How individual was conscience in the early modern period? Observations on the development of Catholic moral theology

Introduction

When, in 1950, the convert from Protestantism to Catholicism Jacques Maritain identified Luther as one of the "begetters … of the modern conscience", this was not intended as a compliment (Maritain 1970, 4). Although he conceded, that there was no direct line connecting the Reformation to the "apocalypse [!] of the French Revolution" (ibid., 95), he was convinced that the Reformer had introduced an "immanentist error" (ibid., 45) of fatal consequence. "Luther's blunder", so Maritain, consisted in blurring the old distinction between (positive) "personality", a substance that conveyed dignity because it was infused by an immortal soul, and (negative) "individualism", relying on a principle of division and difference between equally individual entities (ibid., 19-20).

One might dismiss his words as a reactionary rant, and yet they allow capturing in a nutshell two enduring and contradicting views on European modernization. The first, to which Maritain obviously took exception, is the positive heroic narrative that links the advent of modern self and "individualism" to the Reformation, and from there to the nation-state and capitalism (see also Dickens/Tonkin 1985, 131-163). The primordial place accorded to the individual in this account, dominant since the nineteenth century, might indeed explain why Protestant historians were so interested in the origins of the individual in the first place.

The second narrative, by which Maritain's own statement is informed, is one of distance and rejection; it insists on the incompatibility between an essentially anti-individualist Catholic tradition and modernity, and relies on an idealized vision of a pre-Reformation world where the "Catholic soul needed to know nothing with perfect certainty, except the mysteries of the faith" (Maritain 1970, 16). Unquestionably, this appreciation, glossing over the rupture between pre and post-Reformation Catholicism, is probably more strongly indebted to Maritain's desire to vindicate his viewpoint than to a deep investigation into the multi-form reality of "traditional Christianity". Yet while Maritain and other conservative Catholic intellectuals, in rejection of nineteenth century Protestant historiography (see for instance Burckhardt 1978, 204-205 and 398–406), regarded Catholic anti-modernity as a badge of honor, this was not the case for Catholic progressive historians, who, spurred on by the ecumenical and progressive spirit of the Second Vatican Council, sought to integrate the Catholic world into the modernization paradigm. The Council of Trent

was one of their starting points, and they approached it no longer from the angle of the "Counter-Reformation" but from that of "Catholic Reform" (O'Malley 2000; Prodi 2010).

At the same time, however, the positive teleology of modernization was criticized on many fronts (a broad overview from a sociological perspective in Knöbl 2007). Such challenges, however, did not bridle the interest in the origins of the "modern individual" (see also Coleman 1996, IX-XIX); if anything, historians of periods that had been excluded from or opposed to modernity, rushed out to locate its cradle within their realm (see Bouwsma 1979, 1; Bynum Walker 1980, 4, 14). Carolyn Bynum Walker underscored that the "Renaissances" of the twelfth and the fifteenth centuries both witnessed a heightened awareness of the self, which she linked, however, not to the emergence of notions of individuals as a "self-contained unit[s]" (Baumeister 1986, 40), but to the effects of social pluralization, which increasingly drove competing groups to define and impose their respective collective identities. Assessing the ways in which the "individual" is negotiated in different periods hence involved neither setting the question into a teleological perspective nor linking it to "individualism" as a condition of the democratic and liberal age (Coleman 1996, XI-XII; critical assessments of modern individualism in Gauchet 1985; Dumont 1985; Taylor 1991).

Moreover, at least since the 1970s the notion of modernization shifted away from the "liberation of the individual" towards an emphasis on the process of "normalization". Under the buzzword of "confessionalization" Italian and German historians in particular insisted on the nexus between individualizing tendencies and social and religious disciplining, drawing out the comparability of these processes between the Protestant and Catholic world (see Reinhard and Schilling 1995; Reinhard 1989; Schilling 1994; see also Bossy 1970). The discontinuity introduced by Luther with regards to the understanding of conscience was also downsized. While Luther's position certainly moved conscience away from its medieval ethical and behavioral framework towards an emphasis on faith and identity, historians have warned that it presents a serious misunderstanding to suggest that he defined it as autonomous in the modern sense (Baylor 1977; Cummings 2009, 475; Kittsteiner 1995; Braun and Vallance 2004). Ruptures with the medieval heritage are now less attributed to the Lutheran imprint, but to inner-Protestant controversy, and in particular to Calvin's rejection of *synderesis* (more on this concept below) as incompatible with mankind's postlapsarian depravity (Greene 1991, 205–213). The weakening of the direct link between Reformation and modern conscience contributed to abandoning the understanding of conscience and

identity as trans-historical stable notions defined in modern terms of autonomy. With view to the Catholic sphere, on the other hand, such readjustments focused scholarly attentions on the significance of the sacrament of penance as a tribunal of the conscience. Confession was not only the initial and ongoing matter of discord between Catholics and Protestants; it also engaged the understanding of "individual conscience", as well as Catholic collective identity as a whole.

Conscience and confession

A particularly ambivalent and dialectical interpretation of the relationship between confession, discipline, and the self was put forward by Foucault, who, and this is probably no coincidence, had received a thoroughly Catholic (Jesuit) education. Focusing on how practices indebted to ancient philosophical traditions were integrated and transformed in early Christianity, he highlighted the development of "technologies of the self" through which individuals on their own "or with the help of others effect a certain number of operations on their own bodies and souls, thoughts, conduct, and way of being, so as to transform themselves in order to attain a certain state of happiness, purity, wisdom, perfection, or immortality" (Foucault 1988, 18). Such technologies, he observed, were entwined with the exercise of power in western Christianity, where obedience came to be linked to performing acts of self-revelatory confession (Foucault 2012, 82). The gradual enforcement of truth/confession, so Foucault, mapped onto the history of heretical challenges: hence the peaks between the second and fourth century, when concepts of confession were developed; at the turn of the twelfth century, when confession was codified juridically as a sacrament (Lateran Council, canon 21 '*utriusque sexus*', 1216); and finally after the Reformation. Although he remarked that confession relied on a fixed sequence of meditation, "verbalization", and obedience (Foucault 1988, 43-49), his inquiry into the sources that allow the study of the sacramental "task of telling oneself" remained rather vague (Foucault 1990, 20; for a critique of Foucault's handling of the sources, see Bernos 1985).

A few years earlier than Foucault, but not dissimilar to his intuitions, the English historian John Bossy had argued that Tridentine Catholicism had effectively shifted the focus of sacramental confession from the communal to the individual, and he examined in detail how this process was reflected in structure and content of confessional manuals (Bossy 1975; Bossy 1985). Since, the debates on how confession worked in practice have oscillated between an emphasis on its disciplining aspects (Delumeau 1964; Tentler 1974; Briggs 1989, 277–338; De Boer 2001), doubts as to its efficacy (Myers 1996) and finally an exploration

into its contribution to shaping individualized notions of conscience and identity (Shluhovsky 2013). Paolo Prodi and Adriano Prosperi have pointed out that the tension between law and conscience acutely shaped the Catholic development towards modernity, and that confession was the space where the struggle between individual conscience and religious and secular norms took centre stage (Prodi 2000, 325–89; Prosperi 1996, 476–84; Lavenia 2006).

It is in this perspective that the analysis of early modern moral theology has acquired a new significance (Tentler 1977; Leites 1988; Turrini 1991). Moral theology and casuistry have not enjoyed a good reputation; it was considered the most typical expression of Catholic "moral enslavement" and the cause of the alleged under-developed Catholic individual conscience (this vision was rejected by Jonsen and Toulmin 1988, who were amongst the first to examine the development of casuistry seriously and without polemical intent). The Jesuit association with it not only set Protestant anti-Catholic reflexes into motion, but also explains its hugely controversial appreciation within Catholicism since the mid-seventeenth century (Döllinger and Reusch 1889). Jansenists in particular identified it with "laxism" (Fabre and Maire 2010, for the on-going travails of assessing Jansenism, see Burkard and Thanner 2014). It would need a study apart, which cannot be delivered here, to understand how and why Jansenism despite its particularly pessimistic assessment of man's fallen nature and its adversity to human freedom, has since acquired the reputation of being a "manifestation of heroic individualism" (Sedgwick 1977, XIII, see also Tavenaux 1992, 22 "a symbol of the free individual") with particular appeal to the modern bourgeois (see Goldmann 1959). This tortured history, however, might go a long way to explain why it has remained difficult to appreciate casuistry and moral theology on its own terms in less polemical and ideological fashion, and maybe even as part of the history of Catholic modernization.

The tide started to turn with the publication of Leites's collective volume in 1988, which drew out the parallels and differences in the Catholic and Protestant discussions of conscience. Both Bossy and Turrini have since stressed the increasingly systematic and legalistic turn of Catholic moral theology throughout the seventeenth century (Bossy 1988; Turrini 1991, 252). Turrini also remarked that the development of probabilism (on which see below) represented a "Copernican revolution" within moral theology in as far as it shifted the weight of the discussion from truth to opinions (Turrini, 174). More recently there has thus been a tendency to read the development of probabilism within moral theology in "individualizing" keys (Fleming 2006; Maryks 2008, 8,113), or to situate it more widely within a European skeptical crisis (Schüßler 2006). Such appreciations have not been entirely

consensual, and in particular the French historians Jean-Louis Quantin and Jean-Pascal Gay have criticized them as anachronistic (Quantin 2002; Gay 2011).

On the background of these discussions the following observations attempt to contextualize the place of "conscience" within the emergence of early modern Catholic moral theology and thus to assess the necessary limits as well as the potential this held for individualizing notions of it. The question is, whether early modern moral theology came to promote more individual notions of conscience and to what degree the obligatory act of confession itself could be used as a self-reflexive space. The latter is of course particularly difficult to assess, as our almost exclusive angle to grasp this question is through the way in which theologians reflected it. It is therefore necessary to understand the initial scope and aims of moral theology.

The emergence of moral theology

The expansion and development of moral theology cannot be disconnected from the pedagogical impetus that inspired Catholic elites and the laity after the Reformation. The first to found chairs for moral theology termed as such were the Jesuits, when they started to create their teaching institutions from scratch from the 1540s onwards. To a certain degree, this can indeed be seen as a major step motivated by growing preoccupations over the "individual" conscience. With pastoral concerns at the forefront of the order's justification, and as its members swarmed out to confess the masses, solving problems concerning moral acts was paramount (O'Malley, 1993, 134–64). The Jesuits were not alone in this endeavor; indeed the post-Tridentine Church saw confession as a core sacrament to reform Christian life in general and the conduct of individuals in particular. Thus the founding of the specific discipline of moral theology, together with the importance of the teaching of moral cases to future confessors, increased the demand in appropriate teaching material, which in turn triggered an avalanche of publications concerned with resolving moral questions.

Casuistry is often used as a comprehensive term applied to the entire field of early modern moral theology and especially to its Jesuit variant. This is too narrow as well as misleading. Jesuits were by no means the exclusive developers of moral theology. One of the most influential handbooks for confessors was not written by a Jesuit, but by the Augustinian eremite Martín de Azpilcueta (1492-1586) (Lavenia 2004, Delumeau wrongly believes that he was a Jesuit, see Delumeau 1992, 27); on the other hand, the most outspoken "laxist" treatises of moral theology were penned by Cistercian Juan Caramuel Lobkowitz (1606-1682). Early modern theology cannot be reduced to what is basically the legally inspired method of

applying general moral rules to specific cases (for the long tradition of casuistry, see also Jonsen and Toulmin 1988, 107ff). Moral theology was not a method but an "academic development and foundation of Christian ethical teaching" (Döllinger and Reusch 1889, 6), and it belonged to a higher, deductive genre destined to the training of theologians (Angelozzi 1981, 123 and 158). For the teaching of moral theology as a science, Dominicans continued to follow Aquinas's *Summa*, whereas the Jesuits proposed new textbooks, which continued to rely on Aquinas (Theiner 1970, 106 and 214–52; O'Malley 1993, 248–51), but adopted a new structure and style. Characteristically they opted for titles that openly claimed moral theology as a new and independent academic field (*Theologia moralis*, *Opus moralis*, or *Institutionum moralium*). Their structure no longer followed Aquinas's *quaestiones*, instead they started with a foundational definition of "conscience", before they went on to examine moral problems following a "system" based on the sacraments, the virtues, the Ten Commandments, or a combination of these.

What is loosely coined as moral theology therefore contains different genres and methods: specific handbooks for confessors, manuals for confession, erudite comprehensive treatises on moral problems, and finally collections of cases of conscience, casuistry in the strict sense. Handbooks for confessors and casuistry were geared towards the practice of confession, and they taught how to resolve practical problems that priests might have to confront when dealing with their penitents, but they did not attempt to cover the discipline of moral theology as a whole. Manuals directly addressed to people who prepared themselves for confession could have a catechetic aspect and purpose. They taught penitents how to examine their life and to ponder over their past actions and interior dispositions (fundamental here, Bossy 1988). Moral theology can thus be regarded as a discursive space, in which theologians from various backgrounds tried to negotiate normative frameworks for moral action (*ex ante*) as well as for its evaluation (*ex post*) in confession. Manuals for confessors and penitents translated these abstract systems into workable format on the ground. As priests encountered all aspects of human life from abortion to war on a daily basis in confession, their practical experiences were fed back into the system, interrogating and enriching the theoretical reflections in order to capture an ever more complex world (for the interaction of moral theologians with the Portuguese empire from Brazil to India, see Marcocci 2014; for sexual casuistry, see Alfieri 2011).

Moral theology and conscience

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Moral theologians from all horizons insisted that their discipline equipped them with a superior expertise in moral counseling (Theiner 1970, 303–306), but it was quite evident that the problems on the ground were manifold. For example, how was one to identify a problem encountered in real life within the categories supplied by moral theology, and once this operation had succeeded, how produce a viable decision that was morally sustainable subjectively <u>and</u> objectively? Recognizing, knowing and judging such problems belongs among the most complex epistemic operations, and a major difficulty lies in how they can direct human action practically. To distinguish good and bad is not always straightforward, but to act in coherence with what has been recognized as good, and to ensure, that what ensues, is apt to bring about what is morally intended, is an altogether different issue.

Crucially, the theoretical understanding of these intellectual and moral operations as well as the apprehension of their complexity deepened considerably in the early modern period. This added complexity and uncertainty (Schüßler 2003, 51–63). What came into focus more and more was the fact that the individual in evaluating moral problems might not be in possession of certainty nor of full knowledge and that he or she was conscious of the gap between their individual appreciation of the problem (or their defective grasp of it) and the objective reasons which might be brought forward to address and resolve it. The areas of faith and knowledge, which conferred the certainty of truth, were shrinking while at the other end of the spectrum the sphere of contingent knowledge expanded. Contingent knowledge could not produce certitude but only opinions, i.e. positions which were <u>held to be true</u>, but of whose <u>possible</u> flaws, errors and even untruth one was conscious. Ultimately, conflicting opinions could result in doubt, which might paralyze the individuals' capacity to decide and act, as they could not adhere to the options presented nor decide between two potentially reasonable opinions. Doubt resulted in the impossibility to act, as it was clearly sinful to act against one's conscience or when one's conscience was in doubt. Tommaso de Vio's (1469–1534) understanding that in order to act one need not be in possession of speculative truth was therefore a major step forward. Following this distinction, human actions had to be based on a practical judgment. This was an important way of rendering the problems manageable, as it limited the kind of pertinent knowledge on which to base one's decisions to act in present and future (Schüßler 2003, 97). To allow for a practical judgment under conditions of lacking speculative certainty limited the burden of sin, but it also sharpened the awareness of the methods that produced a sustainable moral reasoning.

Early modern moral theologians generally embraced Aquinas's understanding of conscience as a part of human reasoning and as an essentially intellectual activity. Since the times of St Jerome, what is nowadays described as a unique "conscience", was indeed divided into *synderesis*, understood as a habitual understanding of moral principles on one side, and *conscientia* as the act of application of knowledge to actions under conditions of reason on the other. *Synderesis* was a spark of reason that had remained intact even after the fall, which had, however, impaired its full potential, which is why conscience as act of judgment had to come in (see Stelzenberger 1963; Greene 1991, 195-200). This also explains why moral theologians believed that *conscientia* could and should be trained, or guided, by wise men. Evidently, Protestant reformed theology did not assess the human condition after the fall so optimistically and hence rejected the notion of *synderesis* as well as the intellectualistic scholastic understanding of *conscientia*. Yet even for those who remained attached to the Catholic "anatomy of conscience" (Wright 1999, 119), the relation between the two aspects remained complex and full of pit-falls, for, as Aquinas had already pointed out, reason might sometimes "be mistaken in its reasoning" (Mahoney 1987, 191). Nonetheless conscience as an "*actuale et practicum iudicium intellectus*" (Suárez 1858, 574) was absolutely binding on the individual, even when in error. It is crucial to understand that in early modern parlance conscience was an act of judgment, a decision-making based on reason; it was not a stable entity or an identity marker.

Two aspects have contributed to the notion that early modern confessional theory and practice took an increasingly individualizing turn. One is that in the wake of the Thomist revival, the examination of intention became an ever more important feature in the examination and evaluation of sins in confession (Bossy 1975, 9). It induced a much more detailed questioning of the circumstances and conditions under which a specific act was executed. The second point regards the head-on treatment of conscience as a starting-point of moral theology, especially in the new Jesuit textbooks. Paul Laymann, who was the first Jesuit to introduce a systematic chapter on conscience in his *Theologia Moralis* (1625), based his reflections firmly on Aquinas (Theiner 1970, 289–98): he distinguished *synderesis* and conscience and then went on to divide conscience into the four types of *recta, erronea, dubia, scrupulosa*, analyzing and explaining each one, and finally exemplifying them through different cases. He thus provided a state of the art course on the issue which is still extremely persuasive and easy to follow, and which reveals its origins in the classroom as well as its

aspiration to make its students understand the rationale and foundations of the discipline. In the context of the doubtful conscience, Laymann systematically distinguished the different categories of doubt (*factum/ius*; speculative/practical) and he explained the principles of probability then in vogue (Laymann 1688, liber I, cap. V, 25-28). We find the same system in other Jesuit moral theologies, such as Castro Palao (1631), Baldelli (1637), Tamburini (1654), and Busenbaum (1656).

In their founding chapters outlining conscience, the theologians, however, recognize not psychological types but four types of judgment. The true or correct conscience (*recta*) judged on a correct syllogism and concluded in coherence with God's will; erroneous conscience (*erronea*) was based on false syllogism and came to false conclusions but was convinced it was correct; doubtful conscience (*dubia*) remained in ambiguity and was uncertain as to which reasoning was correct; scrupulous conscience (*scrupulosa*) was doubtful and tortured. It was unable to judge, basically inventing reasons and objections where there were none. Where doubtfulness led to assenting to different opinions, scrupulosity was incapable of embracing any. Scrupulosity was considered an extremely undesirable and almost pathological state, which needed to be treated and soothed mainly through counsel in confession (Hurtubise 2005, 230). When confronted with the "sick", i.e. scrupulous, conscience moral theologians came closest to describing it in almost modern terms as an interior identity, but contrary to our modern understanding scrupulosity was not a quality but a vice. Like the doubtful conscience, it prevented human beings from acting, or rather, whoever acted on such basis, acted sinfully. The same was not true for the erroneous conscience, which was to be followed because it was subjectively true although it was objectively wrong (Medina 1618, 452–54). The challenge to moral theology was how to provide tools that prevented such mistakes in reasoning, and to produce a *recta conscientia*.

A second strand of thought, which came to the forefront in the sixteenth century amongst Jesuit theologians in particular, was connected to voluntarism and a case-related perception of good and bad rooted in Nominalism (Hurtubise 2005, 214–16). It rejected the existence of objective *generalia* and increased the weight of individual moral appreciation. This is most pronounced in Suárez, for whom a prescription in order to oblige in conscience had to take a form that was beyond doubt in expressing and declaring its purpose. Only rules that met these conditions could therefore be called laws, and could aspire to orient or to curtail the individual's moral and behavioral freedom (*Lex dubia non obligat*). This, however, marks

a continuous tension between exterior norm and subjective appreciation of moral reasoning on all levels. The voluntarism of God and lawmakers is mirrored in that of man and subjects understood as reasonable entities. Moral acts, crucially, could only be performed under three conditions: if the individual was in "a state of liberty", acted with "willingness" and possessed "intellect and reason" (Suárez 1858, 552). Therefore, the specific circumstances under which moral acts were accomplished as well as the agents' intentions were important aspects when examining cases of conscience, and they influenced the norms and methods of reasoning applied to their resolution, which in turn produced the "practical judgment", called conscience.

The rise of probabilism

Although conscience as a judgment was ordered to reason, it was assumed that its reasoning might be flawed due to the influence of passions, or on account of ignorance. Since Aquinas, ignorance had been considered either as culpable, if agents ignored what they could or should know; or conversely as free of guilt, if the ignorance was invincible and agents could not be held responsible for it. God did not require the impossible; sin required the knowledge of sin. Within one's possibilities there existed, however, a duty to know or to be informed as far as possible in order to act responsibly. On the other hand, when evaluating people's actions *ex post*, the actual conditions of knowledge under which people had performed their actions had to be taken into consideration and could lead to viewing them indulgently. Generally speaking, the duty to know increased with responsibility, and especially whenever one was called to examine moral problems *ex ante*. But whoever tried to follow a counsel, in whatever position, ultimately had to decide and was confronted with the obligation of evaluating the arguments that were brought forward. Only self-evident truth imposed itself directly and could not be rejected unless one decided willingly to discard it and act sinfully. Such willful rejection of clear-cut truth was, however, rarely an option that a morally aware individual would easily engage in. The problem was rather that in decision-making one was mostly confronted with opinions and not with truth. In dealing with opinions (as opposed to truth and to doubt), the basic question was how to balance and evaluate their force respectively and, last but not least, how to relate one's own position in their regard. It was not enough just to sample opinions, it was necessary to understand how to decide in their presence (Schüßler 2003, 122; Kantola 1994, 111–23). Even under conditions in which speculative questions

were evacuated, this was no easy task but brought the full weight of individual responsibility and sin back onto the decision-making conscience.

Back to square one we might say, were it not for the Dominican Bartolomé de Medina (1528-1580) who in 1577 suggested that one might follow a probable opinion, even though its contrary might be more probable (Medina 1618, 464). While theologians had come to accept this as a licit way of reasoning in speculative terms, Medina's innovation lay in advocating it for practical moral reasoning, too (Kantola, 126). Probability is not to be misunderstood here. It is not intended in the modern mathematical sense but as something, for which there exist good reasons, which can be supported by authority. Importantly a probable opinion is not something one doubts, but something one can assert. Medina's proposition initially seems to render the question more complex, because suddenly more opinions are available which might lead to new outcomes in judgment. Crucially, however, according to Medina one is not forced to maximize probability and to decide in favor of the most probable opinion. Therefore, one does not necessarily have to judge for oneself which opinion is more probable, but one can be confident that one's conscience is safe <u>as long as it is probable</u>.

Probability in Medina's terms was "what is confirmed by very good arguments and the authority of wise men" (Medina 1618, 461). Probability does not require entire conviction or certitude in those who follow it. It would not be an opinion if it were a truth, nor would it be an opinion if one doubted it: following probable opinion was a way out of the danger of acting in doubt (Hurtubise 2005, 277–79). It allowed individuals to espouse an opinion proposed by somebody else. Trusting probability could lead to merely acting in conformity without intimate conviction. Relying on the assumption that God did not demand the impossible, the individual was relieved of taking on the full moral responsibility of deciding which opinion was the most probable (*probabilior*) or the safest (*tutior*). But even just assessing probability was not all that easy an affair when one looked at it more closely. Therefore, knowledge, training, and counsel in particular, remained extremely important; the 'Copernican revolution' of probabilism therefore went right to the heart of the assessment of moral certainty (Turrini 1991, 174; Franklin 2001, 64–79), which was always at stake when people confessed their sins. Probabilism may thus be seen simultaneously as a symptom and as an anti-dote to the early modern uncertainty crisis. The expanding volumes of moral theology show how theologians tried to contain it by casting out an ever more differentiated normative net.

Yet, probabilism came under fierce attack in the mid-seventeenth century from the Jansenists, who, from an Augustinian viewpoint, insisted that man's inherent sinfulness annihilated free will and reason, and thus the possibility of true regeneration of the soul without divine assistance (for the earlier *De Auxiliis* controversy between Jesuits and Dominicans, see Broggio 2009, 45–81; Cessario 2014). The Jansenist concerns centered on the practical implications of man's fallen condition with view to the use of confession (see Briggs 1989, chapter 8 aptly entitled "Catholic Puritans"; Doyle 2002, 16-20). They insisted that contrition was the necessary precondition for absolution and proposed the technique of delaying absolution in order to achieve this. Probabilism came into play here, as according to Jansenist appreciation, it was a method to minimize and negotiate sins, and thus to avoid a full exploration of the conscience as well as the obedience to divine law. These points were widely popularized in Pascal's *Lettres Provinciales* (1656), who quoted liberally from so-called "laxist" moral theologians (see Brockliss 1986).

The denounced "laxists" did not question the need for contrition, but doubted that the threat of withholding absolution was helpful in bringing it about. Confession, they believed, only worked if sinners confided willingly and trustfully in their priests. Long before the Jansenist quarrels, this point was neatly exposed by the Spanish Jesuit Francisco Arias (1533-1605), whose rigorist (!) manual for confession circulated clandestinely also amongst English Catholics:

"… normally without the help of the sacraments, men arrive not to have contrition, which yet is necessary to come out of mortal sin: but when they go to confession with that preparation that is requisite, if their soul be infected, straight ways are they delivered from mortal sins & from all those mischiefs before mentioned. For when a man confesseth himself having a perfect hatred of sin & a firm purpose of amendment, although the principal reason which moveth him, be the fear of his own damnation, yet with the help of the sacrament, shall he obtain God's grace: and this is that which Divines teach, and the holy Council of Trent doth declare, to wit that of attrite he becometh contrite." (Arias 1602, 13-14)

Although Jansenists went on to label similar approaches as "Jesuit", such soft-touch methods were not confined to Jesuits, but widely embraced by theologians from different backgrounds. They shaped Catholic religious culture well before and beyond the seventeenth century (see

Gay 2011, 787–816), arguably far more deeply than essentially elitist Jansenism. The question is how important probabilism really was in this picture and how it played out.

Probability and authority

The very good arguments and the authority of wise men, mentioned by Medina, are two sides of probability and refer to intrinsic and extrinsic probability. Whereas intrinsic probability is something the deliberating subjects can assess through their own reasoning and within the limits of their reason, extrinsic probability refers to exterior voices of authority, and in both cases invincible ignorance may always subsist. Medina did not explain this in detail, but he seems to have assumed that extrinsic probability must also be probable intrinsically, which of course might not always be the case. The fiercest defenders of probabilism, however, were adamant that extrinsic and intrinsic probability were connected and that the difference lay mainly in how they made themselves known to the deliberating subject. As the arch-probabilist Juan Caramuel Lobkowitz (1606-1682) put it: "Intrinsic probability is one I see is supported by grave reason; an extrinsic probable opinion is one I hear is supported by a grave reason from a very learned man" (quoted in Fleming 2006, 113). Therefore, extrinsic probability does not extinguish the need for intrinsic probability, nor does the sheer number of exterior authorities supporting one opinion provide more probability than a single probable opinion. Conversely, the degree of probability was not necessarily indicative of its "safety" (i.e. likelihood to avoid sin); in fact, it was possible to imagine that a less safe opinion was more probable or that a less probable opinion was safer and excluded sin, as the Jesuit Vázquez (ca. 1549-1604) explained (Scattola 2003, 122).

Probabilism certainly allows following somebody else's opinion, but it nonetheless maintains an important moral responsibility in the obligation to reduce the spheres of ignorance and doubt in order to arrive either at certainty or at a probable opinion. Basically, an identical moral act was to be judged differently if the person who accomplished it did so in doubt and uncertainty (mortal sin), or whether he performed the act after searching a probable opinion through good counsel. The outcome might be the same, but its moral merit and value were not equivalent (Fleming 2006, 116). As in a tribunal, correct procedures were essential to the legitimacy of judgments made in the tribunal of conscience, too. Although probabilism came to be denounced by its critics as conducive to moral laxism and was finally increasingly rejected on these grounds and under this label first by the Dominican order itself in 1656, and

later also by the condemnation of certain propositions by the Roman Inquisition in 1679 (Quantin 2002; Petrocchi 1953, 47–72), Medina's methodological breakthrough was initially extremely successful and highly popular across the board. To different degrees, probabilism was quickly adopted as a tool by the great majority of moral theologians up to the 1640s when the rigorist Jansenist backlash started to set in.

The appeal of probabilism is easy to understand: it opened up new paths in moral reasoning, and it was indeed epistemologically exciting. In its quest for moral safety, it was not afraid to be intellectually risky, and to go down paths that seemed less beaten, less well illuminated and that were less safe. It seemed pliable and adaptable to a "modern" world with its subjectivist tendencies and its disciplining pressures. The potential flexibility of probabilism, however, rendered it vulnerable to different types of criticism, some targeting its excessive subjectivism, others its excessive reliance on exterior opinions and judgment. Medina's methodological breakthrough indeed profoundly weakened traditional *tutiorism*: in presence of two equally probable opinions, he denied that there existed an absolute obligation to choose the "safer" one. Instead, he argued that it was perfectly probable and legitimate to espouse the opinion that maintained the individual's freedom and possessions (*ius possidentis*). The safer rule was not necessarily to be applied if it was detrimental to oneself (Medina 1618, 459). This was the point rigorists never accepted, as they contended that opinions must not lead to opinions that diverged from the safe haven of divine truth.

Probabilism raised some challenging questions when it came to defining the status of authority. Despite the fact that it lent itself to discharging one's moral responsibility by espousing an external opinion backed by wise men, which at first glance seemed to confirm and exalt exterior authority, it could also do quite the reverse: individuals were not obliged to accept whatever an authority asked them to do or to accept probability just on account of authority. For example in the aforementioned passage Medina discussed the case in which individuals doubted the rightful procedure of a priest, and therefore questioned whether they were obliged to follow the priest's commands. Medina concluded that if the divergence from the priest's judgment was based on a probable opinion, they were perfectly entitled to hold on to it and claim their position against the priestly authority. This was of consequence in the relationship between a confessor and his penitent: if penitents could render their case plausible and base it on a probable opinion, this was more decisive in terms of absolution than the confessor's idea of his own, more probable opinion (Medina 1618, 463). Hierarchical

status alone did not provide an opinion with sufficient authority to override another's probable opinion, nor could it dissolve the <u>legitimacy</u> of an inferior's probable opinion. As Lorraine Daston has pointed out, in the course of the debate on probabilism, probability "shifted its meaning from an opinion warranted by authority to a degree of belief (or certainty) proportioned to evidence" (Daston 1998, 1109).

This was intellectually, socially and politically risky indeed, and the calls to introduce the criterion of stronger (*probabilior*) probability in order to limit the range of possible judgments and to reintroduce order and hierarchy were widespread. Yet this deepened a problem already present in simple probabilism: what was an authority, or what made an authority an authority? How were different authorities to be weighted? The Jesuit Juan Azor (1536-1603), for example, in his fundamental *Institutiones morales* (1600-1606) had tried to develop certain criteria which could help to find one's way: dogma limited the reign of probable opinion, and so did common opinion in a specific area, as well as the idea that it was generally preferable to follow a more benign interpretation when dealing with penalties (Azor 1600, book II Chapter IX, 133–36, 139–42 and 148). He also developed a list of authors whom he called *scriptores classici* and whom he considered reliable sources for probable opinions. He divided them into different categories (theologians, canonists, interpreters of civil law, summists) and then grouped them into four generations from the eleventh century to the sixteenth century. These authors were to be considered as 'classical' according to Azor because their opinions were the most probable and because they were the most widely used across the board. He insisted that the classification was strictly generational, outlining different time horizons between them, but "ancienneté" in no way conferred more or less authority to a specific writer. All this was very well, yet it hardly solved the question how one ought to decide, given the diversity of available probable opinions.

Probabilism and subjectivity

The potential lack of hierarchy amongst the available probable opinions as well as the fact that in the end it was for the individual to decide for or against them, has led to questioning the degree to which probabilism may be regarded as an important step towards "individualization" or towards growing subjectivism in the area of moral reasoning. Was probabilism really subjectivist? Jean-Pascal Gay and Jean Louis Quantin have denied this view vehemently. They have stressed that probabilism relied on "extrincism", i.e. on a

technique known as the "deposition of conscience", according to which the individual suspended his/her judgment to follow authority, i.e. the opinion of a wise man, which is generally assumed to be that of a qualified theologian (Quantin 2002; Gay 2012, 133–54). Indeed, as we have seen, probability was defined not by individual appreciation alone but also by its foundation in theological authority. That at least, was how it was generally understood, but this was not a logical necessity of probabilism. The problem was rather, that probabilists hardly ever truly examined the problem of individual consent to the exterior opinion espoused in the course of moral reasoning and of establishing the relative probability of different opinions. Instead, by the mid-seventeenth century probabilists debated fiercely how to arrive at "truly probable", or at most probable (*probabilior*) opinions, and whether intrinsic and extrinsic probability should carry the same weight when it came to the crucial moment of decision.

Critics of probabilism played the card of tradition against what they saw as its illegitimate and modernist innovations (Gay 2011, 385–94, Fleming 2006, 22), whereas its defenders suggested that innovation was legitimate and necessary. Probabilists underlined that moral theology was not fixed, but in continuous progression, and that a new author could also claim authority. The relationship between traditional authorities and modern writers in their view could not be one of slavish dependence. It was rather the other way round: the traditional authors were authorities because the modern theologians went back to them as a source of wisdom to illuminate the present; the fact that modern authors found them inspirational deepened the understanding of the ancient authors and confirmed their authority while simultaneously the innovative application within modern theology prolonged their validity. Were it not for the modern authors, tradition might well be dead. Moreover, the world was new and different from that of Augustine, the Bible, the Church Fathers or any other "old" model the rigorists regarded as only legitimate points of reference. Probabilists, with all due respect to the ancients, argued that it was not only legitimate to make discoveries in (moral) theology but that it was also necessary to redevelop, innovate and adapt in this field like in any other science. This debate of course sharpened the views on the comparability of cases, on historical precedence and the modes of analysis to be applied. One might almost suggest that the success of encyclopedic case collections was linked to the necessity to supply new and old cases as comparative material to support different opinions. This is probably where the individualizing potential lies: as moral theologians advanced and diversified their

understanding of cases, opinions became more complex, which in turn sharpened the appreciation of comparability and uniqueness.

Yet the question of how the individual should relate to these opinions, and whether subjective consent was necessary to render them probable, remained open. This was only truly solved by Tirso de González and his theory of probabili_o_rism (1695): he demanded that one had to follow the <u>more probable opinion</u>, which he defined as the opinion that solicited interior consent (not the one that was more likely or could gather more favorable opinions). His theory was wildly controversial, in particular amongst the fellow Jesuits. They opposed it, not only because many considered probabilism as part of the order's specific identity and as absolutely essential when dealing with penitents in order to pacify and tranquilize their consciences, but also because it undermined the natural authority of theologians. Moreover, when it came to the interior organization of the Society of Jesus, as well as to the organization of the State and Church in general, the possibility, provided by probabilism, to depose one's conscience, seemed more conducive to ensuring obedience without forcing the consciences (Gay 2013, 292–93). Probabiliorism made this impossible, and in González's understanding it also forced the individual, in cases of conflicting demands, to order his conscience rather towards the "infallible" Church than towards the State. Indirectly, the controversy over probabiliorism, allows a glimpse on a somewhat unpronounced individualizing potential of probabilism: following an opinion, and to obey whilst suspending subjective judgment. Probabiliorism annihilated this potentially subjectivist reserve of conscience, paradoxically by demanding subjective consent with the judgment espoused. Hence, when it came to enforce obedience, the subject could no longer act in good conscience just espousing a probable opinion. He had to endorse it subjectively and unreservedly, which indeed gave probabiliorism, despite its insistence on subjective consent, a truly absolutist twist.

Tirso González's theory failed to carry the day, neither did fully-fledged rigorism, with which it was not identical, and which Tirso González, who was a staunch anti-Jansenist, rejected just as firmly as probabilism. In the long run more moderate options prevailed; eighteenth century moral theologians and Church leaders preferred a tuned down version of probabilism, so-called "equiprobabilism" as proposed by Alfonso Maria de Liguori (1696-1787) (Quantin 2001, 92; Bertini Malgarini and Turrini 2004; Lea 1896, 371–74). According to this theory, when in doubt of whether to follow an opinion that favored liberty over one

that favored the law, the first might be embraced only if more probable or at least equally probable as the last.

Conscience and Obedience – Concluding Remarks

In how far did all did the theologians' twists and turns actually matter for individuals who went to confession? How did they encounter and negotiate the questions they were asked to ask themselves? At this point, it is instructive to turn to a practical example and examine a handbook for confession, called "*Industria spiritualis*", which confounds many stereotypes. Its first surviving hardcopy from 1634 is in Latin but many editions in French, Dutch, Spanish, and Italian translation followed long into the eighteenth century. Initially taken for the work of the German Jesuit Friedrich von Spee (1591-1635), it is now attributed to the otherwise entirely unknown and untraceable Carmelite Christoph Leutbrewer and it is even assumed that it circulated amongst early Jansenists (Ceyssens 1982, 106). The fact that the handbook has received such contradictory attributions suggests that the divide between "Jesuit/laxist" on one side, and rigorist/Jansenist on the other, is not necessarily self-evident or meaningful. The *Industria* was a manual for penitents to prepare "general confession", a practice often regarded as Jesuit-inspired but *de facto,* it was promoted widely by seventeenth-century Catholic reformers. Its aim was not a generic confession but a thorough examination of conscience, in order to perform a <u>complete</u> confession of sins, leading to spiritual renewal and life change (conversion) (see Shluhovsky 2013). It demanded laborious and extended periods of preparation and self-examination under the guidance of a spiritual director, who was not necessarily the confessor (on spiritual direction, see Catto 2004). Such features rendered the practice slightly elitist, as it required a certain amount of leisure, as well as communicational and self-reflexive skills. No wonder that it was widespread amongst devout ladies within and without convent walls (see also Molina 2008).

The *Industria*, however, is interesting for other reasons, too. First of all, the 1659 French edition dropped the original title and replaced it with "*Excellent and easy method to prepare general confession*". Such "easy devotion" was generally negatively associated with Jesuitism, but on the other hand, the manual was firm on total contrition and deep meditation as unconditional prerequisites for good confession (Leutbrewer 1659, chapter II) which agreed with Jansenist inclinations. Still more curious is the way in which the work could be appropriated. The Italian Carmelite Serafino Giorgio, who, in 1659, prepared the Italian

translation, advertised it as manual that helped to save time: "any person able to read can get ready for a good and complete confession in barely two hours [!] without fearing to omit any mortal sin" (I quote from the manuscript from 1659 that prepared the print copy, conserved in the Biblioteca Comunale dell'Archiginnasio di Bologna, ms. B 4606, unpaginated title page; the surviving Italian hardcopies of this edition are all from the 1670s). Indeed, to allow for such efficient preparation the manual proposed a new "technology" that might have interested Foucault, for it involved interior as well as bodily practices. Leutbrewer explained them in detailed instructions for the user:

"... as you kneel down for roughly a quarter of an hour, think of all the places that you have lived in, remember your studies, and the duties you have performed, the people with whom you have lived and conversed, and like this examine your life superficially, as this will help when you go through the little tablets here below, and you will remember your sins more easily. ... This done, get up, sit down at a table, and start reading the little tablets with diligence, where you find, in distinct punched out frames, all sorts of sins men and women tend to commit against God's precepts. Examine diligently in which you have fallen, and when you cannot remember having committed what you read, just carry on without scruples; but as soon as you find something you remember having committed, take a little knife and with its point lift up the paper … and flip it over … finally take the book to see your parish priest and confessor and as your eyes wander over the little tablets you have marked out, start accusing yourself of these sins. Explain the words and how often and under which circumstances you have committed them." (Leutbrewer 1659, chapter IV).

Leutbrewer's explanations give an acute insight into the possible dialogue between penitent and confessor and into the guided training of techniques of self-examination that invited penitents to reflect on their life, find their own words, and explain their motivations efficiently and methodically. The manual assisted in finding and quite literally "cutting out" the correct description of individual acts by offering many different variants and possibilities. For example, under offences against the first commandment one encounters a plethora of 152 (!) associated questions that do not immediately spring to mind when simply asked, "how did you infringe the First Commandment". It starts out conventionally with: "I have not loved God with all the force of my soul and heart"; then follows a variation "I have not directed my actions towards His glory"; further down things get more hands on: "I have given alms out of ostentation, not out of charity", "I have despised my neighbor", followed by "I have covered

him in insults". The method thus breaks the abstract commandments up into a web of related exterior and interior acts that one can tick-box. Simultaneously, similar to modern survey techniques, the proposition of various formulations and possible modifying circumstances, helped to nail things down. Thus, the individuals were identified and identified themselves through a puzzle of standardized possibilities.

Leutbrewer also drew attention to the doubts that could assail penitents throughout the exercise, showcasing how the ideal confessor acted as a counselor and arbiter: "You ask me what to do when you doubt whether you have committed a certain act; I say that you have to confess it in the doubtful form … You ask me, how you should confess all the circumstances of your sins? I answer that you can leave that to the confessor, who will ask you where it is necessary; therefore you should look for an experienced confessor and ask him to assist you with his questions [!]. Finally, you ask me what you should do, if there is a sin that you cannot find in this book. I reply that this is extremely unlikely and you must not give up confessing for this reason." (Leutbrewer 1659, chapter IV).

Confession as an obligatory act was certainly not the expression of individual choice, and yet, within an imposed normative framework, it relied on the self-expression of a distinct individual, in a mutual act of (auto-)recognition by the confessor and by the penitent. The coercive nature of confession certainly induced avoidance strategies but also made sure that, no matter how reluctantly, unwillingly or perfunctorily, most early modern Catholics acquired basic notions of the nature of the techniques of self-examination required. It is possible to argue that fear and guilt crippled all aspects of self-expression and thus the development of an "individual conscience" (as does Delumeau, 1990, 198-205, 297, 302; against Delumeau and on confessional manuals as tools to empowerment, see Homza 1999, 43), but this seems shortsighted in many ways. There was a huge market for confession manuals, and the books were bought and used by people across the globe who regarded them as helpful in achieving self-transformation by exploring their conscience. The fact that it was an act of duty does not preclude self-reflexivity in as far as the exploration of the self and the formation of the individual conscience are arguably unthinkable outside normative frameworks. Thus, the individuals might define themselves just as much in a desire to obey as in the desire to resist norms (see also Molina 2008).

Although we may speak of a "conscience turn" in the early modern period, to which the genesis and phenomenal rise of moral theology testifies convincingly, the story is complex. What we witness first and foremost, is a new concern for understanding and defining conscience in theoretical theological discourse, as well as in the practice of confession. The encounter between theory and practice produced insecurity over the sources and methods of judgment which probabilism in particular sought to address, triggering a century of intense and often polemical debate on how the tensions between authority, subjective reason, and obedience were to be resolved. This continuous debate and reasoning sharpened the conscience as well as the consciousness of and awareness for individual conscience. Indeed, it produced a culture by which individuals were trained to search their conscience for the reasons and intentions that motivated their moral agency. This process and research was not, however, ever meant to be entirely untutored but guided and accompanied by an equally important culture and tradition of moral counsel.

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