

The Casuistical Tradition

*in Shakespeare, Donne,
Herbert, and Milton*

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To William and Jessica

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Preface

The contrast between the high regard in which Renaissance Englishmen held casuistry and the contempt with which the modern mind regards it is a measure of the distance between us. While today theologians and laymen alike tend to think of casuistry as rigid and sophistical, men as different as William Ames and John Donne, Archbishop Laud and Francis Bacon, James I and John Milton, all thought of casuistry as a necessary part of moral theology and moral life. The distance can be exaggerated, of course. Donne was aware of dangers and limitations inherent in casuistry, and the emergence of situational ethics in recent years indicates a renewed interest in a casuistical approach to moral problems. But the gap is there, and this study is an attempt to bridge it.

In the following chapters, I have tried to show that English casuistry was a distinctive religious and literary phenomenon of the Renaissance. To the medieval mind, all human actions were reenactments either of Adam falling or Christ redeeming. Poets related particular human actions to these great dramas of the soul through conventional schemes and symbols. The Renaissance inherited the habit of seeing the world *sub specie aeternitatis*, but it also exhibited a notably increased interest in the temporary and mutable in human experience. In England, the poets of the sixteenth and seventeenth centuries portrayed human action in relation to transcendent realities, but they attributed real significance to the uniqueness of individual experience. Although the imaginative creations of the major poets are the most brilliant expressions of this focus on the particularity of human life, casuists too were concerned with the uniqueness as well as the typicality of a given act. Casuistry is case divinity—the application of moral law to particular cases. While casuists agreed that moral law was universal and immutable, they also acknowledged that the uniqueness of actual human situations often complicated or obscured the moral quality of particular actions. Casuists were

exceptional among moralists in their constant attention to the problems of actual experience among infinitely varying circumstances. Their cautious adjustment of traditional moral law to the needs of individual predicaments is an impressive expression of the characteristic Renaissance ability "to separate the eternal and absolute from the contingent and changing, to distinguish those things that constitute the unalterable, 'natural' circumstances of human life from those that are subject to adjustment by human effort."¹

Like the great preachers, English casuists tried to correct manners and morals and lead men to God, but their primary concern was not to elucidate the great moral truths or to soften stony hearts but rather to disentangle the mingled good and evil in particular and actual situations. Because they were trying to solve difficult moral problems, the casuists addressed themselves to men's intellects rather than to their emotions. Sir Philip Sidney had maintained that "our erected wit maketh us know what perfection is, and yet our infected will keepeth us from reaching unto it." The casuists were less certain that men knew what perfection was in every particular case. Because they defined the conscience as a faculty of the enlightened understanding and because they understood that the web of good and evil in a fallen world is tangled and the circumstances complex, their casuistry proceeded with caution. Although it is not without passages of charming personal reminiscence and reflection, impassioned eloquence, and wit, for the most part it consists of painstaking considerations of various convolutions of circumstances and minute distinctions of moral responsibility.

The casuists' vision of the complexity of actual moral decisions, together with their insistence on a rational approach to all areas of experience, has often proved offensive to modern readers. While hair-splitting discussions about such topics as the necessity of kneeling or of not kneeling at prayers and the extent of a father's authority over his children's marriages may have been meaningful examinations of urgent problems to pious Englishmen in the seventeenth century, today they appear as so much quibbling over inessentials. The laborious specificity of the casuist becomes tedious, and, to the suspicious, his involved reasoning

¹ Arthur B. Ferguson, *The Articulate Citizen and the English Renaissance* (Durham, N.C.: Duke University Press, 1965), p. xvi.

about the precise extent of a moral obligation can seem cold-hearted at best and an attempt to rationalize selfish motives at worst. Since, in the area of forgotten or unfashionable modes of thought, familiarity more often defeats than breeds contempt, knowledge of the intentions and accomplishments of the casuists should make accessible to us this neglected part of the past. Their rigorous analysis may degenerate into the ostentatious display of logical facility and learning, but the complexities in the practical divinity of such casuists as William Perkins, William Ames, Robert Sanderson, Jeremy Taylor, and Richard Baxter are not, in Taylor's phrase, "tricks and devices to dance upon the ropes" but rather reflections of careful attempts to see life whole. The usefulness of the casuist depended upon his accuracy in approximating the specific situations that men actually encountered, and the best casuists felt their responsibility too keenly to allow oversimplification.

Since casuistry proceeds by examining particular cases, it is intimately linked to contemporary conditions and topical problems and so is a valuable source of information about how men saw what was happening in their world during this crucial period in English social, political, and literary history. More important, the leading casuists' discussions of such key terms as "conscience" and "doubt" and their analyses of particular doubtful actions or cases of conscience provide valuable insight into the habit of mind with which men approached the process of making moral decisions. Renaissance casuists are interesting today not so much for their answers to specific questions as for the method and form they developed to clarify the experiential chaos of moral dilemmas. Although the concepts central to casuistry—divine law, the inviolable conscience, reason as a problem-solving faculty, the significance of particular circumstances—are not peculiar to English Protestant casuistry, the casuists' emphasis on this combination in the context of doubtful moral action and their dual stress on intellectual clarity and practical action define a distinctive approach to a particular kind of experience.

Designed to give specific moral guidance while developing independence in the individual conscience, cases of conscience employed certain structural and stylistic strategies to express a carefully articulated vision of human experience. The form, however, was never a pure one. Cases were resolved orally, and they were imbedded in sermons, essays, and personal letters.

with the carefully enunciated theological substructure and the tortuous reasoning process characteristic of Renaissance casuistry and have approached moral dilemmas in a pragmatic, commonsensical fashion. In England, casuistry as a self-conscious theological discipline was peculiar to the sixteenth and seventeenth centuries. Thus I have limited this study to the period spanned by William Perkins's lectures on the conscience delivered at Cambridge during the 1590s and Richard Baxter's publication of *A Christian Directory* in 1673, when major English theologians turned their attention to providing a method for dealing with difficult moral problems. Events during these turbulent years continually produced new problems and changed perspectives for moral theology. The casuists were Puritans and Anglicans, conservatives and radicals. Although they were not great original theoreticians, they were often heterodox in doctrine and independent in judgment. But in spite of their many differences, they developed a remarkably homogeneous body of principles and procedures for resolving cases of conscience. In Chapter I, therefore, I have largely ignored the biographical, doctrinal, and chronological differences and instead tried to clarify the fundamental conceptual framework common to the major casuists.

In Chapter II, where I survey the structural and stylistic characteristics of the casuistical paradigm, I have tried to do more justice to the differences among casuists by suggesting something of the variety in subject, organization, and quality possible within the basic form. Although this variety means that there is no completely representative case of conscience, the casuists' emphasis on the importance of unique combinations of circumstances means that a detailed examination of a case is necessary to understand the casuistical habit of mind. Since there are cases of conscience on everything from usury to witchcraft, no single case can be representative in terms of subject matter. I have, therefore, discussed at some length one of Robert Sanderson's cases not as a typical case of conscience but as an especially interesting one to illustrate the conceptual and structural characteristics of the casuistical paradigm. "The Case of the Engagement" concerns an issue that received considerable contemporary attention, and so it is possible to look at the case in the context of its intellectual and political circumstances. Because this information is available and because Sanderson is a skillful casuist, the case demonstrates clearly the strengths and weaknesses of the form at its best.

There were no rules for writing cases of conscience and no conventions to be transformed by individual casuists. Whether the case of conscience, then, is a literary genre in the sense that epic and tragedy are, or in the sense that the sermon and Theophrastan character are, depends on a more precisely developed theory of genre than we have. I have found that a more accurate and useful concept than genre is "literary paradigm," the term Isabel MacCaffrey proposes for a structural and thematic principle that can inform generically diverse works. "What we are dealing with," she suggests, in discussing Louis Martz's *The Paradise Within*,

is actually a nameless principle neither generic, stylistic, nor rhetorical, but structural and thematic simultaneously: a literary paradigm, convention, or fiction in which a particular kind of thematic concern expresses itself habitually in—implies or demands—particular structural characteristics. . . . As the pastoral paradigm can enter into and affect the structure of *Arcadia*, *The Faerie Queene VI*, and Frost's *Directive*, so the meditative paradigm can enter into such generically diverse works as those treated in Mr. Martz's book.²

So too the formal and conceptual characteristics of casuistry constitute a distinctive way of understanding experience that can enter into generically diverse works. The casuistical paradigm, in which the self-conscious turning back of the mind on itself is united with a focus on specific, practical action, can be expressed in many genres, including lyric poetry, verse satire, and drama, as well as theological treatises and prose cases of conscience. The following pages survey the casuistical tradition in English and trace its influence in the imaginative literature of the period.

Renaissance casuistry is part of a larger tradition. It developed out of the casuistry of the medieval Church, and it continued to exert influence throughout the eighteenth century. Even today we read a debased form of case divinity in the advice columns of modern newspapers. But the casuistry of the medieval Church and of the Renaissance Roman Church, designed for the priest, not the layman, differed from Protestant casuistry in intention and form. Later versions of the tradition have largely dispensed

² Isabel G. MacCaffrey, "The Meditative Paradigm," *ELH* 32 (1965): 390.

tions of Christian doctrine, for poems where he struggles with doubt, and, more generally for his problem-solving, self-analytic style. The final chapter examines the pervasive casuistical habit of mind in Milton's works. The treatment of actual problems of conscience in *Areopagitica* and the divorce pamphlets shows the impact of casuistry, and *Paradise Lost* and *Paradise Regained* present the mythic source of the casuists' assumptions about moral choice. But it is *Samson Agonistes* that is most profoundly casuistical in its drama of the doubt, struggle, and triumph of the individual conscience.

These four writers, then, illustrate the casuistical paradigm in a variety of prose and poetic genres ranging chronologically from Donne's *Satyres* in the 1590s, when cases of conscience were just beginning to appear in print, to *Samson Agonistes*, written late in the development of English casuistry. My discussions are not intended as a comprehensive or exhaustive treatment of the influence of casuistry on Renaissance literature but as a demonstration of the variety of shapes the casuistical paradigm takes and the possibilities this approach offers. Throughout, I have tried not to reduce the fictional works I discuss to theology, even to the practical theology of case divinity, but to use English casuistry as a tool that helps us to understand them.

Although casuistry has not gained widespread currency among students of the English Renaissance, it has received some scholarly attention to which I am greatly indebted. There are useful general discussions of casuistry by R.M. Wenley in the *Encyclopedia of Religion and Ethics* and by Benjamin K. Nelson in the *Encyclopedia Britannica*. George L. Mosse's provocative study emphasizes Puritan casuistry.³ William Ames's casuistry has been treated by Keith L. Sprunger and William Perkins's by Louis B. Wright, Ian Breward, and Thomas F. Merrill.⁴ Anglican casuistry is discussed by H. H. Henson and in indispensable studies by

³ George L. Mosse, *The Holy Pretence: A Study in Christianity and Reason of State from William Perkins to John Winthrop* (Oxford: B. Blackwell, 1957).

⁴ Keith L. Sprunger, *The Learned Doctor William Ames: Dutch Backgrounds of English and American Puritanism* (Urbana: University of Illinois Press, 1972); Louis B. Wright, "William Perkins: Elizabethan Apostle of 'Practical Divinity,'" *Huntington Library Quarterly* 3 (1940): 171-196; Ian Breward, ed., *The Works of William Perkins*, The Courtenay Library of Reformation Classics (Appleford, Eng.: The Sutton Courtenay Press, 1970); Thomas F. Merrill, ed., *William Perkins 1558-1602: English Puritanism* (Nieuwkoop: B. DeGraaf, 1966).

Since so much of English casuistry was originally oral, it is impossible to establish precise lines of influence in pre-Caroline literature, but it is clear that casuistical ideas were germinating in England during the reigns of Elizabeth and James I and that the casuistical form of moral reasoning had its effect on the imaginations of poets even before William Perkins's pioneer works of casuistry were published. My intention is not to prove specific casuistical sources for the imaginative literature I discuss but to show how the processes of thought and language the casuists developed to deal with problems of doubtful action inform the English literature of the late sixteenth and early seventeenth centuries. Awareness of this habit of mind and familiarity with the literary form embodying it sheds light, I think, upon a rich area of English literary history and on many poems still inadequately understood. If I am right that casuistry explains how men characteristically approached moral doubt, then anywhere that moral choice is an issue the tradition of casuistry provides a relevant historical context. The writers I discuss illustrate the broad spectrum of thought and the generic diversity showing the imprint of casuistry. Although their approaches to theological, political, and aesthetic questions differ widely, Shakespeare, Donne, Herbert, and Milton all demonstrate interest in casuistical procedures and give imaginative form to the problems of conscience that are the province of casuistry.

Shakespeare is less directly involved in theological questions than Donne, Herbert, and Milton, but since his plays give "speaking pictures" of men choosing to act in specific circumstances, they have obvious similarities to the case of conscience as an individual model of a universal process. In Chapter III, I hope to show that the casuists' analysis of conscience and their method of resolving moral problems illuminate the portrayal of the decision-making process and its consequences in *Richard III*, *Julius Caesar*, *Hamlet*, and *Macbeth*. Chapter IV examines John Donne's adaptations of the casuistical paradigm. *Biathanatos* and *Pseudo-Martyr* draw directly on the casuistical tradition in method of argument and presentation. In the *Satyres*, Donne fuses the casuistical paradigm with the form of the classical verse satire to dramatize and evaluate the casuistical approach to moral doubt. Chapter V analyzes the casuistical paradigm in George Herbert's poetry. Here I argue that casuistry supplies a helpful context for poems where Herbert tries to understand the implica-

H. R. McAdoe and Thomas Wood.⁵ Until recently, students of literature have ignored the tradition of casuistry. They enjoy the religious musings of Thomas Browne, but few read Robert Sanderson. They have rediscovered Donne's sermons and devotions, but have failed to explore the casuistical tradition of *Biathanatos*. William Ames is known for his influence on New England Puritans, not for his casuistry. Jeremy Taylor's sermons and devotional works are read, but his casuistical *magnam opus* is little known. In analyzing the influence of casuistry on Thomas Fuller, Walter E. Houghton, Jr., comments perceptively on the subject matter and form of casuistry,⁶ but other early treatments by literary scholars focus rather narrowly on particular casuistical elements: Lily B. Campbell brings the casuistry on despair to bear on *Doctor Faustus*, and Wylie Sypher, interpreting casuistry as cynical playing with moral cruxes, reads *Measure for Measure* from that point of view.⁷ Recently, such scholars as A. E. Malloch, Sheridan D. Blau, George Starr, and Dwight Cathcart have begun to explore in more depth the influence of casuistry on individual authors.⁸

Although I have tried to record in notes my indebtedness to these and other scholars, I know that many of those I have learned most from are acknowledged inadequately or not at all because they have shaped my way of thinking about literature so fundamentally that I can no longer point to specific debts. I owe much to Ralph Wardle and Robert Harper, who introduced me to literary study, and to Ross Garner, who taught me to read Donne and Milton. I am grateful to David Novarr for directing my first

⁵ H. H. Henson, *Studies in English Religion in the Seventeenth Century* (London: John Murray, 1903); H. R. McAdoe, *The Structure of Caroline Moral Theology* (London: Longmans, Green and Co., 1949); Thomas Wood, *English Casuistical Divinity During the Seventeenth Century: With Special Reference to Jeremy Taylor* (London: S.P.C.K., 1952).

⁶ Walter E. Houghton, Jr., *The Formation of Thomas Fuller's 'Holy and Profane States'* (Cambridge, Mass.: Harvard University Press, 1938).

⁷ Lily B. Campbell, "Doctor Faustus: A Case of Conscience," *PMLA* 67 (1952): 219-239; Wylie Sypher, "Shakespeare as Casuist: *Measure for Measure*," *Newanee Review* 58 (1950): 262-280.

⁸ A. E. Malloch, "John Donne and the Casuists," *Studies in English Literature* 2 (1962): 57-76; Sheridan D. Blau, "The Poet as Casuist: Herbert's 'Church-Porch,'" *Genre* 4 (1971): 142-152; George Starr, *Defoe and Casuistry* (Princeton: Princeton University Press, 1971); Dwight Cathcart, *Doubling Conscience: Donne and the Poetry of Moral Argument* (Ann Arbor: University of Michigan Press, 1975).

study of casuistry and for continuing to give me valuable advice and kind encouragement, to Ephim Fogel for generously sharing with me his imaginative grasp of the implications of casuistry for the study of Renaissance poetry, and to Arthur E. Barker for his provocative suggestion about Samson's case of conscience. Ann and David Hiatt, Robert Ian Scott, John Shawcross, Raymond Waddington, John Wallace, and Joseph Wittreich read parts of the manuscript at various stages of its development, and their generous and learned criticisms have been invaluable to me.

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My daughter Jessica's generosity has given me the time to devote to this book, and her love and gaiety have given me the heart for it. My largest debt is to my husband William, who listens to my cases of conscience, scholarly and otherwise, and resolves them with wit and wisdom.

THE TRADITION

CASUISTRY IN ENGLAND

In *A Priest to the Temple*, or, *The Country Parson*, George Herbert portrays his ideal parish priest as a man who "greatly esteemes also of cases of conscience, wherein he is much versed," because "herein is the greatest ability of a Parson to lead his people exactly in the wayes of Truth."¹ The case of conscience that the pastor of Bemerton praised so highly was, in the seventeenth century, the characteristic form of casuistry or case divinity, the branch of theology that attempts to provide the perplexed human conscience with a means of reconciling the obligations of religious faith with the demands of particular human situations. In the case of conscience, the casuist poses, or is posed with, a difficult moral problem and then solves it, often with a startling display of erudition and logical ingenuity. The problems considered in Renaissance casuistry include virtually every kind of human activity: whether or not a Protestant may marry a Roman Catholic, whether a man must point out the defects of the goods he is trying to sell, whether a man condemned to prison can in good conscience try to escape, whether a promise made under the threat of force is valid. Casuists—Roman Catholic, Anglican, and Puritan alike—assumed that Christian ethics should regulate all human activity and offered solutions to myriad problems arising in men's domestic, professional, political, and financial lives.

In a broad sense, casuistry is the process of applying fundamental moral principles to the activities of daily living. Thomas DeQuincey points out:

After morality has done its very utmost in clearing up the

¹ George Herbert, *A Priest to the Temple*, or, *The Country Parson*, in *The Works of George Herbert*, ed. F. E. Hutchinson (Oxford: Clarendon Press, 1941), p. 230.

grounds upon which it rests its decisions—after it has multiplied its rules to any possible point of circumstantiality—there will always continue to arise cases without end, in the shifting combinations of human action, about which a question will remain whether they do or do not fall under any of these rules. . . . The name, the word, Casuistry, may be evaded, but the thing cannot; nor is it evaded in our daily conversations.²

Casuistry in this sense is, of course, never absent whenever men try to live by their principles. In the narrower sense of a distinctive literary form requiring training and skill and commanding the attention of leading theologians, casuistry in England was a phenomenon of the late sixteenth and the seventeenth centuries, a response to the crisis of conscience and authority that was fundamental to the religious and political experience of the period.

When Henry VIII discovered that he had doubts about the lawfulness of his marriage to Katherine of Aragon, he was posing a case of conscience,³ but the political and ecclesiastical crisis that it provoked did not immediately give rise to a significant body of English casuistry. The literature justifying Henry's divorce took polemical rather than casuistical form, and the casuistry of the Roman Church was written in Latin and intended primarily to guide the priest in the confessional. The upheaval of the Reformation destroyed the traditional system of moral and ecclesiastical discipline: the reformers rejected the sacrament of penance, the confessional fell into disuse, and the Roman body of casuistry became suspect. Because the Roman Catholic system was rejected and the Genevan system of discipline was not adopted, the English Church was left without a well-articulated program for guiding men's consciences. It was slow, moreover, to develop a casuistry of its own to fill the vacuum: England produced no major casuists until the end of the sixteenth century.⁴ In fact, in 1589, Francis Bacon, who finally stumbled in the tan-

² Thomas DeQuincey, "Casuistry," in *The Collected Writings of Thomas DeQuincey*, ed. David Masson, 14 vols. (Edinburgh: A. and C. Black, 1889-1890), VIII, 313, 315.

³ For the view that conscience rather than sex or statecraft motivated Henry VIII's divorce, see Lacey Baldwin Smith, "A Matter of Conscience," in *Action and Conviction in Early Modern Europe: Essays in Memory of E. H. Harbison*, ed. Theodore K. Rabb and Jerrold E. Seigel (Princeton: Princeton University Press, 1969), pp. 32-51.

gles of seventeenth-century ethics, criticized English theologians for failing to provide adequate moral direction:

The word (the *bread of life*) they toss up and down, they break it not. They draw not their directions down *ad casus conscientiae*; that a man may be warranted in his particular actions whether they be lawful or not.⁴

The English casuists agreed with Bacon's complaint. William Ames's address to the reader observes that in Protestant churches both in England and on the continent, "this Practicall teaching was much wanting, and that this want was one of the chiefe causes of the great neglect, or carelesnesse in some duties which neerely concerne Godlinesse, and a Christian life."⁵ Regretting that Englishmen were forced to rely on Roman Catholic casuistry, he calls for the development of a specifically Protestant case divinity:

If such things were handled in the meetings of Preachers, according to the variety of Cases that fall out; and the more remarkable decisions set downe in writing; the children of Israel should not neede to goe downe to the Philistims (that is, our Suttidents [*sic*] to Popish Authors) to sharpen every man his Share, his Mattocke, or his Axe, or his weeding Hooke, as it fell out in the extreame necessity of Gods people.⁶

According to Jeremy Taylor, the "scarcity of books of conscience" was primarily due to the tenuous position of the Church in the early years of the English Reformation.⁷ Routine parish duties prevented the conscientious among the overworked and ill-paid clergy from the task of building an English casuistry, even if they had the requisite training and ability. More impor-

⁴ Francis Bacon, "An Advertisement Touching the Controversies of the Church of England," in *The Letters and the Life of Francis Bacon*, ed. James Spedding, 7 vols. (London: Longmans, 1861-1872), I, 92.

⁵ William Ames, *Conscience with the Power and Cases Thereof* (1639), sig. A3^{r-v}.

⁶ Ames, *Conscience*, sig. A4. The analogy that the English are driven to use Roman Catholic casuistry as the Israelites were to use Phylistine forges is used again by Thomas Fuller in *The Holy State* (Cambridge, 1642), p. 90, and by Jeremy Taylor in the preface to *Ductor Dubitantium: or the Rule of Conscience*, in *The Whole Works of the Right Rev. Jeremy Taylor*, ed. Reginald Heber, 15 vols. (London, 1828), XI, 346.

⁷ Taylor, *Ductor Dubitantium*, XI, 345.

"exactly in the ways of Truth"; but to many Englishmen the "ways of Truth" were clearly set forth. They saw no need for perfecting the intricate methods of casuistical divinity when the plain truth could be found in scripture. A man confronted with a problem was advised to consult his Bible in order to find a parallel case and to act only with scriptural warrant. Before the English Church produced a casuistry of its own, then, it had to become interested theoretically in the problem of moral authority, and it needed to move away from biblical literalism.

By the end of the sixteenth century, moral norms and the methods for discovering them had become subjects of violent debate. Significantly, the pioneers in English casuistry were the Puritans William Perkins and William Ames, who were in conflict with the established ecclesiastical authority over questions of biblical interpretation and the nature of authority and man's moral duty. Perkins lectured on casuistry at Cambridge at the end of the sixteenth century, and his *A Discourse of Conscience* (1596) and *The Whole Treatise of the Cases of Conscience* (1606) are the first systematic treatments of the subject in English. His student, William Ames, continued Perkins's work in *De Conscientia, eius Jure et Casibus* (1630). Richard Baxter wrote his *A Christian Directory: or a Summ of Practical Theology and Cases of Conscience* after the Restoration when he was forbidden to preach. Meanwhile, a reaction against rigid scripturalism was growing stronger within the Church. The so-called "Arminian" or High Church party surrounding Archbishop Laud stressed the importance of the tradition of human wisdom and viewed with skepticism the extension of scriptural authority into all practical religious matters. This reexamination of the nature of religious authority from a variety of perspectives fostered the development of casuistry in England.

Throughout the seventeenth century, the hundreds of published cases sufficiently attest to the popularity of casuistry. Walter Houghton illustrates the shift of interest from doctrinal controversies to practical morality by noting that "while King James dabbled in theology, his son cultivated and encouraged the study of Casuistry."⁹ The flourishing of English casuistry, moreover, was part of a European movement toward concentra-

⁹ Walter E. Houghton, Jr., *The Formation of Thomas Fuller's 'Holy and Profane States'* (Cambridge, Mass.: Harvard University Press, 1938), p. 71.

ant, the great theologians of the sixteenth century were busy defending the Church against her enemies. Since the first task facing the apologists of the Church during Elizabeth's reign was the opposition of Roman Catholicism, Bishop Jewel's work was directed against Rome. By the time Richard Hooker entered the field in its behalf, the established Church was most dangerously threatened by Puritan critics, and his *Of the Laws of Ecclesiastical Polity* grew out of the conflict between Canterbury and Geneva.

A deep-rooted suspicion of casuistry within the Church itself, however, is more basic to the problem than the need to counter the fire of rival theologies. The great Roman casuists of the Renaissance were the Jesuits, who continued to be feared in England as actively subversive national enemies. When English theologians turn to casuistry, such Jesuitical terms as "equivocation," "mental reservation," and "probabilism" are used consistently in a derogatory sense, and English casuists are at pains to dissociate their work from the Jesuit variety. They charge the Roman casuists with excessive subtlety and complexity:

What God had made plain, men have intricated; and the easy commandment is wrapped up in uneasy learning; and by the new methods, a simple and uncrafty man cannot be 'wise unto salvation.'

They also charge them with laxity:

They have made their cases of conscience and the actions of their lives unstable as the face of the waters, and immeasurable as the dimensions of the moon; by which means their confessors shall be enabled to answer according to every man's humour, and no man shall depart sad from their penitential chairs.⁸

The allegation that Catholic casuistry in fact amounted to a complicated system of ratiocination designed to show men how to avoid their clear moral duties was not merely an expression of patriotic feeling against a national enemy. Rather, the attitude grows out of the Protestant fear of placing barriers between man and God. Human intervention, men feared, could only make obscure and difficult what God had made plain and easy. George Herbert recommends cases of conscience for leading people

⁸ *Ibid.*, pp. 353-354, 352.

tion on practical divinity during this period. Henry Hallam observed that at about the end of the sixteenth century on the continent, "casuistical literature burst out, so to speak, with a profusion of fruit," and that throughout the seventeenth century the Roman Catholic Church produced a casuistry of unprecedented richness.¹⁰ A. E. Malloch reports that more than six hundred collections of cases of conscience appeared between 1564 and 1660.¹¹

Political history concurred with ecclesiastical and doctrinal developments to foster English casuistry when the struggle between king and parliament erupted into civil war. Between 1640 and 1660, first the Anglican and then the Puritan establishment was destroyed, and Englishmen were forced to confront serious moral questions at the same time that familiar political and religious institutions were being uprooted and basic assumptions about the nature of man's moral existence were being debated ruthlessly. The debate between the claims of the crown and those of parliament was carried on largely in terms of conscience. In the early years of the war, men like Henry Parker and John Goodwin appealed to conscience to justify resistance to tyranny, while royalists like Henry Ferne and Sir Dudley Digges based their support of the monarchy on the obedience demanded by the Christian conscience. The experience of the Commonwealth, the responsibility of leadership, and the failure of the godly to agree upon the form of the new Jerusalem they would build in England diminished Puritan confidence in the ease with which scriptural models could be transferred to contemporary situations. The civil war also undermined the old hierarchy of authority, and those actively loyal to the Church of Charles I were pushed into a stance of civil disobedience. A new relationship between Church and State had to be dealt with in practice even if it were not acknowledged in theory, and inevitably problems of conscience resulted. Nor were these problems the monopoly of ardent partisans. Many who in normal times would have lived without

¹⁰ Henry Hallam, *Introduction to the Literature of Europe in the Fifteenth, Sixteenth, and Seventeenth Centuries*, 7th ed., 4 vols. (London: John Murray, 1864), III, 132. Cited by Houghton, *The Formation*, p. 71.

¹¹ A. E. Malloch, "John Donne and the Casuists," *Studies in English Literature 2* (1962): 58. Malloch's source is Hugo von Hurter's *Nomenclator literarius recentioris theologiae catholicae* as cited in Edouard Hamel, "Valeur et limites de la casuistique," *Sciences ecclésiastiques* 11 (1959): 165.

undue soul searching as law-abiding citizens and churchmen were forced by the dramatic shape of events to examine their basic allegiances. No tidy Elizabethan world picture and no personal apathy can secure a man sucked involuntarily into the vortex of civil war. There were, of course, people who lived out their lives relatively untouched by the affairs of the great world, but for many Englishmen, internecine war meant agonizing choices concerning their king, their Church, their family and friends, and their most deeply held and cherished beliefs. Cases of conscience were at the height of their popularity during this period.

The pressing need for systematic and learned theological treatment of the complications produced by the friction of man's worldly life against his spiritual life seems to have disappeared in England with the seventeenth century. Several of the major works of English casuistry did not appear in print until after 1650, and even then men complained of their scarcity.¹² The demand for casuistry remained strong immediately following the Restoration, but cases of conscience were becoming rather old-fashioned by the nineties. Only some fifty years after the major works of the English casuists, Alexander Pope, banishing Belinda's lock to a celestial haven for trivialities, furnished this lunar sphere with such meaningless inconsequentialities as

Cages of gnats, and chains to yoke a flea,
Dried butterflies, and tomes of casuistry.

The eighteenth century solved its moral dilemmas in other terms, and succeeding generations have followed suit. The judgment of history has often, in fact, been harsher than mere dis regard. In *Lettres Provinciales*, Pascal condemned Jesuit casuists for using the confessional to teach men what they might do with legal impunity rather than to guide them in a true search for a peaceful conscience through virtuous action. Casuistry has never recovered from his scathing attack. In the twentieth century, casuistry retains the connotations of tedious and futile quibbling

¹² Robert Sanderson's 1647 Oxford lectures on the conscience, *De Obligatione Conscientiae*, and an English translation by Robert Codrington, *Several Cases of Conscience Discussed in Ten Lectures*, were both published in 1660. Also in 1660, Jeremy Taylor published *Ductor Dubitantium: or the Rule of Conscience*. Richard Baxter's *A Christian Directory: or a Summ of Practical Theology and Cases of Conscience*, written largely in 1664 and 1665, was published in 1673.

that it held for Pope as well as the association with hypocritical legalism that it had for Pascal. While to a Renaissance man of affairs like Bacon it was the most practical kind of theology, to the twentieth-century mind, casuistical divinity seems fruitless and rather sinister. While casuistry is not wholly innocent of the charges against it, the kind of experience it is concerned with continues to be of real importance, and the casuist's method of resolving moral dilemmas and imposing form on the chaos of experience can add significantly to our understanding of how men during the sixteenth and seventeenth centuries approached the moral complexities of their lives and used language in trying to deal with them.

THE THEORY OF CASUISTRY

The supremacy of the individual conscience is the key idea in casuistry.¹³ For the casuist, the conscience is the mind of man operating morally. It prods the reluctant, accuses and torments the guilty, and comforts the innocent. According to Jeremy Taylor, a good conscience produces the "most certain, clearest, and undisturbed felicity," but a bad conscience may reduce man to abject terror: "Then every bush is a wild beast, and every shadow is a ghost, and every glow-worm is a dead man's candle, every lantern is a spirit." An evil conscience is a "secret tormentor [that] shakes the mind, and dissolves it into indiscriminate and confusion"; it "gnaws perpetually, and consumes not, being like the fire of hell, it does never devour, but torments for ever" (XI, 404, 398, 395, 398). Its activities are varied, and its effects sometimes extreme; nevertheless, to the Renaissance mind the con-

¹³ Throughout this chapter, wherever practical I will cite parenthetically in the text the following editions of the major expositions of the principles of English casuistry: William Perkins, *A Discourse of Conscience* and *The Whole Treatise of the Cases of Conscience*, in *The Works of That Famous and Worthy Minister of Christ . . . Mr. William Perkins*, 3 vols. (London, 1612-1613); William Ames, *Conscience with the Power and Cases Thereof* (1689); Robert Sanderson, *Several Cases of Conscience Discussed in Ten Lectures* (London, 1660); Jeremy Taylor, *Ductor Dubitantium: or the Rule of Conscience*, in *The Whole Works of the Right Rev. Jeremy Taylor*, ed. Reginald Heber, 15 vols. (London, 1828), vols. XI-XIV; Richard Baxter, *A Christian Directory: or a Summ of Practical Theology and Cases of Conscience* (London, 1673). In quoting seventeenth-century texts, I have changed u to v, i to j, and ô to on to accord with modern usage.

science was less the still, small voice that disturbs the sleep of the sinful than the intellectual and practical activity of judging past actions and legislating future ones. Robert Sanderson, for example, defines the conscience traditionally, as "a faculty, or a habit of the practical understanding, by which, the mind of Man doth by the discourse of reason apply that light with which he is indued to his particular moral Actions" (*Lectures*, p. 3).¹⁴ Emphasizing its intellectual and practical nature, he insists that it is a function not of the speculative intellect nor of the will but of the practical intellect that "doth agree with the *Speculative* in this, that it doth look on *Truth*, and with the *Will* in this, that it inclineth to operation" (*Lectures*, p. 25). William Perkins distinguishes the conscience from other parts of the mind by the comprehensiveness of its function:

The proper end of conscience is, to determine of things done. And by this conscience is distinguished from all other gifts of the mind, as *intelligence*, *opinion*, *science*, *faith*, *prudence*. *Intelligence*, simply conceives a thing to be or not to be; *opinion*, judgeth a thing to be probable or contingent; *science*, judgeth to be certain and sure; *faith*, is a persuasion, whereby we beleieve things that are not; *prudence*, discerneth what is meete to be done, what to be left undone; but *conscience* goes further yet then all these: for it determines or gives sentence of things done, by saying unto us this was done, this was not done, this may be done, this may not be done; this was well done, this was ill done. . . . Conscience . . . deales in particular actions, and that not in some few, but in all. (I, 517)

Conscience, then, is the rational means by which man relates moral law to his own actions.

The conscience is composed of two parts: the *synteresis*, the storehouse of truth or moral law, and the *conscientia* or *synteresis*, the judge that applies this law to particular actions, either excusing and absolving or accusing and condemning. Thus con-

¹⁴ The casuists' definition of the conscience as primarily a rational faculty derived from St. Thomas Aquinas. See Thomas Wood, *English Casuistical Divinity During the Seventeenth Century: With Special Reference to Jeremy Taylor* (London: S.P.C.K., 1952), pp. 67-70, and H. R. McAdoo, *The Structure of Caroline Moral Theology* (London: Longmans, Green and Co., 1949), pp. 66-69.

science is both a repository of truth and an instrument for implementing it. It has a dual obligation: to conform passively to God's will and to direct actively all actions. The moral truth with authority over every act is one's understanding of God's will. "Conscience is of a divine nature," Perkins says, "a thing placed of God in the midst between him and man, as an arbitratour to give sentence. . . . It is (as it were) a little God sitting in the middle of mens hearts" (I, 517, 519). Since the conscience is the image of God in man, to ignore its dictates is to sin against God. Casuists admit that conscience, operating through fallible human reason, may lead man to sin, but they postulate that a man who acts against his conscience, even to commit an intrinsically innocent act, inevitably sins. The conscience, in short, supersedes all human authorities: it "is immediately subject to God, and his will, and therefore it cannot submit it selfe unto any creature without Idolatry" (Ames, Bk. I, p. 6).

In casuistical theory, the conscience could be classified as right or wrong according to its relationship to divine law and as sure or unsure according to its function in practical application. The conscience, therefore, could be right and sure, sure but wrong, right but unsure, or simply unsure. A conscience both sure and right was called a "right" conscience, while one that was sure but wrong was called an "erring" conscience. A right but unsure conscience was labeled "scrupulous," and a conscience that was unable to decide whether a proposed action was lawful was known as a "doubtful" or "doubting" conscience.¹⁵

A right conscience is the basis for all virtuous action:

For this is the beginning of a good worke, that the conscience first of all gives her judgement truly, that the thing may be done, & is acceptable to God. Rom. 14.23. Whatsoever is not of faith, that is, whatsoever is not done of a settled perswasion in judgement and conscience out of Gods word, howsoever men judge of it, is sinne. (Perkins, I, 537)

Since the conscience is a faculty of the intellect, the right conscience judges a past or proposed action lawful on the basis of

¹⁵ Taylor lists five kinds of conscience by distinguishing between the doubtful conscience and the probable or thinking conscience. The main difference between the two is that, while neither can assent fully to either side of a question, the probable conscience can choose, while the doubtful cannot. *Ductor Dubitantium* (XII, 31-172).

reason. According to Jeremy Taylor, men who think that "our reason is blind in things divine, and therefore . . . of little or no use in religion" err; a right conscience is "right reason reduced to practice" (XI, 434, 428).

The erring conscience presents a theoretical dilemma for casuists. They agree that man must always follow his conscience, even if it judges falsely. "He that does a good thing while he believes it to be evil, does choose the evil, and refuse the good" (Taylor, XII, 5). But the man who follows his erring conscience into evil is also guilty. Conscience may make an innocent action evil, but it cannot make an evil action good. The erring conscience must be reformed, usually through rational persuasion.

Man should also use reason to overcome the hesitations of the "scrupulous conscience," which is convinced of the right course to follow but continues to worry and fret irrationally. Whereas a scrupulous conscience is rationally persuaded by one side of a question in spite of fears pulling it to the other side, a doubting conscience assents to neither side: it "stickes and staggers betweene assent and dissent, not knowing which to doe" (Ames, Bk. I, p. 17). Although casuists engage in theoretical discussion of the relative sinfulness of erring consciences and offer advice on how to correct an erring or scrupulous conscience, they are sought by men who are torn between conflicting loyalties, not by men who are confidently deceived. Most casuistry, then, is devoted to the doubting conscience. The case of conscience arises when a man is doubtful about what he ought, or ought not, to do, and the casuist's goal is to turn a doubting into a right conscience.

Thus, the second fundamental assumption of the casuist is that he is dealing with problematical material. Unless there is some doubt, some question about the right thing to do, there is no case of conscience. The casuist's treatment of doubtful action derives from his conception of the conscience, just as does his concern with the harmony between action and divine law and between action and individual conscience.

Casuists are usually classified according to their position on the process of accumulating and assessing evidence in cases of doubt. The most rigorous position was *tutorism* which demanded that the doubting conscience choose the alternative with the least possibility of sin, without regard to the degree of sin, the extent of personal suffering, or the evidence that the action in question was really innocent. The piety of this course was admired, but to

demand that man always assume himself bound to obey when there is any possibility that a law might apply was clearly impractical. And so tutorism was rejected by most Renaissance casuists. The alternatives to tutorism were probabiliorism and probabilism. While probabiliorism demanded that one follow the strongest probability in doubtful cases, probabilism maintained that *any* probability is sufficient ground for action. That is, probabilists held that in a doubtful case, one may act without regard for a moral law when he can discover any real probability that it does not apply in his case, even when its applicability is more probable.

Although probabilism was clearly open to abuses, it is an intelligible concept when examined from the proper perspective.¹⁶ If one assumes that, while truth is absolute, human understanding is fallible, and that doubts about lawful action must be seen in the context of the whole body of opinion about the subject, then probabilism can be seen as a necessary safeguard for individual freedom of action. In this view, the opinion of the majority of respected theologians has the highest probability of being correct in a difficult situation, but it remains possible that a less popular point of view is actually correct. Probabilism, therefore, allows man to act on the less probable opinion; it has the advantage of freeing him to act in especially difficult cases, even against usual theological opinion. The doctrine rests, nevertheless, on the assumption that a moral judgment can be made with reference to an external body of rules and need not issue from personal conviction. The result of this formulation of moral choice is to separate law from truth, the practical from the speculative intellect, the moral agent from himself. Probabilism was associated with, though not confined to, the Jesuits, and English casuists usually condemned it as an excrescence of Jesuitical laxity and cynicism.

Probabiliorism, the position held by most Protestant casuists, allowed the individual to act only when the strongest probability favored liberty. While the probabilists did not demand that moral action issue from perfect personal assent, the probabiliorists assumed that certainty could be reached in doubtful cases by the exercise of reason. Jeremy Taylor defines this position:

¹⁶ In this discussion I am indebted to A. E. Malloch's helpful analysis of probabilism in "John Donne and the Casuists," pp. 57-76. See also McAldoo, *Structure of Caroline Moral Theology*, pp. 88-97, and Wood, *English Casuistical Divinity*, pp. 74-78.

In probabilities, I prefer that which is the more reasonable, never allowing to any one a leave of choosing that, which is confessedly the less reasonable in the whole conjunction of circumstances and relative considerations. (XI, 359)

An accumulation of probable arguments, probabiliorists maintained, could change a doubtful into a right conscience.

Probable arguments are like little stars, every one of which will be useless as to our conduct and enlightening; but when they are tied together by order and vicinity, by the finger of God and the hand of an angel, they make a constellation, and are not only powerful in their influence, but like a bright angel to guide and to enlighten our way. And although the light is not great as the light of the sun or moon, yet mariners sail by their conduct: and though with trepidation and some danger, yet very regularly they enter into the haven. This heap of probable inducements is not of power as a mathematical and physical demonstration, which is in discourse as the sun is in heaven, but it makes a milky and a white path, visible enough to walk securely. (Taylor, XII, 36-37)

The third fundamental assumption of the Renaissance English casuist is that the circumstances of human affairs are so varied that no action can be defined categorically as sinful or virtuous. The infinite variety of cases is due to differences in circumstances and not to moral relativity. What is just for one man would be just for all men in like circumstances. "But," Taylor points out,

men are infinitely differenced by their own acts and relations, by their understandings and proper economy, by their superinduced differences and orders, by interest and mistake, by ignorance and malice, by sects and deceptions. And this makes that two men may be damned for doing two contradictions: as a Jew may perish for not keeping of his sabbath, and a Christian for keeping it; an Iconoclast for breaking images, and another for worshipping them. (XI, 419)

Circumstances may charge an otherwise neutral action with moral significance. While moral law requires certain actions and prohibits others, many actions are morally neutral or indifferent. Indifferent actions "in themselves being neither good nor evil, may be done or not done without sinne; In themselves I say, for

son echoes Perkins and suggests a further significance in the word. Conscience is well-named, he says, because "science" plus "con" suggests the idea of man knowing many things. The conscience "addeth Science unto Science, that is, the universal knowledge, or the knowledge of Law, and Right, to the particular knowledge, or the knowledge of the fact by applying one unto the other" (*Lectures*, p. 7).

Thomas Barlow reports that, when asked to specify the training necessary for a casuist, Sanderson recommended not only a thorough grounding in Greek, Hebrew, and Latin and a "sufficient knowledge of the arts and sciences" but an additional two fields of study. According to Barlow's report, Sanderson believed that the first essential is an understanding of the nature of human action:

Every Case of Conscience being only this—"Is this action good or bad? May I do it, or may I not?"—he who *in thesi* knows not how and whence human actions become morally good and evil, never can *in hypothesi* rationally and certainly determine, whether this or that particular action be so.

The second requisite for a casuist is a

convenient knowledge of the nature and obligation of Laws in general. . . . For every Case of Conscience being only this—"Is this lawful for me, or is it not?" . . . he who *in thesi* knows not the nature and obligations of Laws, never can be a good Casuist, or rationally assure himself or others of the lawfulness or unlawfulness of actions in particular.¹⁷

According to the casuists, the foundation of moral action is the will. Echoing St. Augustine, they insist that no human action can be either good or evil unless it is voluntary. Man must submit his will, which is directed by the conscience, to God's will. Fear, threats, or physical force set no limits to man's responsibility, for "*the will cannot be constrained*" (Perkins, II, 5). Because man is responsible for choosing good, knowledge has great moral significance. Since man lives in a world where "there is good and evil in confusion of imperfect mixture," reason and knowledge must be the basis of choice. If this were not so, Taylor adds, it would be to "no purpose to write cases of conscience" (XIV, 280).

¹⁷ William Jacobson, ed., *The Works of Robert Sanderson*, 6 vols. (Oxford: Oxford University Press, 1854), VI, 358-359.

in their circumstances they are, & may be made either evil or good" (Perkins, II, 3). In addition, there are degrees of sin, and "the circumstances of time, place, person, and manner of doing, doe serve to enlarge or extenuate the sinne committed" (Perkins, II, 10). Sometimes circumstances exempt men from a general rule. For example, Taylor argues that men are morally obligated to obey human laws but that when circumstances change so that a law intended for the public good becomes instead an oppressive burden, the obligation of the law ceases (XIV, 251). Circumstances may also create moral obligation:

. . . others [moral duties] are not commanded to all, but to some only, and that is not expressly and immediately, but consequently, and upon the supposition of certaine circumstances, by which it comes to passe that (*hic & nunc*) in some particular case, they partake of the nature of precepts.
(Ames, Bk. III, p. 83)

Thus the conscience cannot automatically apply general rules to particular instances but must take into account all the variety of circumstances encountered in the real world. In extremely difficult cases, when the doubting conscience confronts alternatives that seem equally pious and equally probable, consideration of circumstances should determine choice. Taylor argues that, although some men say that in such cases understanding must remain suspended between two equally probable opinions, to suspend judgment is in fact to choose one opinion. Instead, one should weigh "accidents, circumstances, and collateral inducements" and then act (XII, 80).

The casuists' insistence on the inviolability of the individual conscience, the relevance of particular circumstances to moral absolutes, and the role of reason in resolving problems of moral doubt led them to a shared conception of casuistical method. They saw the operation of the conscience as essentially the process of discovering proper relationships among various kinds of knowledge. Perkins suggests that the etymology of "conscience" describes its function of joining introspection with knowledge of universal truths. Conscience "signifieth a knowledge, joyned with a knowledge. . . . First, because when a man knowes or thinks any thing, by means of Conscience, hee knowes what he knowes and thinks. Secondly, because by it, man knowes that thing of himselfe, which God also knowes of him" (II, 11). Robert Sander-

Since only willed action has moral significance, ignorance may limit moral responsibility: "Ignorance . . . if it be involuntary both in it selfe and in its cause . . . doth make the action meerly casual and involuntary and so excuseth from sin" (Ames, Bk. III, p. 92). More often, however, ignorance is an additional sin rather than an extenuation of it. The law of God is sufficiently revealed that man cannot plead ignorance of his essential duty. In particular cases, a man may not know enough, but he is required to use "moral diligence" in trying to discover his duty.

There are three aspects of any action that one must consider in the process of making a moral decision: the intrinsic nature of the action, the intention of the agent, and the circumstances surrounding the act. An action may violate the law of God in any of three ways. No action can be justly said to be morally good, unless "the matter [is] lawfull, the intention right, and the circumstances due" (Sanderson, *Lectures*, p. 48).¹⁸ Thus man is responsible not only for knowing God's law but for carefully searching his own motives:

A good intention by it selfe cannot make a good action, because goodnesse is a perfection, and doth arise from the perfection and integrity of all the causes. . . . Yet an evil intention doth make an action evil.

(Ames, Bk. III, pp. 83-84).

One must also carefully examine the possible implications and consequences of his actions in his particular circumstances. Giving scandal, for example, is a sin because man does not work out his salvation in a vacuum. Man is not guilty of scandal merely because someone is scandalized in the modern sense of being shocked or morally outraged. Scandal is behavior that brings discredit on religion or presents a stumbling block to the faith of others, causing them to sin. Actions that a man performs only indirectly constitute another area requiring careful scrutiny of such surrounding circumstances as political structures and particular responsibilities and expectations. There are, for example, social crimes in which "a man's will is deeper than his hand," and man is morally responsible for the sins that others commit in his name with his approval (Taylor, XIV, 305).

¹⁸ Sanderson cites Aquinas when he uses the axiom *Bonum ex causa integra, Malum ex partiali* in his sermons (see *Works*, II, 58, 107).

Although casuistry's emphasis on the individual conscience and on flexibility in applying moral law to individual cases makes it susceptible to the abuse implied in the pejorative connotations that the word "casuistry" has today, casuistical analysis of human action is designed to prevent such laxity and hypocrisy. Richard Baxter warns that there are two kinds of hypocrites: "gross hypocrites," who consciously deceive others, and "close hypocrites," who are self-deceived (Bk. I, p. 210). A major part of the casuist's job is to show men how to avoid deceiving their consciences in matter, intention, or circumstance. Baxter warns against the dangers of oversimplification:

He that will walk uprightly, must have both a *solid* and a *large understanding*, to know things *truly* as they are, and to *see all particulars* which must be taken notice of, in all the cases which he must determine, and all the actions which his integrity is concerned in. (1) There is no walking uprightly in the dark. Zeal will cause you to go apace; but not at all to go Right, if Judgement guide it not. . . . (2) And the understanding must be *large*, or it cannot be *solid*: When many particulars are concerned in an action, the over-looking of some one may spoil the work. Narrow minded men are turned as the weather-cock, with the wind of the times, or of every temptation; and they seldome avoid one sin, but by falling into another.

(Bk. IV, p. 3)

Jeremy Taylor offers rules to help guard against this disaster. First, one should suspect his conscience if he is unwilling to inquire into the case. "He that searches, desires to find, and so far takes the right course; for truth can never hurt a man, though it may prejudice his vice, and his affected folly." Second, inquiring into particulars only after one has firmly resolved upon a conclusion probably indicates that he is not really searching for truth but trying to confirm his own opinion. Third, one should ask advice of wise men instead of following the crowd. And fourth, one should examine his decisions when they apparently serve selfish ends (XI, 411).

The individualism inherent in the concept of the conscience is controlled by the concept of the law. All the English casuists could have endorsed Sanderson's description of the power of the individual conscience:

God hath given to every particular man a proper Conscience to be as a God unto him, which in Gods steed, as the Preacher of his eternal Law, should dictate to him what he ought to do. (Lectures, p. 36)

They also supported Baxter's caution:

Make not your own judgements or Consciences your Law or the maker of your duty; which is but the Discerner of the Law of God, and of the duty which he maketh you, and of your own obedience or disobedience to him. (Bk. I, p. 134)

The conscience acts as legislator, witness, and judge: the *synteresis* discerns the moral norms by which each action is judged; the *syntesis* or *conscientia* examines all facets of a particular action and passes judgment, directing the will toward virtue. Since sin is "a want of conformitie to the Law of God," man needs to understand which laws have valid claims on him and how they operate (Perkins, II, 3). Thus, the second area of knowledge necessary for solving cases of conscience is the nature of law.

Although they disagree about the precise significance of various kinds of law, casuists agree that God is the only power over the conscience and that the divine will is the basis for all morality. According to Sanderson, who gives the clearest and most systematic exposition of the obligation of the conscience to law, God has revealed His will to man in three ways: "the light innate, the light inferred, and the light acquired; or the light of nature, the light of Scripture, and the light of Doctrine" (Lectures, p. 131).¹⁹

The light innate or light of nature is the knowledge of divine will that man is born with, a concept assuming the traditional theory of a hierarchy of laws as expounded by Thomas Aquinas and Richard Hooker. This knowledge of eternal law is natural law, "a transcript of the wisdom and will of God written in the tables of our minds" and given to man "for the conservation of his nature, and the promotion of his perfective end" (Taylor, XII, 212, 213). The light from natural law has been obscured in man

¹⁹ Sanderson's three "lights" provide a useful terminology for talking about concepts essential to all English Protestant casuists, but admittedly his formulation would not have been acceptable to Puritan casuists, who regarded scripture as the only source of law binding the conscience and treated reason and tradition as useful but unreliable tools for interpretation. See pp. 29-31.

since "that grievous ruine which followed the fall of Adam, . . . [but] in the common wrack it hath come off more unhurt than many other of the Faculties." It consists of many "divers practical principles which not withstanding are reduced to one first and universal Law . . . viz. Good is to be done, Evil is to be avoyded" (Sanderson, Lectures, pp. 131, 132, 133). This universal law and other subordinate laws are conserved in the *synteresis*. As the subordinate laws become more particular and circumstantial, they also become less clear and sure.

The light inferred comes from the revelation of God's will in scripture. More perfect than the inward light, God's written word instructs men in the fundamentals of faith. The Old and New Testaments clarify and supplement the law of nature and are the chief rule of all human actions. The Old Testament contains ceremonial, judicial, and moral laws. The law of the New Testament is more perfect, interpreting the moral law of the Old Testament and adding the two great duties of "loving our enemies, and taking up the cross" (Sanderson, Lectures, p. 143).

Since applying biblical texts to actual moral dilemmas is difficult and potentially dangerous, casuists give directions for interpreting scripture. Jeremy Taylor, for example, explains in detail twenty rules for interpreting scriptural commandments, such as "1. In negative Precepts the Affirmatives are commanded; and in the affirmative Commandments, the Negatives are included"; and "7. When any Thing is forbidden by the Laws of Christ, all those Things also, by which we come to that Sin, are understood to be forbidden" (XII, 465; XIII, 6). Casuists warn particularly against the uncritical use of biblical examples as precedents for right conduct because the actions even of good men are not always imitable and because biblical examples often demonstrate special divine commandments to particular people in particular situations, as in the story of Abraham and Isaac. They also make distinctions among the obligatory powers of scriptural commandments. Richard Baxter advises:

Observe well in Scripture the difference between Christs Universal Laws, (which bind all his Subjects in all times and places) and those that are but local, personal or alterable Laws. . . . The particular local or temporary Laws are those, which either resulted from a particular or alterable nature of

persons and things as mutually related . . . or those which God supernaturally enacted only for some particular people or person, or for a time. (Bk. III, p. 685)

Cases also occur where two divine laws are contradictory. In such cases "the lesser commandment gives place to the greater" (Perkins, I, 520). If, for example, a city should catch fire on a Sunday, the commandment to rest on the Sabbath gives way to the commandment to help our neighbors. Indeed, sometimes man can lawfully violate the letter of God's law:

For if we shall omit the doing of any law, I. without hindrance of the end & particular considerations, for which the law was made: II. without offence giving, as much as in us lieth: III. without contempt of him that made the law, we are not to be accused of sinne. . . . God made a law, that the Priests onely should eat of the Shew-bread: now David being no priest, did upon urgent occasion eat of it without sin. . . . For as there is a keeping of a law, & a breaking of the same; so there is a middle or meane action betweene them both, which is, to do a thing (a) beside the law, and that without sinne. (Perkins, I, 531)

Thus, while scripture is the most perfect expression of divine will, it is not a complete guide for "what is lawful for a pious and prudent man to do lawfully, or to leave undone, at such a time, or in such a place": (Sanderson, *Lectures*, p. 125, incorrectly numbered as p. 124). It contains fundamental principles of virtuous conduct rather than detailed legislation. In Sanderson's formulation, the light innate and the light inferred are supplemented by the light acquired, "the *Discourse of Reason and Authority*: the last of which is the Judgement, and the Practice of the Church" (*Lectures*, pp. 143-144).

Although there are differences in their accounts of how to discover the law of God, casuists are at one in insisting that only God has the power to put the conscience under direct obligation. They also agree that there are other authorities with claims for men's obedience: the law of nature leads men to join together in societies, and scripture teaches that a visible Church is necessary for the preservation of Christian faith. But neither natural law nor scripture prescribes in detail the government of human societies. Men choose their forms of government, make laws, and

impose obligations on themselves through vows and promises, according to general axioms of scripture and reason. Man-made laws create problems that are especially perplexing for the moralist, and this was particularly so during the radical transformations of English law in the seventeenth century.

The "greatest case of conscience in this whole matter," Taylor declares, is "whether it be a matter of-conscience as well as of prudence and security, to obey the laws of man" (XIII, 231). On the one hand, only God has authority over the conscience: "You are bought with a price, be you not made the servants of men [1 Cor. 7: 23]; that is, do not submit your Consciences to be governed by the Authority of any man" (Sanderson, *Lectures*, p. 102). On the other hand, man is also told, "you must be subject, not because of anger only, but for conscience sake" [Rom. 13:5]. The casuists resolve this paradox by concluding that human law binds the conscience indirectly through the scriptural commandments to obey one's superiors. Obedience to human authority is commanded by divine law, and obeying the laws made by that authority is the form that obedience takes.²⁰ Thus violations of human laws are indirectly violations of God's law.

While this formulation makes a moral matter of the individual's relation to human authority, it does not really resolve the tension between lawful authority and individual conscience. While providing the rationale for the obedience children owe to fathers, servants to masters, and subjects to princes, it also lays the foundation for civil disobedience, conscientious objection, and revolution. Divine law is always obligatory; human laws may cease to bind the conscience in particular circumstances.

For the laws of God are wiser and plainer, few and lasting, general and natural, perceived by necessity, and understood by the easiest notices of things; and therefore men have more need to be called upon to obey, than taught how; and there-

²⁰ This distinction is the usual Protestant position: "For if we must obey rulers not only because of punishment but for conscience's sake [Rom. 13:5], it seems to follow from this that the rulers' laws also have dominion over the conscience. . . . I reply: we must first distinguish here between genus and species. For even though individual laws may not apply to the conscience, we are still held by God's general command, which commends us to the authority of magistrates." John Calvin, *Institutes of the Christian Religion*, ed. John I. McNeill, trans. Ford Lewis Battles, The Library of Christian Classics, 2 vols. (Philadelphia: The Westminster Press, 1960), II, 1183-1184.

fore here the preacher's office is most necessary and most required. But human laws are sometimes intricate by weakness, sometimes by design, sometimes by an unavoidable necessity: they are contingent, and removed far from the experiences of most men; they are many and particular, difficult and transient, various in their provisions, and alterable by many parts and many ways: and yet because the conscience is all the way obliged, she hath greater need of being conducted than in the other, where every wise man can better be a guide in the little intrigues, and every child can walk in the plain way. (Taylor, XIII, 231)

Casuists, then, are most needed in problems relating to human laws, where the relations between authority and personal conscience are especially complex. Conscience, the voice of God in man, is again the key to the casuistical approach. Since the moral force of human authority derives from divine law, the individual's understanding of God's will supersedes all human commands. Human law has no moral force if it contradicts the law of God. The power of kings is "a power of doing right, but not of doing wrong" (Taylor, XIII, 427). The principle that unjust laws are not morally binding, however, receives considerable qualification. "Think not," Baxter warns, "that it is *unlawful to obey in every thing which is unlawfully commanded*" (Bk. IV, p. 25). In order to discriminate among the circumstances that make unjust laws binding or not, casuists must define the nature of an unjust law. A law may be unjust, they explain, because it was not made by lawful authority, because it does not contribute to the public good, or because it is contrary to divine law.

Since no one can obey a law he never heard of, adequate promulgation is necessary if a law is to create any obligation. The law binds according to the will and intention of the lawmaker, and he is responsible for making his intention widely and easily known. Ignorance of the law or its meaning, however, does not always excuse disobedience. The subject is responsible for seeking without negligence or laziness to know his superior's intention. Innumerable problems arise involving this shared responsibility, but casuists maintain that honest goodwill and careful, logical attention to details can resolve them.

A *mathematical certitude*, which is manifest by Demonstration, and impossible to be false, is in vain to be expected

in *morals*, by reason of the infinite variety of Circumstances, and uncertainty of Humane affairs, nevertheless a certain *logical certitude* may oftentimes be had of the Intention of the Law-maker, which is to be collected from the words of the Law it self, from which, his Intention may so perspicuously appear, that there needeth not any further Evidence. (Sanderson, *Lectures*, pp. 293-294)

Since the moral sanction of human law depends on the god-given authority of the lawmaker, no law made by an individual or institution without lawful authority can impose moral duty. Although there is no casuistical position on what constitutes lawful authority, the major casuists approach problems in this sensitive area with more caution and conservatism than logical rigor. They deny that the power of the sword alone legitimizes authority, but they acknowledge too that history offers few cases of political rulers with clear and unquestioned rights to power. Generally they recommend that subjects may, and sometimes must, obey the *de facto* power.

A law may also be considered unjust when it is detrimental to the public good. William Ames explains: "Legall Justice taken strictly, considereth the words just as they are written, but Equity considereth the End, scope and intent of the Law, and so hath more Law in it, then Legall Justice, when taken strictly" (Bk. V, p. 111). The ultimate intention of any just human law is "*the good of the Commonalty*, or the publick peace and tranquillity" (Sanderson, *Lectures*, p. 310). Ordinarily responsibility for determining what is necessary for the safety and welfare of the country rests on the ruler, that is, the established authority whatever the form of government. Generally speaking, the individual citizen is in no position to judge the common good and should comply with a law even though it seems unwise. In certain extreme circumstances, however, a man may dispense with his obedience to a particular law in the interests of the common good. In such a case, the ultimate intention of the lawmaker is assumed to supersede the immediate intention of the words of the law. Ames provides a standard example:

So the Law of not opening some City gates in time of Warre, doth immediatly consider the not letting in of the Enemies, which is the immediate End: but it hath another remote End, to wit, the safeguard [*sic*] and preservation of the Citie. . . .

For if it be certain that upon admission of some part of the hostile Forces into the Citie, the safeguard of the Citie, and Victory would follow, it is more just to open the Gates so farre, then to keepe them still shut." (Bk. V, p. 111)

A law demanding the impossible is tyrannical and void. In addition, the concept of equity relaxes the law's rigor by releasing the subject from the unduly severe letter of the law. Except in cases of great public need, a man is not obligated to obey the letter of a law that is "so extremely burthensome as to bring with it the certain ruine of his whole Estate, or the imminent danger of his life" (Sanderson, *Lectures*, p. 205). In these circumstances, the mind and intention, rather than the words, of the lawmaker are to be followed, and the ultimate intention of the lawful ruler is assumed to be the preservation of his people. Finally, a law that commands an action contrary to the law of God does not bind the conscience to obedience. Immoral laws cannot be justified in terms of the public good because the purpose of government is not power but "the preservation of the people in Tranquillity, and peace, with all Godlinesse and Honesty" (Sanderson, *Lectures*, pp. 208-209). Any time one is ordered to violate divine law, his duty is clear: he must disobey human authority.

No humane Power is at all to be obeyed against God: For they have no power but what they receive from God: And all that is from Him, is for Him. . . . No man must commit the least sin against God, to please the greatest Prince on earth, or to avoid the greatest corporal suffering.

(Baxter, Bk. IV, p. 24)

Other branches of law raise particular difficulties and involve differences and exceptions, but generally the casuistical treatment of oaths, vows, and promises and of the rules governing economic, ecclesiastical, and family structures is analogous to its treatment of political law. Casuists place human law in the context of a hierarchy of laws in which human authority is subordinate to divine law. The judgment of the individual conscience is inviolable, but it is by no means autonomous. Renaissance casuistry does not provide a blueprint for rebellion. Equity and Christian liberty allow scope in the interpretation of law, but they do not justify defiance of lawful authority. Some circumstances dissolve

the moral obligation to cooperate with a harsh and destructive law, but man is morally bound to prefer the common good to his own profit and advantage. Normally a man must suffer an injustice rather than commit a sin of disobedience. If, for example, a tyrannical king unjustly demands inordinately high taxes, the king is unjust and the law is unfair, but the subject must obey. Only when obedience entails sin is disobedience required, and even then, man is not free from his obligation to his lawful superiors. He must submit to the power of his superior without resistance and patiently endure whatever punishment is inflicted: "For though in some cases it is lawful not to obey, yet in all cases it is necessary not to resist" (Taylor, XIII, 454).

In extreme cases an individual may assume the responsibility to violate a particular law in the interests of the welfare of the country, but only when he can obtain or rationally assume the permission of the lawmaker. Pernicious laws should be changed, but only with great discretion. Casuists are characteristically not millenarians; they have little use for dreams of a "Platonick or an Eutopian Commonwealth; we are to think we have done well enough, if we stick not too deep in the mire" (Sanderson, *Lectures*, p. 320). Each man's responsibility is to live virtuously and to love God in an imperfect world, not to create a new Jerusalem in England. The major theoreticians of English casuistry, Perkins, Ames, Sanderson, Taylor, and Baxter, place more emphasis on the duty of compliance with the law than on its dangers, but they never close the door to the prerogatives of individual moral judgment. Paul's admonition with respect to teachers, Sanderson suggests, may as aptly be applied to the commands of superiors: "Try all things, and keep that which is good" (*Lectures*, p. 211).

This summary of the theoretical basis of English Protestant casuistry is far from exhaustive. By describing the conception of law and conscience outlined by the leading Renaissance casuists I have hoped to illuminate the habit of mind with which they approached the process of making moral decisions. I have neglected such important areas as their treatment of economics and family problems and their theories of repentance. I have not tried to survey the particular problems they discuss or to define the variations found within this conceptual framework.

An aspect of this topic that needs detailed study is the question of individual variation among the casuists. For example, the

major casuists all insist that the end never justifies the means and that when they condone latitude of conduct in particular situations they do so on the basis of avoiding sin by obeying a higher law. Nevertheless, George Mosse argues that the tradition of casuistry that began with Perkins and culminated with Taylor absorbed the Machiavellian concept of "policy"—the acceptance of "an expedient but wicked action for reason of state."²¹ Only Robert Sanderson rigorously rejects policy and "insists that good intention does not provide a sufficient foundation for peace of conscience."²² The integrity, clarity, and rationality of Sanderson's casuistry are impressive, and for that reason I have frequently drawn on his exposition of the operation of the conscience in this chapter. None of the major casuists, however, accepts the principle that a good intention alone constitutes a good action. Sanderson, moreover, shares the emphases on practical action, circumstances, the hierarchy of laws, and the conceptual intention that, according to Mosse's analysis, "made possible the assimilation of 'policy' and reason of state into the framework of Christianity."²³ A careful study of the relation between individual casuists' theory and practice and comparisons of their treatments of similar problems is needed to discover what differences exist and whether they are due to theoretical distinctions, to laxity in the application of principles, or simply to personal temperaments.

Another question that needs fuller investigation is the relation between Puritan and Anglican casuistry. Robert Sanderson, who lost his professorship at Oxford because of his refusal to sign the Solemn League and Covenant, and William Ames, who fled to the Netherlands as a Puritan exile, obviously disagreed on important doctrinal and ecclesiastical matters. Casuistry, however, shows no clear Puritan/Anglican split. For example, Puritans and High Church Anglicans reach different conclusions in cases of conscience involving such ceremonial matters as kneeling for prayer, but their casuistical methods are remarkably similar. Whereas Ames holds that external worship must be based on "the infallible word of God," and believes it unlawful to require kneeling with-

²¹ George L. Mosse, *The Holy Pretence: A Study in Christianity and Reason of State from William Perkins to John Winthrop* (Oxford: B. Blackwell, 1957), p. 14.

²² *Ibid.*, p. 141.

²³ *Ibid.*, p. 135.

out scriptural warrant for such compulsion, Taylor argues that because scripture does not prescribe the forms of worship, ecclesiastical authority may lawfully impose decent and orderly forms. Thus they differ on whether kneeling is properly classified as an indifferent action or one prohibited by scripture, but they agree that God's word takes precedence over ecclesiastical law and that laws about genuinely indifferent things bind the conscience.

Puritans tend to ascribe more authority to Old Testament law than do Anglicans, but among the casuists this difference seems more rhetorical than substantial. The Anglican Robert Sanderson, for example, holds that the Old Law—moral, ceremonial, and judicial—was given to the Jews in their particular circumstances and therefore is not binding on the Christian conscience (*Lectures*, p. 138). William Perkins, in contrast, says that Mosaic judicial law is binding in some circumstances, that ceremonial law is positively prohibited for Christians, and that moral law "binds the consciences of all men at all times" (I, 520). Sanderson's position on the abrogation of the Old Law, however, is qualified by the assertion that parts of it continue to bind men's consciences "not because *Moses* so commanded, but because that which hath been commanded by him is either agreeable to the Law of Nature, or confirmed in the new Law by Christ" (*Lectures*, p. 138). Thus the moral law contained in the Ten Commandments binds the Christian conscience "by reason of the matter, as it is the *Declarative* of the *Law of Nature*" (*Lectures*, p. 142). Similarly, Perkins says that the moral law is "the very law of nature written in all mens hearts . . . and therefore it binds." Some judicial laws continue to bind Christians because "so farre forth as they have in them the generall or common equitie of the law of nature [they] are morall; and therefore binding in conscience, as the morall law" (I, 520).

Puritan casuists also differ from Anglicans in their scripturalism. Robert Sanderson describes the conscience as being guided by the "light of the mind," which is called "right, or rectified Reason," and analyzes that light according to its sources in nature, scripture, and human tradition. He scoffs at the idea that scripture alone could be a sufficient authority to guide the conscience "insomuch that it is not lawful to take up a straw, unlesse it be by the prescribed word of God" (*Lectures*, p. 229), while Perkins insists that the authority of the written word does extend to the most minute details of daily life:

Gods word ministers sufficient direction for all actions whatsoever: so as if a man bee but to receive a morsell of bread into his mouth, it can so farre forth direct him that in doing of it, he shall be able to please God. (I, 537)

He peremptorily rejects any authority over the conscience but scripture:

That which is done without good direction of Gods word, is a flat sinne. . . . And here by the Word, I meane no thing but the Scriptures of the olde and new Testament, which containe in themselves sufficient direction for all actions. As for the law of nature though it affoarde indeede some direction; yet it is corrupt, imperfect, uncerten: and whatsoever is right and good therein, is contained in the written word of God. And as for the best unwritten traditions, let all the Papists in the world answer if they can, how I may in conscience be perswaded that they are the word of God. (I, 537)

In spite of the scripturalism that these passages suggest, however, Perkins's discussions of a hierarchy of laws, of a distinction between the letter and the intention of the law, and of natural law as the basis for distinguishing general from particular commandments in scripture show that he includes reason and natural law within his concept of scripture as the only law having supremacy over the conscience. Throughout his works Perkins draws on Church tradition, quoting freely from patristic and scholastic writers. In fact, his position has been cited as the universal English Protestant viewpoint on the issue:

There be two kindes of writings in which the doctrine of the Church is handled, and they are either *Divine* or *Ecclesiastical*. Divine, are the bookes of the olde and new Testament. . . . And the authority of these bookes is *divine*, that is, absolute and soveraigne . . . and beeing the onely foundation of faith, and the rule and canon of truth.

Ecclesiastical writings are all other ordinarie writings of the Church consenting with Scriptures. These may be called the *word* or *truth of God*, so farre forth as their . . . substance is consenting with the written word of God. (I, 122)²⁴

²⁴ Cited by Charles H. and Katherine George, *The Protestant Mind of the English Reformation: 1570-1640* (Princeton: Princeton University Press, 1961), pp. 347-348.

The differences that exist in the casuists' treatments of reason, tradition, natural law, and scripture seem to be matters of emphasis rather than contradiction, and they do not correspond exactly with labels of Anglican or Puritan.

Although in general, Anglican faith in natural reason contrasts with Puritan insistence on the total corruption of natural man, Jeremy Taylor, in most ways associated with Laudian or High Church Anglicans, is akin to Perkins and Ames in stressing revelation rather than reason.²⁵ Reason, he says, "is such a box of quicksilver that it abides no where; . . . it is like a dove's neck, or a changeable taffata; it looks to me otherwise than to you, who do not stand in the same light that I do" (XII, 209). He describes the law of nature as the wisdom inscribed in men's minds to conserve and help to perfect his nature, but he argues that natural law binds man to obedience only through the express commandments of God in scripture (XII, 211-227). It becomes clear that, whatever their particular doctrinal and ecclesiastical bent, the casuists all finally approached moral problems without a single authority to follow unquestioningly and that their casuistry required skillful balancing of the claims of reason, scripture, and tradition in the context of particular circumstances.

The selection of cases in volumes of casuistry is another point at which the casuist's emphasis seems to correlate roughly with his ecclesiastical position. The Anglicans, Sanderson, Joseph Hall, and Thomas Barlow, consider as questions of conscience political, economic, matrimonial, and religious problems that imply some form of external action. They resolve such problems as whether a man is obligated by a rash vow to disinherit his disobedient daughter, whether it is lawful to change interest on a loan, and whether Christians may lawfully seize the lands of pagans by force. In addition to cases of this sort, the Puritan casuists include cases that solely concern the spiritual life of the individual. They treat such questions as how a man may be assured of his salvation and how a man may attain true faith in Christ.

To this slight extent, the Anglicans separate ascetic from moral theology. Sanderson states the principle behind the practice. Human actions, he says, can be considered in two ways, "as they

²⁵ On the contrasting views of human nature, see J.F.H. New, *Anglican and Puritan: The Basis of Their Opposition, 1558-1640* (Stanford, Calif.: Stanford University Press, 1964); and on Taylor's distrust of reason, see McAdoo, *Structure of Caroline Moral Theology*, pp. 37-38.

are spiritual, that is to say, whether they are done out of *Charity*, and directed to a *supernatural end*" and "as they are *moral*, that is, whether they be *good or evil, lawful or unlawful, free or necessary*" (*Lectures*, p. 121, incorrectly numbered as p. 221). The distinction provides a way of acknowledging the efficacy of divine grace, the transcendence of faith over reason, and the complete authority of scripture in matters of faith, while focusing on the significance of human will and intellect in questions of morality.

Puritan casuists make this distinction less clearly. The conscience judges human actions on the basis of the law and gospel. Moral law, Perkins says, consists of "duties of love, partly to God and partly towards our neighbour" (I, 519). The gospel promises righteousness and eternal life to all believers and imposes the duties of faith. Ames divides theology into spiritual and moral parts, but he too sees them as equally within the scope of casuistry:

Now every question, or case of Conscience . . . is either about the state of man before God, or about those actions which in that state he doth put forth, and exercise.

The state of man belongs to the first part of Divinity, which is about *Faith*, and the actions to the second part which is about *obedience*. (Bk. II, p. 2)

The danger inherent in divorcing moral from spiritual matters is that morality may become sterile and legalistic, an effort to avoid punishment by satisfying the minimum requirement of the law. This is the accusation frequently directed against post-Tridentine Roman Catholic theology in which moral and ascetic theology are rigidly separated.²⁶ The opposite danger is that intellectual subtleties and moral responsibilities may be submergued in the doctrine of faith, resulting in a casuistry that transforms self-righteousness into a moral principle capable of justifying any expediency. Although Perkins has been accused of this, English casuists on the whole avoid both extremes. Puritan casuists are aware of the intellectual rigor and diligence demanded by many of the moral complexities men face, and they are exacting in their definitions of men's obligations to God and their neighbors; Anglican casuists explicitly deny that casuistry can be separated from spiritual growth:

²⁶ McAdoo, *Structure of Caroline Moral Theology*, p. 10; Wood, *English Casuistical Divinity*, p. 64.

In men as they are Christians, the *object of the Conscience* is . . . not only [to] oblige them to the performance of their duties, as they are men, but to believe the mysteries of Faith revealed in the Word of God, as they are Christians.

(Sanderson, *Lectures*, p. 28)

Careful study of the cases of conscience published during the Renaissance should yield significant information about the scope of casuistry and about how political and ecclesiastical allegiances influenced the approach to moral questions. It would not, I believe, prove the existence of separate Puritan and Anglican casuistries.²⁷

Puritan and Anglican casuists alike based their work on the conceptual foundation summarized in the preceding pages. They recognized that their emphasis on reason and on the force of circumstances to alter cases could lead to a sterile intellectualism that obscured more than it clarified. Thus Jeremy Taylor reminded his readers:

Truth is easy, error is intricate and hard. If none but witty men could understand their duty, the ignorant and idiot could not be saved; but in the event of things it will be found that this man's conscience was better guided while simplicity held the taper, than by all the false fires of art, and witty distinctions. "Qui ambulat simpliciter, ambulat confidenter," saith Solomon. It is safer to walk on plain ground, than with tricks and devices to dance upon the ropes. (XI, 422)

But although casuists warned against making unnecessary complications, they believed that oversimplification was an even greater danger to moral clarity. Thus Richard Baxter answered

²⁷ English casuists wrote with the intention not of correcting the work of their predecessors but of amplifying it. Perkins was echoed by Sanderson and Taylor as well as by his expressed disciple Ames. See Gilbert Walker, *Bishop Sanderson and His Writing on Conscience* (London: S.P.C.K., 1911), p. 20. Sanderson was admitted not only by Bishops Barlow, Hall, and Taylor but by Baxter, who expresses the common attitude: "Long have our Divines been wishing for some fuller Casuistical Tractate: *Perkins* began well. Bishop *Sanderson* hath done excellently . . . *Amesius* hath exceeded all, though briefly . . . Bishop *Jer. Taylor* hath . . . but *begun* the copious performance of the work. And still men are calling for more, which I have attempted" (*A Christian Directory*, sig. A8).

objections to the complexity of case divinity by observing that it is

ambiguity and confusion that breedeth and feedeth almost all our pernicious Controversies: And even those that bring in error by vain distinction, must be confuted by better distinguishers, and not by ignorant Confounders. . . . Discerning both good and evil, is the work of long and well exercised senses. (sig. Aa)

Because men must use their wits to discover the path of virtue among the tangled affairs of the world, the casuist used his to blaze a trail.

Despite the abuses to which casuistry was susceptible, then, eminent theologians valued it as a worthwhile discipline. Most of their contemporaries agreed with Robert Sanderson on the paramount importance of practical divinity:

When all is done, positive and pratique Divinity is it must bring us to Heaven: that is it must poise our judgments, settle our consciences, direct our lives, mortify our corruptions, increase our graces, strengthen our comforts, save our souls.²⁸

And they looked to casuists to play two important roles in this process: to act as physicians giving comfort and healing aid to troubled consciences and to act as guides leading men to moral action. Although sixteenth- and seventeenth-century Englishmen held themselves responsible for their own decisions, they sometimes needed help in understanding how to deal with difficult moral problems. Ames, Perkins, Sanderson, Taylor, and Baxter published their casuistical works to fill that need.

²⁸ Sanderson, *Works*, II, 105.

METHOD AS FORM

CASES OF CONSCIENCE

While the moral theology I have described as the basis for Renaissance Protestant casuistry derives from medieval moral theology, English casuistry differs markedly from continental Roman Catholic casuistry. The heart of casuistry is not theoretical theology but the resolution of practical problems. Roman Catholic casuistry was designed to guide the clergy in the confessional. Usually written in Latin, it consisted of surveys of authoritative opinions on hundreds of moral problems or cases of conscience. In contrast, Protestantism assumes that ultimately everyone is his own casuist and must think through every moral doubt for himself. English casuists were probabiliorists, believing that full intellectual assent was a necessary prerequisite for virtuous action. Their task, then, was not to arrange collections of cases for quick reference by confessors but to teach laymen as well as clergy a sound method for resolving moral conflicts. Thus they needed to develop their own form of case divinity.

English casuists agreed that they needed to clarify the principles on which a Protestant casuistry could proceed. Both Jeremy Taylor in his preface to *Ductor Dubitantium* (1660) and Richard Baxter in his preface to *A Christian Directory* (1673) lamented the failure of the English church to provide guidelines for solving cases of conscience. In spite of the beginnings made by Perkins, Ames, and Sanderson, Protestants still had to rely on Roman Catholic casuistry, which they found a confusing maze of rules and exceptions based on an unacceptable concept of authority.

So that there is a wood before your doors, and a labyrinth within the wood, and locks and bars to every door within that labyrinth; and after all we are like to meet with unskil-

Church, or the Commonwealth" (II, 112). Ames follows Perkins's lead, combining theory with illustrative cases grouped under the headings "the state of man," "man's duty in general," "man's duty to God," and "man's duty to his neighbor."

After these beginnings, English casuistry was for a time devoted to urgent practical problems. In 1647, Robert Sanderson lectured at Oxford on the obligations of the conscience, but he modified his original plan for these theoretical lectures in order to respond to the current debate on the political implications of the *satus populi suprema lex doctrinae*. His cases of conscience were resolutions of actual problems. Written over a period of many years, they were prepared for circulation in manuscript form and were collected and published posthumously.² Thomas Barlow also was a highly esteemed casuist whose resolutions of actual cases of conscience were circulated in manuscript and published posthumously.³ The one full-scale volume of casuistry published in the middle of the century was Joseph Hall's *Decisions of Divers Practical Cases of Conscience* (1650), which includes no extended discussion of conscience and law but continues the practice of classifying cases by subject matter. It contains forty-three cases divided into four groups: (1) cases of profit and traffic, (2) cases of life and liberty, (3) cases of piety and religion, (4) cases pertaining to matrimony.

Jeremy Taylor and Richard Baxter combined systematic exposition of the principles and methods of Protestant casuistry with illustrative cases of conscience. Taylor organized *Ductor Dubitantium* into four books that analyze the moral nature of human action. Book I explains the conscience, the formal cause of sin and virtue. Books II and III discuss the material cause, the laws

² Sanderson's cases, written between 1634 and 1660, are printed in William Jacobson, ed., *The Works of Robert Sanderson*, 6 vols. (Oxford: Oxford University Press, 1854), V. One case was published anonymously in 1636, a collection of five cases was published anonymously in 1666, two more were printed in 1668 with the author's name, and editions in 1673 and 1678 each added one case. Jacobson adds two more cases that he obtained from manuscripts, affirming that "many other Cases were known to be in existence fifteen years after our Author's death" (*Works*, I, xv).

³ Barlow's cases were published in 1692 with the title *Several Miscellaneous and Weighty Cases of Conscience*. . . . According to the bookseller's preface, "the Bishop gave these Cases to his Friends, when first writ, with his leave to print them; yet they, fearing some of them might prejudice his further Promotions in the Church in those Days, forbore Publication of them."

ful guides; and yet of all things in the world, in these things an error is the most intolerable. (Taylor, XI, 354-355)¹

But they concluded that rewriting the handbooks of cases from a Protestant perspective would be futile. Taylor warned his readers not to expect "a collective body of particular cases of conscience":

For I find that they are infinite, and my life is not so; and I shall never live to write them all, or to understand them all: and if I should write some and not all, I should profit I know not whom, and do good but to a very few, and that by chance too; and, it may be, that their cases, being changed by circumstances, would not be fitted by my indefinite answers. (XI, 363)

They wanted to clarify the theoretical basis for moral action and to avoid endless catalogues of particular cases, but they also knew that the strength of casuistry is its fidelity to the concrete particularity of actual experience. As a result of this view of their responsibility, English casuists usually wrote in English rather than Latin and, instead of citing authoritative opinions, they combined exposition of the principles of casuistry with models of procedure.

In *The Whole Treatise of the Cases of Conscience*, William Perkins outlines the theoretical foundations of casuistry in an introductory section and then illustrates general discussions of moral virtue with particular cases. He divides questions of conscience into three groups: cases about (1) "man as he is considered apart by himself," (2) man in relation to God, and (3) man in relation to other men. The third group includes "all those Questions of Conscience . . . which doe belong unto man, as he is a member of some societie, whether it bee the Familie, the

¹ Throughout this chapter, wherever practical I will cite parenthetically in the text the following editions of the major expositions of the principles of English casuistry: William Perkins, *A Discourse of Conscience* and *The Whole Treatise of the Cases of Conscience*, in *The Workes of That Famous and Worthy Minister of Christ* . . . Mr. William Perkins, 3 vols. (London, 1612-1619); William Ames, *Conscience with the Power and Cases Thereof* (London, 1660); Robert Sanderson, *Several Cases of Conscience Discussed in Ten Lectures* (London, 1660); Jeremy Taylor, *Ductor Dubitantium: or the Rule of Conscience, in The Whole Works of the Right Rev. Jeremy Taylor*, ed. Reginald Heber, 15 vols. (London, 1828), vols. XI-XIV; Richard Baxter, *A Christian Directory: or a Summ of Practical Theology and Cases of Conscience* (London, 1673).

science" label might be applied to everything from theoretical treatises to political polemics. But, for all the variety of the casuists' activities and the looseness with which the term "case of conscience" was used, the casuists' conception of moral experience was reflected in a distinctive use of language, and their cases share certain defining characteristics.

The purpose of the case of conscience—the application of moral law to an individual action in a unique and bewildering set of circumstances—created a special relationship between the casuist and his audience. While the preacher or the orator may assume an audience hardened in sin or complacent in its prejudices and in need of being jolted out of moral apathy, the casuist addresses a distressed and confused individual in need of moral guidance. He characteristically assumes that his audience is well-intentioned, receptive of advice, but perplexed and fearful. The casuist is at once a comforter, healer, and guide. His goals are to bring rest to the weary, health to the sick, and to resolve difficulties by untangling knotty problems. Thus, in the dedicatory letter to *The Whole Treatise of the Cases of Conscience*, Thomas Pickering praises Perkins's casuistry because "first, it serveth to discover the cure of the dangerousest sore that can be, the wound

to tolerate the exercise of other religions in his Kingdome, as to oblige himself not to punish any subject for the exercise of any of them?

Answer That

Although every Christian Prince bee obliged by all just and Christian wayes to maintain and promote to his power the Christian religion in the truth and purity of it, yet in case of such exigence and concernment of Church and state as they cannot in humane reason probably be preserv'd otherwise, We cannot say that in conscience it is unlawful, but that a Christian Prince hath in such exigents a latitude allowed him, the bounding whereof is by God left to him. (Sanderson, *Works*, VI, 459-460)

At the other extreme is a letter from Taylor to Mrs. Katherine Phillips, "the matchless Orinda," who wrote inquiring about the lawfulness of friendship for a Christian. Taylor's reply was not the usual intricately constructed analysis but a graceful and courtly essay on friendship (see "A Discourse of the Nature, Offices, and Measures, of Friendship," XI, 299-335).

of God and man. Book IV outlines the rules relating to the concepts of "will" and "motive," the efficient and final causes of human action. In *A Christian Directory*, Baxter used the traditional method of organizing by subject matter. Book I explains private duties, Book II family duties, Book III church duties, and Book IV duties to rulers and neighbors. Taylor's "general instrument of moral theology" and Baxter's "sum of practical theology" order moral theology into general "rules" or "directions" designed to provide directors of conscience and individual Christians with the means to resolve particular cases of conscience for themselves.

While the format of their cases of conscience varied considerably, English casuists would have all agreed with Baxter that the purpose of casuistry is

the resolving of *practical Cases of Conscience*, and the reducing of Theoretical knowledge into *serious Christian Practice* and promoting a *skilful facility* in the faithful exercise of universal obedience, and Holiness of heart and life. (sig. A2v)⁴

Their answers to a question of conscience might range from a brief "yes" or "no" to a discursive essay,⁵ and the "case of con-

⁴ Most cases of conscience were discussed orally and never published. George Herbert's opinion that every clergyman should be well versed in casuistry in order to discharge his pastoral duties was echoed by Bishop Sprat, Bishop Gardiner, and Bishop Stillingfleet (see Thomas Wood, *English Casuistical Divinity During the Seventeenth Century: With Special Reference to Jeremy Taylor* [London: S.P.C.K., 1952], pp. 31-33). At least some clergy followed their advice. Because of "his known abilities in resolving cases of conscience," Mr. March, Vicar of Newcastle, "drew after him a great many good people, not only of his own flock, but from remoter distances who resorted to him as to a common oracle, and commonly went away from him entirely satisfied in his wise and judicious resolutions" (see Overton, *Life in the English Church*, p. 333, as cited by Wood, *English Casuistical Divinity*, pp. 33-34). Richard Baxter reports that at Kidderminster every Thursday evening neighbors gathered in his home to propose their cases of conscience and hear him resolve their doubts (see Matthew Sylvester, ed., *Reliquiae Baxterianae, Mr. Richard Baxter's Narrative of the Most Memorable Passages of his Life and Times* [London, 1696], p. 83).

⁵ For example, the following question and brief answer signed by several churchmen including Henry Hammond, Gilbert Sheldon, Sanderson, and Taylor was widely circulated in 1647.

Qu Whither upon any necessity or exigence of state it bee lawfull for a Christian Prince, beside the Religion established, so

of the Spirit. . . . Secondly, it giveth for all particular Cases, speciall and sound direction." Similarly, Ames honors his mentor for teaching "how with the tongue of the Learned one might speake a word in due season to him that is weary . . . by untying and explaining diligently, CASES OF CONSCIENCE" (sig. A3).

This relationship between speaker and audience determines the rhetoric of the case of conscience. The tone is occasionally sharp when reprimanding sin, but normally it is calm and reassuring. Since the goal is to make clear what is obscure and perplexing, the language is relatively plain and unadorned. Taylor says that his style "is according as it happens; sometimes plain, sometimes closer" and explains, "I was here to speak to the understanding, not to win the affections; to convince, not to exhort" (XI, 360). The material is by definition difficult, and the argument is often a tortuously intricate analysis developed through fine distinctions and logical deductions.

Since the conscience is a rational faculty, it relates universal laws to particular actions by means of logic. In fact, the operation of the conscience can be reduced to two interlocking syllogisms: the law is the first premise; the particular facts or actions constitute the minor premise; and a statement of the relation between them is the conclusion, which then serves as the first premise of the second syllogism. Sanderson gives the following illustration:

Every thing that is unjust is to be eschewed.

Every Theft is unjust, therefore

Every Theft is to be eschewed.

Let this be the first Syllogism, the first proposition whereof is known of it self by the light of Nature: *Reason* doth prove the *Minor*, and the Conscience doth bring in the conclusion; which conclusion it presently takes up to be the beginning of the following Syllogism, and applying it to some particular Fact, according as the Will shall propound unto it, it argues in this manner.

All Theft is to be eschewed.

This which is now propounded to me to be done is a Theft, therefore, it is to be eschewed.

And the Name of the Vice being changed, it proceedeth in this manner.⁶

⁶ Sanderson, *Lectures*, p. 14. Compare Ames, Bk. I, p. 3; Perkins, I, 535-556; Taylor, XI, 383. Sanderson was Reader in Logic at Oxford before the civil war.

The operation of the conscience, of course, is not as simple as the syllogistic paradigm suggests. The relation between act and law is not self-evident, as Ames suggests when he defines a case of conscience as "a practical question, concerning which, the Conscience may make a doubt" (Bk. II, p. 1). The difficulty arises in the formulation of the minor premises. In order to set up the first syllogism, the casuist must select the appropriate moral law. In practice this involves analyzing various moral principles and discriminating among the conflicting claims of the relevant ones. In order to draw a conclusion from the second syllogism, he must decide whether or not the proposed action violates that law. Given the casuist's assumptions about the double intention of the law and the relevance of the motive, circumstances, and anticipated consequences of the action, this procedure typically involves him in intricate psychological and social analysis as well as legal and logical complexities. Perhaps it is significant that leading casuists such as Ames and Perkins were also associated with Ramistic logic. The Ramistic emphasis on dialectical demonstration, disjunctive arguments, and on the use of "specials" or individual cases seems especially suited to the casuists' efforts to demonstrate universal truth in particular cases by making fine distinctions.⁷ Certainly the practice of casuistry demanded skill as a logician in addition to moral sensitivity, theological erudition, psychological acuity, and social and political awareness.

A simple example of the form is provided by Perkins's treatment of the question, "Whether a man may with good conscience and a meeke Spirit, defend himselfe by law, for wrongs that are done unto him?" (II, 118). He answers the question affirmatively: "A man may, with good conscience, defend himselfe against great injuries, by the benefit of law." He bases this conclusion on two general principles drawn from scripture.

Magistracy is Gods ordinance, for the good of men, Rom.

His lectures, published as *Logicae Artis Compendium*, went through eleven editions and were the standard work on logic at Oxford for many years. See George Lewis, *Robert Sanderson* (London: S.P.C.K., 1924), p. 7.

⁷ On Ramism see Rosemond Tuve, *Elizabethan and Metaphysical Imagery: Renaissance Poetic and Twentieth-Century Critics* (Chicago: The University of Chicago Press, 1947); Walter J. Ong, *Ramus: Method and the Decay of Dialogue* (Cambridge, Mass.: Harvard University Press, 1958); Wilbur S. Howell, *Logic and Rhetoric in England, 1500-1700* (Princeton: Princeton University Press, 1956); Perry Miller, *The New England Mind: The Seventeenth Century* (Cambridge, Mass.: Harvard University Press, 1939).

13.4. and therefore men may use the benefit of authority, judgement, and jurisdiction of Magistrates, without breach of conscience. Again, it is the expresse law of God, that when a false witness riseth up against a man, to accuse him of a trespass; that both the accuser and the accused, should stand before Gods, that is, before his Priests & Judges for the time being, and have remedy at their hands. An example of which judiciall defence, we have in Paul, who in case of wrong, makes his appeale to the judgement seate of Rome, Act, 25.10. (II, 118)

Perkins uses the rest of the case to defend his judgment against anticipated objections. For example, to the objections raised by Luke 6:29, "To him that smiteth thee on the one cheeke, offer also the other," and Math. 5:40, "If any man will sue thee at the law, and take away thy coate, let him carrie thy cloake also," he answers that these passages concern "private persons," who without the help of the public magistrate must suffer rather than take private revenge. In answer to the argument that Paul condemned recourse to law—"There is utterly a fault among you, because ye goe to law one with another" (1 Cor. 6:7)—Perkins again distinguishes between cases on the basis of circumstances: "We must distinguish betweene things themselves, and the manner of doing them" (II, 118). Paul, he argues, condemned the Corinthian manner of going to law as a fault because they did so upon slight causes, because they acted out of passionate rage and envy, and because they caused scandal by suing each other before heathen judges. He counters more general arguments for Christian meekness by insisting on a less simple conception of Christian duty: "So Christ commaundeth that we should be simple as doves; Math. 10.16. and yet withall, he commaundeth us to be wise as Serpents, to defend our owne heads, and to save our selves" (II, 119). In a sense, this case is continued in the next question, "How is a man to defend himselfe by law?" Perkins answers with numbered rules instructing the reader to go to law only as the last resort and then only to seek peace and justice, without envy, malice, or impatience.

In this typical case, Perkins has constructed a form to serve the needs of Protestant casuistry. Protestant casuists accused Roman Catholic casuists of being, in Taylor's phrase, "hard in the case, but easy in the action" (XI, 349); too hard, because they

legalistically applied a confusing mass of rules and precedents to unique moral problems; too lax, because they released the individual conscience from the responsibility for its own moral judgments and conceived of the priest as a judge with power to absolve or condemn. Perkins acts not as judge or magistrate but as guide.⁸ By stating clearly the general principles that his resolution of the case rests on and by following this implicit deductive argument with a series of objections and answers, he tries both to provide specific guidance and to remove the lingering reservations or doubts that his reader might have. He constructs a case that is general and typical enough to be of use to the general public and simultaneously acknowledges that circumstances make each individual case different. His case is designed not merely to answer a question about moral law but to provide a model of his reasoning process.

"THE CASE OF THE ENGAGEMENT"

Perkins's case on legal defense concerns a particular problem in the sense that it appears as part of a discussion of clemency or meekness, the virtue that "serves to moderate wrath and revenge," and in the sense that it stands as a qualification of the general duty to forgive one's enemies. It formulates the general rule that a Christian may in good conscience go to court to defend his rights, but it stipulates enough limiting circumstances in terms of the situation and manner of acting that it leaves any individual case open to discussion. In order to understand the casuistical habit of mind, however, we need to examine in detail a case written about an actual historical problem. Robert Sanderson's "The Case of the Engagement" is one of the most interesting and historically important cases of conscience and illustrates nicely a case applying orthodox Christian doctrine to an unprecedented situation.

⁸ Thomas Wood and H.R. McAdoo offer sympathetic discussions of this emphasis on method rather than conclusion, but Elliot Rose argues that the failure to tell people exactly what they ought to do is the weakness of Protestant casuistry. See Wood, *English Casuistical Divinity*; McAdoo, *The Structure of Caroline Moral Theology* (London: Longmans, Green, and Co., 1949); and Elliot Rose, *Cases of Conscience: Alternatives Open to Recusants and Puritans Under Elizabeth I and James I* (Cambridge, Eng.: Cambridge University Press, 1975), pp. 186-200.

This case raises the fundamental casuistical problem of the tension between individual conscience and external authority. The particular moral dilemma that Sanderson tries to untangle involves the chronic problem of the loyalty oath. After the execution of the King, Parliament, frightened by Charles II's negotiations with the Scots and by the growing royalism of the Presbyterians, imposed a new oath of allegiance:

I Do declare and promise, That I will be true and faithful to the Commonwealth of England, as it is now Established, without a King or House of Lords.⁹

The imposition of this so-called "Engagement Oath" intensified the controversy precipitated by the King's execution and forced all male citizens to come to terms in one way or another with the question of obedience to the revolutionary government. Historians disagree on the import of the oath. One calls it "the slightest test of allegiance that any government could require," while to another it was "as foolish as it was tyrannical."¹⁰ The government had considered and rejected the more severe wording: "to maintain the same as it is now established against King and Lords."¹¹ Still, even in its final moderate form, the oath could hardly have been welcomed by Englishmen horrified by the death of the King. Staunch Anglicans like Henry Hammond and Gilbert Sheldon, who were attempting to present solid and unyielding resistance to the new order, opposed subscription to the oath. The strongest resistance came from the Presbyterians who had been instrumental in curtailing the power of the King but were opposed to his execution and against legitimizing the existing regime. In spite of the vocal opposition, however, many who

⁹ C. H. Firth and R. S. Rait, eds., *Acts and Ordinances of the Interregnum, 1642-1660*, 3 vols. (London: H. M. Stationery, 1911), II, 325. In February 1649, the Engagement Oath was required of the Council of State. In October, a similar oath was extended to include such groups as soldiers, ministers, and schoolmasters, and in January 1650, another was extended to all men over the age of eighteen.

¹⁰ Henry Hallam, *The Constitutional History of England*, 7th ed., 3 vols. (London: J. Murray, 1854), II, 234; Samuel Rawson Gardiner, *History of the Commonwealth and Protectorate 1649-1660*, 3 vols. (London: Longmans, Green and Co., 1894), I, 216.

¹¹ See Robert S. Boshier, *The Making of the Restoration Settlement: The Influence of the Laudians 1649-1662* (Westminster, Eng.: Dacre Press, 1951), p. 14.

did not accept the legitimacy of the Cromwellian government took the oath.¹²

Among those puzzled about how to react to the new oath was Thomas Washbourne, the son-in-law of Dr. John Fell and a rector in Gloucestershire, who wrote to Robert Sanderson to ask his advice. Explaining with pathos but with puzzling imprecision that refusing to take the oath might endanger his church living and his ability to support his wife and "five or six small children," he poses his dilemma: "I would not be flattered into a conceit that I may safely, without making shipwreck of a good Conscience, take the Engagement . . . so would I not precipitately ruin myself in my temporal estate by an over-preciseness in refusing what is not repugnant to the Rule of Faith."¹³ He asks Sanderson's opinion of a list of the "most common Arguments" used to justify compliance.

Washbourne's summaries do not develop a consistent argument, but they indicate the context of ideas in which contemporaries saw the question. He begins and ends with the kind of technical, legalistic quibbling that was attributed to Jesuit casuistry by English casuists and that is today associated with casuistry in general.

That it is only a Promise, not an Oath, and consequently not so obliging the Conscience, but only *pro tempore*. . . . Whether, upon supposition that the words of the Engagement may bear a double construction, I may take it in my own sense or in the Imposer's? and whether I ought to ask his interpretation before I subscribe?

Another argument essentially justifies the means by the end, suggesting William Prynne's charge that Royalists took the oath on the basis of "a most wicked and base Maxime" that "*He is a fool that will not take it, and he is a knave that will not break it.*"¹⁴ Washbourne's version is:

That by not subscribing I become a prey to them, and

¹² On the controversy surrounding the oath, see Boshier, *The Making of the Restoration Settlement*; Gardiner, *History of the Commonwealth*; and John Wallace, *Destiny His Choice: The Loyalty of Andrew Marvell* (Cambridge, Eng.: Cambridge University Press, 1968), pp. 43-68.

¹³ Washbourne's letter and Sanderson's case are printed in Sanderson, *Works*, V, 17-36.

¹⁴ Quoted by Wallace, in *Destiny His Choice*, p. 50.

thereby am made utterly unable, in a civil capacity, to serve the rightful Prince, if he should come in place to demand my assistance.

While these arguments attempt to minimize the obligations created by the new oath, others suggest that even a Royalist was no longer required to act on his conviction that the Stuarts were the lawful rulers of England. These include the rumor that the King had given his subjects permission to take the oath and the argument that since oaths "bind not to impossibilities" and since changed circumstances make defence of the lawful ruler impossible, previous oaths of allegiance to the King no longer bind. Most of the arguments Washbourne proposes for consideration advocate the moral lawfulness of obedience to any existing power, regardless of how that power was acquired.

That it is but just to promise fidelity, though to an unjust Power, under whom I live and from whom I have protection. . . . That the present Power, though usurped, is the only Power extant; and we must be subject to that or none. And how can it be sin to promise what I cannot choose but perform? -

These questions make clear that people in 1650 were as eager as anyone to eat their cake and have it too, but they also indicate that they saw political action more as a matter of conscience and less as the effective manipulation of power for the achievement of a desired goal. This summary of the prevalent arguments in the Engagement controversy also indicates the extent to which the context of ideas had changed during the years of civil war and the inadequacy of traditional concepts of order for solving moral dilemmas.

In compiling his list, Thomas Washbourne drew on a new political theory that based lawful authority on possession of power rather than on hereditary right or popular consent. This theory, developed primarily by Anthony Ascham, Francis Rous, and John Dury to justify the status quo and prevent further civil turmoil, gradually replaced those based on precedent and popular sovereignty in the debate over the Engagement Oath.¹⁵

¹⁵ On this line of argument, see Wallace, *Destiny His Choice* and "The Engagement Controversy 1649-1652: An Annotated List of Pamphlets," *Bulletin of the New York Public Library* 68 (1964): 384-405; Perez Zagorin, 4

Its proponents advised subscription to the oath not by claiming the government's right to power but by arguing that since it had power, subjects had the duty to obey. According to Ascham, people must obey whatever government has power to perform its essential functions: "We of the People must be contented with those governours, into whose full possessions it is our destiny to fall." Allegiance to a ruler ends when he loses plenary power, ceases, in fact, to rule. Changes in government are not the capricious deeds of blind fortune but acts of God. "We are bound," says Ascham, "to owne Princes so long as it pleases God to give them the power to command us, and when we see others possess of their powers, we may then say, that the King of Kings hath chang'd our Vice-Roys."¹⁶ In essence, all earlier loyalties dissolved in the overwhelming flood of present reality. Because God had awarded victory to Cromwell's army, the English people owed obedience to the Commonwealth as the plenary power of England by act of providence.

Thomas Washbourne obviously drew heavily on these ideas in compiling his list, and Sanderson's response to them illuminates his own moral position as well as his casuistical procedure.¹⁷ He touches on most of the points Washbourne raised, but he does so within his own frame of reference. Sanderson consistently condemned the policies of equivocation and mental reservation as destructive of the very purposes of speech and oaths among men. He scorned men who "play fast and loose with Oaths" and can swear to one thing on Monday and its opposite on Tuesday. To

History of Political Thought in the English Revolution (London: Routledge and Kegan Paul, 1954), pp. 63-77; and Quentin Skinner, "History of Ideology in the English Revolution," *The Historical Journal* 8 (1965): 151-178, and "Conquest and Consent: Thomas Hobbes and the Engagement Controversy," in *The Interregnum: The Quest for Settlement 1646-1660*, ed. G. E. Aylmer (Hamden, Conn.: Archon, 1972), pp. 79-98.

¹⁶ Anthony Ascham, *Of the Confusions and Revolutions of Government* (London, 1649), pp. 115, 99.

¹⁷ Sanderson was a natural choice for a case on oaths. *De Juramenti Promissoris Obligatione*, his lectures on oaths and vows delivered at Oxford in 1646, was frequently reprinted between 1647 and 1719 and reputedly translated by Charles I. In 1647, he played a large part in supplying the rationale for Oxford's resistance to the Solemn League and Covenant (see his *Reasons of the Present Judgment of the University of Oxford* [Works, IV]). See also Jacobson's preface to *Works*, I, ix-xi, xvii, and Lewis, *Robert Sanderson*, pp. 100-101. In addition, Sanderson's refutation of Ascham's *Of the Confusions and Revolutions of Government* was published in 1650 (*Works*, VI, 372-374).

take an oath with such general reservation as "So far as lawfully I may" or "So far as it is agreeable to the Word of God" does not eliminate guilt; rather it creates "a new guilt of most vile and abominable Hypocrisy" (IV, 422). In "The Case of the Engagement," he indignantly condemns such subterfuges and denies a distinction between promises and oaths. All promises are acts done in the sight of God whether or not they expressly call Him in as witness. Sanderson also subordinates considerations of the consequences of engaging, since they become relevant only if the action can be shown to be innocent. He denies that a change in circumstances can change the moral force of an oath and rejects the argument that previous oaths to the King are dissolved because he no longer exercises power. Sanderson admits of no relevant exceptions to the duty of obedience to the lawful sovereign. For the Royalist, taking an oath of loyalty to the Commonwealth is lawful only if it is compatible with full allegiance to the King. Clearly Sanderson does not believe that Puritan military success has indicated God's endorsement of their authority, and he does not even consider the possibility that men could be morally bound to subscribe to the Engagement because it was commanded by the *de facto* power. He rejects the arguments based on the concept of necessity. When everyone else was talking about "the present power," Sanderson submitted a piece of English prose to rigorous textual analysis.

Sanderson, then, wrote as a Royalist and Anglican, explicitly dissociating himself from the Jesuit casuistry on the subject of oaths and from Ascham's and Dury's support of the Commonwealth. But casuistry is broader than party allegiance, and Sanderson's casuistical approach allies him with his contemporaries. There were cases of conscience that opposed the Engagement Oath entirely and cases that defended it in terms of Ascham's theories. As John Wallace demonstrates, Ascham's approach was casuistical, not a simple-minded assertion that might makes right. Ascham, Rous, and Dury were attempting to find a peaceful and sane solution to a difficult problem in a nation exhausted by war. They tried to remove men's doubts about the lawfulness of obedience to an unlawful power, not in order to foster cynicism but in order to avoid further bloodshed.

Casuistry was not a particular doctrinal or political position but a particular way of looking at human experience, a way involving both the recognition of the problematical nature of

human action and the attempt to discover rational solutions to moral problems. In Sanderson's hands the casuistical method was a remarkably subtle tool. He condemns intentional deception, but, like all casuists, he recognizes that to tell all the truth at all times is impossible and that to say nothing is sometimes dangerous or even sinful. His position lies between recommending deception and naively admonishing his readers to tell the truth. Like Ascham, he gives considerable weight to the circumstances of living in the midst of revolution and tries to show men how to live with peaceful consciences in the confusion of contemporary politics. He rejects Ascham's argument based on necessity and his treatment of oaths, while at the same time assuming the central thesis that one may obey the lawful command of an unlawful power.¹⁸

When placed in the context of the Engagement controversy, Sanderson's case is notable more for its subtlety in applying traditional moral principles to experience than for the originality of its political philosophy. Like Perkins's case on lawsuits, "The Case of the Engagement" gives literary form to the decision-making process. Since it was written as part of a political debate, approaching the form through the categories of rhetoric would seem natural, but traditional rhetoric fails to explain its structure. Sanderson's introduction is not the elaborate classical exordium or the briefer survey of the context of the subject recommended by some Renaissance handbooks. There is no proposition and no division, and his solution to the problem, the proposition that the case attempts to prove, is not even given until the end. Although the body of the case offers proof for Sanderson's conclusions and refutes their contraries, there is no separate confutation or confirmation. The case reaches a kind of

¹⁸ In his lectures on the conscience, Sanderson gives three reasons justifying obedience to an unlawful power. First, prudence, a man's duty to protect his life, liberty, and property, may necessitate accommodation with an illegitimate government as long as it entails nothing sinful. Second, the citizen has some obligation to any government under whose protection he lives. Third, since the purpose of civil government is the tranquility and security of human society, the behavior of every citizen must be conducive to that end and should not interfere with even an unlawful power's attempt to defend the country against foreign enemies, to administer justice, and to secure the economic life of the country. See *Lectures*, pp. 168-173.

fore, Sanderson shows that legitimate doubt exists because the ambiguity of language and the compliance of some men close to the King indicate the possibility that the Engagement Oath may be interpreted as compatible with allegiance to the King.

Having shown Washbourne how to set up the question, Sanderson devotes the rest of the case to showing him how to answer it. The process of resolution moves unflatteringly from the universal to the particular. Part III is a short lecture on the obligations of oaths. Sanderson postulates that all vows, oaths, and promises must be taken with an honest intention of compliance, that they must be interpreted according to the ordinary use of language, and that only this normal use of language binds the swearer, even when external knowledge indicates an ulterior intention on the part of the framers of the oath. In Part IV, Sanderson raises the particular question of ambiguity in the Engagement Oath, and, in Part V, he attempts to decide on the proper interpretation of the oath. His argument that the most reasonable interpretation is compatible with allegiance to the King necessitates recourse from theological principles to the world of experience and a careful weighing of conflicting evidence.

In the last section, the particularizing process continues. Sanderson moves from universal principles, to the particular act proposed, and then to the individual agent. Since the act itself, the circumstances, and the intention of the agent must each be considered, in Part VI Sanderson concentrates on the mind of man in action. He organizes his conclusion around the possible states of conscience—the erring, the doubting, and the right conscience. He gives in turn his opinion on the act of subscribing by a man who believes he may take an unlawful oath, a man who is doubtful of the oath's legality, and a man who is sure that it is lawful.

This final section serves simultaneously as the last step in the decision-making process and as a summarizing conclusion. In order to review the principles and method by which man must judge his action in this case, Sanderson divides his condemnation of acting against one's own judgment of the oath's unlawfulness into three parts. First, taking the Engagement while intending to break it is unlawful. Second, taking the Engagement while understanding it to require a promise of unlawful action is sinful. Third, the Engagement Oath does require a promise of unlawful action if it is understood as contrary to one's true allegiance.

emotional peak in the last section, yet it does not end with a stirring peroration.

The structure of the case is not that of a call to action or that of a defense of a particular view of government. Rather, Sanderson's focus is on the conscience, and his goal is to reconcile human action with divine law, to discover the lawfulness of acting or not acting in stipulated circumstances. This approach required considerable modification of traditional forms, and the process of moral discovery offered a shaping principle.

A list of various incompatible arguments such as Washbourne's could not offer a satisfactory principle of organization because acting for the wrong reason was sinful and the conscience could be satisfied only by a clear line of reasoning from first principles. So Sanderson begins by warning readers not to separate his conclusion from his complete analysis of the problem:

If I should allow it in any case lawful, what ill use would certainly be made thereof by multitudes of people, apt to be so far scandalized thereby, as . . . to swallow it whole without chewing, (that is, resting themselves upon the general determination of the lawfulness to take it hand over head, without due consideration either of the true meaning of it or of other requisite cautions and circumstances). (V, 20)

After thus cautioning that the case must be understood as a whole, his first step in the process of discovery is to formulate the problem accurately. While an introductory note stresses the dangers of opposing "those that have all power," the first section of the case proper makes explicit the other horn of the dilemma: man sins against his conscience, the voice of God in him, by taking an oath contrary to full allegiance to his lawful sovereign. In Part I, Sanderson clarifies the moral absolutes and spiritual dangers involved in the political action by briefly summarizing the nature of political allegiance. He assumes that the law of nature has implanted in all men the knowledge that they owe allegiance to their country and to its sovereign power and that any act contrary to that allegiance is sinful. Thus any man who believes that the King and his heirs constitute the sovereign power of England and who believes that the Engagement Oath is a repudiation of allegiance to the King may not subscribe without sinning against his conscience. The problem exists, of course, because this danger is only doubtfully present. In Part II, there-

These three conclusions review the principles of the sanctity of oaths, the inviolability of natural allegiance, and the necessity of following one's own conscience.

Sanderson's next conclusion is condemnation of any man with a doubting conscience who subscribes for prudential reasons. Here he reviews the criterion for resolving a doubting conscience, "some probable ground of reason" that the proposed action is lawful. Finally, he concludes that a man who is firmly convinced that the words of the Engagement intend nothing contrary to his allegiance and do not prohibit him from exercising his loyalty to the King should the opportunity arise may take the Engagement rather than incur physical or economic hardship. This last recommendation serves as both a prototype of the mature, enlightened conscience and an indirect plea for individual freedom of action in this particular case.

"The Case of the Engagement" is a didactic work exhorting men to virtue, a description of various kinds of human evil and good, and a detailed argument justifying compliance with an act of Parliament. It is structured differently from most works with these ends, however, in that it is not primarily descriptive or persuasive. The process of discovering a solution to a problem gives the case its shape. Sanderson starts by setting up an unanswered question and by indicating the moral laws that may or may not prevent the proposed act. He then indicates the theological principles governing cases of this particular kind and demonstrates the deductive process by which man should relate his actions to general rules and the inductive process by which questions of fact can be decided. Finally, he tries to lead men to explore their own consciences. The most distinctive feature of the case is its attempt to imitate the process by which man can reach right decisions, that is, to embody the mode of thinking it recommends.

The casuist's conception of the decision-making process determines his presentation of his subject matter. Sanderson's belief in the supremacy of the individual conscience permeates his treatment of the Engagement Oath controversy. He does not discuss the oath on its intrinsic merits as a piece of governmental policy. Because the essential problem for him is the relationship between the oath and divine law, he devotes most of the case to demonstrating that the act of subscribing to the Engagement may be in harmony with the will of God. More significantly, he

assumes that subscription can be judged morally only by knowing the conscience of the man who subscribes. Even if the act is essentially lawful, it becomes evil for anyone not fully convinced of its innocence. Thus, in the last section, Sanderson actually gives no absolute answer to the question but concludes instead with five particular and more limited opinions. Thus the decision of whether subscribing is lawful or unlawful remains perforce with Mr. Washbourne, but the casuist can show him how to proceed.

This focus on the individual decision produces one of the most obvious stylistic features of the case of conscience—a personal quality often reflected in the use of the epistolary form. Thomas Washbourne appeals to Sanderson, whom he did not know personally: "I desire you would supply the place of a father in your counsel" (V, 17). Sanderson replies appropriately with a letter that begins with informal remarks on the weather, sometimes refers directly to Washbourne in the course of the analysis of the problem, and ends gracefully with messages of friendship to his family. More important, Sanderson works with the political and religious assumptions of his audience. He makes no effort to prove that Charles is the lawful King of England or to refute current arguments that taking the oath is morally obligatory. He tailors his analysis to the conflict of conscience proposed by Washbourne, a Royalist trying to decide whether cooperation with the new establishment will involve repudiating deeply held beliefs.

Yet this personal quality should not be exaggerated. Casuistry is not simply fatherly advice of the "if I were you" sort. Sanderson clearly thought that his analysis applied to more people than Thomas Washbourne and gave explicit permission for his letter to be used by others with similar doubts. Since the conscience is a faculty of the conscious intellect, not a religious emotion, he takes pains to present his decision as the product of an incontrovertible logical process. He relies most heavily on the enthymeme, which Aristotle calls the most effective of the modes of persuasion and recommends as particularly useful for the forensic orator who is concerned with the justice or injustice of actions. The logical structure of Sanderson's argument is readily apparent: if the Engagement is a repudiation of the subject's allegiance to his sovereign, taking it is unjust; if the declared intention of the oath is compatible with true allegiance, taking it is lawful;

lished in Part II that the Engagement Oath has been interpreted in different ways, he proposes in Part III to answer a series of questions:

Whether, upon supposition that the words of the Engagement will bear more constructions than one, the Subscriber may take it in his own sense? Or is bound to take it in the Imposer's sense? Or whether it be necessary, or expedient, before he subscribe, to ask those that require his subscription, in what sense they require him to subscribe it? (V, 24)

First, Sanderson categorically denies that anyone can in good conscience make a promise if his own interpretation of the promise differs significantly from the meaning expressed and understood by its proposer. The concept of equivocation, he says, undermines the purpose of such promises, "the preservation of faith among mankind." All oaths "ought to be understood *ad mentem Imponentis*, according to the mind and meaning of him to whom the faith is to be given . . . as according to the ordinary use of speech amongst men" (V, 25).

On the other hand, he argues, sometimes words express intention so imprecisely that an oath may be understood in more than one sense without forcing language beyond ordinary usage. In that case it is usually imprudent and unnecessary to ask for clarification. Since a man imposes an oath for his own benefit, the responsibility for making his intention intelligible is also his. Sanderson recognizes still another possibility. A cunning man may purposely word an oath ambiguously because he has "some more remote and secret intention than he is willing to discover." The casuist advises using this duplicity to one's own advantage by disregarding any ulterior meaning, since the prescriber of the oath is free to word it as he wishes and can be assumed to intend no more than the oath states.

Part IV applies these rules for dealing with ambiguity to the oath itself. According to Sanderson, the very leniency of the Engagement Oath introduced "sundry ambiguities." Most basically, "Commonwealth" may mean either "those persons who are the prevalent party . . . and now are possessed of and do exercise the Supreme Power" (V, 28), or simply the whole English nation as distinguished from foreign states. Thus the promise of fidelity may be to the present governors and imply acknowledgment of their right to power, or it may simply pertain to the

if the declared intention of the oath is the more liberal of the possible interpretations, it is compatible with allegiance to the King. The more liberal interpretation is the most probable, and, therefore, anyone so understanding it may lawfully engage.

Sanderson stresses the continuity of his line of thought and maintains a semblance of dialogue with his questioner by anticipating new steps in his analysis with rhetorical questions. He emphasizes his logical structure with such logical connectives as "First, then," "For if," and "Wherefore," and calls attention to the inevitability of the dialectical machinery he has set in motion with such phrases as "the next Inquiry must be," and "there are two things more to be done." Similarly, he often labels his unproved premises: "I take that for a clear truth," "the reason whereof is manifest." All this produces a dense prose style that carries forward a closely reasoned argument. Numbered sections and subdivisions outline the argument and create the sense of a systematic and exhaustive treatment.

This clarity and rationality do not mean that Sanderson disdained artfulness. He is writing for Anglicans and therefore directs his appeals to their prejudices. His conclusion was open to the criticism of encouraging compliance with regicides and of using Jesuitical sophistries, so he carefully dissociates himself from both enemy camps with emotionally charged passages prior to committing himself to controversial opinions. In Part I, he roundly condemns those who took the Solemn League and Covenant; and in Part II, where he first admits of ambiguity in the oath and charitably judges men who have taken it, he indulges in a largely irrelevant jibe at the Presbyterians. Before concluding in Part III that one may interpret an ambiguous oath to his own advantage, he castigates "the impudence of the Jesuits" (V, 24) for justifying equivocations. Thus Sanderson uses traditional rhetorical techniques, but his polemical skill is effective more because of its infrequency than because of its originality. On the whole, his is the calm, unruffled voice of the academician even when taking a controversial stand on a bitterly debated contemporary problem. Frequently reminding his reader of the possibility of doubt and disagreement, he keeps the focus as much on his method of disentangling complexities as on his solution to the problem.

Sanderson's discussion of verbal ambiguity illustrates his ingenious problem-solving approach to moral choice. Having estab-

safety of the nation and imply no more than willingness to live peacefully under the *de facto* rulers.

The second ambiguity is closely related to this. The final clause, "as it is now established without King and Lords," may signify approval of this form of government, or it may be a mere recital of facts describing the present government. The last ambiguity is the phrase "true and faithful." Here there are three alternative readings. The faith promised may be understood to be that owed to the King; it may be simply that fidelity every man owes his country; or it may be such faith as prisoners of war give to their captors "to remain true prisoners of War, and, so long as they are under their power, not to attempt any thing to their destruction." Finally, on the basis of these ambiguous phrases, Sanderson proposed three readings of the oath ranging from a promise of undying allegiance to the present government to a promise merely "to do what every good member of a Commonwealth ought to do for the safety of my Country, and preservation of Civil Society" (V, 30-31).

In this fashion, Sanderson continues to weave his way through the intricacies of logic, semantics, moral philosophy, psychology, and political theory that are presented by the problem he confronts. For the reader, the result of this procedure is that the interest in reading the case derives as much from the puzzling process as from the applicability of its solution to his life. The focus on the use of reason to resolve doubt distinguishes the case of conscience from related genres. Casuistry often appears within sermons and devotional works that also treat human experience in moral terms and are designed to influence the conscience. Unlike cases of conscience, however, these forms usually attempt to overcome the natural man's resistance to known truths rather than to resolve moral dilemmas. The meditation, for example, moves from a sense perception of the physical universe, through the play of the mind on some tenet of faith, to the directing of the will to action. Sermons, too, are directed at the apostate will rather than the analytic intellect. Neither Donne's funeral sermons nor Browne's *Hydriotaphia* is designed to prove that man must die in order that he may live. Rather they attempt to convince men of the imminence of death, the transience of the mundane, and the reality of the world of the spirit. Sermons often dealt with practical problems, of course, and were used for controversial purposes, but they characteristically

focused on an accepted principle of virtuous action rather than on a difficult application of a principle.

Casuistry's concern with practical morality allies it with such genres as the essay, the courtesy book, the book of estates, and the Theophrastan character, but casuistry is distinctive in its detailed attention to the circumstances of particular moral problems.¹⁹ Conduct books teach men that they should be obedient and honest, but they rarely deal with specific issues. The books of estates give general directions for virtuous behavior but are organized around particular callings and do not give detailed instructions for dealing with specific cases. Whether organized in terms of occupation, social position, or basic character traits, the Theophrastan character portrays types of human nature rather than analyzing moral problems. Even such characters as "a hypocritical convert of the times" or "a turn-coat," concentrate on the moral quality of the man rather than of the action.²⁰ In contrast, the casuist's moral judgment is inseparable from his analysis of a particular action. Thus, in Sanderson's "The Case of the Engagement," swearing to an oath proposed by an unlawful government does not necessarily make a man "a turn-coat" or "a hypocritical convert." Instead, Sanderson demonstrates that understanding the moral nature of an act of accommodation requires detailed investigation of the nature of oaths, the wording of the oath in question, and the surrounding political and ecclesiastical situation. Such particular circumstances determine which of the three possible readings can most reasonably be regarded as the government's "declared intention" in the Engagement Oath.

In Part V, Sanderson acknowledges that a reasonable argument can be presented in support of the strongest interpretation. Assuming that any political power desires to secure and perpetuate itself and that this end can best be achieved by obtaining the widest possible acknowledgment of its right to power, one could argue that the Engagement was designed to achieve this

¹⁹ See Walter E. Houghton, Jr.'s analysis of the interrelations of these traditions in *The Formation of Thomas Fuller's 'Holy and Profane States'* (Cambridge, Mass.: Harvard University Press, 1938).

²⁰ According to Benjamin Boyce, this type, the polemic character, flourished between 1640 and 1660, a period contemporary with the popularity of cases of conscience. *The Polemic Character 1640-1661* (Lincoln, Neb.: University of Nebraska Press, 1955).

ence when they are applied in particular cases of conscience. The end of Part VI of the case demonstrates the distinctive quality of this kind of prose:

That if any man, after a serious desire and moral endeavour of informing himself as rightly and impartially as he can, what are the duties and obligations of his Allegiance on the one side, and what is most probably the meaning intended by the words of the Engagement on the other side, shall find himself well satisfied in this persuasion, that the performance in the mean time of what is required by the Engagement, so understood as he apprehendeth it ought to be, is no way contrary (for any thing he can discern for the present) to his bounden Allegiance, so long as he is under such a force, as that he cannot exercise it; and likewise, that whensoever that force is so removed from him, or he from under it, as that he hath power to act according to his Allegiance, the Obligation of the Engagement of itself determineth and expireth; and out of these considerations, rather than suffer extreme prejudice in his Person, Estate, or necessary Relations, shall subscribe the Engagement; since his own heart condemneth him not, neither will I. (V, 34-35)

Although Sanderson is not eloquent, he has created a fitting conclusion for his case by pulling together a bewildering array of considerations. This painstaking prose is less the product of a legalistic mind or of an externally imposed logical framework than of a conceptual system in which thought and act are inseparable. The motives from which a man acts, the information available to him about the circumstances of a proposed action and its consequences, and a standard of moral value are inextricably bound together. Sanderson delicately traces their relations to each other in a particular case and dexterously suspends his final resolution of the case from an intricate network of qualifications and reservations.

CASUISTRY AND ITS PROBLEMS

The case of conscience was not a rigid prose form and was never entirely satisfactory, but it constitutes an interesting and significant, if minor, Renaissance prose form. The characteristics that distinguish "The Case of the Engagement" appear in the writings

end and must, therefore, be interpreted in the most obligatory sense. But, Sanderson argues, although the strongest interpretation is undoubtedly closer to the present rulers' secret and ultimate intention, it is strongly probable that their declared intention is less binding. He lists six arguments in favor of a more lenient interpretation. First, many conscientious Royalists have taken it, and, second, some of the men imposing the oath are reported to have said that the less rigorous interpretation is correct. Third, the imposers of the oath could have worded it more strongly if they had wanted to. Fourth, they seem to have purposely rejected the stronger phrase "against King and Lords." Fifth, since they are consciously forcing the oath on men who think them to be usurpers, they must in reason be requiring only a promise to live quietly. Sixth, it is a "received Maxim of Political Prudence" for disputed governments to attempt to conciliate their disaffected subjects rather than to increase their hostility. Such governments usually are well satisfied with the assurance that men will live quietly under their rule. Thus, Sanderson argues, the men imposing the Engagement, who have shown themselves to be very effective politicians, probably would not "be so impolitic as not to proceed by the same rules, that all wise and successful persons have ever practised in the managing and for the establishing of an Acquired Power" (V, 34).²¹

My analysis of "The Case of the Engagement" has attempted to demonstrate that the habits of mind evident in casuistical theory produce a distinctive formulation of human moral experi-

²¹ Evidence about the intention of Parliament is contradictory. Earlier in the year, John Lilburne subscribed to the Engagement when he was elected to the London Common Council with a declaration that by "Commonwealth" he understood "all the good and legal people of England to be meant," not "the present Parliament, Council of State, or Council of the Army" (*The Engagement Vindicated and Explained*). Parliament rejected Lilburne's declaration and invalidated his election (Gardiner, *History of the Commonwealth*, I, 198). On the other hand, John Dury interpreted the Engagement as an oath "to be true and faithful to the Nation, notwithstanding the absence of the King and House of Lords from the government" (*Declaration of John Durie*). His written interpretation submitted to the government was found satisfactory (see J. Minton Batten, *John Dury: Advocate of Christian Reunion* [Chicago: The University of Chicago Press, 1944], pp. 122-128). At any rate, the question of whether Parliament wanted to purge dissenters or to reassure themselves of a peaceful citizenry is largely irrelevant here since Sanderson's position is that a lawful decision must consider the available information but not secret intentions.

of other casuists and in Sanderson's other cases. In "The Case of the Use of the Liturgy," for example, Sanderson again demonstrates the proper operation of the conscience by combining an exposition of relevant theological assumptions with a model of the ratiocinative process by which one can relate them to a specific problem. But instead of moving from the problem through the basic principles to the particular action and then to the conscience of the individual agent, Sanderson structures this case on the fundamental tenet that virtuous action must be consistent with the dictates of conscience. He begins by summarizing the question and then describes his own practice in three different situations, thus providing models of the logical process of discovery of a right conscience in three possible sets of circumstances.

Sanderson has been useful in this chapter as a model of the casuist at work because he so admirably combines respect for the freedom of the individual conscience with veneration for moral law, attitudes essential to the casuist's habit of mind. The pains-taking precision and ingenuity with which he solves riddles of moral life relate action to thought and thought to the varying and transient conditions of the world as well as to eternal truths. Focusing on one case has been necessary to show how the casuist applies his theory of conscience and law to a particular problem, but it inevitably distorts the view of casuistry as a whole. While Sanderson's case treats the dilemma of an individual within a framework of external authority, many cases adapt the casuistical approach to problems concerning the morally right conduct of authority itself.

Case divinity always concentrates on moral decisions, but problems of personal and of public morality imperceptibly merge. The question of whether I may lawfully sign a loyalty oath is very close to the question of whether the state may lawfully test the loyalty of its citizens in this way. If the breakdown of traditional channels of moral guidance created the need for casuists to treat issues of the first kind, the experience of civil war and the virtual disintegration of established institutions increased the need for answers to issues of the second kind. For example, when Cromwell referred to the Council of State the question of readmitting Jews into England, they called a conference to consider "whether it be lawful to receive the Jews. If it be lawful, then

upon what terms is it meet to receive them?"²² Both Thomas Barlow and John Dury wrote cases of conscience presenting this issue as a problem of moral doubt for the decision makers who risked sin either through refusal to act or through precipitous action.²³ These casuists resolved the dilemma by discussing such general moral principles as the duty of charity and the nature of scandal and then applying them to particular circumstances to prove the lawfulness of allowing nonbelievers to live within a Christian commonwealth.

Although they approached the issue from a distinctively casuistical perspective, the casuists had to modify the form of their approach because they were dealing with government policy rather than with individual action. Their cases include brief discussions of "lawfulness" in a constitutional as well as a moral sense. Once they have established that toleration in general is not prohibited by either human or scriptural law and that the question is one of the lawfulness of tolerating Jews in England in 1655, then their focus shifts almost entirely to the anticipated consequences of the action. They refute prevalent opposition arguments that the presence of Jews will endanger the Church and the economic vitality of England, and they discuss such diverse arguments for readmission as expiation of guilt for past cruelty, probable economic benefits, and the hope that the worldwide dispersal of the Jews and their subsequent conversion will usher in the millennium. All these arguments about the con-

²² Albert M. Hyamson, *A History of the Jews in England*, 2d ed. (London: Methuen, 1928), p. 159; Cecil Roth, *A History of the Jews in England* (Oxford: Clarendon Press, 1941). A valuable contemporary account of the conference is "A Narrative of the Late Proceedings at Whitehall, concerning the Jews" (London, 1656), in *The Harleian Miscellany*, ed. J. Malham, 12 vols. (London, 1808-1811), VI, 445-454.

²³ Barlow's "The Case of the Jews" was, according to the preface to the 1692 edition, "writ at the Request of a Person of Quality, in the late troublesome Times; when the Jews made Application to Cromwel, for their Re-admission into England." The "Person of Quality" has been variously identified as Robert Owen, Robert Boyle, or Thomas Goodwin. See Rev. S. Levy, "Bishop Barlow on the 'Case of the Jews,'" *Transactions of the Jewish Historical Society of England: 1896-1898* 3 (1899): 151-156, and Roth, *A History of the Jews in England*, pp. 162-164. John Dury's "A Case of Conscience, whether it be lawful to admit Jews into a christian commonwealth?" was written for Samuel Hartlib and is dated 8 January 1650 (see *The Harleian Miscellany*, VI, 438-444).

sequences of toleration, however, are subordinated to the design that tries to establish its moral innocence.²⁴

Cases such as these, obviously intended to influence the course of public events as well as to bring peace to a troubled conscience, became more frequent as democratic ideas developed through the century. In the 1590s, Perkins dealt with the moral duties of the individual as a member of society but did not presume to give moral advice to Elizabeth. But Baxter, writing after the Restoration, says that he omitted "Directions to Princes, Nobles, Parliament-men, and other Magistrates" only because they would not accept his advice (Bk. IV, Preface). And Taylor, an ardent Royalist, advises Charles II in 1660, "you will best govern by the arguments and compulsory of conscience," and includes questions on the proper use of civil and ecclesiastical power (XI, ccxlii).

My analysis of the method and form of the case of conscience has also largely ignored the obvious fact that casuistry could easily be used not to discover truth but to justify what one had already decided to do. All casuists agreed that circumstances alter cases and that prudence is a virtue and overscrupulousness a vice. The godly discretion of casuistry was imperative for salvation as well as worldly survival, but it could also be a way of finding moral loopholes. For all their skill in meeting evil with shrewdness, Ames, Sanderson, Taylor, and Baxter personally confronted situations where conscience prohibited compromise; and they suffered for their principles in the political turbulence of their world. In contrast, Thomas Barlow, who also enjoyed the reputation of skillful casuist,²⁵ was a master of the art of self-preservation. Not only did he survive the purge of Oxford, which reduced Sanderson to penury, but he furthered his career under the Protectorate. Meanwhile, he maintained his connections with episcopal leaders and adapted as easily to the Restoration as he had to the Commonwealth, becoming Bishop of Lincoln in 1675. Subsequently, his violent anti-Catholicism after the Titus Oates

²⁴ More precisely, Barlow concludes that toleration in this case is permissible, and Dury concludes that it is obligatory.

²⁵ Thomas Birch writes of Barlow, "The doctor was a man of prodigious reading, and a proportionable memory; he knew what the fathers, schoolmen, or canonists had said upon any question in divinity, or case of conscience; and being with all these accomplishments very communicative of his knowledge, he gained the highest degree of Mr. Boyle's esteem and friendship, who used, as long as he lived, to consult him upon cases of conscience." Thomas Birch, *The Life of the Honorable Robert Boyle* (London, 1744), pp. 113-114.

scandal, his compliance with a severe policy toward nonconformists, his effusive endorsement of James II, and his immediate and willing transfer of allegiance to William and Mary illustrate Barlow's skill in trimming his sails as the political and ecclesiastical winds shifted.²⁶

Although Barlow professed admiration for Sanderson's casuistry, his own cases of conscience manipulate the principles and procedures of casuistry as a strategy of persuasion rather than as a model of the decision-making process. He follows Sanderson in emphasizing the responsibility of the Christian conscience and in portraying moral absolutes as functions of appropriate thought and action in particular circumstances. He adopts the epistolary framework, the controlled rational tone, and the division of his prose into numbered subdivisions. He usually organizes his cases by first clarifying the implications of the problem, then proposing the general principles or laws by which moral doubt can be resolved and systematically applying these principles to the problem, and finally suggesting specific directions for acting without sin. His analysis, however, is often logically inconsistent, and the actual progression of thought does not embody the ostensible application of general moral principles to a unique human predicament. He imposes the external characteristics of the case of conscience on his discussion without actually demonstrating the process of discovering moral certainty.

Barlow's casuistry, then, marks the limitations of the form. The reader is annoyed by his parade of erudition and his display of misleading schematizations. And even in such cases as Sanderson's, where logic is used rigorously, the cautious and deliberate examination of detail becomes tedious. More serious than the danger of pedantry, though, is the tension in the case of conscience between the universal and the particular. While professing the uniqueness of each case, the casuist must also try to create a model resolution that will apply to the problems of many men. This attempt to universalize while preaching particularity leads to a proliferation of exceptions and qualifications that can try the patience of even the most sympathetic reader.

Most Renaissance casuists recognized these problems. They were aware that case divinity, properly the study of how to act

²⁶ Leslie Stephen and Sidney Lee, eds., *Dictionary of National Biography*, 22 vols. (London, 1885), II, 224-229.

and exists in the realization of these values in experience. Nevertheless, the two parts seem mechanically combined rather than unified, and the combination is a huge work that I doubt anyone has read straight through with complete enjoyment.

Closely related to the contradiction involved in supplying a general model for a process that was theoretically unique and personal is the problem of the basis of authority. Casuists applied generally accepted norms to particular problems with varying degrees of success and intellectual integrity. On the whole, they maintained a delicate balance between individual freedom and moral order, but they were never able to resolve the problem of a direct conflict between the individual conscience and lawful authority. Protestant casuists insisted that the individual conscience is supreme, but they also held that authority is divinely sanctioned and that just law is morally obligatory. They taught that laws are intended for the public good and in some circumstances may be disregarded. Thus they allowed considerable scope for individual action with regard to particular laws, but they also denied that the individual could defy the lawful authority of church or state. A man who in conscience could not accept that authority thus had no alternative but to sin. The major English casuists agreed that the conscience is bound only by the word of God, that individual interpretations of God's word differ, and that failing to follow the dictates of one's conscience is sinful. They also warned that men err in interpreting God's word and sin by following an erroneous conscience. Baxter's position is typical:

If you follow it [an erroneous conscience] you break the Law of God in doing that which he forbids you: If you forsake it and go against it, you reject the authority of God, in doing that which you think he forbids you. (Bk. I, p. 135)

For this quandary they offered only the futile advice that anyone in error should stop being wrong: "Shall he follow his judgment, or go against it? Neither, but change it, and then follow it" (Baxter, Bk. I, p. 135).

The casuists' occasional failures should not blind us to their more frequent successes. The attempt to construct in prose an example of a difficult moral decision involves the casuist at once in intrinsically interesting and important material. His subject matter includes the human mind, the actual world of particular

obediently and lovingly in difficult circumstances, could degenerate into quibbles over exceptions to external laws. Thus Taylor warns that "when men have no love to God, and desire but just to save their souls, and weigh grains and scruples, and give to God no more than they must needs, they shall multiply cases of consciences to a number which no books will contain, and to a difficulty that no learning can answer" (XI, 366). But the answer to human weakness and perversity was to provide the proper sort of case divinity, not to scrap it entirely. "The good man," Taylor argues, "understands the things of God; not only because God's Spirit, by secret emissions of light, does properly instruct him; but because he hath a way of determining his cases of conscience which will never fail him" (XI, 366).

Casuists also struggled with the tension between their assumptions that individual cases are unique and that model cases may be generally helpful. Sanderson's lectures and cases are notable for the subtlety and integrity of their exploration of man's attempt to live according to divine law in a human world, but they do not comprise a comprehensive body of casuistry. Taylor's and Baxter's treatises are the most systematic and comprehensive expositions of English casuistry. They clarify the relationship between the individual and moral authority by explaining precisely the hierarchy of moral laws that govern human conduct, the circumstances that qualify these duties, and the relationship between these standards of good and evil and man as a free moral agent defined by his thought as well as his actions; his intentions as well as the consequences of his deeds. They demonstrate all this vividly and often persuasively in concrete examples. But neither Taylor nor Baxter was entirely successful in reconciling the individualizing and the generalizing impulses in casuistry. Edmund Gosse sees no merit in the theological structure of *Ductor* and praises the illustrative cases as "an entertaining miscellany of stories," while H. R. McAdoo complains that Taylor's sound exposition of principles is obscured by his "positively feminine garrulity" in recounting thousands of intricate hypothetical cases.²⁷ Both the theoretical discussions and the sample cases are necessary expressions of the view that a holy life results from the discovery of viable norms by the enlightened reason

²⁷ Edmund Gosse, *Jeremy Taylor* (London: Macmillan and Co., 1904), pp. 165-166; McAdoo, *Structure of Caroline Moral Theology*, p. 67.

things, people, and events, and man's conception of truths transcending his own time and place. Like a philosopher, the casuist schematizes the truths of human existence. Like a journalist, he reports the minutiae of public life, and like a psychologist, he studies the way men know and think and feel. Like a poet, he presents the universal through the particular. He is distinctive in his constant acknowledgment of the distance between generalized rules of conduct and the actuality of a single mind operating morally in a particular situation and in his form that embodies the decision-making process. The casuist's preoccupation with generally established moral law and his conception of the conscience as a function of the practical intellect do not lead him to rise to the heights of bold and original thought or to plumb the depths of human passion, but they do allow him to organize in coherent fashion a significant kind of human experience. Coleridge's evaluation of Jeremy Taylor accurately defines the powers and the limitations of the best English casuists. According to Coleridge, Taylor possessed broad and deep erudition, acute and subtle logic, fine yet secure psychological insight, public prudence and practical sagacity; he lacked only the creative faith and imagination that would have made him a great creative genius.²⁸ In the following chapters I shall examine the works of men who successfully combined the casuistical habit of mind with creative imagination.

²⁸ E. L. Griggs, ed., *Collected Letters of Samuel Taylor Coleridge*, 6 vols. (Oxford: Clarendon Press, 1956-1971), III, 954-955.

Chapter III

CASES OF CONSCIENCE IN SHAKESPEARE'S TRAGEDIES

Renaissance drama is certainly far removed in mode and style from laborious casuistical prose with its fine distinctions and numbered directions. Indeed, the casuists' tortuous reasoning and emphasis on exceptions to moral law provided a ready target for dramatic satire. In *Epicoene*, Ben Jonson mocked the casuistry of divorce, and Molière, like Pascal, parodied Jesuitical casuistry as "une science / D'étendre les liens de notre conscience."¹ But casuistry provided dramatists with more than a butt of satire: the casuists' categories and procedures are often revealingly pertinent to the playwrights' explorations of moral choice. In Webster's *The Duchess of Malfi*, for example, the Bosola plot is a study of a man sinning against his conscience, and the disintegration of Duke Ferdinand's mind and the cold despair of the Cardinal are dramatic investigations of states of mind that the casuists discussed in terms of evil conscience. Beatrice Joanna in *The Changeling* is a fascinating study of the way in which lack of intellectual clarity and responsibility leads to immoral action and the way action produces character. In *Measure for Measure* and *All's Well that Ends Well*, Shakespeare's treatment of unconventional and morally problematic action in complex circumstances suggests casuistry's focus on moral dilemmas.² Less obviously, casuistical ways of thinking inform Shakespeare's tragedies. Recent scholar-

¹ *Tartuffe*, 4.5.

² Although I disagree with Wylie Sypher's interpretation of casuistry and of *Measure for Measure* as "adjusting immediate legalism to ultimate indeterminations," he is surely right to suggest a connection with casuistry. Wylie Sypher, "Shakespeare as Casuist: *Measure for Measure*," *Seaweed Review* 58 (1950): 262-280; reprinted in *Essays in Shakespearean Criticism*, ed. James L. Calderwood and Harold E. Toliver (Englewood Cliffs, N.J.: Prentice-Hall, 1970), pp. 323-336.