

*Nothing But the Truth? Hermeneutics and Morality in the Doctrines of Equivocation and Mental Reservation in Early Modern Europe**

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This article examines certain aspects of the history of the doctrines of equivocation and mental reservation in early modern Catholic elaborations. It argues that the first Catholic theologians who engaged systematically with these doctrines, Domingo de Soto and Martin de Azpilcueta (Navarrus), used them as tools to investigate the potentialities and limitations of human language as a means to communicate meaning between a speaker and a listener. This article also shows that between the end of the sixteenth and the beginning of the seventeenth centuries Catholic theologians, both Jesuit and non-Jesuit, changed the debate over these doctrines into a debate over the moral quality of the speaker's intention. By analyzing the developments of the Catholic debate over equivocation and mental reservation, this article seeks to offer a fresh interpretation of the links between theology, morality, and hermeneutics.

1. INTRODUCTION

Most scholarship on equivocation and mental reservation tends to rest on two basic assumptions. First, most scholars link the Jesuits tightly with these doctrines. Even when the origin of these doctrines is rightly traced back to the Dominican theologian Domingo de Soto (1494–1560) and to the canonist Martin de Azpilcueta (1491–1586) — the latter better known as Doctor Navarrus, from the region where he was born — many of the scholars working on this topic have focused on the Jesuits as its most original interpreters and most aggressive practitioners, or have neglected to show in detail the differences between those early theorists of equivocation and the later Jesuit elaborations.¹ Second, equivocation and mental reservation are usually considered a part of moral theology. Scholars who study equivocation, as well as polemicists who write against it, all seem to agree that this doctrine was a specific mode of understanding the relationship between intention and

^{*}The author would like to thank the anonymous readers of this journal for their comments. All the translations, unless otherwise noted, are the author's.

¹For insightful and accurate accounts of the relationship between Jesuits and equivocation, see Zagorin, 153–85; Sommerville; Höpfl, 142–45.

action, to borrow the words of Blaise Pascal (1623–62), whose influence in the scholarly and popular perception of these doctrines should not be underestimated.² In this perspective, therefore, equivocation and mental reservation are usually considered and analyzed as a distinctive, and more or less ethically acceptable, way to allow a certain course of action by bending moral norms traditionally perceived as rigid, in the name of a different, and higher, moral principle.³

Of course, there is more than some truth in both of these assumptions: equivocation and mental reservation were indeed theorized and put into practice mostly by Jesuits in early modern Europe, and they became a relevant part of Jesuit (and of Catholic) moral theology. However, these elements are only a component, albeit an important one, of the significance of the doctrines of equivocation and mental reservation. Thus, in this article I want to offer a different and complementary interpretation by taking into account other elements of the history of these doctrines. First of all, I want to substitute the traditional backward-looking Pascalian vantage point with a more forward-looking perspective. When one notes that the first substantial engagement with, and the fullest elaboration of, the doctrines of equivocation and mental reservation needs to be attributed to Soto and Navarrus, one should also note that those theologians discussed the doctrines with a specific theological and intellectual context in mind, which context needs to be explained in detail if we want to gain a historically accurate and intellectually correct view of the genesis of these doctrines. After explaining the intellectual and theological context of the genesis of equivocation and mental reservation, this article will show that these doctrines as conceived by Soto and Navarrus had less to do with questions of morality than with questions of hermeneutics. In other words, Soto's and Navarrus's elaborations were not intended to modify the rigidity of certain moral norms, but rather to explore the potentialities and limitations of human language, and the relationship between words and things.

Once we are able to appreciate the hermeneutical significance of Soto's and Navarrus's elaborations, we will be better able to appreciate the theological and theoretical shift that important Jesuit (and also non-Jesuit) theologians

²See, for instance, Pascal's ninth provincial letter, in which Pascal's criticism of equivocation is embedded into a larger criticism of probabilism and casuistry: Pascal, 1657, 1–8; Pascal, 1658, 202–16.

³Both Zagorin and Sommerville understand equivocation and mental reservation as elaborations of moral theology and as spin-offs, so to speak, of the early modern development of casuistry. Even more explicitly moral is the reading of equivocation done by Jonsen and Toulmin, especially 195–215.

made between the end of the sixteenth and the beginning of the seventeenth century, when they slowly modified the debate on equivocation and mental reservation from a debate over the nature of language to a debate over the moral value of human intentions. Thus, a section of the article will follow those developments closely, and it will shed some light on their intellectual, theological, and political consequences. This article will conclude with a discussion of the rigorist attitude toward equivocation and mental reservation, which represents an important moment in the history of these doctrines.

Let us start where everybody starts, that is, with Augustine. For Augustine, as is abundantly known, the definition of lying included two elements, *duplex cor* and *intentio fallendi*.⁴ According to Augustine's definition, a lie is an utterance that does not accord with the intention of the speaker (*duplex cor*) when the speaker in question is aware of the said lack of accord (*intentio fallendi*). If the speaker uttered something objectively false that she nevertheless thought to be true — for instance, that the city of Los Angeles was in New England — she would not be lying, for her mind and mouth would be in perfect accord. By the same token, if a speaker said that Los Angeles was in California, while believing that it was in fact in New England, she would indeed have lied, even if her statement expressed a fact.⁵

Augustine's reflections on lying left two fundamental legacies for the history of Christian thought. First of all, Augustine's position excluded any conceptualization of lying as a question of interpretation. For Augustine, language (both truthful and deceitful) was not an act of communication between a speaker and a hearer, but rather the expression of the link (or lack thereof) between the speaker's thought and the speaker's tongue. Indeed, Augustine did not engage profoundly with the question of the hearer's role as an interpreter of the speaker's statement. In fact, the *intentio fallendi* is still measured on the internal relationship between the speaker's intention and utterance, not on the effects of the speaker's utterance upon the hearer. This relative lack of consideration for the interpretative aspect of language in Augustine comes from his theological notion that human language is a gift of God's grace given to humans to express their thoughts, which gift is by its very nature relatively unstable and unreliable, but which, if properly used, can allow us to participate in the essence of God, "the radiant truth-teller," as Paul Griffiths put it.⁶ In other words, for Augustine human language is an

⁴The literature on Augustine's views regarding lying is quite extensive. Particularly useful is Griffiths, 25–39; Feehan; Brinton.

⁵On the distinction between truth and truthfulness, see Bok, especially 5–31.

⁶Griffiths, 73–100; quotation at 89.

imperfect form of incarnation, modeled upon the incarnation of Jesus Christ, the Logos of the Father. Just as the *verbum Dei*, that is, the unity of God the Father and God the Son, is perfectly realized through the incarnation of the Logos, so in human language the mind of the speaker is imperfectly incarnated in spoken words. Thus, in a sense, this analogy between human language and the Logos of God makes speaking not so much a form of communication, but a form of adoration or an act of devotion.⁷ In this respect, then, the interpretative aspect of language is not relevant to the act of accepting God's gift of speaking, just as the devotional value of, say, kneeling in front of the Cross does not depend on how such kneeling is perceived by the person sitting next to us in a church.

From another perspective, as Hans-Georg Gadamer has suggested, the Augustinian position on language represented a fundamental shift with respect to the Greek notion of separation between the word and the thing, or from the inner and the outer world. In contrast to the Greek insistence on separation, for Augustine human language reflects the mystery of the unity between the Father and the Son expressed in the Logos, and thus it is precisely through language that the outside world finds a new connection with the inside world.⁸ Once again, then, while the Augustinian notion of language has the hermeneutical benefit over the Greek philosophical tradition of granting a distinctive ontological validity to human language, it still does not address language as dialogue. To put it differently, Augustine's notion of language as an imperfect reflection of the incarnation of the Logos excludes the interpretation of language as coming to an understanding, which in a Gadamerian perspective is the true form of coming into being of human words.⁹

From this first consideration, it is possible to gather the second important legacy of the Augustinian notion of lying: when someone lies, i.e., says something different from what she has in mind, she always sins, no matter what the circumstances or the effect of the lie might be. Since language is an act of devotion in that it mirrors the incarnation of the Logos, whenever one breaks the bond between intention and utterance one ruptures one's relationship with God, thereby sinning. And since, for Augustine, sin should always be condemned, then no lie can ever be condoned.

The Augustinian position, then, locks up, so to speak, the question of lying with a double padlock: first, it restricts the definition of lying to the lack of accordance between the speaker's tongue and thoughts, thus excluding the hearer from the equation; second, it firmly attaches the act of lying in this

⁷Ibid., 85.

⁸See Gadamer, 418–26.

⁹On language as coming to an understanding, see *ibid.*, 442–52.

speaker-restricted sense to the moral category of sin. This double padlock would remain mostly intact throughout early modern times; even Aquinas admitted that lying, insofar as it meant saying something contrary to one's mind, was always to be considered a sin, even though he distinguished between different degrees of sinfulness based on the extent to which different kinds of lying oppose the virtue of charity.¹⁰

2. EQUIVOCATION AND MENTAL RESERVATION: THE HERMENEUTICAL REFLECTION

The Augustinian padlock started to be attacked significantly for the first time in Spain during the middle of the sixteenth century, when the Spanish Church saw one of its most turbulent periods. As the Spanish Inquisition, led by Juan de Tavera (1472–1545), was consolidating its power over the Spanish Church, a number of important juridical and theological knots came to the fore. Briefly put, the main jurisdictional tension that emerged between the Inquisition and the rest of the Spanish Church involved the limitations of the area of competence of the Inquisition in matters of heresy. More specifically, this tension manifested in matters of so-called occult heresy, which involved crimes of heresy for which there was no witness and that were disclosed by the culprit to the priest in a sacramental confession. The juridical tension, in turn, highlighted a difficult theological problem linked to the precept of the so-called *correctio fraterna*, or fraternal correction. In a nutshell, the question referred to the exegesis of Matthew 18:15, which in the King James Bible reads: “if thy brother shall trespass against thee, go and tell him his fault between thee and him alone: if he shall hear thee, thou hast gained thy brother.” This evangelical precept seemed to impose a private correction for private sins before a public denunciation and prosecution of the crime, but how far could one stretch the limitations of this private correction? As Aquinas explains in *quaestio* 33 of his *Ila Ilae*, the evangelical precept was clear enough, but there were many cases in which the opposite practice seemed to be put in place. For instance, usually members of religious orders were asked to publicly confess, and were publicly chastised within their own order before making any attempt to correct the sin privately.¹¹ Thus, as Aquinas seems to hint at, there was surely some obligation to correct the sinner privately, but there could also be cases in which this obligation could and should have been ignored.

¹⁰Aquinas, 9:421–28 (*Ila Ilae*, *quaestio* 110).

¹¹*Ibid.*, 8:269–72 (*Ila Ilae*, *quaestio* 33, articles 7 and 8).

By the middle of the sixteenth century this theological knot became a dramatic institutional crisis for the Spanish Church. As the Inquisition claimed more and more space to intervene in matters of occult crimes, some influential clergymen and theologians viewed this intervention as an act of usurpation against the evangelical precept of fraternal correction. Indeed, the infamous Spanish trial against Bartolomé Carranza de Miranda (1503–76), Archbishop of Toledo, involved precisely the question of *correctio fraterna*. In fact, Carranza was put on trial by the Spanish Inquisition, and later by the Roman, for, among other things, having fraternally corrected the heretical opinions of the Italian gentleman Carlo de Seso (d. 1559) in a sacramental confession without denouncing the suspected Italian heretic to the Inquisition.¹²

The Carranza trial was the most public and dramatic expression of a series of profound theological and juridical debates over the extent to which a sin known in confession should be disclosed by the confessor: Was the authority of the Inquisition more powerful than the precept of keeping the confessional seal? Was the Inquisition's intervention in the secret relationship between confessor and sinner an act of policing, or a means to a more effective correction? Under certain circumstances a confessor could absolve a sinner *in foro conscientiae*, i.e., before the tribunal of the conscience, rather than before the external tribunal of the Inquisition (in this case); but which exceptions could and should be made to the rule? And which is the question that most interests us if a confessor was questioned by an Inquisitor about a sin he had heard in confession: what should he say, or what could he not reveal?¹³

Spanish theologians debated this issue widely during the 1540s and '50s. There were those who, like Bernardino de Arévalo (1492–1553), supported a very limited reading of the evangelical precept expressed in Matthew 18:15, and argued that a person could fraternally correct only those sins committed against him- or herself and, in very limited circumstances, against other people. In no case, however, could a sin against God, such as the sin of heresy, ever be corrected privately. There were theologians who, like Navarrus (one of Carranza's lawyers in the Roman trial), defended the practice of *correctio fraterna* against what they saw as an act of policing on the part of

¹²On the juridical and theological importance of the question of the *correctio fraterna* in mid-sixteenth-century Spain, see Pastore, 2001, especially 332–41, on Carranza. On Carranza's trial, see also Tellechea Idígoras, 1968 and 2004. On the exegesis of the evangelical precept expressed in Matthew 18:15, see also Bellini.

¹³For an overview of the very different treatment of the question of equivocation in the procedures of medieval Inquisition, see Cavaillé, 2002a.

the Spanish Inquisition, which was aimed not so much at correcting, but at defaming the sinner.¹⁴ There were also theologians who, like Domingo de Soto, assumed a very influential and relatively Inquisition-friendly middle ground. In his important work on the subject, *De ratione tegendi et detegendi secretum* (*On the Method of Concealing or Revealing a Secret*), published in Salamanca in 1541, Soto argued that while the confessional seal could not be broken — and thus in general a fraternal correction needed to precede a public denunciation of a sinner — nevertheless in the cases of sins “destructive for the commonwealth or for your neighbor,” which included crimes of heresy, the precept of postponing the public denunciation to the fraternal correction did not apply.¹⁵

Now those theologians like Soto and Navarrus, who acknowledged in small measure (in the case of Soto) or in large measure (in the case of Navarrus) the necessity of keeping the confessional secret, found themselves in a difficult position when they needed to address the question of what, in practice, a confessor needed to do in case he was asked to reveal crimes that he was not supposed to reveal. On the one hand, the confessor had the moral imperative of keeping the confessional seal intact; on the other hand, when pressed to reveal what he had heard in confession, he would find himself squeezed against the other moral imperative of not lying. So what was the confessor to do?

It is precisely in this context that Soto and Navarrus turned their attention to the potentiality and limitation of language and elaborated on the doctrines of equivocation and mental reservation. In fact, the differences between their views of language are a manifestation of the different force with which they defended the necessity of keeping secrets. The first time Soto engaged with the doctrine of equivocation was in his *De ratione tegendi et detegendi secretum*. The text is divided into three parts: the first two are devoted, respectively, to the necessity of keeping secrets, and to the relationship between the precept of the *correctio fraterna* and the juridical space of the Inquisition. In the third part Soto discusses some practical issues arising from an interrogation in which somebody was asked to reveal secrets.¹⁶ Soto devotes a short section of this part to investigating whether

¹⁴On the tension between correction and infamy in the theological and juridical debate in sixteenth-century Catholicism, see Lavenia.

¹⁵Soto, 1541, xxxvii (2.4.2): “perniciosa rei publicae aut proximo.” For an overview of the Spanish theological debate over the *correctio fraterna*, see Pastore, 2003, especially 213–53 (see 222–24 on Soto). On the significance of Soto’s treatise for the definition of Inquisitorial proceeding, see also Dedieu, 111–33.

¹⁶Soto, 1541, lxxvi–lxxxv.

one asked to reveal secret crimes could legitimately use verbal ambiguity and amphibology (*verborum ambiguitas & amphibologia*). Soto begins by declaring that there are two absolutely rigid moral norms that constrain any elaboration on this issue. The first is that nobody is allowed to lie. The second is that in certain cases — for instance, that of a confessor asked to break the confessional seal for certain specific sins — nobody is allowed to reveal any secrets heard.

Because neither of the previously mentioned moral principles can ever be bent, Soto turns his attention to the third element of the equation, that is, language. For Soto, both the potentialities and the limitations of language as a means of communication between two people can allow a priest to get out of his conundrum because “in order to keep the secret of the confession, it is always allowed to the priest, when he is being interrogated over something he learned in confession, to reply that he does not know, and there is no need for other verbal tricks, because in this case one can answer in that manner without lying.”¹⁷ The reason why this was possible, Soto argues, is that when one uses the verb *scire* to say that one “knows,” the implication is that one has learned something oneself. Now, when a priest learns of a sin in confession, “even if he knows [the sin] as an individual, he nevertheless knows it in the forum and tribunal of God, which God wanted to be so secret that the sins confessed there were certainly considered as forgotten, as if they never happened.” Therefore, “when a priest, as God, says ‘I absolve you,’ he promises to consider the sins as if he never heard them; thus in the external forum the priest can say that he never knew of them.”¹⁸

Following this, Soto goes deeper into his analysis of the verb *scire*: “even though we commonly say that we know what we believe on the basis of appropriate testimonies, nevertheless we properly say that we know what we comprehend with the firm reason of our mind (these are Augustine’s words, in the first book of his *Retractationes*, chapter 14) and thus we cannot properly know for sure what we know from somebody’s testimony.” Soto

¹⁷Ibid., lxxix.: “Ad tegendum secretum confessionis licitum est ubique sacerdoti, dum ea interrogatur quae in confessione novit, respondere se nescire, nec alia opus habet verborum arte: quia id potest in tali casu citra mendacium responderi.”

¹⁸Ibid.: “Nam sacerdos ea quae audivit in sacramento, quanquam noverit ut particularis persona, novit tamen ea in foro & iudicio dei: quod quidem deus voluit esse adeo occultum, ut peccata illic confessa habeantur omnino pro oblitis: acsi non fuissent . . . quare sacerdos, quemadmodum deus, dicens Ego te absolvo: promittit habere peccata acsi nunquam audivisset: atque adeo in foro exteriori citra mendacium potest dicere se illa nescire. Et hic est sensus illorum verborum: sacerdos scit ut deus: idest scit tanquam minister dei & ad modum eius.”

continues to note that, as Aristotle argues, *scientia*, that is, knowledge of something, is “the certain and evident apprehension of the truth.”¹⁹

It is important to note at this point that this form of verbal ambiguity does not depend on the moral quality of the motives for concealing the secret, but on the meaning of the word *scio*, and this is why the confessor who is asked unlawfully to break the confessional seal is not the only one entitled to take advantage of the verbal ambiguity. In fact, Soto specifies, not only people who are unjustly questioned, but “even a man who is rightfully interrogated does not commit any injury if he responds not to know what he knows from second-hand knowledge.”²⁰ This does not mean that everybody should take advantage of the built-in ambiguity of the verb *scire*, for without necessity (*citra necessitatem*), Soto argues, everybody should speak as plainly as possible. However, if one chose to take advantage of the verbal ambiguity without necessity, one would not be telling a lie, even though by deceiving the audience one would still commit a sin, because the obligations of social life demand that we speak as clearly and plainly as possible.²¹

By the same token, when, for instance, somebody is unjustly questioned over something that should be rightly kept secret, if the question is posed in such a way as to exclude the use of the expressions *scio* (I know) or *nescio* (I don’t know), the person under interrogation must disclose the truth. Soto writes that “if a most mischievous man said to me: ‘tell me whatever you know about this, even if it is secret and cannot be rightly revealed,’ I could not reply simply ‘I do not know’ [*nescio*] . . . indeed, in this case such a response would not be without *mendacium*.” This is to say that, since the expression *nescio* could not be used as a response to a question explicitly asking to reveal whatever one knows even in secret, according to Soto using *nescio* in that context could not but be considered a lie.²² While one could say

¹⁹Ibid.: “Scire, quamvis vulgari sermone dicatur etiam illud quod idoneis testibus credimus, tamen proprie id solum sciri dicimus, quod mentis firma ratione comprehendimus (verba sunt Augustini 1 retrac. cap.14) & tamen quod aliorum relatione novimus, profecto non certo cognoscimus: quia, cum sit omnis homo mendax, potuit qui retulit mentiri: quare proprie non dicimur illud scire, sicut loquitur Aristoteles de scientia 1 Post. Nam scientia est certa & evidens cognitio veritatis.”

²⁰Ibid., lxxx: “Si qui interrogatur solum id noverit ex aliorum relatione, ambigi non potest quin possit simpliciter respondere se nescire . . . immo non solum si iniuste, sed dum iure & ratione interrogatur, nullam iniuriam facit qui respondet se nescire quod aliorum relatu novit.”

²¹Ibid., lxxxv.

²²Ibid., lxxx–lxxxii: “Quid si improbissimus homo interrogaret testem: dic mihi quicquid scis de hac re, quantumcunque secretum sit, nec possit iure revelari? Videtur enim tunc responderi non posse: nescio . . . re vera forte tunc responsio illa nescio non careret mendacio.”

without lying that one does not know something that one does if the knowledge of the thing is not certain, the fact that one's (certain or uncertain) knowledge of something would be used for evil purposes does not allow one to change the meaning of the expressions *scio* and *nescio*. Likewise, if somebody asked a person, either lawfully or unlawfully, whether that person committed a crime, the person under interrogation could not answer *nescio* without telling a lie, for she must know what she did (or didn't) do.

As Soto explains, because of the morally delicate implications of this case, some theologians argued that in case of an unjust interrogation one could, without lying, say that one did not commit that crime, mentally meaning that one did not commit it insofar as the interrogator is asking unlawfully. For Soto, however, this is not acceptable: while the verb *scire* (to know) has some built-in room for semantic ambiguity, the verb *facere* (to do) does not, for either one does something or one does not.²³ By the same token, an adulterous woman asked by her husband whether or not she committed adultery, or a man asked by a tyrant under pain of death to reveal a secret in such a way as to exclude the possibility for the man to answer *nescio*, could not resort to the potential ambiguities of language in order to avoid lying, no matter whether the motives for not revealing the secret are morally commendable (as in the case of the man interrogated by a tyrant) or morally despicable (as in the case of the woman trying to cover up her adultery). In fact, Soto concludes, in both cases, and in all similar ones, if one wants to avoid both lying and revealing the secret, the only remaining option is death.²⁴

From this analysis of Soto's *De ratione* it is possible to single out two elements. The first is the dialogical nature of the kind of conversation Soto imagines as the starting point for his elaboration. The setting of the juridical interrogation, with its back-and-forth questions and answers between the judge performing the interrogation and the man obliged to respond, introduces an important hermeneutical point that Soto wanted to make about language, and that differentiates Soto's analysis from Augustine's. Borrowing from Gadamer's insistence on dialogue as the proper mode of communication and as a description of the very essence of the hermeneutical task — as opposed to the “form of statements that demand to be set down in writing” — one could say that Soto's description of the various stages of an interrogation mirrors the “process of question and answer, giving and taking, talking at cross purposes and seeing each other's point” that “performs the communication

²³Ibid., lxxxiii.

²⁴Ibid., lxxxiii–lxxxv.

of meaning.”²⁵ In other words, the juridical setting of Soto’s imaginary examples points to an important shift in the concept of language with respect to the Augustinian model: in Soto we can clearly see that language has become a means to communicate meaning through dialogue between a speaker and a hearer, rather than just a form of adoration of God through an internal correspondence (or lack thereof) between the hearer’s thought and tongue. The second element emerging from these passages is that Soto’s elaboration on language is morally neutral. While Soto starts his discussion with the morally charged example of the confessor asked to break the confessional seal, his reflections on the built-in ambiguous meaning of the verb *scire* transcend questions of both morality and motive, so much so that, as Soto argues, even men justly questioned can take advantage of the specific semantic ambiguity of the expressions *scio* and *nescio*, just as those rightly entitled to keep their secrets are obliged to reveal them in case the question were posed in such a way as to preclude the use of those expressions.

Both those elements are stressed in Soto’s later elaboration on the issue of equivocation in his *De iustitia et iure* (*On Justice and the Law*).²⁶ In this work, Soto engages with the question of equivocation in the sixth *quaestio* of the fifth book, which is devoted to exploring the rights and duties of a defendant. The section on equivocation is in the second article, and starts with a discussion of secrets and of the circumstances in which one is morally obliged to keep them. The first case examined is that of a confessor asked to break the confessional seal, and in this context Soto declares that a confessor, as well as anybody who is interrogated unlawfully, can make use of certain forms of verbal ambiguity.²⁷ Soto admits that it would be desirable if in those cases one could use “the ancient shield of the scholars” (*antiquus doctorum clypeus*) of simply cutting short the conversation by saying “I deny the proposed questions in the way in which they are proposed.” However, because the judge would not be satisfied with this statement and would push further in the question-and-answer mode of conversation, the man under interrogation needed to take advantage, once again, of language. In this context, Soto makes the by-now-usual distinction between things that one has heard of, and things that one is accused of having done. In the first case, one can easily say *nescio* without lying, for “since words are the signs of concepts, that expression *nescio* can be taken without lie in the sense of ‘I do not know in such a way as to be able to tell you,’” since to properly know

²⁵Gadamer, 359–63; quotation at 361.

²⁶Soto, 1569.

²⁷*Ibid.*, fol. 163^v.

something means to have full knowledge, and not secondhand news, of the thing in question.²⁸

Because of the same semantic argument, however, one cannot say the same of the verb *facere*, because “‘to do’ does not have the same connection as ‘to know’ with what it is that I may say.”²⁹ Because of the semantic limitations, the moral quality of the prospective equivocator’s motives has no bearing. Soto addresses this question in a rather implicit but controversial way when he affirms that because of the more limited semantic area of the verb *facere*, an adulterous woman could not affirm not to have “committed” adultery with the intention of saying that she did not do it “that day” without lying. Thus, Soto concludes, the adulterous woman and other “unhappy people” like her could do nothing but “withstand death, as martyrs, rather than transgressing the natural and divine law by lying,” just as the “unhappy girl who is threatened by a tyrant with death unless she consented to his base desires has no other remedy but to succumb to the sword.”³⁰ In this passage, then, for Soto there is no difference between an adulterous woman and an innocent girl trying to save her virginity: both of them have to die “as martyrs,” because neither one can take advantage of the built-in ambiguities of language. (Indeed, even Navarrus, who had a much more elastic view of equivocation, expressed his amazement at Soto’s putting at the same level the case of the virgin with that of the adulterous woman.³¹)

Thus Soto examines the question of falsehood, not simply under the moral category of sin, but also under the hermeneutical question of communication of meaning between a speaker and a hearer: in this respect in his work there is a fundamental shift in the ways in which Christian tradition engaged with the question of language and lying. Soto did so because he was prompted by the double moral imperatives of telling the truth and not breaking the confessional seal, but this initial moral conundrum stirred him to explore in some measure the semantic possibilities and limitations inherent in language. The result of Soto’s elaboration on equivocation, similar to his opinion on the authority of the

²⁸Ibid.: “Enimvero cum voces sint conceptuum signa, oratio illa, nescio, recipere huc sensum citra mendacium potest: Nescio ut tibi modo dicam. Quare non adversatur alteri veritati, scio simpliciter: etiam si propriis oculis id de quo interrogatur vidisset.”

²⁹Ibid.: “Facere enim non habet eandem connexionem cum eo quod est, ut dicam, qua habet, scire.”

³⁰Ibid.: “Quid ergo remedii est? profecto nullum . . . sed miseris necesse est mortem, veluti martyres perpeti, antequam ius naturale & divinum mentiando transgrediantur. Quod enim remedium excogitare potest misera puella, cum mortem tyrannus ei minatur, nisi secum turpiter consentiat? profecto nullum: sed gladio potius succumbendi illi est.”

³¹Cf. Navarrus, fol. 220^r.

Inquisition to investigate occult crimes, was a moderate endorsement of a limited room for semantic ambiguities, which resonates with his equally moderate endorsement of a limited room for fraternal correction as opposed to the public denunciation to the Holy Office. Navarrus, who, like Soto, was engaged in the same theological debates, assumed a more radical position on both fraternal correction and equivocation.

As is well known, Navarrus was more aware than many other theologians of his time of the potential dangers represented by the Inquisition's attempts to control the internal forum of the consciences usually reserved for the confessor. Both in his works as a moral theologian (especially in his famous and influential *Enchiridion*, a manual for confessors), and in his juridical role as one of Carranza's lawyers, Navarrus insisted on the limitations of the Inquisitorial procedures and defended vigorously the space of the conscience as it opened up between the confessor and the penitent from what he saw as police-type of aggression.³² In his battle, Navarrus found a powerful ally in the Society of Jesus, especially during the 1580s. Jesuit confessors, in fact, enjoyed the papal privilege of being able to absolve crimes of heresy *in foro conscientiae*, and the Spanish Inquisition threatened precisely this privilege. Many controversies, some of them involving high-profile members of the Spanish clergy, arose over the question of the absolution of crimes of heresy and, more generally, over the question of how to regulate the sacred and mysterious space of the confessional. For instance, in 1586 the Inquisitors of Valladolid had four Jesuit Fathers, including Antonio Marcén, the superior for the province of Castile, arrested for not having denounced to the Inquisition a case of heresy and *sollicitatio* within the Society itself. The case in question took place in the Jesuit College of Monterey in Galicia, where a Jesuit father by the name of Sebastian de Briviesca allegedly solicited a group of women and taught them some doctrines close to those of the Alumbrados. One of the women involved confessed these facts to another Jesuit father, Diego Hernández, who then informed Marcén: the Jesuit superior ordered Hernández to absolve the woman without denouncing either her or Briviesca to the Inquisition, thus keeping the entire affair secret. Hernández, however, troubled by his scruples, decided to ignore his superior's orders and informed the Inquisition, which then proceeded to the arrests. The ensuing trial was an incredibly tense affair, which at times pitted the Inquisitor General of Spain Gaspar de Quiroga (1512–98), Pope Sixtus V (r. 1585–90), and Philip II (1527–98) against one another. The trial ended with a small local victory for the Society, for in 1588 the pope ordered Quiroga to end the trial and to free the Jesuits: even though

³²See especially Lavenia, 219–64; Zagorin, 165–66.

Sixtus V was famously hostile to the Society, he nevertheless understood that such a public internal controversy could potentially be extremely dangerous for Spanish Catholicism and could upset the relationships between the papacy and Philip II.³³ At a Roman level, however, the Society paid a steep price, for Sixtus V in 1587 suspended the privilege that the Jesuits enjoyed of absolving heretics *in foro conscientiae*.³⁴ This is to say that in the second half of the 1580s Spanish (and Roman) Jesuits were immensely invested in understanding and mastering the rules of the complex game played in the confessional, where a confessor needed to find a theological, juridical, and also linguistic balance between the duty to keep the secrets of the sinner and, at the same time, the necessity to correct the sins. Thus it is not a coincidence that Navarrus's *Commentarius in cap. Humanae Aures* (*Commentary on the Chapter "Humanae Aures"*) — in which he expresses his more radical views on equivocation and mental reservation, and which was published in Rome in 1583 — was written at the request of the Jesuits in Valladolid, who submitted to Navarrus the case of conscience on which his commentary is based.³⁵

The case in question referred to a man who had said to a woman “I take you as my wife” without having any intention to do so. When he was asked under oath by a judge whether or not he had said those words, the man replied that he had not, “mentally reserving” (*subintelligendo mente*) that he had not said those words with the intention of actually taking the woman as his wife. This being the case, Navarrus asks, could the man be said to have lied in front of God? Even if it was licit for him to lie, did he commit perjury in front of God? And, finally, assuming he neither lied nor committed perjury, did the man commit any other kind of sin?³⁶

In answering the first two questions, Navarrus sets up the center of his theory. Navarrus starts with Augustine's definition of lying as a lack of accord between what the speaker thinks, and what the speaker says. However, what does it really mean to “say”? Here Navarrus launches into a very interesting exploration into the nature of language: as Aristotle and the other *Dialectici* argued, an *oratio*, or a statement, can be not just vocal, but also written, or mental, such as when one tells something to oneself, for instance. So why can't those different forms appear mixed in the same

³³On this episode, see Pastore, 2001, 352–63; Astrain, 3:368–410. On the legal, religious, and cultural implications of the crime of *sollicitatio* in early modern Spanish Catholicism, see Haliczler.

³⁴On the relationship between Inquisitors and confessors in post-Tridentine Catholicism, see Prospero, 226–89.

³⁵On the circumstances of composition of Navarrus's commentary, see Tejero, 153–54.

³⁶An excellent summary of the entire commentary can be found in Zagorin, 168–75.

statement? Or, in Navarrus's words, "one same reasoning can be composed of different parts, some of which are vocal, others written, others silent and mental," and even though the different parts can be false when taken individually, "the entire proposition can be true."³⁷ For instance, even though the man in question said vocally that he had not promised to take the woman as his wife, since he mentally added that this was not his intention, the entire proposition encompassing the mental and vocal parts was not false, and thus the man had not lied. In Navarrus's reading, then, one's mental language and one's vocal language are all legitimate parts of language that can be combined however the speaker wishes.

This means, first of all, that Navarrus expanded the potentiality for ambiguity in human language. While Soto had already admitted the built-in semantic ambiguities in certain words, Navarrus expands these ambiguities by assuming that saying inwardly is a type of language that can be combined with saying outwardly, another type of language. In other words, the act of communication through language, according to Navarrus, is performed through a series of different forms of saying, and saying inwardly is just as legitimate as saying outwardly. Whenever those two ways of saying are disconnected from one another, i.e., whenever a speaker says inwardly something different than she expresses vocally, the speaker hides a part of her statement, which if it were joined with the other, vocal, one, would make the entire statement true. The result of this is that the internal statement functions as a hidden corrective that makes the entire proposition truthful from the point of view of the speaker, since, in Augustinian terms, the speaker's entire statement reflects what she really thinks. But what are the consequences of this hidden statement on the communication of meaning between the speaker and the hearer? There are two sides to this question: one is the hermeneutical issue, which refers to the effects of mental reservation on the interpretative aspect of the conversation. The other is the moral issue, which refers to the question of whether or not the results of mental reservation, i.e., the hearer's deception, can and should be judged from a moral perspective.

In order to answer both questions it will be useful to read Navarrus's theory through Ludwig Wittgenstein's notion of language games, and, more specifically, Wittgenstein's notion that pretending, i.e., outwardly showing something that does not correspond to our inward feeling, is a language game

³⁷Navarrus, fol. 219^r: "Una & eadem ratio potest componi ex diversis partibus, quarum aliae sint expresse vocales vel scriptae, & aliae tacitae & mentales: & quod ipsa tota sit vera, & partes eius separatae sint falsae & haereticae."

like any other.³⁸ Certainly, the intellectual context in which Wittgenstein elaborated his theory is far different from that in which Navarrus lived. Wittgenstein's notion of language games puts pressure on the assumption that language is the means to express the unique and necessary correspondence between the self and the world, and in this sense it is the fruit of a certain postmodern sensitivity to the complex, multiform, and fractured nature of the relationship between the human subjectivity and the objective reality of the world outside.³⁹ Just like Soto, Navarrus could neither perceive nor articulate such fundamental fractures in the relationship between truth and language, given the centrality of the Truth of theology in post-Reformation Catholic culture: this Truth, in fact, was both independent from, and at the same time made sense of, the linguistic and nonlinguistic truth of men. It is precisely the distance between our current notion of competing truths and the early modern certainty of theological Truth that Felipe Fernández-Armesto referred to when he remarked that today equivocation "has disappeared from the witness-stand" because "equivocation was a necessary resource against interrogation in a world of strong convictions, when deponents were not in any serious doubt about the truth or falsehood of what they said."⁴⁰ While the distance between the early modern and the postmodern world is undeniable, nevertheless thinkers such as Navarrus and, to a lesser extent, Soto, started to harbor some doubts about what it meant to say something: this initial, embryonic, hermeneutical doubt coexisted with, and to a certain extent was originated by, the need of asserting and defending the absolute theological Truth. From this perspective, Navarrus's embryonic doubt connects the distant early modern world of strong convictions to our current world of weakened and complicated certainties, and Wittgenstein's notion of language games is an insightful means to bring to the fore the implications of Navarrus's elaboration, both in Navarrus's own intellectual and theological context, and in the longer history of Western thought. In other words, the doctrines of equivocation and mental reservation are the early modern symptoms of a postmodern disease — or the early modern initial signs of a postmodern recovered health, depending on how one looks at this development — and in this respect Wittgenstein provides, not just the prognosis, but a very acute diagnosis as well.

³⁸See Wittgenstein, 1:249, 2:11.

³⁹In stressing the multiplicity and complexity of language games I am following Lyotard's interpretation of Wittgenstein: see, for instance, Lyotard, 1983; Lyotard, 1984, 9–11, 40–41.

⁴⁰Fernández-Armesto, 163–64.

Coming back to the analysis of Navarrus's arguments in Wittgenstein's terms, first of all we should note that from a hermeneutical perspective, according to Navarrus, the speaker having at her disposal the language game of pretending (that is, of combining inward and outward saying at will) does not deny the possibility of communication between a speaker and a hearer. Instead, assuming that pretending is like any other form of language game means that in order to communicate meaning, one needs to be trained to understand this specific language game. In fact, Navarrus explains that not only did the allegedly deceitful man not lie because he was in perfect accord within himself, but also that he could not even be said to have failed to communicate his real intention. It is the judge who listened to the man's statement and took it at face value, and also whoever believed the man's promise of marriage at face value, who made an interpretative mistake. The judge in charge of interrogating the man, in fact, should have been interested in knowing whether a marriage was actually contracted, and therefore he should have asked whether the man had the intention of marrying the woman. But since the judge only asked about the words pronounced, he could not expect the man, under trial for a marriage question, not to use mental reservation to defend himself.⁴¹ Besides, in cases of matrimony it is notorious, Navarrus writes, that what people say cannot be taken at face value, but that one should "believe the person who swears [to intend to marry somebody] if it seems verisimilar to learned, prudent, and morally sound people," or when "the circumstances of people, time, and place" warrant such faith. For instance, if the man "is much more wealthy or noble than the woman," it is plausible that his expressed intention to marry her is not a genuine reflection of his inward intention.⁴²

In other words, when two people communicate, they can legitimately use the language game of pretending (or using mental reservation). In order for meaning to be correctly communicated, one needs to master this language game of pretending, which requires a specific and, in a sense, superior skill with respect to mastering the language game of truth-telling, for "a child has much to learn before it can pretend." Moreover, one can never reach a perfect knowledge of lying: "I might recognize a genuine loving look, distinguish it from a pretended one . . . but I may be quite incapable of describing the

⁴¹Navarrus, fol. 221^r.

⁴²Ibid., fol. 223^f: "Secundum remedium est . . . credere ipsi iuranti, si videtur verisimile viris sapientibus, prudentibus, & moribus egregie probatis, quod iuste credi possit ex circumstantiis personarum, temporum, & locorum, puta quia statim post illa verba prolata, vel paulo postea contraxit cum alia palam & publice: vel quod tanto intervallo esset nobilior, potentior, vel ditior ipsa, quod eis videtur verisimile eum verbis fictis contraxisse."

difference.”⁴³ Transposing Wittgenstein’s reflections on Navarrus’s example, a judge could certainly interrogate a man over his matrimonial status, but he should constantly fine-tune his own intention and meaning to correspond with the intention and meaning of the man under interrogation, by means of a complex interplay of vocally expressed sentences and inward intentions. The outcome of this interplay is not certain: the judge, blinded by his own mistaken ends, might never ask the right questions, or he might never properly understand the answers.

In a sense, if in Soto’s model of dialogical conversation language represents a fixed limit, in Navarrus’s model language (or, rather, languages) are many, and their interaction is far from fixed. Indeed, the difference between Soto’s and Navarrus’s arguments is closely mirrored by the difference between Gadamer’s and Wittgenstein’s notions of language as game. For Gadamer, language is a game that plays itself, or, in other words, language is where meaning comes into being through the dialectic participation of the protagonists of the conversation⁴⁴ — just as for Soto language has intrinsic potentialities and limitations that regulate the way in which the protagonists of a conversation can play the game of talking to one another. For Wittgenstein, communication is achieved through a complex variety of language games, such as, for instance, the game of pretending and the game of truth-telling, and the meaning of a conversation, so to speak, is buried in these complexities — just as, for Navarrus, mixed propositions are an example of the complex interplay between saying inwardly and saying outwardly. Thus, in a sense, saying something that sounds false to the hearer means that the speaker has decided to use the language game of pretending, and that the hearer has not been able to understand or follow the rules of that specific game. Understanding one another, then, becomes a complex hermeneutical task, whose achievement and completion are not guaranteed, since they depend on a number of factors, or on the interplay between different language games.

A Wittgenstein-infused reading of Navarrus can also elucidate the moral implications of his theory. For Wittgenstein, while it is true that one needs a motive to lie (whereas the language game of telling the truth does not need a motive), it is also equally true that the motive is not the justification for the existence of the language game of pretending.⁴⁵ For Navarrus, likewise, one

⁴³See Wittgenstein, 2:11.

⁴⁴For Gadamer’s notion of play within his theory of interpretation, see Gadamer, 102–30.

⁴⁵On the question of motive in Wittgenstein’s interpretation of lying, see Jacquette.

needs a motive to use mental reservation, and this motive could be morally reproachable or morally commendable, but the different moral quality of the motive has no bearing on the question of the justification of the existence of mixed propositions, since the existence of these propositions, or the existence of the language game of pretending, is an intrinsic characteristic of human language.

Navarrus treats the relationship between morality and mental reservation in the third part of his commentary, where he deals with the question of whether or not the man in question, while not being guilty of lying or perjury, did in fact commit other sins. And this is the part of the text in which Navarrus introduces the distinction between *dolus* and *mendacium* — a distinction that was, for reasons that by now should be clear, foreign to Augustinian theology. While *mendacium* is the lie, or asserting something different from what one thinks, *dolus* is the deceit, or the causes and the effects of the use of mixed propositions. While *mendacium* is always a sin, the moral quality of the *dolus* is to be assessed case by case. More specifically, as Navarrus had argued previously, on the one hand, using a mixed proposition is not the same as lying, and besides, there are a number of ways in which one can make sure that the conversation between a hearer and a speaker is a means to communicate meaning. For instance, if the judge asks the right question for the right purpose he can avoid having to take things at face value, or if a man's promise is weighed against a number of other factors it can be understood aside from its verbal meaning. On the other hand, however, there are cases in which communication fails, and a woman does indeed believe a man's promise to marry as real, or a judge takes the man's words at face value. In these cases the hearers have been deceived, even though the speaker has not lied. How, then, do we judge that deception?

Navarrus explains that deception itself can be either good or bad: if, say, the man had deceived his prospective wife for good reasons, because, for instance, he wanted to remain unmarried so as to be able to join a religious order, he deceived the woman “with good deception and for a just cause” (*bono dolo & ex iusta causa*), thereby not sinning and, indeed, committing a morally commendable act. If, on the other hand, he deceived the woman only because he wanted to consummate the marriage without taking on the marital responsibility, then he deceived her with a bad deception (*dolo malo*) and sinned both for dissimulating in an evil sense, and for the *stuprum*, that is, for the illegitimate sexual act. After introducing this distinction, Navarrus continues by praising a number of occasions in which one should rightly employ mental reservation, both in everyday life — as, for instance, in the case in which we are asked to lend money we cannot lend — and in

politics — as, for instance, in the cases of princes who needed to dissimulate in order to be more effective in their government.⁴⁶

As Perez Zagorin has written, in this section Navarrus “laid down a basic distinction between good and bad dissimulation.” The “criterion” to distinguish good from bad is represented by “the limits of just cause.”⁴⁷ And, indeed, most scholarship on dissimulation has explored the distinction between good and bad dissimulation and the notion of just cause as an important and novel contribution to moral theology. These moral aspects of Navarrus’s doctrine, however, should not overshadow its hermeneutical implications. In other words, while using mental reservation can be either good or bad, mental reservation exists as an intrinsic part of human language, completely separated from the good or bad use that one can make of it. In a sense, one can say that the real, radical, and upsetting aspect of Navarrus’s theory is not so much that it made the moral criterion of just cause into a relatively controversial measure of the rightness (or lack thereof) of one’s dissimulation, but rather that it proposed a theory in which human language is not a tightly regulated venue to communicate meaning between people, but a complex set of different types of language that makes coming to an understanding highly problematic. In a way, Navarrus’s theory did not introduce a measure of moral flexibility; rather, it introduced a measure of hermeneutical uncertainty. What one says, what one thinks, and any combination of the two are all legitimate language games that one could play at will. In these forms of communication interpretation is crucial, complex, and uncertain, aside from and beyond the rigidity of moral norms. It is not a coincidence, in fact, that while the example of the good confessor asked to break the confessional seal features prominently at the beginning of Navarrus’s commentary, the text deals primarily with another, and much less morally clear-cut, kind of example: that of a man who did not fulfill his promise to marry a young woman.

3. EQUIVOCATION AND MENTAL RESERVATION: THE MORAL TURN

Navarrus’s theory produced two effects. First, it introduced a powerful and radical theory of language, which he saw, to use Wittgenstein’s terms, as composed of different kinds of language games. This meant that saying inwardly and saying outwardly could be combined at will, and the disjunction between those two, i.e., pretending to think or to feel something, was just

⁴⁶Navarrus, fols. 223^v–224^r; Zagorin, 173–75.

⁴⁷Zagorin, 175.

another kind of language game. Second, Navarrus showed how one could use mental reservation, that is, this particular kind of language game, for a just cause and in a commendable way. In so doing, he showed the immense potentialities of theorizing and putting into practice the good dissimulation in a number of contexts, from the dilemma of the confessor asked to break the seal to the case of the prince who could use a degree of good dissimulation to run his political affairs.

Many influential theologians, especially Jesuits, immediately picked up on both aspects of Navarrus's theory. In the 1580s the Jesuits shared Navarrus's concerns regarding the limits of the Inquisition in matters of heresy, and were greatly invested in the battle to maintain their privilege of absolving heretics *in foro conscientiae*. However, between the end of the sixteenth century and the beginning of the seventeenth they started to see both the defensive potential of dissimulation in those contexts in which Jesuits and Catholics lived under heretical sovereigns — and thus under the increasingly harsh threat of persecution — and the aggressive potential of dissimulation as a way to strengthen their apostolical and political influences.⁴⁸ They also understood that Navarrus's defense of good dissimulation came with a distinctive theory of language that implied that mixed propositions were an intrinsic aspect of human language. While some of these theologians were willing to embrace Navarrus's defense of good dissimulation, virtually all of them reacted strongly against his hermeneutical position.

Catholic theologians were well aware of the potential dangers of Navarrus's theory of language: many of them, in fact, rejected Navarrus's mental reservation in favor of Soto's more conservative theory of equivocation. For instance, not only the Augustinian Pedro de Aragón (d. 1595), but also the Jesuit theologians Juan Azor (1536–1603) and Paul Laymann (1574–1635) clearly specified that even if one was unjustly questioned, he could avoid lying only by using words that were ambiguous in the common use of the language.⁴⁹ The most interesting indicator of the anxiety that Catholic theologians felt toward Navarrus's theory of language, however, can be found not among those who completely rejected Navarrus's mental reservation, but rather among those who embraced it, and yet could not stomach the ways in which Navarrus framed mixed propositions. In a nutshell, while those theologians accepted

⁴⁸On the multiform uses and cultural significance of dissimulation in early modern Europe, see — in addition to Zagorin; Sommerville (quoted above) — Ginzburg, 1970; Cavaillé, 2002b; Snyder.

⁴⁹On these authors, and on some more early modern Catholic theologians who rejected Navarrus's theory, see Sommerville, 170–73.

that mental reservation was a legitimate way to express true, and not deceitful, meaning, they denied that Navarrus's mixed propositions were a feature of language, and insisted instead on the centrality of one's just (or unjust) cause for dissimulating.

For instance, the Jesuit Gregory of Valencia (ca. 1550–1603) began his discussion on equivocation by specifying that when one talks about the precept of saying the truth, one must distinguish between the “affirmative” and the “negative” form of that precept, i.e., between the precept of not lying, and the precept of always telling the truth. Furthermore, he distinguished between *communis conversatio*, i.e., everyday conversation, and conversations held under special circumstances, such as the case of a man unjustly interrogated.⁵⁰ Thus, he declared that in those specific circumstances a man could use both ambiguous speech and forms of mental reservation. The reason for this was that “when one is interrogated unlawfully he can use words to express meaning in the same way as if he was not interrogated at all,” for the judge in this case is illegitimate. Thus, if the man uttered a statement that sounded false to the illegitimate questioner, he could not be accused of lying; he simply refused to utter the “one determined truth” that he was being asked about, and chose instead to say “another, different truth, since he is not bound to utter the truth that the judge requests from him unjustly.”⁵¹ For instance, if a man were asked whether he had committed a homicide that he had committed, and if he were to reply “I did not do it” referring to another crime, for instance, a robbery, he would not go against the precept of not lying, for his mouth and his mind would be in accord, and he would not go against the precept of always telling the truth, because he would have vocally said (not just mentally added) a truth, that is, that he is not a thief, even if he was asked about the homicide. Because the person asking about the homicide is not a legitimate interrogator, the questioned man does not have any obligation to take the specific question into account.

For Gregory, however, this was valid only in those special circumstances that made the interrogation invalid. In common conversation, in fact, to say something true but unrelated to the question asked would not save anybody from committing a sin against truthfulness. Surely the sinner in question

⁵⁰Gregory of Valencia, 3:coll. 1397–1404 (Disputatio V, Quaest. XIII de Reo, Punctum II).

⁵¹Ibid., col. 1403: “in tali casu cum quis scilicet *inique* interrogatur, non minus licet alicui usurpare verba ad significandum sensum, quem vult, quam si a nullo prorsus de aliqua re determinata interrogaretur. . . . Unde . . . nego id esse mendacium, sed solum est, *non dicere* unam determinatam veritatem, sed aliam disparatam, cum ad dicendam certam illam & determinatam, quam alius perperam interrogat quis non tenetur.” Italics in the original.

would not have committed a proper *mendacium*, that is, “a sin against the negative precept of truth” — since even without the special circumstances the mind and mouth of the speaker would still be in accord — but he would have certainly “sinned against the affirmative precept of truth,” since he had failed to say the right truth.⁵²

In his elaboration, then, Gregory refuses to embrace the theory of mixed propositions as a feature of language, and for this reason he introduces the argument of different truths, whose specificity is determined by the circumstances of the question asked. Thus, for Gregory there is no uncertainty of interpretation, nor are there different language games at play. Vocal statements must always be true, even though in certain cases the circumstances can modify how specific the truth of one’s statement must be with respect to the particular conversation.

The same insistence on the circumstances as the key factor in determining the truthfulness of statements, and the same reluctance to accept Navarrus’s theory of language, can be found in the Dominican theologian Domingo Bañez (1528–1604). For Bañez, as for Gregory of Valencia, there is no such thing as a mixed proposition. A proposition is one entity, that is, it consists only of the part vocally expressed. However, the truthfulness of a proposition is the result of the combination of the meaning of the words and “of the circumstances of times, places, and people” in which the words are uttered. Thus, in the case of a man unjustly asked whether he committed a crime, the man’s reply, “I did not do it,” means that given “the circumstances of the people” involved in the interrogation, i.e., that the person asking the question is illegitimate, for the sake of that precise interrogation, he truly (and truthfully) did not commit the crime.⁵³

Gregory of Valencia and Bañez changed Navarrus’s defense of mental reservation slightly but significantly, in that they denied that mixed propositions are a natural feature of language, and, in parallel, they stressed the importance of the circumstances of one’s motives to use equivocation and mental reservation. In the case of Bañez, for instance, the just cause or right circumstances for one’s decision to use mental reservation influence the

⁵²Ibid., col. 1404: “Nego sequi inde ulla incommoda in conversatione communi. Nam quamvis verba usurpare ad aliquem sensum alienum significandum in conversatione communi, non esse mendacium proprie contra *negativum* praeceptum: esset tamen peccatum *omissionis* contra praeceptum *affirmativum* illius virtutis, *Veritatis*.” Italics in the original.

⁵³Bañez, 284–92; quotation at 290–91 (Quaestio LXIX, de rei accusati iniustitia): “in aliqua propositione possunt intelligi & suppleri aliquae particulae ex circumstantia loci & temporis & personarum . . . in casu posito omnes illae particulae intelliguntur ex circumstantia personarum, ergo vera est illa propositio, Ergo non feci.”

properly linguistic aspects of a statement, since the same statement could be truthful or not precisely according to the specific circumstances. In a sense, one could say that those theologians corrected the Wittgenstein-like multiplicity of language games that they saw in Navarrus by stressing context and background as necessary factors in determining the meaning of an utterance.⁵⁴ The upshot, for these later theologians, was to eliminate the radical hermeneutical uncertainty inherent in Navarrus's theory of mixed propositions, and to focus instead on the context of the vocal propositions, so as to be able to apply a moral criterion of justification to the context itself.

These initial modifications to Navarrus's doctrine were to be developed more and more between the end of the sixteenth and the beginning of the seventeenth centuries, when equivocation and mental reservation ceased simply to be matters for theological discussion, and instead became proper techniques to defend oneself from heretical persecutions, or to make more effective the apostolic task of converting people and countries to the Catholic truth. As such, those doctrines were increasingly tied to the Society of Jesus, arguably the most aggressive religious order of post-Tridentine Catholicism in the fight against the heretics. In parallel, equivocation and mental reservation became the objects of an intense public propaganda, and were attacked as examples of the Jesuit missionaries' devious and politically seditious way of proceeding. In order to illustrate more specifically the political and confessional implications of the interpretation of equivocation and mental reservation as moral, rather than hermeneutical, questions, let us turn to an analysis of the early modern English context. In early modern England, in fact, both the use of, and the attack against, equivocation and mental reservation came to the fore in the most politically explosive manner.⁵⁵

⁵⁴In Austin's terms, one could say that these theologians treated the utterance of the man under interrogation as an expositional performative, in which the happiness of the performative (i.e., the truth of the utterance) depended on the absence of infelicities that would otherwise make the utterance void, rather than on the sincerity or insincerity of the speaker's thoughts and feelings: see Austin, especially 1–11, 83–93. In Searle's terms, one could say that for Valencia and Bañez the utterance of the man under interrogation needed to be analyzed as an indirect speech act, and thus the communication of meaning depended on the background information shared by the hearer and the speaker, together with the capacity of the hearer to make inferences: see Searle, 1969, 54–71; and especially Searle, 1979, 30–57. I am aware of significant differences between Searle's and Austin's speech-act theories; here, however, I would like to simply emphasize the distance between them and Wittgenstein with respect to the relationship between context and meaning, which mirrors well the distance between Navarrus and these later theologians.

⁵⁵For an overview of the controversy over mental reservation in England, see Zagorin, 186–220.

Late Elizabethan and early Jacobean England was quite unlike sixteenth-century Spain. While in the Spanish case Navarrus, the Jesuits, and the Inquisition were fighting an internal confessional battle, England was one of the territories most hotly contested between Catholics and Protestants. While in Soto's and Navarrus's elaborations the verbal and mental dialogue was conducted between two Catholic protagonists, in the English elaborations on equivocation the prospective (or actual) equivocators were Catholic priests or Catholic laypersons asked by heretical judges regarding the whereabouts of other Catholic missionaries. In fact, the *cause célèbre* regarding equivocation in England, that of the Jesuit missionary Robert Southwell (1561–95), centered precisely on the question of what means were necessary to survive persecution and to keep the Jesuit mission alive. Southwell arrived in England in 1586, and for the following years he worked secretly to foster Catholicism. In 1592, however, he was betrayed by his former patron, Anne Bellamy, and arrested. During his trial, which ended with Southwell being condemned to death in 1595, Bellamy testified that Southwell had suggested to her to practice equivocation: if the Elizabethan agents had asked whether Southwell was in her father's house (assuming that Southwell was indeed there), she could have equivocated by denying it vocally and mentally reserving a part of the proposition, thus saving herself from a lie, and Southwell from imprisonment. When questioned about Anne's statement, Southwell defended the legitimacy of the practice of equivocation: if France were to invade England, and French soldiers were to ask where Queen Elizabeth was, what would a loyal English subject do? Would she betray her sovereign, or sin by lying, when in fact she could be both loyal and truthful by equivocating?⁵⁶

In the last decades of the sixteenth century, and especially after Southwell's trial, the doctrine of equivocation was targeted in Protestant propaganda as one of the clearest examples of the deceitful means used by the Jesuits to infiltrate England and to overthrow the state. For example, in 1589 George Abbot (1562–1633), in the preface to his *Quaestiones sex* (*Six Questions*), had already condemned the Jesuit missionaries' "frauds, impostures and deceits . . . because they open the door not only to lying, but also to perjury."⁵⁷ In 1606 Thomas Morton (ca. 1579–1647) dedicated a large part of his *A full satisfaction* to attacking the doctrine of equivocation, which he defined as a "new-bred Hydra, and uglie Monster" that not only went against the basic Christian principle of not lying, but also introduced

⁵⁶On this part of Southwell's trial, see Devlin, 311–14; Malloch, 387.

⁵⁷Abbot, 4–5 ("Praefatio ad lectorem"): "fraudes, imposturas, dolos . . . quippe qua non modo mendacio, sed et periurio porta aperitur."

sedition and political rebellion into the English realm.⁵⁸ The same insistence on equivocation as a new Jesuitical trick to foster anti-Christian political sedition can be seen from the very title of the treatise that Henry Mason (ca. 1575–1647) wrote against equivocation in 1624: *The new art of lying*.⁵⁹

The question of equivocation in early modern England, however, not only opposed Catholic victims against Protestant persecutors, but touched also a sensitive nerve within the Catholic community itself. Just as Catholics could equivocate to save a missionary's life from Protestant persecution, they could also equivocate to save their own life and goods. This second form of equivocation, both in its verbal form and in its "behavioral equivalents," that is, various forms of dissimulation and outer conformity, could weaken, rather than strengthen, the strong recusant character that people like Cardinal William Allen (1532–94) and the Jesuit Robert Persons (1546–1610), two of the leaders of the English Catholic community and of the Jesuit mission, wanted English Catholics to maintain against the Protestants.⁶⁰

The question of what a Catholic could and should do if he wanted to remain loyal to his faith at the same time as he remained loyal to his government, and possibly alive and in possession of his goods and lands, surfaced in many contexts and was articulated in a number of ways in early modern England. The scruples of Catholic consciences ranged from whether or not a Catholic host could prepare a meal for a heretic friend or neighbor,⁶¹ to whether or not a husband could be allowed to conform and attend Protestant services — thus saving the family estate by acting as a church

⁵⁸Morton, 47–103; quotation at 47.

⁵⁹On Protestant propaganda against equivocation, see Sommerville, 179–82. Even though the English Protestant establishment seemed to present a unified front against equivocation and mental reservation as intrinsically seditious Jesuit doctrines, some English Protestants themselves practiced and defended the doctrine of equivocation, especially when, during the reign of Mary, the roles in the confessional game of cat-and-mouse switched: on this topic, see Pettegree; Wabuda. The doctrine of equivocation also played a small, but polemically significant, part in the Gunpowder Plot. A manuscript copy of the *Treatise of equivocation*, written as an explicit defense of Southwell by the Jesuit Henry Garnet (1555–1610), the superior of the English mission, was found in possession of Thomas Tresham, one of the conspirators of the plot. In 1605 Garnet was arrested for his alleged participation in the plot, and Sir Edward Coke (1552–1634) questioned him at length on equivocation. At the end of the trial Garnet was condemned to death, and was executed in 1606. See Tutino, 545, 552–53.

⁶⁰On this topic, see Walsham, 2000 and 2004. The definition of Nicodemism and dissimulation as "behavioral equivalents" of verbal equivocation is in Gallagher, 89.

⁶¹On this and many other dilemmas faced by Catholic laity in Elizabethan and early Jacobean England, see Holmes, 1981; Rose, 11–113.

papist, while the wife remained a recusant and was left to hold the domestic fort in the confessional battle.⁶² Such vexing problems provoked a series of relatively public and potentially dangerous controversies within the Catholic camp. One of the most dramatic of those controversies centered on Thomas Bell (ca. 1551–ca. 1610), a Catholic seminary priest and missionary. In a manuscript work entitled *A comfortable advertisement to afflicted Catholics*, Bell argued that recusancy was a work of supererogation, and as such it could not be imposed upon ordinary men and women, to whom attending Protestant services should be allowed, since such attendance, far from being a sort of theological badge of identity, was simply a means to show one's political loyalty. Bell's tolerance toward these kinds of dissimulatory behaviors was fiercely attacked by the Jesuit missionaries, and especially by Henry Garnet, who vigorously defended Southwell's pious equivocation. In 1592, Bell left the Catholic camp and converted to Protestantism, just as William Allen was issuing an open letter to English Catholics in which he recognized the difficult situation of the Catholic laity but also vigorously condemned Bell's opinions.⁶³

All these examples, which indeed could be multiplied, should serve to demonstrate just how crucial it was for Catholic supporters of equivocation and mental reservation to stress the justness of the cause as the only valid criterion to use them. From the point of view of the external opposition, in fact, the pressure of the confessional fight as well as the polemical wave of anti-Jesuitism mounted on the part of the Protestant establishment forced English Catholic authors to insist that equivocation was not valid indiscriminately and in all circumstances. From the point of view of the internal politico-theological equilibrium of the English Catholic community, insisting on the justness of the cause was necessary to dissuade English Catholics from engaging in indiscriminate forms of verbal and nonverbal dissimulation, which could have weakened the unified front that Allen and Persons wanted the English Catholic to present against the English Protestants. This is why the defenses of the practice of equivocation written by English Jesuits started to emphasize more and more the question of just cause, following Gregory of Valencia and Bañez, at the expense of Navarrus's theory of language, which was, to a certain extent, morally neutral.

For instance, when Henry Garnet defends the legitimacy of mental reservation in his *Treatise of equivocation*, he refers to Aristotle's notion of vocal and mental propositions without mentioning Navarrus.⁶⁴ Immediately

⁶²On the phenomenon of the "recusant wives," see Walsham, 1993, 77–81.

⁶³On Thomas Bell, see Holmes, 1982, 95–98; Walsham, 2000; Questier, 45–48.

⁶⁴Garnet, 12–13.

afterwards, he mentions “2 great Devines, which will more declare that which hath bene sayed.”⁶⁵ One of those two “great Devines” was Gregory of Valencia, who argued that “in case that a man be not lawfully asked . . . it is as lawfull for a man to use wordes for to signifye what sense he will as if he were asked by no manner of person, or of no determinate thinge, as for example, if he were alone or before others, and for recreation sake or for other end should talke with hym selve.”⁶⁶ The other was Domingo Bañez, who “defendeth such speeches from a lye, whan according to the circumstances of place, tyme, and persons, some particles may in a proposition be understood and supplyed, which, if they were expressed, woulde make a manifest truth. In such case it is all one whether those particles bee expressed or concealed.”⁶⁷ The reason why Garnet privileged these theologians’ readings instead of Navarrus’s is that he was interested in underscoring that “the use of these kyndes of concealing of trewth contayneth no falsehood or lye (which alwayes were a synne) but is altogether lawfull in places and seasons.”⁶⁸ In other words, mixed propositions are not a neutral feature of language, and there are places and seasons in which mental reservation can be used without lying or committing any other sin — and saving a missionary’s life from the heretics’ fury was, for Garnet, a most right place and a most right season to use mental reservation, even when interrogated under oath.

Robert Persons dedicated the entire second part of his *Treatise tending to mitigation* to a complex and lengthy defense of the doctrine of equivocation from the attacks of Thomas Morton.⁶⁹ Persons’s text had many different polemical agendas. First, it was supposed to defend the doctrines of equivocation and mental reservation from the accusation of being a Jesuitical novelty aimed at promoting political sedition, and thus it needed to present equivocation and mental reservation as doctrines over which there was a general agreement among Catholic theologians, provided that these doctrines were used appropriately. Second, Persons needed to promote the right use of these doctrines as a means to strengthen the Catholic mission in a time in which priests and missionaries were forced to live underground and depended on the protection of the laity for survival, just as in the case of Southwell. Third, Persons needed to discourage the indiscriminate use of equivocation and mental reservation, for these doctrines could be used not only by Catholic missionaries in their fight against the heretics, but also by Catholic

⁶⁵Ibid., 15.

⁶⁶Ibid.

⁶⁷Ibid., 17.

⁶⁸Ibid., 53.

⁶⁹Persons, 273–556.

laypersons who could pretend to be Protestants and thus avoid fines and punishment.⁷⁰

Thus, unlike Garnet, Persons needed to quote Navarrus (and Soto) extensively in order to prove that the doctrine of equivocation was not a Jesuitical invention, but was in fact a part of traditional Catholic theology. As Persons argued, mental reservation “for the space of these last 400 yeares . . . hath byn received for true, and lawfull doctrine in our schooles, and consequently practised also throughout Christendome, when iust occasion was offered, without breach, or discredit of publique faith.”⁷¹

However, since setting appropriate limitations on just cause was necessary for Persons both to defend rightful equivocation and to discourage cowardly equivocation, he chose Gregory of Valencia and Bañez over Navarrus. When discussing the justification for equivocation, in fact, Persons starts by mentioning Navarrus and his commentary, in which, according to Persons, Navarrus “proveth that the said defendant being so pressed uniustly to answeare, when he hath no other way lefte to defend himselfe, may truly, and without any lye at all, say, *he did it not*, with the foresaid reservation of mynd, *that he did it not in some such sense*, as in his owne meaning, and in the eares of Almighty God, is true; though the uniust Iudge taking it in another sense, be deceived therby, which falleth out iustly unto him, for that he proceedeth iniustly against law.”⁷² At this point Persons conveniently glosses over that the defendant in question was on trial for matters concerning an unfulfilled promise of marriage, or, for that matter, that Navarrus specifically argued that the existence of mixed propositions did not depend on the justness of one’s motives. In fact, when Persons discusses Navarrus’s proofs to justify his position, the English Jesuit avoids any mention of the theory of mixed propositions, and simply declares that “the said Doctor proveth this his assertion by many arguments taken both out of Scriptures, Canon law, and reason it selfe.”⁷³ After this brief introduction of Navarrus, Persons states that “all publicke Readers of Devinity” allowed the use of mental reservation, and, for brevity’s sake, he only mentions two: the first is Gregory of Valencia and the second is Domingo Bañez.⁷⁴

Thus, by the beginning of the seventeenth century it is possible to identify a series of small but important modifications in the way in which

⁷⁰On the polemical context of Persons’s text, see Tutino.

⁷¹Persons, 279.

⁷²Ibid., 419. Italics in the original.

⁷³Ibid.

⁷⁴Ibid., 420–25.

Catholic theologians treated the doctrines of equivocation and mental reservation with respect to Soto's and Navarrus's elaborations. These modifications were prompted by the theoretical concerns initiated by Navarrus's morally neutral theory of language, and by the historical context, in which the fight against heretics was a prominent point in the agenda of the post-Tridentine Church. The result of these contextual and theoretical moves was that, first of all, mental reservation was not, as in Navarrus's theory, linked with a distinctive view of language, but instead became more and more an issue of moral theology. Second, by the beginning of the seventeenth century the doctrines of equivocation and mental reservation were tightly linked with the Society of Jesus, whose members were quite invested in elaborating, defending, and practicing the best mechanisms of defense and offense in the fight against heretics.

Some preliminary results of these processes can be seen in the way in which the Jesuit Leonardus Lessius (1554–1623) treats equivocation and mental reservation in his *De iustitia et iure* (*On Justice and the Law*), first published in 1606. Unlike Persons and Garnet, Lessius was not fighting on the front lines of the antiheretical battle; in fact, he treats the doctrines of equivocation and mental reservation in his *De iustitia et iure*, which is a theological treatise written in Latin rather than a pamphlet written in a vernacular language. On the other hand, however, Lessius lived and taught in Louvain, which was a very delicate location in terms of confessional conflict. Thus, Lessius's work reflects both the academic, theological milieu of the discussion on equivocation, and some of the antiheretical concerns typical of a confessionally contested land.⁷⁵

Lessius discussed equivocation, not in the sections of his work dedicated to the rights and duties of the defendant — as Soto, Gregory of Valencia, and Bañez did — but in a section of the chapter on oaths, specifically concerning whether or not one could swear “in another sense with respect to another person's understanding.”⁷⁶ Recall that in the analysis of Persons's and Garnet's texts, the use of equivocation or mental reservation to avoid lying under oath, when such an oath was requested by a heretical judge, had been substituted for the question of the confessor's duties and rights as the typical case-study for these doctrines. Moreover, when Lessius offers his own justification of mental reservation, even though he specifies that using mental reservation without a legitimate reason is not properly a form of lie,

⁷⁵For a biography of Lessius, see van Sull. On Lessius's moral theology, see Sommerville, 167–77; Höpfl. For an overview of the tense theological debates that took place in Louvain during Lessius's time, see Van Eijl.

⁷⁶Lessius, 1606, 556–58 (2.42.9).

he nevertheless strongly emphasizes that just cause is the criterion for the legitimate use of mental reservation and, indeed, he enlarges the range of the possible just causes by including *utilitas* (utility) together with *necessitas* (necessity): “Whenever somebody is unjustly obliged to swear, or has an otherwise just reason to conceal his mind through an ambiguous speech or through a silent [mental] restriction, he does not sin even though he swears in another sense [with respect to the sense intended by the interlocutor]. Note that this is valid if necessity or utility requires the oath.” It is here especially noteworthy that Lessius leaves the range of the category of utility relatively open. While, in fact, Lessius explicitly mentions the necessity of using equivocation and mental reservation in the case of a man obliged unjustly to swear an oath — a case that had become dramatically familiar to Catholics in those years — the question of a Catholic’s utility was much less clear-cut from both a moral and a theological perspective. Lessius’s intentional vagueness here is an indication of the typical Jesuit way of proceeding in matters of moral theology, which centered less on the enunciation of moral norms always valid in all situations and more on a case-by-case examination of the particular circumstances of time, place, and people. That Lessius applies such an attitude toward moral theology explicitly to the issues of equivocation and mental reservation is a testament to how much equivocation and mental reservation had moved away from the realm of hermeneutical questions and into the realm of the Jesuits’ moral theology.⁷⁷

If Lessius’s position on mental reservation still maintained a certain distinction between *mendacium* and unjust dissimulation, another famous and influential Jesuit theologian, Théophile Raynaud (1583–1663), did not have any scruple about completely abandoning Navarrus and embracing the just-cause theory both morally and hermeneutically. Raynaud was a prolific, influential, and controversial French Jesuit whose written production is abundant and eclectic: in 1630 he wrote *De martyrio per pestem* (*On Martyrdom by Plague*), a book that argues that those who contracted the plague while helping to cure ill people and who died because of it should be considered as true martyrs; in 1637 he wrote *Error popularis* (*Common Error*), a treatise that criticizes the practice of taking communion for the sake of the dead; in 1653 he published *Erotemata de bonis ac malis libris* (*Questions on Good and*

⁷⁷Ibid., 557: “Quandocumque aliquis iniuste cogitur ad iuramentum, vel alias habet iustam causam celandi mentem suam oratione ambigua, vel tacita restrictione: non peccat, etiamsi alieno sensu iuret. Quod intellige, si necessitas vel utilitas iuramentum exigat.” Even the Congregation of the Index singled out this very statement as problematic because of the reference to utility: see Archivio della Congregazione per la Dottrina della Fede (hereafter ACDF), Index, Diarii III, “Congregatio habita 17 Julii 1624,” fol. 125^v.

Bad Books), which criticizes the procedure of the Congregation of the Index in censoring books. Between the mid-1640s and the end of the '50s the Congregation of the Index censured all of these works, and indeed almost all of Raynaud's production.⁷⁸

In 1627 Raynaud wrote a book entitled *Splendor veritatis* (*Splendor of Truth*) — which was not censured by the Index — under the pseudonym of Emonerius, which was a defense of Lessius's and Persons's endorsements of mental reservation against the criticism of John Barnes (ca. 1581–1661).⁷⁹ Barnes was an English Benedictine located in France, and author of the *Dissertatio contra aequivocatores* (*Discussion against Equivocators*), a lengthy and complex accusation against Lessius and Persons for having invented a new and weak theological justification for lying. Barnes quoted Lessius's passage stating that a right reason, including *utilitas* or *necessitas*, could absolve whoever used mental reservation from lying. For Barnes, Lessius's justifications made what was a lie into a non-lie, and what was a perjury into a non-perjury: "with an awesome metamorphosis [Lessius] transformed black into white, darkness into light, falsity into verity."⁸⁰

Barnes condemned Lessius's use of the just cause, which, according to Barnes, Lessius had stretched so far as to consider it as a criterion to distinguish between truth and lies, and not just between bad and good dissimulation. Raynaud, for his part, mounted a theoretically and theologically thorough defense of the criterion of the just cause, both as a justification for good dissimulation and as a justification for the language of mental reservation. For this reason, he openly and forcefully attacked Navarrus's opinion on mixed propositions, and indeed his entire theory of language, on the basis of which mixed propositions were justified.

⁷⁸The documentary evidence for the censures of these books can be found in ACDF, Index, Protocolli KK 153^r–156^v, 348^r–349^v, 355^r–364^v, 509^{r-v}; *ibid.*, Protocolli II, 112^r–122^f, 126^f, 128^{r-v}, 130^r–136^f, 611^r–649^v. The Index's censures were also discussed among the Roman hierarchy of the Society of Jesus: traces of these discussions can be found in Archivum Romanum Societatis Iesu (hereafter ARSI), Fondo Gesuitico 669, 160^r–163^f. These censures have to be put in the context of the shifting attitude of the Congregation of the Index, which starting in the 1640s assumed a more pronounced anti-Jesuit and anti-probabilistic character: on this, see Stella, 1:82–86.

⁷⁹The first edition of the *Splendor veritatis* was published in Lyon in 1627. The text was reprinted as an appendix of the 1653 Lyon edition of Lessius's *De iustitia et iure*: Lessius, 1653, 667–790. I will be quoting from this latter edition as Raynaud, 1653.

⁸⁰Barnes, 15–16: "Ita ille ex mendacio non mendacium, ex periurio non periurium . . . & mirabili metamorphosi nigrum in album, tenebras in lucem, falsitatem in veritatem transformat." For a summary of Barnes's arguments, see Zagorin, 213–15.

The greatest problem of Navarrus's theory of mixed propositions, Raynaud writes, was that "it assumes almost *gratis* that a mixed proposition out of vocal and mental terms can legitimately exist, even though this is precisely what is under controversy."⁸¹ The reason for the controversy is that the vocal and mental parts are heterogeneous, for the vocal proposition is expressed through *signa* (signs) that do not apply to the mental proposition, which is only expressed inwardly. Thus, if Navarrus wanted to prove his theory, he should have "proved and declared that that mixture of proposition from a vocal and a mental part, or from a sign and a non-sign, holds together properly."⁸² What Raynaud rejected from Navarrus's theory of language is precisely that, for Navarrus, mixed propositions exist as intrinsic features of language. By contrast, Raynaud saw "inward saying" and "outward saying" as heterogeneous, and thus he thought that in order to mix and match heterogeneous entities one needs a good reason. For Navarrus, no reason was necessary, since the possibility to mix and match was an intrinsic aspect of language. Raynaud, of course, also realized that Navarrus's theory of mixed propositions was a theoretically sound manner in which to justify mental reservation and, consequently, to defend good dissimulation. Thus, his solution was to correct Navarrus's theory of mixed propositions by supplying the good reason: "That divided expression of a concept . . . is not illicit *when there is a just cause and a more urgent law than truthfulness*."⁸³ In other words, the just cause defines not only whether the deceit is good or bad, but indeed whether one lies or not. Raynaud's modification, then, did not stem from the need to clarify the distinction between just or unjust causes, but from the necessity to eliminate any uncertainty in the degree of adaptation between words and things, and to avoid the difficulties in communicating meaning that could have resulted from an indiscriminate use of the language game of pretending. As Raynaud explicitly claims, since many words can have many meanings, and indeed "every word . . . is ambiguous and full of different meanings, an incredible anxiety would occur every time a word must be uttered, and it would be necessary to try to remove the ambiguity of words with gestures or other signs. These scruples

⁸¹Raynaud, 1653, 752: "[Navarrus's explanation] fere enim gratis assumit, dari absque culpa posse orationem mixtam ex terminis vocalibus & mentalibus: cum tamen hoc sit ipsum de quo controvertitur."

⁸²Ibid.: "Probandum igitur ac declarandum fuerat, illam compositionem orationis ex parte una vocali aliaque mentali, sive ex signo & non signo, apte cohaerere."

⁸³Ibid.: "Sic igitur argomentor. Dimidiata illa conceptus expressio, *suppetente iusta eius causa, & urgentiore lege quam veracitatis*. . . . Nullo igitur modo est illicita." Italics are the author's.

are addressed once we reject a general condemnation of ambiguous words, and we allow their use for a just cause.”⁸⁴

4. EPILOGUE: THE RIGORIST MOMENT AND BEYOND

Raynaud’s forceful endorsement of the moral, rather than the linguistic, nature of mixed propositions closed the cycle, so to speak. It was a product of a process that lasted almost a century, in which the hermeneutical “incredible anxiety” that Navarrus’s theory of language had provoked was eliminated, and mental reservation became a part, albeit a controversial one, of moral theology. In fact, as the seventeenth century progressed, the doctrine of equivocation and mental reservation came under attack from both the periphery and the center of the Catholic world precisely as a manifestation of probabilism, and indeed of laxism — that is, of systems of moral theology that in cases of moral uncertainty allow a certain course of action on the basis of the solid probability (in the case of probabilism) or even slight probability (in the case of laxism) that the course of action in question is not unlawful.

Already in the 1620s the initial signs of the uneasiness the Catholic world felt toward mental reservation is apparent. Barnes’s book had come out in 1625 in both Latin and French editions, and even before its publication the Congregation of the Index had an eye on it. The reason for this attention was that Barnes’s book was not simply a piece of polemical writing against equivocation, and it was not even simply a manifestation of the conflict between English Jesuits and English Benedictines, which in the first decades of the seventeenth century was quite dramatic. Barnes lived in France, and his book was endorsed by the theologians of the Sorbonne as “most salutary and useful against the frauds, deceits, lies, and perjuries that under guise of equivocation have inundated the Christian world in these unhappy times.”⁸⁵ This involvement of the Parisian theologians pointed to a larger and more dangerous conflict between certain sectors of the French Church and the Roman Curia, whose relations were very delicate from the

⁸⁴Ibid., 709–10: “Et quia . . . quaecumque verba . . . ambigua sunt & pluribus gravioribus sensibus, incredibilis anxietas oboriretur, quoties proferenda essent verba, nitendumque foret, ut nutibus aliisque signis tolleretur verborum ambiguitas. Cui scrupulositati occurritur, rejecta universaliter improbatione vocum ambiguum, & concesso ex causa iusta earum usu.”

⁸⁵Barnes: “Approbatio Doctorum in sacra Theologiae facultate Parisiensi,” unfol.: “Imo contra fraudes, dolos, mendacia, & periuria quae miseris hisce temporibus sub aequivocationum specie orbem Christianum inundarunt, apprime utilem & salutarem censemus.”

1610s and in the aftermath of the murder of Henri of Navarre (r. 1589–1610), and became dramatically tense after the publication of Cornelius Jansenius's *Augustinus* in 1640.⁸⁶

In the 1620s, then, the Congregation of the Index was monitoring the French situation very closely, and, indeed, in July 1624 it examined the text of Barnes's *Dissertatio* and "ordered the book to be prohibited." However, the members of the Index were also very aware of the potential conflict that Lessius's view on the doctrines of equivocation and mental reservation could instigate, precisely because in Lessius's formulation these doctrines were framed as a part of moral theology. This is why after prohibiting Barnes's book they "ordered to admonish gently the Father General of the Jesuits to suggest Lessius to remove from his work *De iustitia et iure* that word 'utility' in chap. 42, disputation 9," where *utilitas* and *necessitas* were used as the criteria for allowing dissimulation under oath.⁸⁷ Evidently, the members of the Index saw clearly how Lessius's mention of utility as a valid moral criterion smelled too much of probabilism and laxism, and as such it could become problematic especially in the French theological landscape, in which both the Jesuits' political papalism and their understanding of moral theology were looked at with suspicion and, in certain quarters, with outright hostility.

It should be said that the antiprobabilism and antilaxism moment had not arrived yet, and even assuming that Lessius was actually warned by the

⁸⁶Jansenius's posthumous work, usually considered the inspiration for the birth of Jansenism as a political and theological movement, was a forceful attack on the Jesuit Molinist emphasis on free will as a crucial factor for humans to attain salvation, which Jansenius considered akin to Pelagianism. By contrast, Jansenius stressed the fundamental corruption of human nature after the Original Sin, and consequently the fundamental necessity of God's grace for salvation. Aside from fuelling a theological controversy which had already seen deep contrasts within the Catholic camp since the end of the sixteenth century, the *Augustinus* provoked a series of dangerous political contrasts. The French monarchy saw the Jansenists as a threat to royal power and the religious unity of the country, and the pope condemned the *Augustinus* in 1641. Important parts of the Sorbonne and of the French Gallican clergy, however, embraced Jansenist rigorist and anti-Jesuit piety, and they also saw Jansenism as a means to assert the independence of the French clergy from the Roman authority of the pope. Some members of the French Parlement also embraced the anti-Roman aspect of Jansenism, and defended it from the combined attack of the crown and the pope. In this respect, then, the controversy over Jansenius's book revitalized deep-seated conflicts between the different souls of the French Catholic church, the Roman Catholic hierarchy, and the French political establishment.

⁸⁷ACDF, Index, Diarii III, "Congregatio habita 17 Julii 1624," fol. 125^{r-v}: "Ill. DD. mandarunt librum prohiberi, sed moneri suaviter R.mum Patrem Generalem Jesuitarum ut moneat d. Lessium ad amovendum a suo opere de iustitia et iure verbum illum utilitas . . . c.42 disputatione 9a."

general — of which warning, in any case, there is no record — he did not feel compelled to change anything in his work. In fact, the passage noted by the censors in the 1606 edition of *De iustitia et iure* remained identical in subsequent editions, and the 1653 edition of Lessius's treatise contains as an appendix Raynaud's *Splendor veritatis*, which was even more explicitly Lessian than Lessius's own work.⁸⁸

Soon enough, however, the rigorist wave would invest the Roman Curia and sweep away equivocation and mental reservation together with probabilism and laxism. Out of the sixty-five laxist propositions condemned by Innocent XI (r. 1676–89) and the Holy Office in 1679, two concerned the doctrine of equivocation. The twenty-sixth concerned the right to use mental reservation under oath, and the twenty-seventh concerned the justification of such use because of a just cause, that is, because of necessity or utility of either the body and or the soul.⁸⁹ Indeed, while Raynaud's *Splendor veritatis*, unlike his other works, had managed to escape a censure from the Index in the 1640s and '50s, in 1681 the treatise could not escape the explicit anti-equivocation stance that the papacy had taken, and was prohibited.

The copy of the three censures made on the text survives. The first two censures were very similar, and raised three main objections: first, that Raynaud had used very harsh words against Barnes, who was a Catholic man and as such deserved a measure of respect; second, that Raynaud deserved to be punished for having written under a pseudonym; and third, that since the doctrine contained in the book was explicitly against Innocent's pronouncement, it undoubtedly deserved to be condemned.⁹⁰ The third censure, written by the Theatine Cardinal, erudite scholar, and future saint Giuseppe Maria Tomasi (1649–1713), is slightly different.⁹¹ Tomasi started by stating that there were two issues to be examined. As for the first, the perceived excessive verbal violence against Barnes, Tomasi declared that since Barnes too had used strong words, Raynaud's mistake should be considered "venial" and not be condemned.⁹² As to the second, more important issue of

⁸⁸Cf., for instance, Lessius, 1606, 556–58; Lessius, 1653, 515–16.

⁸⁹The decree of this condemnation can be found in ACDF, S.O., Decreta 1679, fol. 46^r. The text of the propositions condemned can be found in Denzinger, nn1176–78.

⁹⁰The first censure, anonymous, can be found in ACDF, Index, Protocolli RR, fols. 226^r–229^r. The second censure, by Laurentius Bulbulius, can be found in *ibid.*, fols. 231^r–234^r.

⁹¹For a biography of Tomasi, an important protagonist of the erudite culture of his time, see Andreu. Domenico Stefano Bernini, son and biographer of Gian Lorenzo, wrote a biography of Tomasi in 1714 at the request of Pope Clement XI, who in 1713, immediately after Tomasi's death, had initiated Tomasi's beatification process.

⁹²ACDF, Index, Protocolli RR, fols. 235^r–236^r; quotation at 236^r.

doctrine, Tomasi was perplexed. It is true that equivocation was officially condemned, but it is equally true that Raynaud wrote the *Splendor veritatis* “more than fifty years before the condemnation,” and therefore it seemed that he “should be excused” since a retroactive prohibition did not sound fair. Moreover, “he was not unique in his opinion, and indeed he followed not ignoble writers” and especially Navarrus, “not a vulgar author.” In this situation, Tomasi concluded, “I do not see how the book of this author should be prohibited, while the others should not.”⁹³

Tomasi’s opinion was evidently discarded. The Roman Curia of his time was interested in fighting against probabilism and laxism, both seen as intrinsically Jesuit doctrines; therefore, embarking on a long and dangerous theological exegesis involving Navarrus was not on the agenda. However, Tomasi was not entirely correct in seeing Raynaud’s and Navarrus’s doctrines as identical. Indeed, they were different precisely because Navarrus saw mixed propositions as a feature of language at the disposal of everybody, regardless of the justness of one’s reason for using them. For Raynaud, on the contrary, mixed propositions existed only if the person who uses them has a right reason to do so. From this perspective and, *pace* Tomasi, Rome had been coherent in focusing on Raynaud and leaving Navarrus alone.

The condemnation of Raynaud in 1681, paradoxically, represents the ultimate success of the Jesuits’ theological attempts to appropriate and modify the doctrines of equivocation and mental reservation. By making these doctrines a part of moral theology, the Jesuits tried to erase the hermeneutical anxiety inherent in Navarrus’s theory of language, and they were so successful that when laxism was condemned, equivocation and mental reservation were condemned also. The hermeneutical uncertainty, however, started to resurface shortly thereafter.

In 1701 the influential theologian and professor of the Roman College José Alfaro (1639–1721) was asked to write a memo on equivocation and mental reservation to be given to the Jesuit superior for the French province.⁹⁴ Alfaro praises the attempts made by the French superior to have his Jesuits avoid talking or writing on equivocation and mental reservation, but he also warns that in rejecting these doctrines one should avoid two absurd and extreme situations (*duo absurda*). On the one hand the confessional seal needed to be protected. On the other hand, and because of

⁹³Ibid., fol. 235^{r-v}: “Verum quum . . . iste quinquaginta plus annis scripserit ante huiusmodi proscriptionem, excusandus hinc ipse. . . . Quumque ipse, solus non fuerit in hac sententia, vel in ea non ignobiles scriptores sit secutus, non video cur huius tantummodo scriptoris liber sit prohibendus, et non item et coeterorum.”

⁹⁴The memo can be found in ARSI, Instit.186e, fols. 43^r–44^r.

Innocent's condemnation, pure mental restriction (*restrictio pure mentalis*) could not be allowed under any circumstance, no matter how just the cause for using it was. What was the solution, then? According to Alfaro, "sometimes it is licit, indeed necessary, a restriction that is called real," that is, when the uttered words actually allow for an ambiguous interpretation. As an example, Alfaro quotes the intrinsic semantic ambiguity of the verb *scire*, which a confessor might take advantage of when refusing to reveal sins "he learned of in confession" — the example that was Soto's starting point.⁹⁵ The cycle was starting all over again. In a sense, we are still in the cycle: that is, we are still grappling with the tension between moral and hermeneutical certainty (or lack thereof) that is a fundamental component of our modern and postmodern sensibility. Understanding the early modern origin of this tension can give us a better perspective as we try to reflect on the relationship between true, false, and feigned.⁹⁶

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⁹⁵Ibid., fols. 43^v–44^r: "Aliquando licere, imo et necessariam esse restrictionem, quam vocant realem . . . quo pacto munus ipsum confessarii est res quaedam et circumstantia, unde, illa responsio, nihil scio de tali crimine verum et legitimum sensum habeat, etiam si illud ex confessione noverit" (underlined in the manuscript).

⁹⁶I am borrowing from the subtitle of Ginzburg, 2006: see also *ibid.*, 15–38, 205–24.

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