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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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 Scoriggio, 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*, 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 Spe-
cial Commission, 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 vi-
olated the Decree of 1616. Much more importantly, however, the Special Com-
mission also uncovered in the files of the Holy Office a memorandum, previous-
lly 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 Di-
alogue 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 there-
after remained furious with Galileo for supposedly concealing it from him dur-
ing earlier and friendlier discussions about Galileo’s work. Since the 1616 injunc-
tion later became the centerpiece legal document at Galileo’s trial, we quote it
here in full.

At the Palace, the usual residence of the aforenamed Cardinal Bellarmine,
the said Galileo, having been summoned and standing before His Lord-
ship, 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 incontintenti]
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 Holi-
ness the Pope, and that of the Congregation of the Holy Office, to relin-
quish 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 Ga-
ildeo 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. 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. 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 Firenzuela, 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, 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, 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 safekeeping 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, ei-
ther verbally or in writing.” This wording would have denied permission to
Galileo to deal with Copernicanism even “suppositionally,” the essence of Bel-
larmine’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 intro-
duce his counterletter from Bellarmine to defend himself against it. For in Sep-
tember of 1632 the Special Commission had discovered and subsequently in-
formed 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 let-
ter 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 any-
one 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 Coperni-
cicus’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.
Regarding this issue Galileo was asked first whether he had sought permission to write his book. His answer was “no,” because his purpose was not to hold, defend, or teach Copernicanism, but to refute it, a startling claim for anyone who has actually read the Dialogue. But of course, if he had said the opposite, he would have condemned himself at the trial by his own words. At least he showed that he was keenly aware of the charge in the injunction memo.

Secondly he was asked if he had sought permission to publish the book. His long answer was not only “yes,” but also that he had been granted not just one imprimatur but two. Galileo had gone to Rome in 1630 to request an imprimatur from Niccolò Riccardi, O.P., the Master of the Sacred Palace, who normally handled such matters. Galileo understood that Riccardi had full powers to approve, reject, or modify the book. After some delays he granted approval for the book to be published in Rome, but with the qualification that he review the final copy, especially its Preface and conclusion. After Galileo returned to Florence, long delays continued in Rome, indicating that Riccardi was under pressure and uncomfortable about the matter. Meanwhile that fall the plague broke out in central Italy, and it was too dangerous not only for Galileo to return to Rome but also for him to send the manuscript, which might be lost, damaged, or even burned because of the quarantine. So Riccardi ultimately agreed to let the inquisitor in Florence make the final decision as long as his initial requirement was met, that is, that the preface and conclusion (which contained the famous papal objection based on divine omnipotence) be sent to him first. As a result the Dialogue was finally published in Florence in 1632 with an imprimatur from Riccardi in Rome and another from Clemente Egidi, O.F.M., in Florence.

Thus it happened that the book was published with a double imprimatur. The legal quandary that this presented to the prosecutor at the trial was obvious. How could the Church protect its good name and image if it were to condemn Galileo for publishing a book that the Church itself had recently approved?

Perhaps Galileo had obtained the imprimatur fraudulently. So the last question at the first session was whether Galileo had informed Riccardi of the injunction imposed upon him in 1616. Galileo’s answer was “no,” for the curious reason again that his purpose was to refute Copernicanism, not to hold or defend it. One might have expected him to say that he was guided by Bellarmine’s letter about that meeting and had as a result forgotten anything else by 1630.

With this the first session ended. Galileo then signed the deposition, was sworn to silence, and was ordered detained in the quarters of the Holy Office, for what turned out to be the next eighteen days.
The Plea Bargain

Maculano probably did not sleep well for the next few nights. His case had fallen apart because of the course of events in the first session. In the large picture we see that both Galileo and the prosecutor had entered the trial with a document in hand, unknown to the other side, which each thought would conclusively settle the matter in his favor. But the two documents, when considered together, were so irreconcilable as to result in an impasse. If Maculano was upset, genuine fear of the Inquisition must have descended on Galileo, who by now must also have realized what the situation was.

Unfortunately there was no clear way to remove the impasse. One word from Bellarmine would have been enough for the court to determine which document presented the true account of the critical meeting in 1616. But he had died in 1623. Michelangelo Seghizzi, O.P., the Commissary General in 1616 who supposedly issued the injunction, was also dead. There were no witnesses to call upon for a resolution.

Meanwhile pressure continued to build on the prosecutor. The three member Special Commission of the previous September had been reconvened with the specific charge to examine the *Dialogue* to determine if it “holds, teaches, or defends in any way” the following two claims: (1) that the sun is at rest in the center of the universe and (2) that the earth moves around the sun. It is interesting to note that these same two claims originally appeared in the deliberations of the Holy Office in 1616 and were then judged to be false and contrary to the Scriptures. In 1633 the Holy Office was closely following its own internal documents.

On 17 April the three members of the Special Commission submitted separate reports, agreeing unanimously that the *Dialogue* had indeed violated the injunction as stated in the Holy Office’s memo of 1616. The report submitted by Fr. Melchior Inchofer, the Jesuit member of the Commission, was particularly vigorous and meticulous in its indictment of the *Dialogue*. On 21 April the Congregation approved the judgments against Galileo’s book by the members of the Special Commission. On the next day Maculano wrote to Cardinal Barberini, in a letter just recently discovered, to suggest a speedy settlement of Galileo’s trial, both because of the Congregation’s decision on the book and because of the deterioration of Galileo’s health while he was under the confinement of the Holy Office. The relevant portion of the letter reads:
Last night Galileo was afflicted with pains which assaulted him, and he cried out again this morning. I have visited him twice, and he has received more medicine. This makes me think that his case should be expedited very quickly, and I truly think that this should happen in light of the grave condition of this man. Already yesterday the Congregation decided on his book and it was determined that in it he defends and teaches the opinion which is rejected and condemned by the Church, and that the author also makes himself suspected of holding it. That being so, the case could immediately be brought to a prompt settlement, which I expect is your feeling in obedience to the Pope.9

The first thing to note in this letter is that in the eyes of the prosecutor the case against Galileo had in effect already been decided the previous day when the Congregation voted to accept the three reports from the Special Commission without any qualifications. Galileo was guilty of “teaching, defending, and holding” Copernicanism. That matter was settled. The issue now became how to implement this decision.

Secondly, faced with a complex situation after the first session of the trial, Maculano10 and Francesco Cardinal Barberini, a nephew of the pope and a member of the Congregation, jointly decided to try to end the case by means of a plea bargain with Galileo. For this maneuver the approval of the cardinals constituting the Congregation of the Holy Office would first be needed. So Maculano met with them to review the case to date, and to consider “various difficulties in regard to the manner of continuing the case and leading it to a conclusion.” In his letter of 28 April 1633 to Cardinal Barberini, who was at Castel Gandolfo at the time, Maculano went on to describe what happened.

Finally I proposed a plan, namely that the Holy Congregation grant me the authority to deal extrajudicially with Galileo, in order to make him understand his error and, once having recognized it, to bring him to confess it. The proposal seemed at first too bold, and there did not seem to be much hope of accomplishing this goal as long as one followed the road of trying to convince him with reasons; however, after I mentioned the basis on which I proposed this, they gave me the authority.11

The prosecutor was now authorized to try to strike a plea bargain with Galileo. In effect, Galileo would plead guilty to some as yet unspecified minor offense in writing the Dialogue in return for a lighter sentence. This authority
was granted after the prosecutor mentioned the “basis” of his proposal. This “basis” is not identified, but presumably it was the need to resolve the legal impasse created by the two opposing documents or the double imprimatur at the center of the interrogations of the first session. Maculano then continued in his letter to tell Cardinal Barberini that his attempt to deal with Galileo on this matter was also successful.

In order not to lose time, yesterday afternoon I had a discussion with Galileo, and, after exchanging innumerable arguments and answers, by the grace of the Lord I accomplished my purpose: I made him grasp his error, so that he clearly recognized that he had erred and gone too far in his book; he expressed everything with heartfelt words, as if he were relieved by the knowledge of his error; and he was ready for a judicial confession. However, he asked me for a little time to think about the way to render his confession honest, for in regard to the substance he will hopefully proceed as mentioned above. (Finocchiaro 1989, 276)

Galileo had decided to admit that he “had erred and gone too far in his book.” Further he was relieved and thankful for this development, which clearly implies that he also was highly concerned about how the impasse in the trial would ultimately affect him. Since the next step would be a confession in court, which would be dramatically in contrast to his assertive stance in the first session, Galileo asked for some time to think about how to make the confession credible. The decision was already made on other grounds; the publicly stated reasons for it were to be supplied after the fact. Everything would then be in place. Maculano and Cardinal Barberini are to be applauded for having enough of a sense of justice to try to arrange for the Galileo case to change into a more minor matter with more minor consequences. The prosecutor ended his letter with the hope that

in this manner the case is brought to such a point that it may be settled without difficulty. The Tribunal will maintain its reputation; the culprit can be treated with benignity; and, whatever the final outcome, he will know the favor done to him, with all the consequent satisfaction one wants in this. (Finocchiaro 1989, 277)

So by the end of April the situation was as follows. Maculano had initiated a suggestion, which Galileo accepted, that the impasse reached at the end of
the first session of the trial be resolved by what we now call a plea-bargain agreement. Galileo would “confess” to lesser offenses in his book (i.e., less than formal heresy), and the prosecution would agree to accept that as a basis to resolve the case, including a proportionally lesser penalty for Galileo. This carefully worded confession would be presented at the second session of the trial on 30 April. For reasons to be explained later, we do not know what may have been the specific lesser final judgment and penalty promised by Maculano as his half of the plea bargain, but certainly it would have been a finding of something less than formal heresy. The Holy Office had many categories of theological error short of heresy which could have been used, for example, *temeritas* or “rashness.”

With this plea bargain in mind Maculano hoped to overcome the two legal hurdles that arose in the first session of the trial: (1) the two conflicting documents describing Galileo’s meeting with Bellarmine in 1616 regarding what was acceptable and (2) the double imprimatur granted to Galileo’s *Dialogue* shortly prior to its publication. It was a good plan, which should have worked.

The Second Session

From this point on, the character of the court sessions fundamentally changed. Interrogations to obtain information ended. The new goal was to implement the plea bargain. As a first step Galileo played his part by petitioning the court to make an opening statement at the second session of the trial. He began by saying that since the end of the first session he has been wondering whether he may actually have violated the injunction stated in the Holy Office’s memo. So he reread his *Dialogue*, put aside for three years already, to see in retrospect if, contrary to his best intentions and through oversight, “some words might have fallen from my pen” that indicated disobedience on his part. He came to the following conclusion:

Now I freely confess that it appeared to me in several places to be written in such a way that a reader, not aware of my intention, would have had reason to form the opinion that the arguments for the false side, which I intended to confute, were so stated as to be capable of convincing because of their strength, rather than being easy to answer. (Finocchiaro 1989, 278)
How could Galileo say with any honesty that his real “intention” in the Diary was to refute Copernicanism (which simply was not true)? Or on the other hand, was this rather what both sides agreed in private discussions that Galileo would say as part of the settlement, and they would simply leave it at that? Whatever be the case, he went on to say that the dialogue style of the book required that strong arguments be given for the Copernican position before he could proceed to refute them. Further, at times he became carried away with a desire to display his own cleverness in making these false views appear probable. But this was personal exuberance, not disrespect for the teachings of the Church. “My error then was, and I confess it, one of vain ambition, pure ignorance, and inadvertence” (Finocchiaro 1989, 278). While leaving, he turned back with the afterthought that he could add one or two more days of discussion to the Diary to refute the false point of view more effectively. Needless to say, the Holy Office, not wanting to encourage more trouble, paid no attention to that suggestion. The court asked him no questions about his sudden “confession,” and the second session ended at that point. After signing the deposition again, Galileo was released to return to the Villa Medici, the prosecutor rather obviously being satisfied that the whole matter was now safely in hand.

The Third Session

The next prescribed step was for the court to offer the defendant an opportunity to present a defense, if he so wished. So ten days later Galileo appeared again and presented two documents: (i) the original copy of Bellarmine’s 1616 letter to him and (2) a brief written defense of his actions. In the latter he said that Bellarmine’s letter, which he used in the subsequent years as his guide in these matters, did not contain the stronger wording of the Holy Office’s injunction, which he then understandably did not attend to. As a result he did not willingly disobey the orders given to him in 1616.

Thus those flaws that can be seen scattered in my book were not introduced through the cunning of an insincere intention, but rather through the vain ambition and satisfaction of appearing clever above and beyond the average among popular writers; this was an inadvertent result of my writing, as I confessed in another deposition. I am ready to make amends and compensate for this flaw by every possible means, whenever I may be either ordered or allowed by Their Most Eminent Lordships. (Finocchiaro 1989, 280–81)
He concluded by asking the court to mercifully consider his declining age of seventy years, his suffering from his perennial poor state of health, and the slanders against his reputation as adequate punishment for his crimes. This appeal for leniency was most probably only a pro forma set of remarks, and not any indication of an actual penalty agreement included in the plea bargain. Galileo’s role in the proposed settlement was now completed. He needed only to wait for Maculano to carry out his part of the agreement.

The False Summary Report

Following regular procedures, the staff of the Holy Office next prepared a summary report on the trial to date, which was then passed on to the Congregation, and ultimately to the pope, for judgment. It is important to emphasize that this was an internal document of the Holy Office, and hence Galileo never saw it and had no opportunity to challenge its accuracy. The document has no date or signature. The latter is easy to explain in light of the fundamentally deceptive character of the report, which required concealment of the author(s). Its official status as the legal summary of the case can be seen in the fact that, still today in the Vatican archives, this document is the first one encountered in the collection of the Galileo trial documents, which otherwise are in chronological order.

When one compares the summary report with the three depositions and the other relevant documents, one sees first that most of it is a synthesis of the three sessions of the trial. However it starts with some other background material from 1615–16, which would have previously been in the Galileo file of the Holy Office. Much more importantly one next sees that some parts of the report are accurate, other parts are deceptively misleading, some major factors in the trial documents are simply omitted, and still other parts are deliberate falsifications. No honest lawyer would have written this summary report. What we have rather is a willingness to compose a misleading and partially false document.

The summary report begins by reviewing at length a complaint received by the Holy Office in February 1615 from Fr. Niccolò Lorini, O.P., who questioned Galileo’s orthodoxy then, and by implication, again in 1633. Since we have not discussed this episode earlier, a brief synopsis of it is in order.

On 14 December 1613 Galileo had written a letter to his scientific associate and friend Fr. Benedetto Castelli, O.S.B, in which he sketched his views about the rela-
tions between science and the Bible. The point of the letter was to put to rest an initially small dispute on this topic that had arisen in a discussion within the Tuscan royal family, who were Galileo’s patrons. In February 1615 Lorini sent a copy of that letter to the Roman Inquisition with a complaint that Galileo’s views in it were suspect. To make matters worse, Lorini falsified Galileo’s Letter to Castelli in several places. For example, regarding the Scriptures he changed “give an impression which is different from the truth” to “which, in respect to the bare meanings of the words, are false.” Again he changed “Scripture does not refrain from faintly sketching its most important dogmas” to “does not refrain from perverting its most important dogmas.” These falsifications are even explicitly quoted against Galileo in the summary report.

For some reason Galileo suspected such foul play, so he sent a true copy of his Letter to Castelli to his friend Msgr. Dini in Rome, along with a request that he give it to Cardinal Bellarmine, which he did, along with many other copies to others. Galileo’s original letter was thereby made public knowledge. Also since at the time Bellarmine was a member of the Holy Office, he may well have added the true copy to the file on Galileo, where Lorini’s complaint was lodged. This would help to explain why that complaint was soon dropped.

Yet here we have the author of the summary report of 1633 not only going back to that discredited episode, but also using Lorini’s falsified version of Galileo’s letter, even as he added, “Despite diligent efforts one could not obtain the original of this letter” (Finocchiaro 1989, 282). However Galileo’s version of the letter was not only public knowledge since 1615, but it may well have been right there in Galileo’s file. This was not even a well concealed deception; yet no one who read the report seemed to notice it, as far as we know. The summary report contained the list of Lorini’s complaints of heterodoxy, plus another list of such views (i.e., “that God is an accident; that He really laughs, cries, etc.; and that the miracles attributed to the Saints are not true miracles”) submitted in 1615 by Lorini’s friend Fr. Tommaso Caccini, O.P. Although all this had been dismissed long ago, it made Galileo look like a veteran troublemaker who could not be trusted.

The summary report continued with more guilt by innuendo. When the Holy Office debated the orthodoxy of Copernicanism in 1616, it asked its theological experts for their opinion on these two claims: (1) that the sun is at rest in the center of the universe and (2) that the earth rotates around the sun. The theologians advised, and the cardinals of the Holy Office agreed, that both of these claims were “philosophically absurd” and that the first one was also “formally heretical,” that is, it directly contradicted the words of Scripture. (It is
interesting to note that the latter phrase was not used in the Decree of 1616 published shortly thereafter. The author of the summary report then added gratuitously that these two propositions were derived from Galileo’s *Letters on Sunspots*. The effective impression was that Galileo had previously defended views judged to be heretical by the Holy Office.

The remainder of the summary report deals with the content of the three trial depositions and is thus the heart of the matter. Neither the disputed Holy Office memo nor Galileo’s 1616 letter from Bellarmine are quoted in full; only a few phrases from each are quoted. Nor is there any indication that these documents were added to the report as appendices for the reader to consider. What we get rather is a misleading and partially false synopsis. On the key issue of the two documents we are told that Bellarmine explained to Galileo the impact of the Decree of 1616, namely, that Copernicanism cannot be held or defended. The report also says, falsely, that Bellarmine (it clearly was not Bellarmine, but the Commissary General, Michelangelo Seghizzi, according to the Holy Office’s own memo) also issued a more specific injunction to Galileo “not to hold, teach, or defend [it] in any way, verbally or in writing.” In no way are we given the impression that in the documents these are two separate and inconsistent accounts of the same event. Rather the two accounts are presented as supplementary. In this scenario the weaker order is the thrust of the Decree, which applied generally to every Catholic, while the stronger order was the force of the injunction, which applied personally to Galileo. Hence he was consistently bound by both ordinances.

Given this distorted summary account, there was consequently no weight left in Galileo’s defense that he later was guided only by the conditions in Bellarmine’s letter, and thereby did not remember anything further about the matter. This defense is reported, but it does not have its original significance. The summary report also included a long and basically reliable account of Galileo’s conduct in gaining permissions to publish in Rome and in Florence. Furthermore, unlike the excluded texts of the two key letters, the report also contained a nearly verbatim quotation of almost all of Galileo’s “confession” from the second deposition. But now, taken out of the context of the plea bargain which remained unmentioned, the confession did not have the same meaning; in fact, it had become damaging to Galileo.

The summary report ended by stating what it took to be Galileo’s motives:

He begged to be excused for having been silent about the injunction issued to him, since he did not remember the words “to teach in any way
whatever," and so he thought the decree of the Congregation of the Index was sufficient. . . . He said all this not to be excused from the error, but so that it be attributed to vain ambition rather than to malice and deception. (Finocchiaro 1989, 285–86)

Who wrote this summary report? It could have had a solitary author. But given the complexities of pulling off such a maneuver, it is much more likely that it was the product of a group of individuals who could control the situation, and who decided for unknown reasons to ensnare Galileo. Further it is almost inconceivable that all this could have happened just at the lower staff levels of the Holy Office. More highly positioned people there, or in the Congregation itself, or even above, were almost certainly involved. But there is no known evidence anywhere to identify the author(s), or even to reasonably speculate. Concealment was an essential part of this plot, massively aided as it was by the excessive secrecy of the Holy Office itself, which was being manipulated by its own rules.

Whoever it was, he knew what he was doing. By omitting all traces of the plea bargain (e.g., there was not the slightest indication in the summary report of Maculano’s extrajudicial meeting with Galileo), and by very boldly distorting the documents (which were still there threatening to reveal the plot), the perpetrator(s) managed to entrap Galileo in a miscarriage of justice. With the plea bargain sabotaged, whatever specific promises Maculano had made to Galileo in late April regarding the outcome of the trial were irretrievably broken and are to be found nowhere in the surviving documents.

Meanwhile Galileo did not learn until the middle of June how badly things were going against him. In fact he was very optimistic, even confident, about the outcome, as is evident in his correspondence with numerous friends and family during May and early June. The only one at the Villa Medici who knew otherwise was Francesco Niccolini, the Tuscan ambassador, but he decided not to inform Galileo yet.

**The Judgment and the Sentence**

When the summary report on the trial reached the cardinals of the Holy Office, probably sometime in late May, it must have created a vigorous discussion and some disagreement. At least one of them, and probably a few others, expected a quite different report. For in fact Cardinal Barberini had had a hand in fashioning the plea bargain. So the summary report must have struck him
as being an attempt to sabotage the agreement that he himself had tried to ar-
range. On the other hand there must also have been a faction in the Congrega-
tion who favored the summary as the basis for further action in the trial. Other-
wise it is hardly credible that the report was not rejected by the Congregation as misleading, particularly after Barberini, who, after all, spoke with the au-
thority of the pope’s nephew, would have explained the situation. Put in another way, a plot to sabotage the plea bargain would almost certainly never have been even initiated, and definitely could not have succeeded, without the support of some of the cardinals of the Congregation. A likely result could have been another stalemate, this time in the Congregation itself.

But all of this is purely speculative. We have no concrete evidence at all as to what happened when the summary report was evaluated by the cardinals. But there is one small piece of indirect evidence which might indicate dis-
sension at that level. A few weeks later, when Galileo was finally condemned, three of the ten cardinals did not sign the sentence. One of them was Cardi-
nal Barberini.16

Whatever may have transpired among the cardinals of the Holy Office, Ga-
lileo’s case and his sentence was finally settled personally by Pope Urban VIII. His decision on the matter, dated 16 June, was as follows:

His Holiness decreed that the said Galileo is to be interrogated with re-
gard to his intention, even with the threat of torture, and, if he sustains [that is, answers in a satisfactory manner], he is to abjure de vehementi [i.e., vehement suspicion of heresy] in a plenary session of the Congrega-
tion of the Holy Office, then is to be condemned to imprisonment as the Holy Congregation thinks best, and ordered not to treat further, in any way at all, either verbally or in writing, of the mobility of the earth and the stability of the sun; otherwise he will incur the penalties for relapse. The book entitled Dialogo di Galileo Galilei Linceo is to be prohibited. (Lang-
ford 1966, 150)

Added to this decree was an order that it be widely distributed and made public, especially to as many “mathematicians” as possible. No more such trans-
gressions were to be tolerated. We do not know how Galileo first learned of the decision, but he must have been stunned. He had unexpectedly been be-
trayed. For the remainder of his days he expressed nothing but contempt for his judges.
Thus it was that Galileo was pronounced guilty, presumably of violating the Decree and the Holy Office’s injunction of 1616, although that is not specifically mentioned in the pope’s order. The next steps were routine, designed to absolve Galileo of his guilt and to punish him for it, under the model of a religious penance service.

First he was to be subjected to an interrogation, under a verbal threat of torture, to establish what his intentions were. Galileo scholars now agree that no torture occurred, nor could it have occurred, given his age and poor health, according to the rules of the Holy Office itself, and Galileo would have known this. But although the verbal threat was pro forma, the terror it was intended to evoke must have been quite real. On any account the use of torture as part of a juridical process, seen as despicable now, was not uncommon in the seventeenth century even under church auspices, as for example in the case of Thomas Campanella, O.P.

If Galileo failed the test, that is, if his intentions as revealed in the interrogations proved to be suspect, he would have been judged to be an “impenitent and obstinate” heretic, in other words, one who admitted heresy, defended it, and refused to recant. The penalties for this officially recognized category of offender were extremely severe. On the other hand, if his intentions were judged to be innocent, then a series of further steps would take place. After being sentenced, he would be required to read an abjuration, a denial of his offending views, before the cardinals of the Holy Office, since he had been judged to be guilty of “vehement suspicion of heresy.”

The penalty ordered by the pope was that (1) Galileo was to be imprisoned at the discretion of the Holy Office, and (2) the Dialogue was to be forbidden and placed on the Index. If Galileo were later to deal with Copernicanism again in any way, he would then be declared a “relapsed” heretic, a second time offender after a reconciliation, who was thereby considered incorrigible. The standard penalty for a relapsus was execution. In the light of the legal prescriptions for various categories of heretics implied in the pope’s decree, those who would criticize Galileo for not resisting further after this point do not really understand the procedures and the terror of the Roman Inquisition. From here on, he had to play by their rules or face the most extreme consequences.

Why did Urban VIII make this set of decisions? Had he read the depositions of the trial? Did he know about the conflict of the key documents? What did he think about the summary report? Was he aware of, or even a party to, the sabotaging of the plea bargain? What legal reasoning led him to his judgment?
Was he motivated by other factors (for example, he was an old friend, admirer, and even encourager of Galileo ten to fifteen years earlier, but had become furious with him after he first learned in the fall of 1632 about the disputed Holy Office memo and its apparent injunction to Galileo)? How offended was the pope that his own views on the matter were spoken by the close-minded Simplicio in the Dialogue? Or did he fail to really give the matter adequate attention, being distracted by, and suspicious of, the political and military events going on about him over the Thirty Years War?

We will almost certainly never know the answers to these questions. The records simply are not there. Part of what happens in an organization built on a highly centralized authority, operating often in secrecy, is that the top person is too easily shielded from the light of truth (in the double sense that he may not know all the relevant factors in making his decisions and that those outside the inner circle may not know the real reasons for his actions). This is often seen as an advantage by those who think they are protecting that person and the institution, but it can also damage its credibility.

The remaining proceedings in the Galileo case were pro forma. On 21 June he was called again before the Commissary General, to be interrogated this time about his intentions. He was asked three times, in three different contexts, whether he held that Copernicanism was true. He replied that before 1616 he thought that both the Ptolemaic and the Copernican systems were open to dispute, but after the Decree of 1616, “assured by the prudence of the authorities, all my uncertainty stopped” (Finocchiaro 1989, 286). Since then he has held that the Ptolemaic view was true. His book had reviewed all the arguments on both sides with the purpose of showing that none of them were conclusive, “so one had to resort to the determination of more subtle doctrines” (Finocchiaro 1989, 287). He has not held Copernicanism to be true since he was ordered in 1616 to abandon that idea. That being said, Galileo signed his name to the deposition. Like St. Peter, Galileo denied the truth three times. Peter at least was given a free choice.

The next day, 22 June, the formal sentence was read at a full session of the Congregation of the Holy Office, after which Galileo read aloud the abjuration statement that had been prepared in advance for him. This is the scene usually called to mind by the customary stereotype of the Galileo trial. But actually the matter had been settled days earlier, no arguments were any longer to be heard, and the two documents involved merely brought the issue to a formal legal closure. It is Galileo’s public humiliation at this point, of course,
which carries the dramatic weight of the moment. But which side was really
humiliated?

The sentence contains a long preamble stating the facts of the case, facts
which we have already examined in detail. We need only mention that who-
ever prepared the actual text of the sentence clearly used the misleading sum-
mary report, whose language is repeated verbatim in places. The actual sen-
tence is contained in only a few lines:

We say, pronounce, sentence, and declare that you, the above mentioned
Galileo, because of the things deduced in the trial and confessed by you
as above, have rendered yourself according to this Holy Office vehemently
suspected of heresy, namely, of having held and believed a doctrine which
is false and contrary to the divine and Holy Scripture: that the sun is the
center of the world and does not move from east to west, and the earth
moves and is not the center of the world, and that one may hold and de-
defend as probable an opinion after it has been declared and defined con-
trary to the Holy Scripture. Consequently you have incurred all the cen-
sures and penalties imposed and promulgated by the sacred canons and
and all particular and general laws against such delinquents. (Finocchiaro
1989, 291)

In the spirit of a penance service, Galileo was then told that the Holy Of-
fice was willing to give him forgiveness of his guilt if he read with a sincere heart
the abjuration statement, already prepared for him, in which he would deny and
curse all heretical errors, including his own. Three penalties were then listed,
two of which had been stipulated earlier by the pope. The Dialogue was to be
placed on the Index as prohibited, Galileo was condemned to “formal impris-
onment” at the discretion of the Holy Office, and he was to recite the seven
penitential psalms weekly for the next three years.

Immediately afterward Galileo, kneeling before his judges, read and then
signed the abjuration statement. It was in the form of an oath to abandon Co-
pernicanism and had the legal effect of removing the “vehement suspicion of
heresy” of which he had been judged guilty. Its central paragraph reads:

Therefore, desiring to remove from the minds of Your Eminences and every
faithful Christian this vehement suspicion, rightly conceived against me,
with a sincere heart and unfeigned faith I abjure, curse, and detest the
above mentioned errors and heresies, and in general each and every other error, heresy, and sect contrary to the Holy Church; and I swear that in the future I will never again say or assert, orally or in writing, anything which might cause a similar suspicion about me; on the contrary, if I should come to know any heretic or anyone suspected of heresy, I will denounce him to this Holy Office, or to the Inquisitor or Ordinary of the place where I happen to be. (Finocchiaro 1989, 292)

This is the scene, burned into the public memory, that is the core of the traditional image of the Galileo case. But the heart of the matter was the earlier event of the plea bargain gone awry, which had come back to convict him. And thus it was that this unpleasant business at the Piazza Minerva came to a conclusion.

Before leaving this final scene, we should ask ourselves whether the outcome of the trial would have been different if the plea bargain had not been blocked by the misleading summary report. The answer, of course, is, “Yes, considerably different.” The two legal hurdles that arose in the first session of the trial could then have been simply left unresolved. Given Galileo’s confession, there would have been no need to reconcile the differences between the two documents (i.e., the Holy Office’s injunction memo and Bellarmine’s letter to Galileo) describing the instructions given to Galileo in 1616. And the imprimatur granted to Galileo’s Dialogue in 1632 would not be as embarrassing if the book had been declared to be only objectionable but not formally heretical. And the summary report would then have needed only to collect the testimony given and to describe what the plea bargain was in specific detail.

But primarily, if the plea bargain had not been blocked, this would have had the great advantage of letting the Holy Office bring a judgment of something less that heresy (which term had not been used in the public Decree of 1616.) The Holy Office and the Pope had numerous categories of theological error less than heresy in its repertoire, which could have been used for a softer conclusion to the trial. If that had happened, the church would have been much better served since that would have obviated any need in later years to justify a “heresy” judgment.

At any rate the promise made by the prosecutor was in fact broken, and this may well have contributed to Galileo’s strong bitterness about the trial in later years. For whatever the prosecutor had offered for his cooperation in the plea bargain, Galileo certainly would not have expected to be labeled a heretic and to see his personal freedom restricted for the rest of his life.
The Aftermath

One week after the trial Galileo’s sentence of imprisonment was commuted to what we would now call “house arrest” for the rest of his days, first at his small villa at Arcetri near Florence, and later in Florence after he had lost his vision in 1637. The recitation of the penitential psalms was transferred, at his request, to Sister Maria Celeste, a Carmelite nun, who was Galileo’s elder daughter.

Although forbidden to deal in any way again with Copernicanism, Galileo continued his scientific work in the remaining nine years of his life. He wrote another set of dialogues entitled Discourses on Two New Sciences (Leyden, 1638), which pulled together and perfected his ideas going back more than three decades on abstract topics in theoretical statics and dynamics. These writings were his most substantive contributions to physics in the long run, and in effect laid the groundwork for Newton’s later theoretical justification of the Copernicanism which Galileo had been forbidden to discuss.

When Galileo died in 1642, the Duke of Tuscany requested permission to construct a tomb and monument in his honor in the Church of Santa Croce in Florence. But the request was denied by Urban VIII because Galileo had caused “the greatest scandal in Christendom.” He was buried instead in the basement of the bell tower. Nearly one hundred years passed before his body was moved and interred with the intended honors in the church proper, where his remains lie today adjacent to two other famous local citizens, Michelangelo and Machiavelli. Two hundred years had to pass before the condemnation of the Dialogue was removed. Two hundred and fifty years had to pass before the seal of secrecy was removed from the trial documents held in the Vatican Secret Archives.

If we step back now from the specifics of Galileo’s trial and look at it as a whole, it is clear that some member(s) of the Holy Office, whose names remain unknown, sabotaged the plan for a plea bargain that was designed to bring the trial to a convenient close. Their misguided actions were probably motivated by a desire to serve the good of the church, although the results were overwhelmingly the opposite of that in the long run. Perhaps they still felt the shadow of the Reformation so strongly that they viewed Galileo as potentially another Luther.