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The Necessary Vigilance. Erring Consciences and Sensitive Bodies in Catholic Moral Theology (Fifteenth-Seventeenth Centuries)

Fernanda Alfieri

ABSTRACT

This article deals with conscience as a device of vigilance in early modern moral discourse, interrogating texts from the theological-legal corpus that answer the question “*Quid est conscientia?*”. It starts with discussions about the immaterial aspect of mankind, later moves on to those regarding the body. *Ancien régime* moral and legal discourse was founded on an anthropology that conceived of conscience and body as existing in a dynamic relationship. As such they were perceived as being constitutionally unstable, to the extent of requiring constant attention. This involved the exercise of vigilance of the conscience over the self, vigilance of the conscience over the body, and vigilance over both of these by a system that included clergymen expert in this particular *moralis iurisprudencia*, and immaterial figures, specifically the *auctoritates* that populate the manuals to be referred to for the government of conscience. Thus, the reader faces here a chain of vigilance (practical and epistemic), with controls that invoke other controls. The system that produced this necessity for close supervision also needed to supervise itself: rhetorical devices are recommended in the texts so that subjects such as sins *de sexto* were treated with opportune reserve, and disciplinary devices were adopted so that the detailed and painstaking discourse remained within the confines (clerical, male, written) that had produced it, without crossing defined boundaries into abuse.

KEYWORDS: Conscience, body, vigilance, moral theology.

1. BETWEEN CONSCIENCE AND CONSCIOUSNESS, BETWEEN IMMATERIAL AND CORPOREAL

THIS essay deals with conscience as a tool of vigilance in early modern moral discourse by examining texts from a theological-legal *corpus* that answer the question “*Quid est conscientia?*” This question was the point of departure for thousands of treatises in moral theology and manuals for confessors, starting from the thirteenth century, when theological knowledge had become an object of systematic analysis and found relatively stable forms of presentation, up until the second half of the eighteenth century, when the last dictionaries of cases of conscience were printed.¹ However, my interest in this issue also arises from the fact that in recent years

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¹ For references to Catholic territories, see below. Regarding the missionary dimension, see Antonio González Polvillo, *Análisis y repertorio de los tratados y manuales para la confesión en el mundo hispánico* (ss. XV-XVIII) (Huelva: Universidad de Huelva, 2010); Ronnie Po-chia Hsia, “Theological Developments in the Non-European World, 1500-1800”, *Handbook of Early Modern Theology, 1600-1800*, ed. by Ulrich L. Lehner,

the topic of conscience has gained new attention in both the humanities and the natural sciences, and from the ambiguity that seems to underpin this rediscovery.² This ambiguity starts from the fact that in Romance languages the words ‘coscienza’ (Italian), ‘consciencia’ (Spanish) and ‘conscience’ (French) mean both conscience and consciousness. The former refers to what was discussed in medieval and early modern moral theology (*conscientia*, moral awareness). The latter refers to what, in the words of a renowned Italian neuroscientist, “is lost every night when we fall into dreamless sleep”.³ In simplified terms, it is the possibility of having simultaneous experiences of sensorial perceptions, moods, intentions and memories, thanks to the mind’s ability to integrate all this information. Even today, the average reader without training in the cognitive sciences will tend to approach the topic of *coscienza/consciencia/conscience* with a definition of the term in mind that is paradoxically much closer to that discussed in early modern theology than that of contemporary neuroscientists. Perhaps, this is not due to the fact that readers are conditioned by catechetical doctrine but rather by a residual dualism that makes it difficult to abandon the idea of an immaterial mind and autonomy of determination relative to the necessary mechanisms of the body.⁴ They risk seeking answers to the question of the nature of the ‘spark’ that triggers and illuminates the choice between good and evil (*i.e. conscience*)⁵ – to which popular belief still attributes a spiritual substance – in the same networks of synapses where neuroscience instead strives to identify the mechanisms that regulate the capacity to elaborate and integrate information (*i.e. consciousness*) which can be measured and visualized by functional magnetic resonance imaging. This new science of *consciousness* runs the risk of seeking insight into *conscience*, as it is, at least partially, driven by a centuries-old desire for truth and objectification of subjectivity. Contemporary cultural neuroscience has, for instance, been compared to the interest in the nervous system of the 1800s, as they both incline towards a naturalization of human behaviors. Both seem to be based on arguments about nature, considered transcendental and universal, and therefore beyond discussion.⁶ This is the longstanding mind-body problem with its bio-governmental implications that some might be tempted to investigate as *patterns* running through the age-old cultures of organized societies, assuming the most varied forms but never

Richard A. Muller and Anthony G. Roeber (Oxford/New York: Oxford University Press, 2016), 12-24. For Protestantism, see Benjamin T. G. Mayes, *Counsel and Conscience. Lutheran Casuistry and Moral Reasoning after the Reformation* (Göttingen: Vandenhoeck and Ruprecht, 2011).

² See the review in Fernanda Alfieri, “Storia e neuroscienze”, *Storica*, 63 (2015): 67-96. See the Italian translation of the essay by Siri Hustvedt, *Le illusioni della certezza* (Turin: Einaudi, 2018; orig. ed. 2017). The author explores the mind-body dilemma and addresses a non-specialized public. The choice made to publish the book in the “Frontiere” series, one of the literary flagship of this historical Italian publisher, is indicative of a wide-ranging interest in the issue.

³ “Ciò che si perde ogni sera, quando cadiamo addormentati in un sonno senza sogni”, in Giulio Tononi, *Φ. Un viaggio dal cervello all’anima* (Turin: Codice, 2014), IX (orig. ed. New York, 2012); author’s translation. See also Giulio Tononi, “Consciousness as Integrated Information. A Provisional Manifesto”, *Biological Bulletin*, 215 (2008): 216-242, 216.

⁴ Paolo Legrenzi and Carlo Umiltà, *Perché abbiamo bisogno dell’anima. Cervello e dualismo mente-corpo* (Bologna: il Mulino, 2014).

⁵ A historical-philosophical reconstruction of the concept can be found in Carlo A. Viano, *La scintilla di Caino. Storia della coscienza e dei suoi usi* (Turin: Bollati Boringhieri, 2013).

⁶ Stephen T. Casper, “History and Neuroscience. An Integrative Legacy”, *Isis*, 105/1 (2014): 123-132.

disappearing, as Peter Sloterdijk did regarding the exercise of self with the aim of overcoming personal limits.⁷ These patterns range from physiognomy to phrenology, from Lombroso to eugenics, from the traceability of the human genome to the hypothesis (not entirely science fiction) of combining genetics and neuroscience to establish criminal responsibility and to identify individual predispositions to crime. There is lively interdisciplinary debate about this in Italy and elsewhere. Browsing through this literature you notice a barely hidden fear that we are entering an ultra-modern period with super-refined forms of control based on new technologies (vigilance), which are ever more pervasive and constant, the intensity of application of which is directly proportional to the sense of insecurity and menace.⁸

My aim here is to show how the mind-body problem takes shape with regard to the human conscience in early modern moral discourse, and how a particular ‘culture of vigilance’ results from this. I will start with discussions that consider conscience to be immaterial and later move on to those which focus on the body. *Ancien régime* moral and legal discourse was founded on an anthropology that conceived of conscience and body as existing in a dynamic relationship. I will try to show how they were really perceived as being constitutionally unstable, to the extent that they require constant attention. This involved the exercise of vigilance of the conscience over the self, vigilance of the conscience over the body, and vigilance over both of these by a system that, first, involved clergymen, who were seen as experts in this particular *moralis iurisprudentia*, and immaterial figures, specifically the *auctoritates* that populate the reference manuals on the government of conscience. These authorities date far back into tradition: from classical philosophy to humoral medicine, from patristics to medieval scholasticism, up to the early modern moral literature of the *neotherici*. In the organization of *loci theologici* (the common topics discussed in theology), the scriptural references are not absolute but embodied in a complex system of interpretation. We thus find ourselves facing a chain of vigilance (practical and epistemic), with controls that invoke other controls.

I will examine the apparently neutral constructional operations of definition and description, rather than explicitly repressive control actions or the application of knowledge and the moulding of the self. These regard both the conscience and the facts that drive the biology of the body (‘facts’ because it would be anachronistic to define them in this phase of the early modern period as ‘mechanisms’).

Both parts of the essay are inspired by an explorative spirit and, at this stage in the research, they cannot aim to be exhaustive, an ambition that might be further discouraged by the nature of most of the sources referred to. Early modern theology is characterized by a tendency towards problematization that does not necessarily resolve the questions posed with a definitive answer, and one might suspect that this apparent inconclusiveness in turn contains an implicit injunction to continue to be vigilant.

⁷ Peter Sloterdijk, *Du mußt Dein Leben ändern. Über Anthropotechnik* (Frankfurt am Main: Suhrkamp, 2009); see also the English version *You Must Change Your Life* (Cambridge/Malden, MA: Polity Press, 2013).

⁸ For Italy, see for example the material published over the last two years on the website of the periodical *Diritto penale contemporaneo* (<https://www.penalecontemporaneo.it/>), which promotes dialogue between the world of research and professional forensics. Also see Federico G. Pizzetti, *Neuroscienze forensi e diritti fondamentali: spunti costituzionali* (Turin: Giappichelli, 2012); Amedeo Santosuosso, *Le neuroscienze e il diritto* (Padua: Ibis, 2009).

2. THE HISTORIOGRAPHIC REDISCOVERY OF CONSCIENCE

Starting from the last decade of the 1900s, moral theology experienced an unprecedented opening up. It was at this time that it was subtracted from its narrow range of production and application, passing out of the hands of its original users and into the academic world. Under this new perspective, scholars could observe a profound interweaving with the political and social tensions of the climate in which it proliferated.⁹ On the Italian scene, it was a dialogue with the categories of disciplining and confessionalization initiated by Paolo Prodi which opened the path for discussion, along with a widespread historiographic sensitivity to the relationship between the secular and religious spheres in the making of early modern state institutions.¹⁰ In this context, Miriam Turrini¹¹ combined a study of the Italian publishing market between the late 1400s and the early seventeenth century with an examination of the evolution of the form and content of moral theology, a textual genre that had flooded the market to the point of transforming it during the period. In her work, she considers over 1300 editions of manuals intended for the administration of the sacrament of penance, from the most speculative to the most pragmatic, from *summae* of cases ordered alphabetically to systematic treatises. As has been confirmed by later studies, these texts circulated, were imported and exported, reprinted and updated, and were sometimes translated into vernaculars giving rise to a very crowded and dynamic literature¹² that transcended geographical boundaries within and beyond Europe, and even religious boundaries.¹³ The expansion of this *mise en discours* on conscience was an indication of the crucial importance that the post-Reformation Church assigned to the inner space after the confirmation of the sacramental value of penance.¹⁴ Turrini's first study reveals how, among other things, this expansion generated a crescendo in terms of variety and complexity that cannot only be considered

⁹ For a critical picture of the attitudes with which conscience was conceived in historical studies, see Nicole Reinhardt, "How Individual Was Conscience in the Early-Modern Period? Observations on the Development of Catholic Moral Theology", *Religion*, 45/3 (2015): 409-428.

¹⁰ On this discussion, which largely derived from the dialogue between Italian and German historiography, see the most recent picture traced out by Birgit Emich, "L'opera scientifica di Paolo Prodi: un bilancio. In occasione della Giornata di studio a lui dedicata, 1 dicembre 2017", *Annali dell'Istituto storico italo-germanico/Jahrbuch des italienisch-deutschen historischen Instituts in Trient*, 44/1 (2018): 153-166.

¹¹ Miriam Turrini, *La coscienza e le leggi. Morale e diritto nei testi per la confessione della prima età moderna* (Bologna: il Mulino, 1991).

¹² Six million volumes, according to Jean-Louis Quantin, "Moral Theology 1550-1800", *Handbook of Early Modern Theology, 1600-1800*, 120-134, at 121. Several thousands are estimated in Pierre Hurtubise, *La casuistique dans tous ses états: de Martin Azpilcueta à Alphonse de Liguori*, preface by Jean Delumeau (Montreal: Novalis, 2005), 25-50.

¹³ Mayes, *Counsel and Conscience*, 225.

¹⁴ Even though none of the decrees contained rules regarding morality, apart from those in relation to administration of the sacraments and ecclesiastical discipline, the genre of the *Institutiones theologiae moralis* is "a fruit of the Tridentine church, where the reply to modernity is a synthesis between theological reflection and the concrete life of society and history. This synthesis forms the basis both of university teaching and of praxis in daily life", in Paolo Prodi, "Fourteen Theses in the Legacy of Trent", *Catholic Theological Ethics. Past, Present, and Future*, ed. by James F. Keenan (Maryknoll: Orbis Books, 2011), 40-47, at 41. On the casuistic culture outside the theological context, the reference remains Albert R. Jonsen and Stephen Toulmin, *The Abuse of Casuistry. A History of Moral Reasoning* (Berkeley/Los Angeles/London: University of California Press, 1988). The historiographic debate around the theme is lively. See *A Historical Approach to Casuistry Norms and Exceptions in a Comparative Perspective*, ed. by Carlo Ginzburg and Lucio Biasiori (London: Bloomsbury, 2018).

formal and textual, but also simultaneously a symptom and agent of important anthropological consequences. The list of ever more voluminous and heterogeneous allegations, the ever more problematizing argumentative procedures and the ever more numerous circumstances of the cases examined ended up creating a sort of baroque backdrop to the equally baroque vicissitudes of the main actor: the conscience.¹⁵ A comparison of the definitions of *conscientia* provided by certain *summae* of late medieval canonists and those of the Catholic casuists of the early modern period shows how conscience was increasingly less postulated as the site of *veritas* and increasingly as that of *opinio*, or rather of a plurality of *opiniones* not necessarily hierarchically ranked in terms of authoritativeness. The result was an ideal of the human being as “immature, in need of the external support of others’ opinions”.¹⁶ Human interiority was considered to be crowded with voices not necessarily in agreement with each other, but neither sufficiently in conflict to be reciprocally exclusive. In this view, the opinions to follow in order to act morally could be opposed without one being more certain than another or clearly perceived as more valid. As is well known, this trend consolidated in probabilism, a doctrine that would leave very few authors untouched if, as has been observed, “by 1670 probabilist theology was everywhere”.¹⁷ The most recent scholarship also starts with textual examination, with particular attention to Jesuit authors. The epistemological reading of these texts does not end in formal analysis (conceptual categories, modes of argumentation, rhetorical expedients), but also considers extra-textual factors. Probabilism is thus extracted from the internal taxonomies of the history of theology and inserted into a growing and more complex world. In order to escape the deadlock of not knowing what path to take resulting from a traditional morality that imposed the choice of the safest way of acting without sinning, probabilism also assigns the power of liberation from the anxiety of sinning to imperfect solutions. Uncertainty acquires a new epistemological status. On the one hand, it helps to sedate vacillations experienced by confessors and penitents, who in this way have a larger moral responsibility than before and therefore also a new possibility of *agency*. On the other hand, uncertainty institutionalized as a moral and epistemic canon helped the Catholic Church to absorb some of the novelties and challenges presented by the era. Thus, as recent studies seem to confirm, conscience was a crucial strategic device for conquering souls. It only functioned as such to the extent that it made it possible to problematize (and generate?) complexity, incorporating it in a legal discourse with a potentially infinite capacity to expand.¹⁸ Reflecting on the in-

¹⁵ Turrini, *La coscienza e le leggi*, 177.

¹⁶ Turrini, *La coscienza e le leggi*, 174; author’s translation.

¹⁷ Stefania Tutino, *Uncertainty in Post-Reformation Catholicism: A History of Probabilism* (Oxford/New York: Oxford University Press, 2018), 89. French historiography has been particularly sensitive to the political dimension of doctrinal disputes. See first Jean-Pascal Gay, *Morales en conflit. théologie et polémique au grand siècle, 1640-1700* (Paris: Cerf, 2011), in particular 11-22. More concerned with the philosophical dimension is Rudolf Schüßler, *Moral im Zweifel*, vol. I (Paderborn: Mentis Verlag, 2003).

¹⁸ This particular aspect is under study regarding one of the most influential manuals used by confessors, the *Enchiridion* by the Augustinian Martín de Azpilcueta (below). Regarding this see Manuela Bragagnolo, “Managing Legal Knowledge in Early Modern Times. Martín de Azpilcueta’s Manual for Confessors and the Phenomenon of ‘Epitomization,’” *Knowledge of the Pragmatici: Legal and Moral Theological Literature and the Formation of Early Modern Ibero-America*, ed. by Thomas Duve and Otto Danwerth (Leiden: Brill, forthcoming). My thanks to the author for allowing me to read it. Also see Vincenzo Lavenia, *L’infamia e il perdono. Tributi, pene e confessione nella teologia di età moderna* (Bologna: il Mulino 2004), 219-264.

trinsic normativity of the culture of conscience makes it possible to undermine the question about the more or less explicitly violent aspect of this conquest (with 'violent' understood in the conventional sense of the moral literature of the early modern period, that is, against the will of the individual). Certainly, the studies produced recently on the 'tribunali della coscienza',¹⁹ though in the context of a general historiographic rethinking of the *leyendas negras*,²⁰ make it difficult to embrace the idea of a culture of conquest of souls that emphasizes and values individual autonomy. This is also despite the possibility of understanding from the sources the overall 'effects' and 'consequences' of the norms. The documentary proof of the effects and consequences is necessarily incomplete, especially if compared to the gigantic production of norms noted above. In the context of a study on the formation of the conscience of sovereigns in Spain and France, and regarding the significance of the normative sources, it has recently been recalled that "although enunciations of how things ought to be ordered do not translate into practices, they are nonetheless reflectors of experience; they are traces of human agency as well as meaningful horizons shaping and motivating it".²¹ Regarding the formation of the conscience of soldiers in early modern Europe, Vincenzo Lavenia has recently reminded us that "regulatory ideas also have the capacity or the performative intention to shape the social body".²² Implicit in these affirmations is the idea that normative discourse always has effects in the sphere of power. Here there is an echo of the view of power as 'productive' and not necessarily repressive proposed by Michel Foucault, which is rarely considered in studies addressing conscience.²³ The recent publication of the fourth volume of the history of sexuality, *Les aveux de la chair*,²⁴ may help to return the focus of studies of conscience to the issue of *technologies of the self*.²⁵ Taking as a model Foucault's analysis of the discourse of patristic sources, an effort might be made to investigate the discourse of early modern period manuals (and assess, among other things, the extent

¹⁹ The main reference is to Adriano Prospero, *Tribunali della coscienza: inquisitori, confessori, missionari* (Turin: Einaudi, 1996).

²⁰ Awaiting publication of the conference proceedings, "Memoria Fidei IV. L'Inquisizione romana e i suoi archivi. A vent'anni dall'apertura dell'ACDF, Roma, 15-17 May 2018", which will provide an assessment of the state of historiography of the Inquisition, I refer to the contributions consultable online at <http://www.memoriafidei.va/content/memoriafidei/it/atti-online/convegno-2018.html> (last accessed 23 November 2013).

²¹ Nicole Reinhardt, *Voices of Conscience: Royal Confessors and Political Counsel in Seventeenth-Century Spain and France* (Oxford/New York: Oxford University Press, 2016), 10. On the figure of the royal confessor, also see the recent Flavio Rurale, "Court Theologians and Confessors: Jesuits and the Politics of Catholic European Princes", *The Acquaviva Project: Claudio Acquaviva's Generalate (1581-1615) and the Emergence of Modern Catholicism*, ed. by Flavio Rurale and Pierre-Antoine Fabre (Boston: Institute of Jesuit Sources, 2017), 217-240.

²² Vincenzo Lavenia, *Dio in uniforme. Cappellani, catechesi cattolica e soldati in età moderna* (Bologna: il Mulino, 2018), 23; author's translation.

²³ Likewise, also see Lavenia, *L'infamia e il perdono*, 27, referring to *Surveiller et punir*, in which it would have been possible to identify an alternative vision of modernity to the Weberian mould which at the time influenced the history of justice (and of conscience in relation to it). On the concept of power in 1900s literature, see Francesco Benigno, *Words in Time: A Plea for Historical Re-thinking* (London: Taylor and Francis, 2017; orig. ed. 2013), 117-134.

²⁴ Michel Foucault, *Histoire de la sexualité*, vol. 4 (Paris: Gallimard, 2018), in particular chap. 1 "La formation d'une expérience nouvelle", 9-145.

²⁵ *Technologies of the Self. A Seminar with Michel Foucault*, ed. by Luther H. Martin, Huck Gutman and Patrick H. Hutton (London: Tavistock, 1988).

to which patristic models influence it). By means of an examination of the texts of the early Church fathers, Foucault traces an ever more systematic elaboration of practices in late ancient Christianity that assign a crucial function of truth and community inclusion to the exercise of vigilance over the self and the manifestation of the self to others (in more elevated hierarchical positions). Foucault thus reveals a change in the status of the penitent, as one who exhibits his guilt with shame and penitence in order to be reborn into new life. If in an early stage it was temporary and voluntarily acquired, in the monastic community it becomes an exercise practised throughout the entire Christian life. From a necessary act preceding baptism and requiring an acknowledgement and display before God and a clergyman of personal sinfulness (*publicatio sui*), the status of the penitent becomes a detailed and continual examination of internal drives, aiming to endlessly intercept and fight the enemy present in the soul.

The practices described by Foucault represent the core and source of a culture of vigilance that would permeate Christian anthropology for centuries, with ‘vigilance’ here having the root sense of uninterrupted control and the need to remain ever alert. Developed and consolidated in a monastic context, this culture of vigilance was incorporated and institutionalized in the religious orders, spilling out to lay people through scholastic education and in particular through pastoral activity, which since early modern times has striven to become ever more widespread.²⁶ In other works, and especially regarding the confession of sexuality, Foucault underlined the importance of the additional developments that came about first with the IV Lateran Council and then with the Council of Trent. Penitence became a practice extended to the entire Christian community which was imbued with a sacramental nature (and therefore with the capacity to confer a special grace on the individual) and legally regulated (therefore with *ad hoc* procedures, officials and a regulatory corpus). This consolidation strongly empowered self-observation and self-definition and made them more strategic than ever before. Observing and speaking about the self has a liberating and salvational function, but also a subjectivizing and subjugating one. Through scrutinizing and speaking of the self, manifesting the most hidden deeds, thoughts and desires, including the most shameful, individuals learn to define themselves (within the categories provided by the confessor’s questionnaires), and at the same time they learn how to submit themselves. This becomes a regular exercise of identification and humiliation, defining the self through consignment of the self to others. This practice of knowledge needs to be deep and thoroughly diffident towards the self, because sin is always ready to strike.²⁷

As recent historiography has demonstrated, not even an absolute monarch is spared from this mechanism. His pre-eminence becomes relative when he is called upon to kneel before his confessor with head uncovered and be subjected to an inves-

²⁶ This has been seen as a process of dispersion similar to that of the civility of good manners born in the royal courts. See Dilwyn Knox, “Disciplina. Le origini monastiche e clericali del buon comportamento nell’Europa cattolica del Cinquecento e del primo Seicento”, *Disciplina dell’anima, disciplina del corpo e disciplina della società tra medioevo ed età moderna*, ed. by Paolo Prodi and Carla Penuti (Bologna: il Mulino, 1994), 63-99.

²⁷ Michel Foucault, “19 February 1975”, *Abnormal. Lectures at the Collège de France 1974-1975*, ed. by Valerio Marchetti and Antonella Salomoni (London/New York: Verso, 2003; orig. ed. 1999), 167-200; Michel Foucault, *The History of Sexuality*, vol. I (New York: Pantheon Books, 1978; orig. ed. 1976).

tigation that is simultaneously medical and legal, scrutinizing equally both the public and private *persona*.²⁸ Likewise, at the other end of the social spectrum, not even soldiers are excluded, and from 'beasts of war' they become moral subjects. They are humanized and are submitted to rules of conduct which are elaborated and applied to all human beings endowed with conscience. Even prostitutes have one. They are rare examples of female figures called into question in the moral landscape described here, including in the reflections of Foucault.²⁹

3. QUID SIT CONCIENTIA

What idea of conscience underlies the dense regulatory fabric produced *ad hoc* in the early modern period? This question is not new to historiography, but it can be freshly posed in the context of an investigation into the culture of vigilance in an attempt to draw out the underlying anthropology implicit in early modern discourses on conscience. As will be seen, in the early modern period there was a conception of mankind that appears to implicitly invoke vigilance by its very constitution. Existing studies reveal that the definition of conscience was extremely unstable and depended on textual genre and the different authorities referred to.³⁰ This instability gives an idea of how paradoxical the object is: the more conscience is subjected to definition, and so to the desire to establish its truth, the less stable it becomes.

Among human judges there is none so vigilant as our own conscience. The tribunal of conscience is unable to withdraw in the face of anything: even if you give it money, or you flatter it, threaten it or whatever else you do, it will formulate the right judgement against your sinful thoughts. And those who commit sin are the first to accuse themselves, even if nobody else accuses them. And not once or twice, but often and for all their lives it will continue to do so [...] you will never forget the sins you have committed; instead [...] they will rise up like implacable accusers, above all after we have sinned.³¹

This was how John Chrysostom described conscience at the beginning of his ministry as presbyter in Antioch, in the last days of the fourth century. The function of vigilance appears to be intrinsic, stable, and deeply rooted. Conscience is seen as a sort of interior persecutor, perennial and infallible, who knows how to keep one alert. It accuses, inexorably but not incessantly, so that one does not become inured to disapproval. For this reason, it gives some relief but then starts again with "continual reproach, but not uninterrupted [...]" so that we do not fall into indolence, but instead,

²⁸ Reinhardt, *Voices of Conscience*, 67-82. Also see Jean-Pascal Gay, "Moral Theology, Culture of Counsel, and the Society of Jesus in the Seventeenth Century", *Journal of Jesuit Studies*, 4 (2017): 230-249.

²⁹ See for example Francisco de Cespedes, *Dubia conscientia militaria* (Milan: Giorgio Rolla, 1643), 128-129. On the author, see Lavenia, *Dio in uniforme*, 196-199.

³⁰ In addition to the bibliography cited already, also worth consideration is the volume produced, tellingly, as part of the project "Eurocores Consciousness": *Consciousness in a Natural and Cultural Context (CNCC)*, consultable at http://archives.esf.org/fileadmin/Public_documents/Publications/cncc_highlights.pdf (last accessed 23 November 2018); *Coscienza nella filosofia della prima modernità*, ed. by Roberto Palaia (Florence: Olschki, 2013), in particular the articles by Francesco Giampietri, "Conscientia mutabilis. I significati della coscienza nei lessici filosofici latini del Seicento", 91-113, and Margherita Palumbo, "Conscientia, casus conscientiae", 203-233.

³¹ John Chrysostom, *Discorsi sul povero Lazzaro*, ed. by Massimiliano Signifredi (Rome: Città Nuova, 2009), 3-4, 112; author's translation.

warned right to the end, we are always vigilant”.³² The very existence of conscience, as Chrysostom explained in the homilies on *Genesis*, has to do with the history of mankind on Earth, because it started to speak when the pact with God was broken by Adam and Eve. If, on that afternoon in which God walked in Eden, after eating the apple the progenitors realized that they were naked and tried to cover themselves, it was because they had consciences. From that time onwards their shame – or rather their consciences – never left them, and after them it never left their descendants. It was the gift of a merciful God that enabled future humankind to have knowledge of the error.³³

An initial investigation, which needs to be corroborated by further studies, suggests that these definitions of conscience were not received with much enthusiasm in the moral theology of the early modern period, but served instead in homiletics.³⁴ This was an altar narrative able to offer the public an immediate, emotional and informing view of conscience as a device acting directly on people without rational mediation and without the possibility of attenuation, negotiation or mystification.

This version of conscience differs from the one circulating in the moral theology, which is used, for instance, by confessors, that instead looks back to a view derived from the earliest articulations of Bonaventure and Albert the Great, but was codified by Thomas Aquinas.³⁵ According to a model that had longstanding success and was universally attributed to Aquinas, conscience is not a voice nor a sentiment but a syllogism. This view is closely connected to the ancient notion of *synderesis*, but it takes it a step further. Going back to the patristic tradition, it can be understood as a sort of innate awareness of goodness (and therefore close to the notion we find in the homilies of Chrysostom on *Genesis* – directly tormenting the progenitors immediately after the original sin).³⁶ In the common scholastic view, however, conscience is seen as an act of reason through which *synderesis* is applied to single events in life. It is a rational process intended for the practical application of universal and absolute principles. Using the metaphor of Jeremias Drexel, a visionary seventeenth century author, if *synderesis* is the spark, the conscience instead acts as the ‘sliver of sulphur’

³² John Chrysostom, *Discorsi sul povero Lazzaro*, 115; author’s translation.

³³ John Chrysostom, “Homiliae in Genesim”, *Patrologia graeca*, vol. 53 (Brepols: Turnhout, 1978; reprint of the edition by J.-P. Migne, Paris 1858-1860), 135-136. On conscience in Chrysostom, see Raymond Laird, *Mindset, Moral Choice and Sin in the Anthropology of John Chrysostom* (Sydney: St. Pauls Publications, 2012). For patristics the reference remains Henry Chadwick, “Gewissen”, *Reallexikon für Antike und Christentum*, vol. 10, ed. by Theodor Klauser (Stuttgart: Hiersemann, 1978), 1025-1107.

³⁴ For example, the Dominican bishop of Monopoli, Juan López, *Epitomes sanctorum patrum, per locos communes, ad sacras conciones*, vol. I (Venice: Evangelista Deuchino, 1605), 306; the Jesuit Tomaso Reina, *Prediche quaresimali*, vol. I (Rome: Francesco Corbelletti, 1649), 494; the Jesuit Cesare Calini, *Considerazioni e discorsi famigliari e morali a comodo di chi voglia ogni giorno fissare il pensiero in qualche verità eterna, e ad uso de’ reverendi parrochi dall’altare e de’ direttori di congregazioni e di esercizi spirituali* (Venice: Giovanni Battista Recurti, 1749), 12. The multi-volume work, published in the first half of the eighteenth century, was reprinted many times, until the start of the nineteenth. On this author, see Giuseppe Pignatelli, “Calini, Cesare”, *Dizionario Biografico degli Italiani*, vol. 16 (Rome: Istituto della Enciclopedia Italiana, 1973), 719-722. Available at http://www.treccani.it/enciclopedia/cesare-calini_%28Dizionario-Biografico%29/ (last accessed 19 November 2018).

³⁵ On references in Aquinas, see Daniel Westberg, *Right Practical Reason: Aristotle, Action, and Prudence in Aquinas* (Oxford/New York: Oxford University Press, 1999), 100-106; Timothy C. Potts, *Conscience in Medieval Philosophy* (Cambridge: Cambridge University Press, 1980), 137-139. The author identifies fifty-six medieval texts on conscience.

³⁶ Viano, *La scintilla*, 72-94.

that effectively lights the fire.³⁷ Returning to Aquinas, whatever material a fire burns the flame remains pure. In the terms instead of Aristotle, to whose metaphysics medieval and early modern moral theology owe their categorizations, if reason is potency conscience is act. When applied to the concrete reality of life, as already stated, conscience applies logical procedures that are human and contingent and therefore subject to doubt and error. This combination in conscience of the human and the divine, the intuitive and the logical, the objective and the subjective, has an inevitable effect of contamination and complication. While *synderesis* is always true, conscience instead can be uncertain and even wrong. This defining characteristic means that conscience can also err or be doubtful, making it no longer absolutely right.

The state of 'erring (or erroneous) conscience' found its first complete formulation precisely when conscience was systematically addressed and canonized as a rational act, and together with its intellectual character its potential fallibility was also codified. How can one trust oneself if even conscience can err? In Aquinas the problem is resolved by attributing an obligatory aspect to its instructions: one must always follow conscience, even when it gives incorrect directions (*Quaestiones disputatae de veritate*, q. 17, a. 4 and 5; *Summa Theologiae* I-II, q. 19, a. 5 and 6). Nevertheless, this does not have the effect of deresponsibilizing the individual ("it is not my fault if I did evil following my conscience"). If one could have done something to reduce the ignorance that caused the conscience to err, then one is guilty of not having done everything possible. Therefore, in order for conscience to function well and correctly apply the universal moral principles to each concrete case, everyone must take measures to inform their consciences. Basically – excusing the play on words – subjects must be vigilant over their own interior vigilance mechanism so that it is correctly vigilant. They must always listen to themselves, knowing nevertheless that the instructions that emerge from inside may not be correct, and educate themselves so that they move in the right direction. If someone finds themselves unable to choose, they must reconsider the starting principles (*deponere conscientiam*: dismiss their conscience and start again from the beginning).³⁸

The process is not solitary, and there is an implicit duty to seek the help of those most expert in this subject: clergymen. This aspect of entrusting the self to others became more marked in the early modern period. In the Medieval period, it was rarely considered acceptable for scholastics to act in the absence of definite principles, while early modern theology, as already noted, tended instead to accept the difficulty in choosing experienced by moral actors in uncertain situations. This difficulty was seen as almost physiological rather than pathological. Nevertheless, as

³⁷ Jeremias Drexel, *Antigraphus, sive conscientia hominis, coram serenissimo Maximiliano Electore Bavaro illustrata* (Cologne: Jost Kalckhoven, 1655), 23. Jeremias Drexel was a Jesuit and confessor of Maximilian I of Bavaria. See Karl Pörnbacher, *Leben und Werk eines Barockpredigers* (München: Verlag Franz X. Seitz, 1965). On conscience according to Drexel, see Fernanda Alfieri, "La coscienza illustrata. Per una storia della mediatizzazione dell'interiorità", *Mediatizzazione e medialità della storia tra Età moderna e contemporanea*, ed. by Giovanni Bernardini and Christoph Cornelissen (Bologna: il Mulino, forthcoming).

³⁸ Tobias Hoffmann, "Conscience and Synderesis", *The Oxford Handbook of Thomas Aquinas*, ed. by Brian Davies and Eleonore Stump (Oxford/New York: Oxford University Press, 2012), 254-264. On the governmental implications of this shift of attention towards the responsibility that all individuals must assume to train their own conscience, see Arndt Brendecke, *The Empirical Empire. Spanish Colonial Rule and the Politics of Knowledge* (Berlin/Boston: De Gruyter, 2016), 25-26.

historiography appears to confirm, the acknowledgment of this uncertainty does not necessarily translate into the legitimization of decisional autonomy. Conscience remains “ni souveraine, ni autonome, ni créatrice, mais médiatrice, intermédiaire”.³⁹ It does not legislate, but judges on the basis of one or more laws that can be external to it and above it. If we ask ourselves how ‘individual’ conscience was in the early modern period, the answer can only be vague. Of course, the increase in the importance and the spread of sacramental penance stressed the centrality of individuals as moral actors. Nevertheless, what also increased was the importance of the *opinionones* of others, which had to be taken into account in order to reach good decisions. Here ‘importance’ means *probabilitas*, a term that at the time did not have the mathematical sense currently attributed to it. In early modern discourse, ‘probable’ was what could be proven with reason or supported by *auctoritates*. According to Turrini’s previously mentioned study regarding Italy in the early modern period, an increase in the number of *auctoritates* also increased the extra-subjective demands and consequently the voices that spoke in one’s conscience.⁴⁰

Let us look at this transition from a textual perspective and consider, for instance, the *Speculum conscientiae* (1441) by the canonist John of Capistrano, a work close to the legal tradition and published before the consolidation of moral theology as a discipline in itself.⁴¹ During a stay in Milan as a preacher, John of Capistrano wrote on conscience in response to questions from the Duke’s councillors, jurists and politicians. For him conscience was “awareness of your own heart. Inclination of the soul towards an obligation to act or not to act. True prudence in choosing or rejecting”.⁴² This notion appears closer to that of the Church fathers than to the intellectualized approach of scholasticism. As for the ‘heart’ as the place of true interiority, which can be known and from which the true virtue of prudence arises, it would be interesting to systematically verify its presence in the subsequent tradition. The heart is, however, absent from the *Summa Angelica*, a text written by the Minor Observant Angelo Carletti da Chivasso which was to become a yardstick of the early modern moral discourse (his text had an enormous success, with 23 editions in Italy alone between 1486 and 1628). The book is organized as a series of lexical items arranged alphabetically and it is still close to the canonistic tradition.⁴³ In the brief entry devoted to *conscientia*, the author adopts an entirely Franciscan authoritarian outlook (Bonaventure and Alexander of Hales). For Carletti, conscience works together with natural law, which is present in every rational creature, and with *synderesis* to control human action. There are thus two forces that come into play: natural law firmly says (*dictat*) that one must do good and avoid evil. Judgement is born out of this and it is given *forma* (in the Aristotelian sense of concrete existence and activity) in conscience. Only sub-

³⁹ Jean-Pierre Massaut, “Les droits de la conscience erronée dans la théologie catholique moderne”, *La Liberté de conscience, XVIe-XVIIe siècles: actes du colloque de Mulhouse et Bâle* (1989), ed. by Hans Rudolf Guggisberg, Frank Lestringant and Jean Claude Margolin (Genève: Librairie Droz, 1991), 237-255, at 241.

⁴⁰ See Turrini, *La coscienza e le leggi*, 143-148.

⁴¹ Significantly enough, the *Speculum conscientiae* ended up in the collection *Tractatus universi iuris*.

⁴² John of Capistrano, “Speculum conscientiae”, *Tractatus universi iuris*, vol. I (Venice: Francesco Ziletti, 1584), 326v; author’s translation. See also Paolo Prodi, *Una storia della giustizia: dal pluralismo dei fori al moderno dualismo tra coscienza e diritto* (Bologna: il Mulino, 2000), 193-194; Palumbo, *Conscientia*, 204.

⁴³ On his position regarding positive law, see Lavenia, *L’infamia e il perdono*, 68-69.

sequently (*ulterius*) does *synderesis* come into play, stimulating the will to do good.⁴⁴ A distinction can thus be made between two spheres in harmony with each other: the cognitive and the volitive. In the transition to modern times, conscience slowly veered from the volitive towards the cognitive sphere. According to a scheme that would instead gradually become established, the introductory definition would be followed by the first and crucial question, regarding the duty to always follow what conscience dictates. If this errs, ordering something against the laws of God, it is necessary to dismiss it (*deponere*). The reasons why this might occur, as usual, are not fully explained.

The *Summa sylvestrina* by Silvestro Mazzolini da Prierio (1456-1523), a professor of theology in Bologna and Rome, was published in 1519 and repeatedly reprinted until 1612 (there were more than a dozen reprints in Italy but the text appeared in numerous editions across Europe). Here the *conscientia* entry explicitly refers to Thomas Aquinas and is structured with an initial definition followed by a detailed description of the ways in which conscience operates. Conscience is an “action of *synderesis*, the application of *scientia*, or knowledge, for moral judgement. A sort of conclusion to a syllogism through which something is judged to be good or bad [...] For this reason it is said that conscience is a *quasi concludens scientia*”.⁴⁵ It is applied to establish whether something was done or not done; whether something will be done or not done; or to know whether something must or must not be done. In a discussion of whether or not one should follow an erroneous conscience, the crucial role of the priest is explicitly confirmed. The priest indicates the path to follow, even when his advice orders action contrary to secular laws.⁴⁶ Unlike the *Summa angelica*, the *Sylvestrina* has a specific entry dedicated to a state in which conscience can find itself, namely scrupulosity (*scrupulum*). Scrupulosity means being subject to continual regrets and uncertainties about what has been done and what should be done. Unlike erroneous conscience, the causes of scrupulosity can be listed. The first are bodily and have primarily to do with the emergence of a cold and humid complexion, with a preponderance among the four humors of those with this characteristic to the detriment of those that bring heat and dryness. The second bodily cause is an infection in the anterior *cellula* of the head, where the Arabic medical tradition had identified the seat of the *imaginatio*. It is anything but simple to establish what Mazzolini meant by *imaginatio*. It might be assumed that he used the term as a middle way between the definitions of Avicenna and Aquinas, understanding it as a faculty of the sensitive soul that elaborates information received from the external senses, storing this information in a specific part of the brain and permitting the same information to be connected to universal conceptual categories (e.g. a four-legged animal seen to be wagging its tail and heard barking should be categorized under the concept of ‘dog’). This is a sort of memory of the senses, which can go into tilt, presenting a person with internal images that have nothing to do with external ‘reality’.⁴⁷ The third cause of scrupulosity, *melancholia*, has the power to inflame the median *cellula* of the brain,

⁴⁴ Angelo Carletti di Chivasso, *Summa angelica de casibus conscientiae* (s. d., s. l.), entry “Conscientia”, 48v.

⁴⁵ Sylvester Mazzolini, *Summae sylvestrinae, quae merito summa summarum nuncupatur*, vol. I (Venice: Fabio & Agostino Zoppini, 1581), entry “Conscientia”, 145-146; author’s translation.

⁴⁶ Sylvester Mazzolini, *Summae sylvestrinae*, vol. I, entry “Conscientia”, 145-146.

⁴⁷ Pasquale Porro, *Tommaso d’Aquino: un profilo storico-filosofico* (Rome: Carocci, 2012), 275-283.

thus compromising reason. Here it is harder to detect a Thomist influence, since in strictly Thomist terms reason belongs to the rational soul, which has no bodily seat. The fourth cause of scrupulosity is weakness produced by excessive fasting or wakefulness (*vigilantia* is virtuous only if moderated). The fifth is the company of scrupulous people and ultimately diabolical temptation. The last two causes suggest the idea of a porous and easily influenced human being, which will be seen again later in various depictions.

The section of the *Sylvestrina* on scrupulosity refers back to a text that would have a great impact on the subsequent tradition: the *Summa theologica* by the Dominican Antonino Pierozzi (1389-1459), archbishop of Florence and proclaimed a saint in 1523. He was a writer of 'genuine bestsellers' and his *Summa theologica* (first edition 1474) was not even the most widely printed of his books.⁴⁸ In this work, the author moves away from the alphabetic organization of the late Medieval *summae* towards a systematic conception of the order of knowledge. In this systematic order, conscience is dealt with in the first part, which is dedicated to fundamental notions regarding human action. After reviewing the definitions of *synderesis* (to which a brief separate chapter is dedicated),⁴⁹ Antonino resurrects the patristic ideas of conscience, attempting a lexical adaptation to a new anthropological context. Since for Origen conscience is "spirit, corrector and teacher of the soul", for Antonino this means that it is a "rule of the mind". While for Jerome conscience is a synonym of *synderesis*, for Antonino the two notions are separate, and, following Aquinas, conscience is a faculty that belongs to the intellectual sphere. Within this explanatory framework, the fact that it occurs *in animo* means that it is a mental process. It acts in a deductive manner, applying a universal principle to a specific act. This process appears to be substantially more abstract and immaterial.⁵⁰ However, the influence of conscience cannot be reduced to the mental dimension. A broader view of the human being comes into play in the analysis of the cause of the errors that can be committed by conscience. According to Antonino, something can go wrong in the mechanism of the syllogism because its presuppositions might be wrong, or if an individual does not inquire into himself appropriately, or because he is prey to a disproportionate desire for his own good. Therefore, desires also have to be watched over so that conscience can judge correctly. The body comes into play when dealing with the "scrupulous conscience" (so for Antonino conscience is again not singular and absolute but "defines itself depending on its operations of judgement").⁵¹ Antonino explains scrupulosity as *pusillanimitas*. The term is made up from *pusillus* (small) and *animus*, which, as already seen, for Antonino apparently means 'mind'. This mental 'smallness' determines a condition of chronic fear that paralyses the entire person, who ends up becoming sad in his inaction with a loss of hope (*desperatio*). The person avoids acting for fear of making a mistake, and the immobility in turn leads to discouragement. On the contrary, the human being that emerges from the discourse on conscience must, at his ideal level of 'operation', be active in choice, without hesitation. At the root of this 'immobile'

⁴⁸ Practical manuals for confession enjoyed enormous success with continual reprints and vulgarization. See Turrini, *La coscienza e le leggi*, 71.

⁴⁹ Antoninus of Florence, *Summa theologica*, vol. I (Verona: Agostino Caratoni, 1740), 177-178.

⁵⁰ Antoninus, *Summa theologica*, vol. I, 179.

⁵¹ Turrini, *La coscienza e le leggi*, 179, author's translation.

mental condition with its totalizing repercussions there can sometimes be a lack of humoral equilibrium, an unbalancing towards cold and damp. According to Antonino, this happens, for instance, in melancholics and elderly women and has profound emotional consequences. The heart stiffens just as cold things stiffen, and the imagination (which here does not yet appear to be sited in the brain, as it is in scholastic anthropology) is unable to conceive of the future. Another cause of a ‘paralyzed mind’ is diabolical temptation, which in this case acts directly in the body, putting melancholic humors into circulation. A further cause is weakness caused by deprivation of sleep and food. In addition to this general diagnosis, Antonino also provides a treatment which is entirely spiritual. Only “moral doctors”, “confessors and prelates” (therefore clergymen, who act inside and outside the sphere of penitence) can save the scrupulous. They should not be harshly criticized but encouraged to react by dismissing (*deponere*) their scrupulosity. The procedure progresses by degrees: assuming that the fundamental help is divine, the treatment includes careful study (*indagatio*) of the scriptures, prayer, the choice of a safe opinion and humble obedience. This is a process in stages which involves self-observation, self-renunciation and entrusting the self to others, first of all to “moral doctors”. The latter have available a substantial section of the paragraph dedicated to the criteria to adopt when choosing an *opinio* for themselves and those under their care.⁵² From these instructions, conscience, despite being ‘mentalized’ and ‘syllogistic’ in its underlying mechanism, ends up involving the individual in his entirety. Conscience puts the individual into a relational context because it imposes entrusting the self to a qualified interlocutor who will help him overcome the impasse that he has ended up in. Scrupulosity, since it is largely caused by organic factors arising in the involuntary sphere, appears to assume a characteristic of uncontrollable inevitability. The humors can become unbalanced despite our best efforts, and melancholy can prevail for reasons outside our control, like age or the weather. It should be remembered that the humoral perspective – within which these theologians operate – connects individual health to an interwoven ‘cosmic’ dimension. This humoral perspective does not necessarily derive from specific medical knowledge but more probably from a common sense that embraces and vulgarizes these areas of knowledge.⁵³ In this framework, it is very easy to lose health, and this loss is incomprehensible due to its multiple causes. Conscience, mental as it might be, thus acts within very delicate organisms subject to constant destabilization. This destabilization depends on natural physiological processes which can also be noticed under healthy conditions. This general framework is also recurrent in later treatises in which on the one hand the mental and procedural aspects of conscience are emphasized and on the other there is a multiplicity of examples that regard the body, seen as the site of a ‘natural’ exuberance that invokes vigilance.⁵⁴ Before entering the corporeal dimension, however, it is worth dedicating a few more lines to a discussion of conscience in three other very influential works.

The *Enchiridion* by the theologian and canonist Martín de Azpilcueta (1492-1586) was another ‘best seller’ in this genre, with more than eighty editions in Spanish, Por-

⁵² Antoninus, *Summa theologica*, vol. I, 194-195.

⁵³ *Médecine et religion: compétitions, collaborations, conflits (XIIe-XXe siècles)*, ed. by Maria Pia Donato, Luc Berlivet, Sara Cabibbo, Raimondo Michetti and Marilyn Nicoud (Rome: École Française de Rome, 2013).

⁵⁴ See below, section IV.

tuguese and Latin, plus another ninety copies including translations into Italian and compendiums. This was a practical text on canon law and moral theology applied to a constantly changing reality, as is shown in the differences that can be observed in the numerous re-publications updated by the author. The text was adopted in the most varied contexts, including aristocratic and legal courts, religious missions, seminaries and the colleges of the Society of Jesus.⁵⁵ In this book, conscience is treated as a subject in itself towards the end, offering basic conceptual instruments to disentangle the concrete reality of the situations in which a confessor might find himself. Thomas Aquinas is once again cited at the beginning as the formulator of the idea of conscience being simultaneously rational and practical. Conscience is thus understood as an act of judgement that testifies what we have done or not done, that accuses or forgives, and finally says what should or should not be done. However, unlike the Thomist idea, here there is an addition in that conscience is also “science, faith, opinion or doubt”. Among the various *opinioniones* it is not guaranteed that conscience embraces the safest one.⁵⁶ Scrupulous conscience is one of the forms of conscience, now seen to be fragmented into different possible modes of being. Scruples are explained by the usual causes, including the organic ones. Against the latter, unlike Antonino, Azpilcueta also suggests, together with the grace of God, an *ad hoc* medicine to treat the body.⁵⁷

A completely different landscape opens up with the *Institutiones morales* by the Jesuit Juan Azor (1535-1603). This is not a compendium but a systematic treatise in three volumes, published between 1600 and 1611. It ambitiously deals with all the secular and religious laws regarding human behavior (*mores*) in order to guide man to his ultimate goal, the beatific vision of God. As the title says, the text is intended to establish the subject (moral theology), which by then was firmly tied to teaching and acknowledged as an indispensable practical instrument. The first part of the work expounds the foundations of human action, which is taken to be regulated above all by the laws of psychology. Therefore, the dynamics leading up to a choice are first explained. Particular attention is paid to the *affectus* (the many dispositions of the soul, feelings),⁵⁸ of which Juan Azor provides a detailed taxonomy, convinced that acknowledging it is the first prerequisite for the government of the person. Lying between the immaterial and the corporeal, originating as it does from the sensitive soul, the *affectus* requires consideration of the person in its totality, including the body.⁵⁹ The second chapter is dedicated to this intrinsically emotional anthropological framework in which conscience operates. Azor provides a range of definitions of conscience, the variety of which has a double effect. On the one hand conscience is broadened because the author attributes to it characteristics and functions that tend to englobe the cognitive and emotional dimensions; on the other hand, however, conscience is also fractured

⁵⁵ Bragagnolo, “Managing Legal Knowledge”.

⁵⁶ Martin de Azpilcueta, *Enchiridion sive manuale confessoriorum* (Rome: Giorgio Ferrari, 1584), 1005-1006.

⁵⁷ Azpilcueta, *Enchiridion*, 1007-1008.

⁵⁸ Michael Champion, Raphael Garrod, Yasmin Haskell, and Juanita Ruys, “But Were They Talking about Emotions? *Affectus*, *affectio*, and the History of Emotions”, *Rivista Storica Italiana*, 128, 1 (2016): 521-543.

⁵⁹ Fernanda Alfieri, “Tracking Jesuit Psychologies. From Ubiquitous Discourse on the Soul to Institutionalized Discipline”, *The Oxford Handbook of Jesuits*, ed. by Ines G. Županov (online publication date: May 2018); DOI: 10.1093/oxfordhb/9780190639631.013.27.

and destabilized. Azor takes a further step from the Thomist tradition towards an even more radical Aristotelianism and defines conscience as the “faculty or power of reason.” This emphasis on its rational nature does not, however, mean that it is relegated to an abstract dimension. Conscience is also “biting”, “sad thought”, a “corrector of the affections”, a “teacher of the soul” and a “scourge that strikes after sin” with an intensity comparable to the seriousness of the evil committed. This also makes it a spy (*index*), as well as a court, a judge and a torturer, able to “shake the soul” without respite (here the word *animus* – soul – assumes instead the wide definition of interior space).⁶⁰ Conscience acts equally through syllogism and through an emotional symptomology, with vast repercussions. For example, the sadness that it generates in the face of evil acts can “cool the brain”, weakening the intelligence. This sadness is in turn connected to a cosmic network of forces, as it is the specific *affectus* associated with night and winter, dark places and solitude.⁶¹ As has been rightly pointed out, Azor is also very sensitive to the idea of conscience as a tribunal, which operates with rationally regulatable procedures. He lists, for example, the techniques that can allow the right choice to be made among many *opiniones*. These opinions are represented by a long list of authors subdivided by subject and discipline.⁶² Here emerges the influence of the Jesuit practice of drawing up lists of authors to be embraced or rejected in the choice of opinions on specific issues. By the end of the sixteenth century, and in particular under the Superior General of the Society Claudio Acquaviva, compliance with these lists almost turned into an obligation for the members of the order.⁶³ In this game of choice, interior consent seems to become secondary and obedience is instead essential. This disposition is clear in the section regarding scrupulous conscience. The main solution when one has doubts or hesitations is to submit to a superior. The therapeutic power of the grace of God, which was primary in Antonino, seems to disappear, giving way to the abandonment of the self to living and worldly (albeit religious) authorities or *auctoritates*.⁶⁴ In Azor’s long disquisition, which occupies almost twenty-five folio pages, conscience is painted with many different faces: rational and procedural, and as such supposedly capable of obeying the numerous rules that the theologian formulates, in this way making the right decision;⁶⁵ emotional and relentless when required, namely when pathologically afflicted with scrupulosity, but also when physiologically alert and ready to accuse the sinner tormenting him with remorse;⁶⁶ subject to doubt, when it oscillates between one decision and another;⁶⁷ and ever more dependent on external factors. The effect is a multiplication of the eyes of vigilance, and the more potential conscience has for vigilance, the more its potential fragilities over which it needs to be vigilant.

⁶⁰ Juan Azor, *Institutiones morales*, vol. I (Lyon: Jean Pillehotte, 1602), 116.

⁶¹ Azor, *Institutiones*, vol. I, 182.

⁶² Azor, *Institutiones*, vol. I, 129-138. The authors whose opinions must be considered are divided into three disciplinary categories (theologians, interpreters of canon law and *summae* writers). These are in turn divided into classes, by taking the chronology into account (from the oldest to the most recent).

⁶³ On the torturous affair of the elaboration of rules *de delectu opinionum*, see Cristiano Casalini and Francesco Mattei, “Acquaviva and the *Ratio Studiorum*”, *The Acquaviva Project*, 269-290; Silvia Mostaccio, *Early Modern Jesuits between Obedience and Conscience during the Generalate of Claudio Acquaviva (1581-1615)* (Farnham: Ashgate, 2014).

⁶⁴ Azor, *Institutiones*, vol. I, 159.

⁶⁶ Azor, *Institutiones*, vol. I, 116.

⁶⁵ See note 62.

⁶⁷ Azor, *Institutiones*, vol. I, 152-159.

The early seventeenth century witnessed a further proliferation of academic texts on conscience, the complexity of which is difficult to encapsulate. However, and in a general sense, it is possible to notice a consistent trend of treating conscience according to its different states, accentuating the effect of multiplication mentioned above. Significantly, this also happens in texts intended for teaching, which aim to provide the initial and not just the theoretical foundations of the subject as a practical counterpart when used in confession. A typical example is the *Theologia moralis* (1625) by the Austrian Jesuit Paul Laymann (1574-1635),⁶⁸ whose five books open with a treatise on conscience. The object in question is defined starting from its principles (*de synteresi*), then moving on to its ontology (*quid sit conscientia*) and phenomenology (*quotuplex sit conscientia*). From this operation of definition, conscience emerges as “true”, “right”, “false”, “erroneous”, “counseling” and “persuasive”. The status of a scrupulous conscience is instead denied, because it represents “shadows that resemble conscience, and do not merit the name”.⁶⁹ It entraps a person facing reality (*apprehensio*) without reason entering into play. This person feels a meaningless fear of having sinned that should instead be attributed to a pathological state. In any case the remedy is always suspension of judgement of the self, and above all entrusting the self to the opinions of others.⁷⁰

4. HIGHLY SUSCEPTIBLE AND HUMORAL HUMAN COMPOSITES

Present scholarship on conscience tends to not consider that the anthropological framework within which conscience was conceived sees the human being as a compound of soul and body. This combination is another Thomist legacy. By embracing Aristotle, Thomas Aquinas gave a naturalistic cast to a moral theological culture which until then had hinged on canon law. The latter was influenced by a patristic view permeated with neoplatonic dualism.⁷¹ For Thomists and in the scholastic tradition of the early modern period, the body is not necessarily a punishment imposed on the soul, a temporary aberration, a meat sack inside which we are imprisoned, to use a metaphor dear to the same patristic views mentioned above. The body is part of the human essence and contributes to knowledge through the senses (both external and internal), which ‘depend’ on the organs and on the surface of the body itself (through which the sense of touch acts).⁷² Along the same lines, for early modern theological culture, imbued with Aristotelianism and mediated by Aquinas, the definition of the soul is not only spiritual but also biological. It is the living principle, with triple functions (vegetative for nutrition and reproduction; sensitive for perception and emotions; rational for intellectual operations). These are arranged hierarchically, but are all connected, in the sense that the highest (the rational part)

⁶⁸ Rainer Florie, *Paul Laymann. Ein Jesuit im Spannungsfeld von Wissenschaft und Politik* (Münster: Aschendorff Verlag, 2017).

⁶⁹ Paul Layman, *Theologia moralis* (Mainz: Johann Gottfried Schönwetter, 1654), 2; author’s translation.

⁷⁰ Layman, *Theologia*, 13.

⁷¹ James A. Brundage, *Law, Sex and Christian Society in Medieval Europe* (Chicago/London: University of Chicago Press, 1987).

⁷² Robert Pasnau, “Philosophy of Mind and Human Nature”, *The Oxford Handbook of Thomas Aquinas*, ed. by Brian Davies and Eleonore Stump (Oxford/New York: Oxford University Press, 2012), 348-368.

includes the functions of the others.⁷³ This view was confirmed and consolidated in the widespread practice of commentating on Aristotelian works in universities and colleges, so that discussing the body necessarily also meant discussing the soul. Likewise, when speaking of *materia*, which in the words of the Jesuit Francisco Suárez is so “essential to man” that it will be resurrected with him, one also spoke of *forma*.⁷⁴ This “animated body” is rendered such by the action of invisible substances capable of acting on matter with tangible effects and responsible for many fundamental functions of life, such as nutrition, generation etc. These animal and vital ‘spirits’ of Galenic derivation were crucial components in both the medical and theological discourse of the early modern period. Other functions include conducting the blood from the heart to the extremities of the body with a wave motion; producing the heat and the ‘itch’ (a recurrent term in both medical and theological writings) that underlies the production and emission of semen in both men and women; the transport of sensations from the organs of sense to the pericardium, seat of the “common senses” and center of sensorial accumulation and elaboration. They heat, stirring the humors, speeding to the parts involved in sensations, with an effervescence that constantly destabilizes equilibriums and recomposes them, despite all our best efforts.

Furthermore, these invisible substances put the depths of the human being into constant communication with the surrounding environment. Their reception into the legal-moral episteme of the early modern period makes, for example, the phenomenon of *cruentatio* acceptable in nature. This involves the bleeding of a dead body in the presence of the person who inflicted the mortal wound, which at least until the mid-seventeenth century constituted evidence of homicide and sufficient proof for torture. The bleeding was thought to be due to *conspiratio* (agitation in resonance) of immaterial substances present in the body of the murderer and the victim. In the deed of killing, the *spiritus inimicitiae* passes from the assassin into the body of the victim through the wound inflicted. It tends to flow back in the moment the assassin approaches the body, making it bleed. An alternative explanation was that in the presence of the body the murderer experiences such a strong commotion as to attract from it an exhalation of vapors.⁷⁵ Human emotion, in this case experienced by the murderer, is endowed with a force of attraction capable of acting on the organic substances in the bodies of others. The boundaries between bodies

⁷³ On Aristotelianism in the early modern period the references remain the essays in *The Cambridge History of Renaissance Philosophy*, ed. by Charles B. Schmitt, Quentin Skinner, Eckhart Kessler and Jill Kraye (Cambridge/New York: Cambridge University Press, 1988); Katharine Park and Eckhart Kessler, “The Concept of Psychology”, 455-463; Katharine Park, “The Organic Soul”, 464-484; Eckhart Kessler, “The Intellectual Soul”, 485-534. On the Society of Jesus, see Alison Simmons, “Jesuit Aristotelian Education: The *De anima* Commentaries”, *The Jesuits: Culture, Sciences, and the Arts, 1540-1773*, vol. I, ed. by John W. O’Malley, Gauvin A. Bailey, Steven J. Harris and T. Frank Kennedy (Toronto: University of Toronto Press, 1999), 522-537.

⁷⁴ Francisco Suárez’s approach is employed in non-speculative writings, e.g. in the work by the Jesuit author Giacinto Manara, *Notti malinconiche, nelle quali con occasione di assistere a condannati a morte, si propongono varie difficoltà spettanti a simile materia* (Bologna: Giovanni Battista Ferroni, 1658), 140.

⁷⁵ Claude Thomasset, “References quotidiennes, references médicales”, *Histoire des émotions*, vol. I, ed. by Georges Vigarello (Paris: Seuil, 2016), 139-152; Cecilia Pedrazza Gorlero, “L’accusa del sangue. Il valore indiziario della *cruentatio cadaveris* nella riflessione di Paolo Zacchia (1584-1659)”, *Historia et ius*, 3 (2013), paper 4. Accessible at http://www.historiaetius.eu/uploads/5/9/4/8/5948821/pedrazza_gorlero.pdf (last accessed 19 November 2018); Francesco Paolo de Ceglia, “La voce del sangue. Cadaveri che reagiscono al cospetto dell’assassino nella scienza di età moderna”, *Prove, indizi ed evidenze. Percorsi di storia della scienza*, ed. by Francesco Paolo de Ceglia (Roma: Aracne, 2018), 15-54.

are thus very blurred, and the possibility of influence between them is irrespective not only of direct physical contact but also of being among the living or the dead, in the natural or the supernatural worlds. It is the same episteme that makes it necessary to dismember the bodies of those condemned to death and completely destroy them, so that the boundary between life and death is permanently established.⁷⁶ It is the same episteme that renders both demonic possession, understood as the infiltration of diabolical spirits into the body, and ecstatic phenomena, explained as the faculties of the soul leaving the body, rationally acceptable.⁷⁷ And, finally it is once again the same episteme that postulates in human beings a sensual susceptibility, not pathological but physiological. This aspect has particularly striking implications for self-government, because it invokes a necessary governance. The idea of the human being as a composite of soul and body, and as a compound highly susceptible by nature, on the one hand entails a holistic view of the person, transcending the patristic dualism that demonized the body, and on the other hand it also invokes an equally complete control, relevant in the study of cultures of vigilance.

Among the senses, touch is considered the least noble, in that it places brutes at the same level as humans (not all animals have sight), and the strongest, because contact with the perceived object causes the species of the object, passing through the skin tissue, to produce an alteration of the surface of the body and thus a strong commotion of the spirits. For this reason, the taxonomies of sin provided by theological-moral manuals typically identified the greatest risk of sin in the sensation of touch.⁷⁸ But the problem also arises for the less immediate and more 'abstract' senses, such as sight and hearing, and another problem is posed with practical urgency for those mandated to invigilate the use of the senses by others, such as confessors, who hear of experiences and read works that also deal in detail with sins *de sexto*. It is necessary at this point to recall a fact that is so self-evident as to pass almost unobserved: the study of conscience, some examples of which have been reviewed, was the exclusive prerogative of the male clergy. Furthermore, within the Catholic sphere under consideration here, the invigilators of conscience had to take an oath of celibacy.⁷⁹ They were called upon, at least in theory, also to oversee their own corporeity in order to keep themselves separate (*kleròs*) from the rest of the population. They had to do this even when scrutinizing the consciences of others and hearing confessions of highly

⁷⁶ Adriano Prospero, *Delitto e perdono: la pena di morte nell'orizzonte mentale dell'Europa cristiana: XIV-XVIII secolo* (Turin: Einaudi, 2016), 336-345.

⁷⁷ Elena Brambilla, *Corpi invasi e viaggi dell'anima. Santità, possessione, esorcismo: dalla teologia barocca alla medicina illuminista* (Rome: Viella, 2010).

⁷⁸ Fernanda Alfieri, "Urge without Desire? Confessional Books, Moral Casuistry and the Features of *Concupiscentia* (15th-17th Centuries)", *Bodies, Sex and Desire from the Renaissance to the Present*, ed. by Kate Fisher and Sarah Toulalan (London: Palgrave Macmillan, 2011), 151-167.

⁷⁹ In the Catholic sphere the theme of clerical masculinity has not received the same attention it has had in the Protestant world. The recent five hundredth anniversary of the Reformation brought back the corporeality of Luther to the attention of scholars. A representative example is Lyndal Roper, *Martin Luther: Renegade and Prophet* (London: Vintage, 2017; first ed. 2016). Also see Marjorie E. Plummer, *From Priest's Whore to Pastor's Wife. Clerical Marriage and the Process of Reform in the Early German Reformation* (Ashgate: Farnham 2012); *Masculinity in the Reformation Era*, ed. by Scott H. Hendrix and Susan C. Karant-Nun (Kirksville: Truman University Press, 2008). We await publication of the conference proceedings of *Masculinités sacerdotales. Approches historiques*, Université Catholique de Louvain, Louvain-la-Neuve, 6-8 March 2018, ed. by Jean-Pascal Gay, Silvia Mostaccio, and Josselin Tricou (Turnhout: Brepols, forthcoming).

detailed accounts of sexuality, theoretically forbidden to them. Thus the Jesuit Paolo Segneri (1624-1694), famous orator and missionary to the 'Indias' within Italy,⁸⁰ invited his brethren to be vigilant:

You will have [...] to enter the most sordid sewers without soiling yourselves; you will find yourselves surrounded by rotting corpses, and you must, like the dove after the flood, fly above them without stopping; you will frequently see dangerous objects; you will constantly hear obscene stories. But, nevertheless, you must be like Lot, who the sacred texts tell us was nevertheless pure, both in eye and in ear.⁸¹

Historiography has dedicated attention to the paradoxical effects of the pastoral promoted by the Council of Trent. The inclusion of *sollicitatio ad turpia* (seduction during confession) among the offenses to be investigated by the Roman Inquisition (1622) has been read as a telling symptom, revealing how confessional practices could easily deviate from orthodoxy into heterodoxy.⁸² However, perhaps insufficient consideration has been paid to the view of mankind conveyed by the very same texts written for use in confession. From these, confessors could learn that in the sensitive human compounds, a word read or heard might be sufficient to trigger a commotion of the spirits in the breast and – above all – in the generative parts which could lead to the emission of semen, a process accepted in the manuals as irreversible and uncontrollable. The main reference, which remained unchanged for at least two centuries, is the *Summula* by the Dominican Tommaso De Vio (1469-1534), a great interpreter of Aquinas,⁸³ who effectively excuses physiological exuberance when there is no participation of the will. This inclination towards redemption from guilt, motivated by the weight of the humoral animated body, circulated in these reference books for confessors, which were read and received as relatively unproblematic until the start of the eighteenth century.⁸⁴ Things changed when this idea spread outside the exclusive circuit of written ecclesiastical Latin and became potentially accessible to anyone (lay people and women) through the vernacular and the spoken word.⁸⁵ An initial investigation in the archives reveals traces of an outflow of this specific theme.

⁸⁰ Bernadette Majorana, "Choix oratoires et formes de prédication dans les missions rurales des jésuites italiens (XVIe-XVIIIe siècle)", *Missions d'évangélisation et circulation des savoirs: XVIe-XVIIIe siècle*, ed. by Charlotte de Castelnaud-l'Estoile, Marie-Lucie Copete, Aliocha Maldavsky and Ines G. Županov (Madrid: Casa de Velázquez, 2011), 113-129.

⁸¹ Paolo Segneri, *Il penitente istruito a ben confessarsi, Operetta spirituale, da cui ciascuno può apprendere il modo certo di ritornare in gratia del suo Signore, e di mantenersi* (Bologna: Longhi, 1693, first ed. Bologna 1669), 39; author's translation.

⁸² For Italy, regarding criminalization of the *sollicitatio*, the reference remains Prosperi, *Tribunali della coscienza*, 508 ff; Wietse De Boer, "Sollicitazione in confessionale", *Dizionario storico dell'Inquisizione*, vol. 4, ed. by Adriano Prosperi (Pisa: Edizioni della Normale, 2010), 1451-1455; Giovanni Romeo, *Esorcisti, confessori e sessualità femminile nell'Italia della Controriforma. A proposito di due casi modenesi del primo Seicento* (Florence: Le Lettere, 1998); Giovanni Romeo, *Ricerche su confessioni dei peccati e Inquisizione nell'Italia del Cinquecento* (Naples: La Città del Sole, 1997); Maria Grazia Casali, "Donne, confessori e Inquisizione romana. Indagini preliminari intorno al reato della 'Sollicitatio ad turpia' a Lodi", *Annali di Storia moderna e contemporanea*, 10 (2004): 221-267; Matteo Al Kalak, "Investigating the Inquisition: Controlling Sexuality and Social Control in Eighteenth-Century Italy", *Church History*, 85 (2016): 529-551.

⁸³ Thomas Cajetan, *Summula de peccatis* (Lyon: Jacques Giunta, 1539), entry "Pollutio", 179v-180r.

⁸⁴ For example, it is found again in the work, intended for military chaplains, by the Piedmontese Theatine Antonio Tommaso Schiara, *Theologia bellica* (Augsburg/Dillingen: Johann Caspar Bencard, 1707), 8.

⁸⁵ On the tensions between oral and written forms in religious culture in the early modern period, see

In Tivoli, near Rome, in 1640, cases of conscience, the discussion of which was a substantial component in the training of post-Reformation clergy, for instance in Jesuit colleges, were instead discussed “under the butcher’s blade in the public square”. A priest there called Pietro D’Amici was interrogated by a certain Crescenzo on a case formulated in the typical rhetoric of cases of conscience:

[I]f an invalid is deteriorating and the doctor, to restore his health, advises him to provoke the emission of semen with his own hands in order to recover, could he do so without committing mortal sin?⁸⁶

The priest, who frequently “dealt with cases of conscience”, answered in the affirmative. Under inquisitional investigation it emerged that the thirty-five-year-old priest had studied under the Jesuits at the Roman College, and “sometimes studied the Toledo and the other one, the *Scrutinio*”.⁸⁷ The accused had thus read the *Instructio sacerdotuum* (1601) by the Jesuit cardinal Francisco de Toledo (1532-1596), a reference text for confession, and the *Scrutinio spirituale* (1639) by the Theatine Luigi Novarini (1594-1650), clearly of laxist spirit, and addressed to both penitents and confessors. In both the cited texts the guilt of *pollutio* is attenuated (but not entirely excused) in a series of circumstances, articulated into a complex and multi-faceted set of case studies. *Sola curiositas*, the need to attenuate unbearable carnal temptation or the conservation of health would lighten the sin of mortal gravity if there was no intention to procure *voluptas*.⁸⁸ The reference authority here is the previously cited *Summa sylvestrina*.⁸⁹ The orthodoxy of this work thus became relative from the moment that it was vulgarized, losing both the casuistic basis upon which it was originally structured and its ideal seat of application, as it was reading for the purpose of sacramental confession.

Other similar cases were configured in much the same way. In 1699 in Sulmona, the clergyman Francesco Luisantoni stated “at the arch inside the Terra di Castel di Scieri [...] that every time, whether done for necessity or for wellbeing in some infirmity, the emission of semen was not a sin ‘iuxta illud, semen retentum generat venenum’” (note the technical insert in the casuistic Latin). This ‘remedy’ had been heard “presumably in Piscina [...] proposed by a foreign doctor”.⁹⁰ Again in 1704 in Perugia, another clergyman, Livio Camerini from Camerino, supposedly stated that “spontaneous emission [...] in relief of nature is not sin *seclusa delectatione venera*” (another casuistic technicality), claiming this on the authority of St. Thomas. Having been told that this was an opinion condemned by the Church, he replied that it was “necessary to pray to God, that He might inspire the Church to give us greater illumination” or rather give us “freedom to talk [...] because [...] such a view could not be healthily sustained”.⁹¹ The clergyman justified himself by calling on the need

Voices and Texts in Early Modern Italian Society, ed. by Stefano Dall’Aglia, Brian Richardson and Massimo Rospocher (London/New York: Routledge, 2017), 183-240.

⁸⁶ Archive of the Congregation for the Doctrine of Faith (ACDF), St. O 11, fasc. 8, cc. n. nn; author’s translation.

⁸⁷ ACDF St. O 11, fasc. 8, cc. n. nn; author’s translation.

⁸⁸ Francisco de Toledo, *Instructio sacerdotum* (Lyon: Jacques Cardon & Pierre Cavellat, 1625), 666; Luigi Novarini, *Scrutinio spirituale* (Milan: Stampa Archiepiscopale, 1651), 187-188. In the text by Novarini, in vulgar tongue, significantly the sections on the *de sexto* sins are in Latin.

⁸⁹ de Clavasio, *Summa angelica*, entry “Pollutio”, 371v.

⁹⁰ ACDF, St. O 11, fasc. 11, cc. n. nn; author’s translation.

⁹¹ ACDF, St. O 11, fasc. 10, cc. n. nn; author’s translation.

for the Church to clarify its position on a controversial and obviously much-debated theme. Texts were still in circulation that, in clear heterodoxy, freed from guilt the exuberance of the male body as being physiological, in the face of a series of official condemnations that instead judged it with greater severity. Among the laxist theses condemned by Alexander VII (1665-1666) and Innocent XI (1679), there was also one according to which *mollities* was sometimes good and obligatory.⁹² Miguel de Molinos, whose theses were officially condemned in 1687, affirmed in his writings that involuntary emissions were free of guilt because they were a proof of the suffering of pure souls.⁹³

Beyond the incidental instrumentality of the statement by Camerini, made in his own defense, there were various regulatory levels and they were not always in harmony. Like the other three under inquisition, he was released with a salutary penance and the injunction never to speak again of this subject. Moral theological knowledge, especially that regarding the susceptible corporeality of the vigilant clergyman, thus needed to be overseen. Its beneficial effects would vanish, transforming into the opposite, in the moment that it exited the original circuit of production and circulation, from its initial roles and spaces, becoming spoken (especially in an open space like the *piazza*) in the vernacular and accessible to a wider public.

⁹² Heinrich Denzinger, *Enchiridion Symbolorum definitionum et declarationum de rebus fidei et morum*, ed. by Peter Hünemann (Bologna: Edizioni Dehoniane Bologna, 1995), n. 2044, 2049.

⁹³ Denzinger, *Enchiridion*, n. 2241.

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