Chapter Three

Judicial Proceedings and Malicious Torture

The historical writings of hagiography were not only memorials and educative texts, but also works of reference with relevance for legal issues. Hagiographical texts had evidential value in the legal proceedings in which the validity of the cult of the saints was judged. As a result of the veneration of Filippo Neri, which began immediately after his death, Antonio Gallonio became involved in such ecclesiastical legal procedures. The most concrete result of his legal work is the unpublished tract ‘De his quae praestari possunt nondum canonizatis’, about the Church’s reaction to spontaneous expressions of devotion to recently deceased persons.

Ecclesiastical recognition of sainthood was a delicate question. On the one hand the Church needed its saints, both to reinforce confessional cohesion—the faithful participated *en masse* in processions and collective liturgical celebrations—and in support of its claim to the stewardship of divine mystery, to which the numerous relics were such powerful witnesses. On the other hand, however, it had to prevent uncontrolled veneration by those same believers, which could lead to excesses that would undermine the Church’s credibility—with consequences that had become evident decades earlier when parts of Europe broke away from the Mother Church. In a series of publications that began to appear during Gallonio’s lifetime, ecclesiastical authors attempted to avert this danger by elaborating the canonization procedure in all its facets.

Gallonio had little faith either in the generally applicable procedures that were in force or in the central institutions that applied these procedures. His position was diametrically opposed to that of interventionist professional jurists such as canon lawyer Francisco Peña (1540–1612), who was a champion of the active interference of the Church’s tribunals in the veneration of saints. Gallonio and Peña came into conflict over the procedure to be followed, with Gallonio championing the veneration of deceased persons whom the Church had not yet officially recognized as saints, in anticipation of the signs by which God would eventually reveal his decision. The short treatise ‘De his quae praestari possunt nondum canonizatis’ was Gallonio’s ammunition in this conflict. Despite his aversion to tight juridical control, Gallonio unabashedly employed legal terminology and jurisprudence relating to canonization.
A constant feature of this canonical literature is the distinction between sainthood on the one hand and the signs required to make such sainthood perceptible on the other. Confessors, charismatic saints who had not died in martyrdom, provided such signs through their ascesis and through the miracles they performed. With regard to confessors, Gallonio had to deal with rules that prescribed how the observation of these signs could lead to the canonical recognition of a saint. In martyrdom, in which saints underwent violence for the sake of their faith, the perceptible signs were the utterances of the martyr and of his persecutors during torture. The canonical rules were not so highly developed with regard to martyrdom. Gallonio’s treatise of martyrdom therefore did not tie in directly with the administrative-juridical discussion about canonization. Rather, in this treatise, following age-old topoi, the Oratorian put forward martyrdom as the reversal of criminal procedures: while in criminal justice society was the victim of the malefactor, in martyrdom it was the Christian who was the victim of irreligious society. In this reversal, Gallonio’s attitude with regard to the judiciary truly shows. Although he was conversant in ecclesiastical and worldly law, he dismissed legal procedures as symptoms of the worldly ambition to control society and subdue personal piety.

3.1 Canonization Process

In January 1597, Antonio Gallonio made a statement in the presence of notary Giacomo Buzi, who, since the summer of 1595, had registered testimonies in his office for the purposes of the canonization procedure of Neri. Gallonio related his experiences as Neri’s follower and assistant, and his thoughts about his late spiritual leader. He remarked that Neri was venerated in all manner of places more than six months after his death. He looked upon this as a sign of Neri’s sainthood. After all, God would never allow someone to be venerated for longer than six months if the object of that veneration were not actually a saint. According to Gallonio, experts in canon law agreed on this, although some thought that God would put an end to undeserved veneration even sooner.¹ This

¹ ‘Argumento della santità sua mi pare, perché cresce incredibilmente la devotione de popoli verso lui, non solo qui in Roma, in Firenze, ma in diverse città et luoghi; et, tanto più, perché è cosa certa, come osservano li dottori et canonisti, che non permetterebbe Iddio “ultra sex menses”, et altri dicono minor tempo assai, che alcuno fosse adorato come santo, se realmente non fosse tale; et, più oltre, si sentono tuttavia et scoprono miracoli novi, non solo operati qui in Roma, per meriti del detto santo, ma fuori ancora.’ Giovanni