the first time in English in appendix 1.

The additional sources included in the other two appendices have also been translated by the present author, as have the translations elsewhere in the book unless indicated otherwise in the notes. In all the translations any material enclosed in square brackets has been added by the translator for purposes of clarification of meaning or identification of sources. This occurs most frequently in the translation of the *Tractatus* because the Latin text of the Bible used by Inchofer in writing his *Tractatus* follows the Septuagint edition in numbering the Psalms and various other books of the Bible; in cases where the Septuagint and modern editions do not agree, the modern edition is specified in

square brackets. I have expanded abbreviated names and titles without identifying such additions to the text in order to preserve the readability of the text.

Chapter 1 is an expanded version of a paper initially entitled “Galileo’s Trial: A Plea-Bargain Gone Awry?” which was delivered at a conference entitled “Galileo and the Church” at the University of Notre Dame, 18–20 April 2002. Several presentations from that conference have been collected in McMullin (2005).

My thanks are extended to my graduate students and fellow Galileo scholars, especially Ernan McMullin, Annibale Fantoli, and George V. Coyne, S.J., who have researched, illuminated, and discussed the Galileo affair for me over so many years. The shortcomings are, of course, my own. And I also must express my special appreciation to Dr. Ronald Crown and the staff members of the Vatican Microfilm Library at Saint Louis University for their invaluable assistance in obtaining sources and tracking down references, and to Dr. Matt Dowd, my very helpful editor at the University of Notre Dame Press.

May 2004

Saint Louis University

NOTE TO THE READER

Ave, lector. It may perhaps be helpful for you to focus on the main themes of this book if I say a few words first about how it came to be written. My interest over the years in Galileo’s clash with his Catholic Church has always drifted toward the issue of trying to understand the theological rationale behind the Church’s decision to condemn Copernicanism and to bring Galileo to trial. Or, as I put it in the introduction to an earlier book (Blackwell, 1991), I have attempted to see all this not only as an episode in the history of science but just as importantly as an event in the history of theology and religion.

With this goal in mind the first area up for examination in my earlier book was the complex of events and documents centering on the year 1616, already widely studied by Galileo scholars. In that year, for complicated reasons, which are only sketched in chapter 1, the Catholic Church unfortunately decided to condemn Copernicanism as “false and completely contrary to the sacred scripture.” This was a general decree of condemnation applying to all members of the Church and did not specify Galileo by name. Thus the heterodoxy of Copernicanism appears to have been an already settled question by 1616, long before Galileo published his classic *Dialogue Concerning the Two Chief World Systems*, which in 1632 quickly became an object of suspicious attention as to whether it violated the Decree of 1616. The general presumption has long been established that the theological thinking and rationale embedded behind the condemnation of heliocentrism in 1616 applied without qualification at Galileo’s trial.

Perhaps that is the reason why a close reading of the records of Galileo’s trial reveals no direct discussion of the Bible and its many passages referring to astronomical matters, even though those were at the foundation of the charges against him. Should we thereby conclude that the church officials and their

advisers at the trial had the same theological views on these issues as did their predecessors in 1616, and especially the views of Cardinal Bellarmine, who dominated the discussions leading up to the decree of condemnation?

There are some other peculiarities about the documents from the trial. One important example is the dramatic change of Galileo's personal attitude while the trial was still in progress. A normal courtroom procedure at the time was for the prosecutor to ask questions of the accused in a series of discrete sessions of the trial, each of which was recorded accurately, although not completely verbatim, by a court scribe. This was very similar to the contemporary procedure of taking depositions for a court. At the first session Galileo made a strong and rather confident defense of himself in accounting for how his book was written. This included a letter from Cardinal Bellarmine, since deceased, which did not say that Galileo had been personally served an injunction in 1616 to abandon his views on Copernicanism but only that he had been informed of the general Decree, which applied to all Catholics. Bellarmine's letter had previously been known to no one except Galileo, and at the first session of the trial he used it as a bold and powerful appeal to a top authority in a church that highly respected such authorities.

At the beginning of the second session eighteen days later, however, Galileo's confidence was gone. The record starts out immediately with a request from him to address the court. He then proceeds to admit his guilt, not because of deliberate intention but by inadvertence. With that the second session abruptly ended. This sharp reversal of Galileo's attitude is enigmatic. Why confess at that point? Something dramatic seems to have happened in the eighteen days separating the first and the second sessions of the trial. But what? There are some clues, as we shall see in chapter 1.

Another curiosity is a document entitled the "Summary Report." The standard court procedure at that time was that the staff members of the Holy Office would write up a summary digest of what had been found in the interrogation sessions and then send that document up to the cardinals of the Congregation of the Holy Office, and sometimes on to the pope if needed, for their adjudication of a given case. The important oddity in the Galileo court documents is that the Summary Report is inaccurate and misleading in some significant ways that result in its being not fully consistent with the court's own record of the questioning of Galileo by the inquisitors. Despite its many deficiencies as a judicial system, the Roman Inquisition had a much better history of documentary accuracy than is found in this instance. Again, why did Galileo's attitude change so abruptly? What had happened?

Independently of these issues there is also clear evidence that during Galileo's trial there were initiatives made by Vatican authorities, including Pope Urban VIII, to prepare justifications of a guilty verdict at the trial. Two Jesuits, Melchior Inchofer and Christopher Scheiner, were enlisted to write theological and scientific vindications, respectively, of such a verdict. The books that they then wrote are not part of the trial documents themselves. But they do give some insight into what internal church thinking was concerning what was happening in 1633 (chapters 2–4). More specifically for our interests, the question arises of whether or not theological thinking had become modified or changed in notable ways since the Decree of 1616. And did the Church already see some of the problems that it may have created for itself in the aftermath of the Galileo trial?

The questions I have asked here are the issues that motivated my research and writing of this book. Unfortunately we do not have enough surviving evidence to answer all these questions definitively. But a careful look does reveal some significant things that happened behind the scenes at Galileo's trial.

The Legal Case at Galileo's Trial

Impasse and Perfidy

GALILEO'S TRIAL BEFORE THE ROMAN INQUISITION IS ONE OF THE MOST frequently mentioned topics in the history of science. Although no doubt only few people have carefully read and studied the actual transcripts of the trial, most have an opinion to express about it, almost always in sympathy with Galileo. All this attention is not misplaced, for Galileo's encounter with the Catholic Church not only was clearly a major turning point in the history of western culture, but unfortunately it has also been the defining event for the stormy relationship between science and religion ever since.

As a result of all this popular attention, a rather standardized stereotype of the Galileo trial has become part and parcel of our culture. We imagine Galileo standing before his peevish judges, carefully and conclusively explaining to them why the earth must revolve around the sun rather than vice versa. Meanwhile the clerical judges are sitting, as they ponder over the pages of the Bible, quoting back at Galileo various passages that now seem quite irrelevant to the issue. The scene is heavy with inevitability. The indelible image is Galileo later on his knees, forced to denounce as false a set of ideas that both he and we

know to be quite true. And as he then stands, he stamps his foot on the ground and says, "Still it moves."

Needless to say, the trial did not really happen like that at all. On the scale of the very large picture, of course, the conventional image does capture the notion that the Galileo affair is of dramatic and permanent importance because it is the paradigm case of the clash between the institutional authority of religion and the new authority of scientific reason, discovered by Galileo, which has come to define the modern era. But as we focus our vision more and more finely on the specifics of the trial, a picture emerges that is quite different, much more complex, and even more ominous than what the usual stereotype portrays.

One advantage of such a closer look, of course, is that it serves as a corrective for the misleading and oversimplified features of the customary view of the Galileo trial. But more importantly it also opens the door to a whole set of new and overlooked factors that not only explain what happened more accurately but also highlight certain dimensions of the relationship of religion to science that still run deep beneath the surface.

With this objective in mind, I present in this chapter a careful reconstruction of the course of events in Galileo's trial, based on the surviving transcripts of the proceedings. What will be revealed is a scenario that shows that a legal snag surfaced early on in the trial; that the prosecutor proposed, and Galileo accepted, a compromise (which we would now call a plea bargain) designed to resolve the snag with as little damage to both sides as possible; and that at the very last minute this compromise was sabotaged by an unknown person or persons, resulting in a stunning reversal for Galileo and the prosecutor. The net result is a much different and more disconcerting picture of the role of the Catholic Church in the affair than the common stereotype projects. The nagging concern this raises for the friends of religion is whether the motivations leading to this critical reversal in the course of the Galileo trial still operate in church circles today.

Before we begin, a methodological caveat is in order. To develop a reliable reconstruction of Galileo's trial, one cannot use contemporary legal standards for either the analyses or the evaluations of what happened. One should not expect to find our now familiar legal guarantees of due process, such as representation by competent counsel, modern standards of courtroom evidence and of the authentication of documents, cross-examination by the defense, and so forth. Using such standards, one could easily, but uselessly, show that Galileo's trial falls far short of contemporary requirements for justice. Rather, in order to

reconstruct the trial one must sympathetically understand and temporarily accept the legal standards used by the church courts in Galileo's own day. It is not our purpose here to judge how just or unjust those standards may have been.

THE IMMEDIATE BACKGROUND OF THE TRIAL

In the spring of 1632 Galileo published a book on which he had been working for many years and which was destined to bring him both fame and tragedy. The book was entitled *Dialogue Concerning the Two Chief World Systems*, a masterpiece of Italian literature in its own right. It was modeled after Plato's dialogues, with which it has often been compared. The three speakers in this fictional dialogue are Salviati (who defends Copernicus's heliocentric astronomy in a very effective and clearly Galilean fashion), Sagredo (who open-mindedly reacts to this defense at each point), and Simplicio (who obstinately defends the Aristotelian-Ptolemaic geocentric worldview no matter what comes up.) The discussions take place over a period of four days at Sagredo's palace in Venice, and the participants finally adjourn to a gondola trip on the Grand Canal.

Galileo's decision to write this book in a dialogue format is easy to understand. It enabled him to present and evaluate separately all the evidence and arguments he could muster both for and against two rival worldviews. More importantly this format also allowed him to claim that the book as a whole was neutral, and was intended to be neutral, between the two views. Whether that neutrality was actually perceived by the reader of the book is, of course, another question. That issue played a large role in the trial. The general opinion, then as well as now, is that Salviati clearly won the debate. No one has ever claimed victory for Simplicio. And a genuine neutrality reading of the *Dialogue* would be very difficult to justify.

By the summer of 1632 Galileo's new book had caused a scandal, especially in Rome where charges of heterodoxy were immediately and widely heard. The reason for this is that the *Dialogue* appeared to be a rather direct violation of a Church regulation that prohibited all books that advocated Copernicanism. This regulation had appeared in a Decree issued by the Vatican's Congregation of the Index on 5 March 1616, recent enough for all interested parties to remember with ease when they picked up Galileo's book. The events and discussions leading up to the publication of the Decree, and their evaluation, are far too complex to attempt an explanation here.¹ Suffice it to say that the issue at hand was whether Copernican astronomy contradicted certain relevant passages

in Scripture that speak in terms of an earth-centered universe. If so, it was thought that Copernicanism must be false.

Since this Decree of 1616 played a central legal role at Galileo's trial, we quote here its relevant section in full.

It has come to the attention of this Sacred Congregation that the Pythagorean doctrine of the mobility of the earth and the immobility of the sun, which is false and completely contrary to the divine Scriptures, and which is taught by Nicholas Copernicus in his *De revolutionibus orbium coelestium* and by Diego de Zuñiga in his *Commentary on Job*, is now being divulged and accepted by many. This can be seen from the letter published by a Carmelite priest, entitled *Letter of Fr. Paolo Antonio Foscarini on the Opinion of the Pythagoreans and of Copernicus on the Mobility of the Earth and the Stability of the Sun and on the New Pythagorean System of the World*, Naples: Lazzaro Scorriggio, 1615. In this letter the said Father tries to show that the above-mentioned doctrine of the immobility of the sun in the center of the world and of the mobility of the earth is both in agreement with the truth and is not contrary to Sacred Scripture. Therefore, lest this opinion spread further and endanger Catholic truth, it is ordered that the said Nicholas Copernicus's *De revolutionibus orbium* and Diego de Zuñiga's *Commentary on Job* are suspended until corrected; also that the book of the Carmelite Father Paolo Antonio Foscarini is completely prohibited and condemned; and also that all other books teaching the same thing are prohibited, as the present Decree prohibits, condemns, and suspends them all respectively. (Blackwell 1991, 122)

The Decree's message is quite unequivocal. Heliocentric astronomy is false because it contradicts the Bible, and all future books advocating Copernicanism are prohibited and condemned in advance. Of the three offenders mentioned by name, only Foscarini was still living in 1616. In fact, his recently published *Letter*,² mentioned in the Decree, provided an ideal occasion for the Holy Office to come to the decision announced here. It is likely that Galileo was the real target of the Decree. But perhaps because of his recently acquired international reputation as an astronomer and because of the prestige of his patron, the Grand Duke of Tuscany, Galileo is not mentioned by name in the Decree, nor is his *Letters on Sunspots* (1613) in which he explicitly advocated the Copernican view in at least two places. Nevertheless he could hardly have missed the impact of the last sentence, which understandably came to be read in the

summer of 1632 as a condemnation of the *Dialogue*. There were indeed strong grounds to charge Galileo with a violation of the Decree of 1616.

In August of 1632 the Holy Office ordered that publication of the *Dialogue* be suspended, sales halted, and unsold copies confiscated. In September a Special Commission,³ which functioned in a manner somewhat similar to a modern grand jury, was appointed to investigate the matter further. It found that Galileo had indeed defended heliocentrism in the *Dialogue*, and thus in effect had violated the Decree of 1616. Much more importantly, however, the Special Commission also uncovered in the files of the Holy Office a memorandum, previously known only to a very few, which stated that on 26 February 1616, at a meeting at Cardinal Bellarmine's residence in Rome, Galileo had been served an injunction by the Commissary General of the Holy Office in regard to the issue of Copernicanism. The specific injunction was that Galileo was ordered to abandon Copernicanism, "nor henceforth to hold, teach, or defend it in any way, either verbally or in writing." Given this very broad wording, Galileo's *Dialogue* appeared to be such a clear violation of the injunction that a trial became inevitable. It should also be mentioned that the Holy Office's memo containing the injunction came as quite a surprise even to Pope Urban VIII, who thereafter remained furious with Galileo for supposedly concealing it from him during earlier and friendlier discussions about Galileo's work. Since the 1616 injunction later became the centerpiece legal document at Galileo's trial, we quote it here in full.

At the Palace, the usual residence of the aforementioned Cardinal Bellarmine, the said Galileo, having been summoned and standing before His Lordship, was, in the presence of the Very Reverend Father Michael Angelo Seghizzi de Lauda, of the Order of Preachers, Commissary General of the Holy Office, admonished by the Cardinal of the error of the aforesaid opinion and that he should abandon it; and later on [*successive ac incontinenti*] in the presence of myself, other witnesses, and the Lord Cardinal, who was still present, the said Commissary did enjoin on the said Galileo, there present, and did order him (in his own name), the name of His Holiness the Pope, and that of the Congregation of the Holy Office, to relinquish altogether the said opinion, namely, that the sun is in the center of the universe and immobile, and that the earth moves; nor henceforth to hold, teach, or defend it in any way, either verbally or in writing. Otherwise proceedings would be taken against him by the Holy Office. The said Galileo acquiesced in this ruling and promised to obey it. (Langford 1966, 92)

Modern scholars have shown that this Holy Office memo of 26 February 1616 contains numerous irregularities, but they are far from agreement as to how the memo should be interpreted. First it is some sort of a summary by a clerk of what happened at the meeting, but is not the official document that should have been in the Holy Office files and that would have legally stated the results of the meeting at Bellarmine's residence. Further the memo is not properly signed or witnessed. Some have argued that it was forged in 1632 to trap Galileo, but that view has been abandoned after paper, ink, and handwriting tests show that it was written in 1616. Some say that it is a 1616 forged substitute for the missing proper document, but that seems highly unlikely. Unfortunately how the memo was generated simply cannot be determined by the presently available evidence. The memo is also crucially ambiguous at its main point ("and later on" [*successive ac incontinenti*]), since we cannot tell whether Galileo was or was not given time to react to Cardinal Bellarmine's admonition before he was served with the injunction by the Commissary General. If he was not given an opportunity to reply to Bellarmine, then the injunction would have been illegal, since the pope's specific instructions for the meeting ordered the injunction as a second step only in the case that Galileo refused to abandon Copernicanism.

It is incredible that the central document in Galileo's trial, which was to have such enormous consequences, is so full of legal, textual, and conceptual problems. Further we simply do not know what the prosecutors in the Galileo trial may have known or thought specifically about the difficulties mentioned above. However they clearly were concerned in at least a general way about the status of the Holy Office memo, as we shall soon see in detail.

At any rate in light of the Decree and the Holy Office memo of 1616, Galileo was ordered in October of 1632 to come to Rome for a trial. Various delaying tactics, travel difficulties due to the plague, and Galileo's perennial poor health postponed his actual arrival in Rome to February of the next year. The stage was then set.

THE THREE SESSIONS OF THE TRIAL

Galileo's trial was conducted under the auspices of the Congregation of the Holy Office, popularly known as the Roman Inquisition, which at that time was composed of ten cardinals appointed by the pope. This Congregation was

charged with the responsibility of asserting Catholic dogma and safeguarding it from any attack. The day to day work was carried out by a staff of clerics, traditionally Dominicans, headed up by the Commissary General or chief prosecutor. The usual trial procedure was that this staff would carry out the interrogation of defendants and witnesses, during which a court clerk would write down a consecutive, but not necessarily verbatim, account of the questions and answers. Immediately after each session the accused was asked to read and sign the clerk's account. Galileo's signature appears at the end of each deposition in his trial, thus increasing our confidence in the reliability of the documents.⁴ After all the sessions were completed, the Inquisition staff composed a summary report of the proceedings and sent it up to the Congregation of cardinals, who would then either make the decisions, subject to the pope's approval, or else pass the matter on to the pope for his decision.

To understand the context of the documents it is important to realize that, in its dealings with individuals, the functions of the Inquisition were thought of as being primarily religious in character. The guiding purpose was to save souls by offering forgiveness of sins to the accused. For example, in Galileo's sentence he was "absolved from his deficiencies" if he accepted the judgment. The juridical proceedings were conceived of as instrumental to that end, the whole process having the atmosphere of a religious penance service.

Another characteristic feature was that everything was shrouded in the strictest of secrecy. The members of the Holy Office would never publicly say or write anything about a past or present case under pain of severe punishment. As a result there are, for example, no known comments about the 1616 deliberations against Copernicanism or about the earlier Bruno trial anywhere in the large volumes of personal papers left by Cardinal Bellarmine, and one would not expect to find any. The only records kept were the files of the Holy Office itself, which, whatever its deficiencies may have been, encouraged detailed, accurate, and legally proper documentation of its activities. Their basically reliable documents on the Galileo trial have been preserved, and were finally made public in 1880.

The court procedures were governed by published ecclesiastical legal manuals, which were standard for the times.⁵ Part of the procedure was to imprison the accused for the entire duration of the trial, thus assuring, through additional procedures such as intimidation, silence about trial developments from that quarter. As a result the Inquisition came in time to manage its own prison system, which was also used, of course, to house convicted defendants.

All executions were handled by the civil authorities, lest there be any blood on the church. This is the origin of the ominous shadow behind the phrase "handed over to the civil arm."

Galileo's trial began on 12 April and ended on 22 June 1633. In a virtually unprecedented move he was not imprisoned during most of the trial. Rather he was allowed to live, under a promise of silence, at the Villa Medici, the Tuscan ambassador's residence in Rome adjacent to the Borghese Gardens, except for a critically important period of eighteen days (12–30 April) when he was held in comfortable quarters at the Dominican Convent of Santa Maria Sopra Minerva in the Piazza Minerva, the usual site of the hearings conducted by the Holy Office. Fr. Carlo Sinceri, the Proctor Fiscal, conducted the actual interrogations, under the supervision of Fr. Vincenzo Maculano da Firenzuola, O.P., who was the Commissary General. The interrogations were completed after three sessions (12 April, 30 April, and 10 May). A few weeks later the summary report was sent to the Congregation for judgment. Pope Urban VIII's decision is dated 16 June, and Galileo was sentenced six days later.

The First Session

When one looks closely at the depositions from the trial, an extraordinary story is revealed. The first session began with the usual preliminaries of identification. Galileo was then asked the standard question of whether he knew or could guess why he had been summoned by the Holy Office. The expected pro forma reply to this would have been a simple "no," lest one might give reason to suspect a guilty conscience. But Galileo more boldly replied that he imagined that it was because of his book, the *Dialogue*, for he and his publisher had received an order from the Holy Office to cease publication and to send the original manuscript to Rome. The next few questions established the fact that Galileo was the author of the book and of everything in it, and determined when and where it was written.

The first legal hurdle. At this point the interrogation took an ominous turn, which Galileo must have anticipated and recognized as such, judging from the astuteness of his replies. The question was whether he was in Rome in 1616, and why. He answered that he came to Rome that year of his own volition to learn what he was allowed to maintain about Copernicanism. He said he was informed by Cardinal Bellarmine of the soon to be published Decree of 1616 to the effect that heliocentrism could not be held absolutely, but only suppo-

sitionally,⁶ since it was contrary to the Scriptures. This was the same point of view explained in Bellarmine's Letter to Foscarini of 12 April 1615,⁷ in which Galileo is mentioned by Bellarmine by name as sharing precisely that view, and which Galileo quoted verbatim on this point. Appealing to Bellarmine himself for his defense was an effective move.

But Maculano was not satisfied. One has the image that he held in his hands the previously mentioned disputed memo of the Holy Office, which said much more. Perhaps Galileo sensed that he had something more damaging to use, although of course the strict secrecy rules were such that Galileo never personally read that memo, either before, during, or after the trial. The questioning became more insistent. What was decided and told to Galileo at his meeting with Cardinal Bellarmine at his residence on 26 February 1616? We are now at the dramatic highlight of the trial. Galileo repeated that the order from Bellarmine was that Copernicanism was contrary to the Scriptures and thus could not be held absolutely, but only suppositionally. He then produced a copy of the following letter given to him by Cardinal Bellarmine, dated exactly three months after the meeting, adding that the original of the letter was in safe-keeping in Rome. The letter reads:

We, Robert Cardinal Bellarmine, hearing that it has been calumniously rumored that Galileo Galilei has abjured in our hands and also has been given a salutary penance, and being requested to state the truth with regard to this, declare that this man Galileo has not abjured, either in our hands or in the hands of any other person here in Rome, or anywhere else as far as we know, any opinion or doctrine which he has held; nor has any salutary or any other kind of penance been given to him. Only the declaration made by the Holy Father and published by the Sacred Congregation of the Index has been revealed to him, which states that the doctrine of Copernicus, that the earth moves around the sun and that the sun is stationary in the center of the universe and does not move east to west, is contrary to Holy Scripture and therefore cannot be defended or held. In witness whereof we have written and signed this letter with our hand on this twenty-sixth day of May, 1616. (Blackwell 1991, 127)

Maculano must have been shocked. He, of course, had had no way of knowing about this letter beforehand. And Galileo had produced it in court even before the prosecution brought up the Holy Office's memo, the cornerstone of the case against Galileo. The shock obviously came from the fact,

which would have been evident to the prosecutor when he compared the two documents, that they were flatly inconsistent. Bellarmine's order to Galileo was simply "not to hold or defend Copernicanism," period. But the Holy Office memo says that the Commissary General, not Bellarmine, issued an injunction to Galileo, and it said that he could not "hold, teach, or defend it in any way, either verbally or in writing." This wording would have denied permission to Galileo to deal with Copernicanism even "suppositionally," the essence of Bellarmine's advice to him. As accounts of the same meeting, this will not do. The prosecutor's key evidence had been trumped even before it was introduced.

It is tempting to think, and perhaps even probable, that Galileo somehow had already learned beforehand of the damaging and previously secret memo from the Holy Office file, and that he came prepared to dramatically introduce his counterletter from Bellarmine to defend himself against it. For in September of 1632 the Special Commission had discovered and subsequently informed Urban VIII of the injunction memo, of which even the pope had been previously unaware. After that the content of the memo was no longer restricted to the files of the Holy Office. At any rate it is certainly true that, recalling the events of 1616, Galileo brought the Bellarmine letter correctly anticipating what the focus of the interrogations would be. All these years he had kept that letter in his vest pocket, as it were, as insurance against a moment like this. One could not have a better example of the wisdom of requesting official summary documents after important oral agreements have been reached.

Recovering somehow from this most unexpected development, Maculano still pressed the matter. Were there any other witnesses present, and had anyone besides Bellarmine issued an injunction? Galileo replied,

there were some Dominican Fathers present, but I did not know them nor have I seen them since. . . . As I remember it, the affair took place in the following manner. One morning Lord Cardinal Bellarmine sent for me, and he told me a certain detail that I should like to speak to the ear of His Holiness before telling others; but then at the end he told me that Copernicus's opinion could not be held or defended, being contrary to the Holy Scripture. I do not recall whether those Dominican Fathers were there at first or came afterward; nor do I recall whether they were present when the Lord Cardinal told me that the said opinion could not be held. Finally, it may be that I was given an injunction not to hold or defend the said opinion, but I do not recall it since this is something of many years ago. (Finocchiaro 1989, 259)

These remarks are quite mysterious. What was the information from Bellarmine intended for the pope's ear only? Was it something very personal (Galileo had been a close friend of Urban VIII, a fellow Tuscan, for over twenty years), something very compromising for some high official who might otherwise use it to Galileo's disadvantage, or something quite embarrassing to the church? And why did he say this? How could it help his defense? Did the pope ever get Galileo's private message? There is nothing in the surviving documents to suggest answers to these questions. This odd request is not included in the summary report of the interrogations, even though its author would have had this information in front of him at the time. It is likely that nothing further happened on this score.

Another mysterious point is Galileo's last comment, slightly amplified later, that it was not impossible that he was given an injunction by someone else, but that he does not remember it after all these years. Why make such a concession, however slight it might be? Was Galileo honest here, or was he conveniently forgetting some damaging specifics with the plan of relying on Bellarmine's letter for his account of what really happened?

At this point Maculano seized on Galileo's last comment to introduce finally the Holy Office memo about the disputed meeting. He informed Galileo that there indeed was such an injunction, given before witnesses, and he read to Galileo the stronger wording of the memo: "neither to hold, teach, or defend it in any way, either verbally or in writing." Does Galileo remember that wording? His reply again was that this may have been said, but that he does not recall it after so many years, during which he has relied on Bellarmine's letter for what the order was. At this point the critical interrogation about the events of 1616 ended.

The second legal hurdle. The remaining three questions put to Galileo at the end of the first session dealt with the issue of the "imprimatur" ("let it be published") of the *Dialogue*, which was an ecclesiastical license to publish. This license was not an approval of the content of a book as such, but only certified that it does not contain anything contrary to Catholic faith and morals. After the advent of printing and the concerns for orthodoxy raised by the Reformation, this ancient church practice was codified into ten rules by the Council of Trent, and the first *Index librorum prohibitorum* appeared in 1564. Since the 1616 condemnation of Copernicanism was issued by the recently constituted Congregation of the Index, Galileo's book unquestionably would need such an imprimatur.