

The Special Commission of 1633 and the Turning Point in the Trial of Galileo

Nicholas Hepner

In April 1633, a special commission re-examined Galileo's recently published book, *Dialogue on the Two Chief World Systems*. This commission was made up of three members; Agostino Oreggi, the papal theologian to Pope Urban VIII; Melchior Inchofer, a Jesuit; and Zaccaria Pasqualigo, a Theatine. These three men wrote and submitted their reports independently of one another to the Roman Inquisition on 17 April, 1633. Only Oreggi's report bears an actual date, but the reports of Inchofer and Pasqualigo are immediately after it in the Vatican manuscripts, so they likely submitted their reports on or around the same date.¹ In each report, the consultant determined that Galileo had violated a special injunction that the Church issued to him in 1616 and provided a justification for his verdict. The Commissary General of the Inquisition, Michelangelo Segizzi, issued the special injunction to Galileo in the presence of Cardinal Robert Bellarmine, and it ordered Galileo "not to hold, teach, or defend it [i.e. the Copernican opinion] in any way whatever, either orally or in writing."² A different special commission from the year prior discovered the injunction in the Vatican archives when it first examined the *Dialogue* in September 1632. Pope Urban VIII set up the first commission in 1632 with a clear directive: to find out how the *Dialogue* had received its initial *imprimatur* and to determine how resolve the problems with the book without involving the Inquisition.

¹ Maurice Finocchiaro, *The Galileo Affair: A Documentary History* (Berkeley/Los Angeles/London: University of California Press, 1989), 361n55.

² Special Injunction (26 February 1616), *The Galileo Affair: A Documentary History*, ed. and tr. Maurice Finocchiaro (Berkeley/Los Angeles/London: University of California Press, 1989), 147-148, on 147.

In its report, the 1632 commission determined that the *Dialogue* had to go before the Inquisition. The Inquisition then called Galileo to Rome and on 12 April, 1633, he made his first of four depositions before the Inquisition. In the first deposition, Vincenzo Maculano, the Commissary General of the Inquisition, asked Galileo several questions in an attempt to have him admit to having received the special injunction in 1616. Galileo presented instead a certificate written by Bellarmine, which stated only that the Copernican opinion “cannot be defended or held.”³ This certificate conflicted directly with the special injunction and created a legal impasse for the Inquisition. Until Galileo presented Bellarmine’s certificate, the Inquisition’s case against Galileo was that he had concealed the injunction when he sought to get his book published. In his first deposition, Galileo claimed that he did not remember having received the injunction and asserted his belief that Bellarmine’s certificate was the authoritative order.⁴ Immediately afterwards, the special commission reconvened with a different mandate and the consultants submitted their reports.

Though the mandate of the two commissions differed, the membership of the two was quite similar. The members of the 1632 special commission were Niccolò Riccardi, a Dominican, the master of the Sacred Palace at the Vatican, and the man responsible for granting

³ Cardinal Bellarmine’s Certificate (26 May 1616), in Finocchiaro, *The Galileo Affair*, 153.

⁴ Galileo’s First Deposition (12 April 1633), in Finocchiaro, *The Galileo Affair*, 260-261.

the *imprimatur* for the *Dialogue*; Oreggi; and an unnamed Jesuit, who was likely Inchofer.⁵ There is also a letter from Tommaso Campanella to Galileo, sent in August 1632, which suggests that Pasqualigo was also a member of the 1632 commission. In this letter, Campanella mentions that Dominicans, Jesuits, and Theatines are all on the commission.⁶ Oreggi and Inchofer fit the role of Dominican and Jesuit, respectively, so it is likely that Pasqualigo is the supposed Theatine on the commission. Riccardi was on the 1632 commission because of his role in granting the *imprimatur* to the *Dialogue*, which was the main concern of this commission, but was not a member of the 1633 commission since it was apparently not concerned with the printing of the book. It is perhaps more likely that the Inquisition removed Riccardi from the 1633 commission since he was no longer needed rather than removed Riccardi and replaced him with Pasqualigo. However, there is no other document that can confirm Pasqualigo's membership on the 1632 commission so this is just a speculation.

In each report, the member of the commission presented his verdict on whether Galileo held, taught, or defended Copernican opinion in his *Dialogue*. In these reports, the consultants divide the Copernican opinion into two astronomical opinions. The first is the opinion that the sun is immobile and the second is the opinion that the earth moves. It is important that these are two distinct propositions, since, in 1616, an earlier group of special consultants submitted a report that found that the former was formally heretical and contrary to Scripture but the latter

⁵ Finocchiaro, *Galileo Affair*, 357n10.

⁶ *Opere*, ed. Favaro, 14. 373; tr. W. R. Laird.

was only contrary erroneous.⁷ After the member of the commission stated his verdict he then provided his justification for the verdict. Oreggi's report, by far the shortest, determined that Galileo held and defended the Copernican opinion, though he did not conclude that he taught it. Rather, Oreggi determined that the opinion taught its component parts. He also stated that his verdict was evident from the *Dialogue* itself as well as the report of the 1632 special commission.⁸ Pasqualigo submitted a longer report than Oreggi and came to a subtler conclusion. In his report, Pasqualigo determined that Galileo taught and defended the Copernican opinion, but only strongly suspected that Galileo truly held it. To justify this, Pasqualigo explained that Galileo failed to present the Copernican opinion hypothetically, which means only for the purpose of calculations, and instead asserted it as true of reality. For that reason Pasqualigo suspected that he held the Copernican opinion. For the purposes of his justification, Pasqualigo also defined the term "teach" as the dissemination of knowledge and the term "defend" as the tearing down of any and all argument against an opinion.⁹

Inchofer submitted the longest report of the commission. He provided a more substantive justification than either Pasqualigo or Oreggi and also gave a harsher verdict. He agreed with the other two members of the commission that Galileo taught and defended the Copernican opinion

⁷ Consultants' Report on Copernicanism (24 February 1616), in Finocchiaro, *The Galileo Affair*, 146.

⁸ Oreggi's Report on the *Dialogue*, in Finocchiaro, *The Galileo Affair*, 262.

⁹ Pasqualigo's Report on the *Dialogue*, in Finocchiaro, *The Galileo Affair*, 271-276.

in the *Dialogue*, but he also vehemently suspected that he held it. Like Pasqualigo, Inchofer also determined that Galileo did not treat the Copernican opinion hypothetically, but he went a step further. Inchofer quoted direct passages from the *Dialogue* wherein Galileo seemed to have asserted Copernicanism as absolute truth. He also chastised Galileo for criticizing other Jesuit thinkers and for supporting Protestants who defend the Copernican opinion.¹⁰ This aspect of Inchofer's report suggests that he produced such a long report because he was motivated by religious zeal to defend the Church from what he perceived to be an attack by Galileo.

Several scholars have examined the reports of the 1633 special commission and discussed the importance of them to the Galileo affair. Richard Blackwell in his book *Behind the Scenes at Galileo's Trial* and Annibale Fantoli in his book *Galileo, for Copernicanism and for the Church* only briefly discuss the content of the reports, but consider how they affected the trial. Giorgio de Santillana in his book *The Crime of Galileo* and Jules Speller in his book *Galileo's Inquisition Trial Revisited* examine the commission at length. They consider the content of the reports themselves, but also the reason why the Urban reconvened the commission and the effects that the reports had on the trial. Although these scholars differ in how they examine the commission, they all pay particular attention to Inchofer's role in the commission and how the course of the trial shifted once the Inquisition officially accepted the decisions of the consultants.

According to Blackwell, when Galileo presented Bellarmine's certificate this created a legal impasse for the Inquisition. The certificate and the injunction, both valid documents, were in an apparent contradiction so Urban reconvened the commission to resolve this impasse. To

¹⁰ Inchofer's Report on the *Dialogue*, in Finocchiaro, *The Galileo Affair*, 262-270.

accomplish this, the consultants had to determine if Galileo had violated the terms of the special injunction with the *Dialogue*. All three agreed that he had violated the injunction. On 21 April, the Inquisition approved of the three judgements. This confirmed Galileo's guilt and allowed the trial to continue.¹¹ Oreggi's and Pasqualigo's reports are not of much concern for Blackwell's analysis. Most of his attention is on Inchofer. He remarks that Inchofer was particularly hostile in his report and that he was strongly opposed to the Copernican opinion.

Blackwell also thought that Inchofer's place on the commission was rather odd. In 1631, Inchofer wrote a book wherein he asserted that the Virgin Mary had written a letter in AD 62 that confirmed several tenets of the Catholic faith. At this point, scholars still disputed the authorship of that letter. In order to have his book published Inchofer had to make a number of corrections to avoid the Inquisition from putting it on the Index. Despite the corrections, the Inquisition banned a version of the book in March 1633, just before the special commission reconvened. Shortly after Galileo's trial concluded, Inchofer published the *Tractatus syllepticus*, which affirmed the Ptolemaic system and used Scripture as proof of that system. Blackwell entertained the possibility that Inchofer was on the commission because of his troubles with the Index, so he would return a verdict critical of Galileo to earn its favour. As an aside, Blackwell also notes that in 1641, Pasqualigo wrote *Decisiones morales*, another book that the Inquisition placed on the Index.¹²

¹¹ Richard J. Blackwell, *Behind the Scenes at Galileo's Trial* (Notre Dame: University of Notre Dame Press, 2006), 13-16.

¹² Blackwell, *Behind the Scenes*, 32.

Blackwell also concludes that Inchofer was harsher than was necessary. He reaches this conclusion from the fact that Inchofer declared that Galileo held the Copernican opinion, whereas Pasqualigo only suspected that he held it. This was perhaps motivated by Inchofer's desire to resolve the question of the Copernican opinion and ensure its total condemnation.¹³ In this context, hold meant to hold as an absolute truth, not to hold an idea as hypothetical. Inchofer himself thought that it was appropriate to deal with an idea in the hypothetical sense, but not at all permissible to suggest that an idea that the Church has condemned may be true. To declare that Galileo held as absolute truth an opinion contrary to Scripture was a serious charge. Perhaps because of the severity of the reports, Maculano coordinated with Cardinal Barberini to avoid a charge as high as heresy or even vehement suspicion of heresy. In all likelihood, the Inquisition may have ordered Galileo's execution if it charged him with formal heresy. The latter charge would still require an abjuration and imprisonment therefore Maculano tried to acquire a plea deal for Galileo where he would admit to some lesser charge and avoid an abjuration.¹⁴ This possible plea deal led to Galileo's statements made during his second deposition and then all the rest of the events of the trial. Although Blackwell does not explicitly describe it as such, the reports of the special commission, especially the severe report of Inchofer, were critical documents in the trial that shaped the course of events after April 1633.

Fantoli considers the 1633 special commission as an official examination of the *Dialogue* whereas the 1632 commission was only a preliminary hearing. That commission concluded that

¹³ Blackwell, *Behind the Scenes*, 42.

¹⁴ Blackwell, *Behind the Scenes*, 13-15.

Galileo had concealed the 1616 injunction when he applied for the *imprimatur* and that Inquisition had to review the case.¹⁵ Fantoli presents a different view than Blackwell for the motivation of the 1633 special commission. Whereas Blackwell saw the legal impasse as the motivation, Fantoli asserted that it was Galileo's own claims in his first deposition that led to the commission. In his deposition, Galileo claimed that he refuted the Copernican opinion in the *Dialogue* and that he intended to refute it, not to hold or defend it. This assertion made Galileo appear insincere. Therefore, the special commission had to reconvene and determine if Galileo had violated the special injunction or refuted the Copernican opinion as he claimed.¹⁶ With this charge, the commission examined the *Dialogue* and concluded that Galileo was in violation of the injunction. Fantoli took a similar view as Blackwell about the significance of these verdicts. He also raises the fact that Maculano, in his report to Barberini, offered a more favourable account of the verdicts. He only mentioned that Galileo was under suspicion of holding the opinion, not vehemently suspected of holding it like the final charge against him. Fantoli is uncertain of the reason for this, but he speculates, much like Blackwell, that this was to make progress on the trial easier and to deliver better news. He does not make any suggestion of the plea deal that Blackwell notes.

Like Blackwell, Fantoli also remarks on the change in the trial after the Inquisition accepted the reports of the commission. The trial was at an impasse until 21 April; afterwards it

¹⁵ Annibale Fantoli, *Galileo, for Copernicanism and for the Church*, 2nd ed. (Vatican City: Vatican Observatory, 1996), 285-286.

¹⁶ Fantoli, *Galileo, for Copernicanism*, 314.

moved forwards with a different tenor. Now the trial was about Galileo's person, not his book. The trial became an examination of intent and whether Galileo held the Copernican opinion, something that would lead the Inquisition to suspect him of heresy. Fantoli also notes Inchofer's role on the commission, although only briefly. He suggests that Riccardi made Inchofer a member of the 1632 commission and expected him to be favourable to Galileo, since he was experiencing his own troubles with the Index at the time. However, Riccardi misjudged Inchofer and he turned out to be the harshest member of the special commission.¹⁷

De Santillana takes a harsher view of the Inquisition as a whole than Blackwell or Fantoli and imputes a more nefarious purpose to the special commission. He claims that the role of both Inchofer and Pasqualigo was to prove that Galileo held the Copernican opinion. He also deems this kind of examination of intent to be unusual.¹⁸ This is a rather harsh judgement of the purpose of Inchofer and Pasqualigo. The purpose of the consultants, as Blackwell and Fantoli show, was to determine if Galileo violated the special injunction, which included teaching, defending, or holding the Copernican opinion. For them to question Galileo's holding of the Copernican opinion was thus not an unreasonable course of action. Furthermore, they were not actually able to prove that Galileo held the Copernican opinion, though Inchofer claimed that he did, since that was a question of Galileo's state of mind and he never explicitly stated in the *Dialogue* that he held the Copernican opinion as an absolute truth.

¹⁷ Fantoli, *Galileo, for Copernicanism*, 525n28.

¹⁸ Giorgio de Santillana, *The Crime of Galileo* (Chicago: University of Chicago Press, 1955; reprinted 1976), 235.

Just like the others, de Santillana notes that the contradiction between the special injunction and Bellarmine's certificate presented a problem for the Inquisition. The inconsistency damaged the case that the Inquisition had built up. He also reaches a similar conclusion to Fantoli: that Galileo's protests during his first deposition opened the way for a further examination. He suggests that Galileo thought presenting Bellarmine's certificate to Maculano would allow him to avoid a trial of intent.¹⁹ However, this combined with Galileo's denial of having violated the injunction prompted the examination by the 1633 commission. Also like the other scholars, de Santillana makes a point of Inchofer's character. Not only does he note that Inchofer gave the most severe report, but he also regarded him as malicious and ill-disposed to Galileo. However, personal malice was not a likely motive for Inchofer. Despite his harsh report, there is nothing to suggest that Inchofer personally disliked Galileo.

Speller provides an exhaustive review of the 1633 special commission and concluded that each consultant overstepped his duty and attempted to steer the direction of the trial towards heresy. He agrees with the other scholars that each consultant set out to determine if Galileo had violated the special injunction, but diverged by asserting that they made an intellectual leap to make the inquiry about heresy.²⁰ His main argument centres on the wording of the special injunction. The injunction stated that Galileo was not to hold, teach, or defend the Copernican opinion in any way whatever. Speller interprets this to mean that Galileo could teach it in any way, defend it in any way, or hold it in any way, meaning as really true or hypothetically. All of

¹⁹ De Santillana, *Crime of Galileo*, 245.

²⁰ Jules Speller, *Galileo's Inquisition Trial Revisited* (Frankfurt: Peter Lang, 2008), 231.

the reports took hold to mean hold only as an absolute truth, which Speller objects to.²¹ This objection is unfounded. To hold an idea hypothetically was not a heresy. If the consultants determined that Galileo had treated the Copernican opinion hypothetically, he would not be in error. Bellarmine asserted this in the earlier phase of the Galileo affair.²² There was the possibility of error only if Galileo treated the Copernican opinion as an absolute truth, which might mean that he truly held the opinion. Therefore, the consultants were correct to determine whether Galileo had treated the Copernican opinion in a sufficiently hypothetical manner.

Whereas the other scholars look in Inchofer's report specifically for its harshness and his possible motives, Speller suggests that all three members of the commission were unfairly harsh and had unsavoury motives. Instead of declaring that Galileo had violated the injunction and then continuing with the trial, Oreggi, Pasqualigo, and Inchofer all tried to steer the trial towards heresy. Their attention to Galileo's failure to remain hypothetical in particular suggests to Speller that all three men wanted to satisfy the Pope, who had grown quite irate with Galileo.²³ Nevertheless, Speller suggests that Inchofer's malicious report was motivated by petty revenge and wanted to prove that Galileo truly holds the Copernican opinion. The conclusion of Inchofer's report shows that he was already convinced that Galileo believed the Copernican opinion as absolute truth. This was not malice. As a Jesuit, obedience is paramount for Inchofer.

²¹ Speller, *Galileo's Inquisition Trial*, 230.

²² Blackwell, *Behind the Scenes*, 37.

²³ Speller, *Galileo's Inquisition Trial*, 254-255.

A good Jesuit will follow any order from a superior without compunction, unless the order is sin. This obedience also includes obedience of thought.²⁴ Since he had to follow these strictures, Inchofer undoubtedly believed the Ptolemaic system and all scriptural evidence for it. It is evident from Inchofer's own writing, especially the *Tractatus syllepticus*, that he perhaps truly believed the Copernican opinion was a heresy. Inchofer was nothing more than a religious zealot who wanted to defend the Church from the heresy of Copernicanism.

In the works of Blackwell, Fantoli, de Santillana, and Speller, it is clear that the reports of the special commission of 1633 are crucial documents in the trial of Galileo. Each scholar agrees that the trial shifted its attention to Galileo's intentions after the reports were submitted to the Inquisition. Blackwell takes a moderate view of the 1633 special commission and remarks on the peculiar nature of Inchofer's appointment, given his own trouble with the Inquisition just two years prior. He also demonstrates that Inchofer's harsh attitude was the result of his zealotry. Fantoli offers a cause for the commission that Blackwell does not: Galileo's insufficient claims during his first deposition. His answers cast doubt on the truthfulness of his intentions and therefore required a commission to examine them. De Santillana and Speller both conclude that this commission was called with the purpose of catching Galileo as guilty of heresy from the start. Speller thinks the consultants deliberately and unfairly claimed that Galileo did not treat the Copernican opinion hypothetically, but the documents do not point to such a premeditated outcome.

²⁴ Richard J. Blackwell, *Galileo, Bellarmine, and the Bible* (Notre Dame: University of Notre Dame Press, 1991), 143-144.

The reports of the special commission of 1633 were a turning point in the trial of Galileo. Whereas the commission of 1632 was concerned with Galileo's concealment of the special injunction when he set out to get his book printed, the commission of 1633 was concerned with the violation of the injunction. This commission had two goals: one, to resolve the conflicting orders of the special injunction and Bellarmine's certificate; and two, to determine if Galileo was truthful when he claimed, in his first deposition, to have refuted Copernicanism rather than hold or defend it. Oreggi, Pasqualigo, and Inchofer all agreed that Galileo had violated the special injunction and the Inquisition accepted their decisions just days after they submitted them. But from this point on the trial hinged on what Galileo's intention was when he wrote the *Dialogue*. The reports were especially dangerous since Inchofer's vehemently suspected Galileo of holding the Copernican opinion. Maculano certainly realized the danger this presented and soon after met with Galileo in an attempt to broker what Blackwell calls the plea deal. Though de Santillana and Speller suggest that there were ill motives behind the commission, the documents suggest that it came together for the purpose of allowing the trial to proceed. Unfortunately, that meant proceeding in the direction of heresy.