3. Control of the self and the casuistry of vows: Christian personal conscience and clerical intervention in the twelfth and thirteenth centuries

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This chapter concerns the intersection of two aspects of Western medieval Christian religion that have previously been considered in isolation. The first is ascetic control of the self, and in particular, the voluntary vows made by secular people, for example, to fast, to abstain from marital relations or to go on pilgrimage.[1] Vows of personal conduct (as I shall call these non-institutional vows), and voluntary physical abstinence more generally, have been of considerable interest to scholars of medieval sanctity and the body. They have focused on a number of holy women and mystics who practised exceptional ascetic control of the body; Mary of Oignies (1177-1213), Angela of Foligno (1248-1309) and Margery Kempe (1373-1438) at various points in their life persuaded their husbands to allow them to take a vow of chastity, and lived in fasting and prayer.[2] In addition, the thirteenth century was a period in which lay people came together to live quasi-monastic lives: this was best exemplified by Francis of Assisi (1181/2-1226) and Valdès of Lyons (c.1140-c.1205), who were both merchants who founded religious movements devoted to a life of poverty and imitation of Christ (Grundmann 1995). These ascetic regimes indicate an attempt at ethical consistency in all aspects of behaviour, disposition and motivations, and as such map easily onto Foucault's idea of a 'cultivation of the self' (Foucault 1985: 25-32, 1986: 37ff.).

The second aspect of medieval culture under consideration is casuistry (see introduction). Here this is a term for the legalistic ethics that was taught to Catholic priests in the late medieval and early modern period. It first emerged in practical theology and canon law taught in the universities of Paris and Bologna around the turn of the twelfth and thirteenth century and was subsequently popularised in manuals for priests from the mid-thirteenth century.[3] This kind of thought was chiefly concerned with resolving moral cases

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[1] On medieval vows in general, Brundage 1969: 30-114; Boureau 1996, 1998, 2014.

[2] On the phenomenon of Holy Women, see Minnis and Voaden (eds) 2010, especially Goodman, Mazzoni and Simons.

[3] Michaud-Quantin 1962; Tentler 1977; Boyle 1981b, 1982; Rusconi 2002; Roest 2004; Corran 2018. As mentioned in the introduction, casuistry later became famous (and infamous) in the seventeenth century, when it was associated with the academic discipline of moral theology popularly associated with the Jesuits. Reinhardt (chapter 5) deals with this later version of casuistry, which combined practical advice with academic theological research not found in the casuistical manuals of the thirteenth century.

and practical dilemmas. For example, Raymond of Penafort (c.1175-1275), the author of one of the first and most influential *Summae de Casibus* ('Books of Moral Cases'), provided advice on whether one should lie in order to save a fugitive's life, whether a judge should knowingly convict an innocent man, and whether one should persist in a life of abstinence if this encourages one's neighbours to sin (Raymond of Penafort, *Summa:* 90-2, 99-101, 355). Subsequent manuals were compendia of specific moral rules and approved solutions to dilemmas. Thirteenth-century manuals of casuistry addressed ascetic regimes primarily in their discussions on the morality of personal vows. This included lists of rules that defined the different kinds of vows – including vows of chastity, fasting or pilgrimage – and listed who was permitted to take vows, whether vows could be changed or modified retrospectively, and the circumstances in which a vow could be broken. This tradition of casuistry thus showed many of the features associated with rule-oriented ethical traditions, as proposed in the introduction.

I wish to address the relationship between clerical writings on vows and ascetic behaviour. Superficially, this relationship appears to have been an uneasy one, since the behaviour of ascetic lay people often did not correspond closely to the rules that clerics produced for them. Casuistry advocated that pious actions should be treated with moderation, flexibility and reliance on extensive clerical intervention – the opposite qualities to those exhibited by charismatic holy men and women. Scholars have assumed, on these grounds, that the church establishment's primary interest in the pious actions of lay people was paternalistic; that the church wished to bring piety under clerical supervision and curb spontaneous and non-conforming behaviour. I will argue that this is to ignore the important differences between the vows of personal conduct likely to be made by lay people with no pretensions to sanctity and the regimes of exceptional ascetics.[4] Whereas clerical instruction could be an unwelcome intrusion into the extreme individualism of a saintly figure, in the case of the more usual vows of people who lived more conventionally, casuistry was not always an invasion of the private conscience, but an attempt to facilitate personal devotional

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[4] My argument here does not in any way contradict Bynum's argument about the non-liminality of female ascetics in the medieval period. In a nutshell, Bynum argued that holy men tended to start their life as members of a powerful class, undergo a liminal period, in which they were humiliated, before embracing a new identity as a holy man, but that female ascetics started from a position of social marginality, and so did not undergo as radical a transformation. Bynum is talking about identity vis-à-vis social hierarchy, whereas I am interested in the degree to which pious lay people privileged their ascetic practices over other aspects of their lives. See Bynum, 1992: 27-52.

projects.[5] The legalistic treatment of vows and ascetic behaviour may have been restrictive for the exceptionally pious, but the same detailed rules were a constructive force for the more moderate, and therefore more common, ethical regimes of medieval men and women.

Clerical power and the ascetic self

Ascetic 'projects of the self' should be understood in the context of large changes that took place in the Western church during the twelfth and thirteenth centuries. During this period, the papacy pursued a wide-ranging programme of reforms, including pastoral rulings intended to regulate the religion of lay people. Structures of clerical power expanded considerably in this period, such that the church was able to intervene with increasing detail in many aspects of everyday life. In 1215, Pope Innocent III held the Fourth Lateran Council, at which a number of constitutions were published that were intended to reform the entirety of Christendom doctrinally, administratively and pastorally. Constitution 21 established the obligation to confess and take communion annually was imposed on all Christians.[6] Everyone was required to reveal their sins to a priest at least once a year, and priests were instructed to enquire after the sins of their parishioners and prescribe penitential activities. There are two implications to these reforming efforts for the history of lay religion. The first is an increase of pastoral care in the course of the thirteenth century. To help priests with their obligation to hear confession from parishioners, a number of manuals were written which advised on how to interrogate penitents during confession, how to identify their sins and how to absolve them (Boyle 1982: 230-2). The second is an increase of social control by the church. Tentler and Rusconi have argued that compulsory confession in particular was a means by which the church claimed authority over private conscience (Tentler 1977; Rusconi 2002). Where lay people had previously been left to themselves, the church increasingly exercised the authority to judge all actions in the forum of confession, and to impose punishments on those who transgressed.

Historians of asceticism in the later middle ages have often understood their subjects in terms of this tension between individual and institution. Greater clerical control and regularisation, according to this narrative, came at the expense of personal autonomy, especially for women. Whereas in previous centuries there had been room for women to adopt religious practices without too much clerical oversight, the more specific rules and

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[5] This argument in favour of the agency of those who chose to follow clerical advice has parallels with Benjamin J. Kaplan's points about the agency of non-converts (2019).
[6] Const. 21, in *COD*: 245.

ubiquitous clergy in the later middle ages pushed them into more moderate avenues. Asceticism, when outside the institutional framework of a monastery, flew in the face of ecclesiastical control, and so was increasingly restricted. Dyan Elliott's study of spiritual marriage follows the history of married couples who took a vow of sexual abstinence (Elliott 1993). Because it was usually women who initiated abstinence within marriage, Elliott argues that these vows challenged a husband's authority and therefore were always subject to criticism. The theology of the later middle ages sanctified marriage and the hierarchical relationship between husband and wife, whilst the requirement of confession and penitence made it increasingly possible for the clergy to counsel pious wives to obey their husbands, rather than aspire to sexual abstinence (Elliott 1993: 299-300). Caroline Bynum's study of holy women who embarked on challenging fasts during the later middle ages also associates female asceticism with a struggle for autonomy (Bynum 1987). Among a number of reasons why extreme fasts were popular among women, including a desire to participate in the sufferings of Christ and a rejection of the values of their well-to-do social circles, Bynum suggests that these fasts were a rejection of the moderation of clerical teaching in the later middle ages (1987: 237-44).

On the other hand, collective religious regimes initiated by lay people generally won the approval of the clerical church only if they moderated their practices and consented to oversight. The *Humiliati*, for example, were a group of laypeople living in Northern Italy who, from the late twelfth century, lived a communal life of abstinence and prayer. The papacy initially encouraged them, until their unauthorised preaching led to their condemnation as heretics in 1184 (Andrews 2000: 38ff). Subsequently, Pope Innocent III reorganised the order and brought it under closer supervision (Andrews 2000.: 64-98). Groups of holy lay women, the Beguines, who lived together according to a religious rule, although initially accepted by the church hierarchy, in the thirteenth century were increasingly compelled to accept the authority of a pastor (McDonnell 1969: 154-64). R. I. Moore (1985, 2007 and 2012) has influentially suggested that these penitential movements were increasingly either persecuted or controlled by the clergy from the twelfth century – members of groups which did not conform to established models were both the victims of and dissenters against the increased social control exercised by the clergy.

Parenthetically, we should note that the gender division in these ascetic practices was important but not absolute. Although vows of fasting and continence were most commonly initiated by women, men who took ascetic vows were not unknown. Penitential movements included men and women in equal measure. Ascetic vows appear to have been popular

among women, but they were by no means exclusive to them, nor were they invariably understood as a challenge to male authority.

Literature of religious instruction in the thirteenth century took a nuanced attitude to the forms of abstinence mentioned above. They recognised vows of fasting, pilgrimage and chastity as important aspects of penitence (e,g. Raymond of Penafort, *Summa:* 467-8). Yet, the chapters on vows of personal conduct in manuals for confessors included a number of rules that limited ascetic regimes, especially when undertaken by married women. Thomas Chobham, who wrote a book of advice for parish priests around 1215, stated that married women were 'under their husband's power' and so should not undertake vows of abstinence or fasting, but maintain themselves 'in a pleasing and fit state to render their husband his conjugal rights' (Thomas Chobham, *Summa*: 157). John of Freiburg, the author of an influential manual for confessors, mentioned a case of a wife who has vowed not to go with her husband to feasts or events outside her house, and stated that her husband was entitled to revoke such a vow (John of Freiburg, *Summa Confessorum*: 21r). Discouragement of vows was not limited to married women: similar instructions to cancel vows applied to all categories of people who were tied by obligations (see William of Rennes, *Apparatus*: 79 from 'Quaeritur quis possit vovere'). A servant should not take a vow without the permission of his or her master; a cleric should not make a vow without the approval of his bishop. One can see why the historians of holy women in the later middle ages have concluded by and large that the church's primary interest was to limit personal conscience to the forms approved by a rigidly hierarchical society.

This paper will suggest an alternative explanation for the medieval casuistry of vows, by drawing a distinction between ambitious projects of sanctity and the more modest undertakings of pious laypeople. Whereas exceptional individuals, such as Catherine of Siena or Bridget of Sweden, came to devote their life to holy practices, many men and women took vows of fasting, pilgrimage or chastity and at the same time had a profession, a family and a social life. Rules play a different role in these two categories of ascetic practice. In the case of a saint, intervention by the ecclesiastical hierarchy was a limitation: holy women often had to contend with considerable pressure from their priests and family either to marry or to enter a convent. It was only after resisting the moderating influence of conventional clerical authority, and with the help of a supportive spiritual advisor, that these women's sanctity was recognised. On the other hand, those who undertook modest ascetic practices faced a different range of challenges. A father of a poor family who had vowed to go on crusade or a woman who had vowed to maintain a regular fast after recovery from illness might

experience a diminishing will to fulfil their pious intentions. They also were likely to face difficult choices when their obligation to fulfil their vows came into conflict with family commitments which also carried their own moral obligations. Within this context, casuistry came into its own. It was a complex system of rules that was designed to help pious laypeople to steer a moderate course between obligations.

Four sources

The sources for medieval casuistry are almost exclusively the manuals that were produced for priests who heard confession. The nature of confession, a secret conversation between priest and penitent, means that we can know almost nothing about what actually was said, nor can we know by direct means what lay people made of the advice that they received (Murray 2015: 53-4). Nevertheless, confessors' manuals are revealing: as we will see, they provide detailed insight into the decisions that confronted penitents in this time, and the moral concerns of their priests. My examples are taken from four casuistical texts from the twelfth and thirteenth century. This includes two texts from the earliest casuistry taught in the university of Paris at the turn of the twelfth and thirteenth century, and two confessors' manuals from later in the thirteenth century. This selection will allow us to see the range of ways in which the casuistry of vows was discussed, and also how the discussions changed over time. The sources examined here are:

1) Peter the Chanter's *Summa de Sacramentis et Animae Consiliis* (In English: *Treatise on Sacraments and Spiritual Counsels*). The Chanter was a theology master in the university of Paris between c.1173 and 1197 (Baldwin 1970: i, 3-5). The *Summa* was his final and unfinished work, which consists of notes from his university teaching initially on the sacraments, and in the later stages on all aspects of practical ethics. The work is remarkable for being the first theological treatise to focus almost exclusively on practical moral dilemmas. Peter the Chanter was therefore a pioneer in the nascent discipline of casuistry.

2) Robert Courson's *Summa*. Robert Courson was a student of Peter the Chanter. He wrote his *Summa,* which was a reworking and extension of the Chanter's moral teaching, in 1208-13, before going on to a career as a cardinal and preacher of the

Fifth Crusade.[7] Where Peter the Chanter's *Summa* is fragmentary and chaotic – much of it only survives in collections of notes copied by his students during class – Robert of Courson's *Summa* is complete, considered and coherent. It was written as a theological treatise, with school students in mind.

3) Raymond of Penafort's *Summa de Casibus.* Raymond was one of the most illustrious canon lawyers of his day. He is most famous for compiling the *Liber Extra* – the official collection of papal decretals and the basis of canon law. He also wrote a highly influential *Summa de Casibus,* compiling the first draft while at Saint Catharina's convent in Barcelona between 1222 and 1225, but revised the work in 1235-36 to include material from the recently published collection of papal decretals, *Liber Extra*.[8] In addition to this text, William of Rennes (d. 1241-56) wrote a commentary on the *Summa de Casibus,* which was routinely copied in the margins of the main text (Kaeppeli 1970-1993 ii: 156). This quickly came to be just as authoritative as the *Summa de Casibus* itself (Michaud-Quantin 1962: 40-1). This was the most influential manual for confessors for the rest of the century, and was remembered as a founding text of casuistry through the later middle ages and counter-Reformation.

4) John of Freiburg's *Summa Confessorum.* John of Freiburg wrote his Confessors' manual, published in 1297-98, in order to update Raymond of Penafort's *Summa*. This also became an influential moral guide for confessors throughout the later middle ages (Boyle 1981a).

In what follows, I will discuss the various ways in which these texts offered useful structures for those who were engaged in modest ascetic 'projects of the self'.

Casuistry as definition and identification

First, casuistical writings provided a recognisable framework in which to understand voluntary religious commitments; this allowed those who took solemn vows to receive public acknowledgement for their status. Raymond of Penafort defined all vows as 'a considered

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[7] On Courson's pastoral activities in connection with the crusade see Dickson 1934: 94, 99-103; Maleczek 1984: 175-9; Baldwin 1970: i, 21-2.
[8] Kuttner 1990: 433-4; Ochoa and Diez 1976: lxxvii. cf. Longo 2002.

promise to do something good'.[9] Within this, he distinguished between 'simple' vows, which were taken by an individual privately, and 'solemn' vows, which were made in front of a bishop or abbot and restricted the legal freedoms of the person swearing (Raymond of Penafort, *Summa*: 55-6). The primary intention behind these distinctions was an academic one: the institution of vowing was inherited from the early middle ages, and included a variety of forms of religious commitment. A monastic vow not only was an expression of pious commitment, but was the transaction by which a person tied themselves to a religious community for life; a voluntary vow to go on pilgrimage or a vow to donate money to build a church did not fulfil the same function as a monastic vow, but the institution still went by the same name. It posed a scholarly problem to define vows and to explain their variations in a sufficiently coherent way. The distinction between 'solemn' and 'simple' vows created an intellectual framework in which the differences between these different kinds of vows could be articulated.

Casuistical writers stated that both simple and solemn vows were meaningful commitments. Raymond of Penafort and John of Freiburg both said that it was a mortal sin to break a vow, whether solemn or simple (Raymond of Penafort, *Summa*: 56; John of Freiburg, *Summa Confessorum*: 18v). However, they acknowledged that the solemn vow, taken publicly in front of a figure of religious authority, caused extra obligations for the person swearing the vow. The distinction could have some legal implications: if, for example, someone made a formal vow of chastity before a bishop, it was, through much of the thirteenth century, a moot point as to whether a subsequent marriage was legally valid.[10] By the same token, if a man took a public vow to enter a monastery, he would not be permitted to take a second vow of pilgrimage, unless he had permission from the abbot (Raymond of Penafort, *Summa*: 59; John of Freiburg, *Summa Confessorum*: 20r).

The differentiation between solemn and simple vows was even more significant when viewed from a social and psychological perspective, as can be seen in the case of vows of chastity. Medieval canon law imposed a series of conditions on married people who wished

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[9] Raymond of Penafort, *Summa*: 54: 'Votum est alicuius boni cum deliberatione facta promissio.'

[10] See William of Rennes, *Apparatus*, at v. 'Privatum, seu simplex': 55; John of Freiburg, *Summa Confessorum*: 18v. Both William of Rennes and John of Freiburg thought that a public vow of perpetual chastity, even when the woman did not then join a religious order, made any subsequent marriage invalid. Eventually, Boniface VIII promulgated a decretal which contradicted this view, and ruled that a solemn vow of chastity in the secular world did not invalidate a subsequent marriage. VI.3.15.1.

to separate and begin a life in a monastery. If only one party of a marriage wished to enter monastic life, he or she could only do so with the consent of their spouse, and only if the other spouse agreed either to enter a religious order or to take a solemn vow of chastity. Confessors' manuals included detailed rules about when such a vow would be appropriate and how it should be approved. Raymond of Penafort states that if one spouse wishes to enter a monastery, the other should only be allowed to stay in the secular world if she is old, and therefore past suspicion of sexual temptation, and if she takes a solemn vow of perpetual continence before the bishop (Raymond of Penafort, *Summa*: 65). Raymond seems to anticipate that the woman would more usually be the one to stay in the secular world, although he says that the same rules would apply to a man whose wife wished to become a nun. The requirement on the priest only to allow this privilege to older women of good reputation clearly arises from a wish both to prevent younger women, who they thought more likely to remarry, from taking vows they were likely to break and to avoid a situation where the clergy publicly endorsed an apparent holy woman, who might later cause scandal. If the woman in question met the clergy's requirements, the option of taking a solemn vow made it possible for her to stay in the secular world. The public and official nature of the vow of continence would provide authoritative sanction for a status which she had chosen for herself (in preference to entering a convent) and which might not be generally accepted if the matter was left to her own conscience. The solemn vow of chastity could therefore work as a means of claiming social recognition and approval for a personal religious commitment.

The obligation to take a public vow may have also created a social barrier to weakening will, since it would make it more difficult for the spouse in question to remarry or take up with another partner. The public knowledge of her commitment to perpetual chastity would mean that she would have to brave possible public censure if she broke her resolution. Mechanisms of social control of this kind are not necessarily an invasion of personal freedom, if the person in question has voluntarily entered into the commitment. In these cases, they work as Ulysses contracts – the subject of the next section.

Vows as Ulysses contracts

A vow of personal conduct was an attempt on the part of the person vowing to prevent themselves from making bad choices in the future. As such, vows correspond with the

phenomenon that the philosopher Jon Elster (1984, 2015) calls 'Ulysses contracts'.[11] Elster notes that people who recognise their own imperfect rationality sometimes voluntarily restrict their ability to make choices in the future, in a process which he also called 'pre-commitment' or 'self-binding' (1984: 39). One example of this is an addiction clinic in Denver in which people who start the treatment agree to sign a document saying that if they decide to leave, they will be forced to wait two weeks before actually departing (the hope being that during the delay they will decide to stay in treatment) (2015: 278). A *Guardian* columnist suggested that the most effective way to keep your resolutions is to write a generous cheque to a political organisation you dislike and have a friend promise to send it to be cashed if you ever break your resolve (Burkeman 2017). The point of these pre-commitments is that people realise that they are likely to diverge from their resolutions in the future, and so decide to take steps that will enforce the currently preferred decision at a later time, despite any weakening of will.

If we understand medieval vows in this light, many of the details of the institution become explicable. For one thing, the element of external intervention in personal vows can be understood within the framework of pre-commitment. Piously motivated people used vows as a means to discourage themselves from giving in to temptation to marry, eat too much or lead a too worldly life in some other way. The self-binding would work whether the vow was taken privately or publicly to a certain extent, since a belief in vows presupposes a belief that there would be extra sin if a vow was broken. However, if the person taking the vow involved a priest or confessor in the decision, it would be even more difficult to break, since a relapse would mean censure from a figure of authority.[12]

For example, Peter the Chanter cited the case of a cleric who finds that he is led into sin because he has to give his attention to the incomes associated with his position. He vows before a priest to give up his incomes and so avoid the temptation of distraction. It is significant that the vow is taken in public before a priest, since this involvement of an additional person formalises the decision and makes it more difficult to pull out. The passage goes on to describe how, having renounced all of his wealth, the cleric finds that he has no

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[11] The name refers to the Greek mythological hero's pact with his crew to keep him bound to the mast so that he could hear, but resist the Sirens' song

[12] Thomas Aquinas acknowledged the pragmatism of public vows: in answer to the question why religious vows are necessarily said in public, since God would know of them equally well if they were expressed internally, he replied that religious vows are expressed outwardly 'to call others to witness, so that one may refrain from breaking the vow, not only through fear of God but also through respect of men.' *Summa Theologiae,* II-IIae, Q. 88, art. 1.

horses with which to visit the sick and no money to help the poor, and so is less able to care for his parish than before. Moreover, he finds that those who are now responsible for his former property are mismanaging the estate. He wishes to revoke his oath and asks whether he can be released from it.[13] Peter the Chanter is clear that the priest should not be allowed to go back on his commitment, since this was a promise made to God that it is technically possible to fulfil without sinning. The idea that those who take vows should be held to their original intention, even when this intention was flawed or impulsive, persisted throughout the thirteenth-century confessors' manuals. William of Rennes cited the query whether women who, during childbirth or illness, vow that they will observe a course of prayer or fasting if delivered safely, should be obliged to keep their word after the crisis has passed.[14] Church teaching said that vows made hastily and without proper deliberation were not valid (Raymond of Penafort, *Summa*: 54). William's answer therefore turns on the intention of the women involved: despite the anguish and disorder in the situation, he claims that if the woman intended to make a vow to God in the moment, or at any rate was conscious of her present danger, and her desire, when vowing, for God to deliver her from the situation, then the vow was made with proper deliberation and so should be considered binding. In both cases, the fact that the person who made the vow had in hindsight good reasons not to go through with the vow was not allowed to affect the commitment at the later time. Theology and canonical teaching of the period stated that it was inherently good to keep one's vows – because this was an act of worship and because the act of keeping it would make the penitent a better person – and so they prioritised the commitment itself over concern for outcomes (cf. Thomas Aquinas, *Summa Theologia*, II-IIa, Q88, article 6).

Another case from Peter the Chanter concerns a vow to fast: a parishioner vows at the behest of his or her priest to fast on bread and water on Thursdays, but later asks whether, instead of the fast, they might provide food for five paupers (Peter the Chanter, *Summa,* xvi: 201-2). This kind of commutation was common in practice, and the Chanter concedes that there would be practical benefits in such a change of commitment (Goering 2008: 404; Peter the Chanter, *Summa,* xvi: 203). However, the nub of the problem, as far as the Chanter was concerned, was whether such a transition would undermine the original intention of the vow. If the man has undertaken this vow as a penance for gluttony, then he should be made to

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[13] Peter the Chanter, *Summa*, xxi: 462-3, from 'Esto quod clericus' to 'possit eum absoluere'. Although the action being described is essentially a vow, i.e. a promise to God, the Chanter uses the language of oaths for the commitment.
[14] William of Rennes, *Apparatus*, at 'v. Deliberatione': 54; from 'Sed numquid vota mulierum'.

persevere with the fast. If, however, the fast is a penance for a spiritual vice, such as envy, then another penance, such as giving alms may be appropriate. The Chanter comes to no absolute conclusion: the priest has the discretion to commute the fast in cases where the person has insufficient will-power to finish the penance, or in exceptional cases, such as when the penitent is required to eat in public where refraining from meat might cause scandal to his companions (Peter the Chanter, *Summa,* xvi: 203). Again, whereas it might be tempting for historians to regard this transaction as the control of the penitent by the priest, it could just as validly be understood as a kind of pre-contract. If we take it that the penitent wished to make a confession and to fulfil the penitence, then the vow, and the confessor's role in either commuting or enforcing it, is a case of holding the penitent to his or her own resolutions. There is a degree of judgement required to decide whether it would be helpful to change a penitential vow from a fast to a donation – the penitent might prefer to have the decision imposed by the confessor, who would be less subject to wishful thinking and failing will.

Negotiated amendments to vows

In addition to holding their parishioners to their vows, priests could play a role in approving changes to vows at the request of a parishioner. The rules in casuistry said that it was only permitted to commute a vow if one changed from a less to a more demanding commitment.[15] This was understood liberally, however, and many of the dilemmas included in confessors' manuals were concerned with cancelling or lightening vows in cases where it would clearly be counterproductive to continue with the original promise. In fact, the commuting of penitential vows was so common that it tended not to be analysed in depth: Raymond of Penafort and John of Freiburg take it to be self-evident that penitential vows of fasting will frequently be commuted into vows of almsgiving – their only stipulation is that the confessor should adjust the sum of almsgiving according to the wealth of the penitent (Raymond of Penafort *Summa*, 58-59; John of Freiburg, *Summa Confessorum*, 24v).

On the other hand, because of changes in legislation, there was extensive thought about the commutation of crusade vows in the thirteenth century. The crusade vow was, through much of the middle ages, indistinguishable from a vow to go on pilgrimage to the Holy Sepulchre. In the Western Christian worldview, the acts of fighting for the Holy Land and making pilgrimage there were absolutely intertwined – soldiers fighting on crusade were

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[15] E.g. Peter the Chanter, *Summa*, xvi: 204-5; Robert of Courson, *Summa*: 83r; William of Rennes, *Apparatus,* at 'v. non excusat': 79, from 'Queritur utrum vota commutare possint'.

called pilgrims, and both armed and unarmed pilgrims were considered to have taken the cross (Riley-Smith 1997: 29-34). The early crusades (especially the First Crusade in 1098 and the Second Crusade in 1146-48) had been hindered by pilgrims who followed the campaign but who were unable to fight – this category included women, the ill or old and those who were too poor to equip themselves with arms (Mayer 1988: 40-1). During the twelfth century, the church had tried to prevent those who were unfit for fighting from joining the crusade, by questioning aspiring crusaders as to their means and situation before they took the vow. In cases where it had become impossible for someone who had vowed to go on crusade to do so without hindering the expedition, they were allowed to change their vows to almsgiving or some other good work instead of travelling to the Holy Land (X.3.34.2; cf. Brundage 1969: 68). In the late twelfth and early thirteenth century, however, Pope Innocent III encouraged all Christians to take crusading vows, regardless of whether they were suitable for travel to the Holy Land. All those who were unable to complete the pilgrimage were then told to commute their crusading vow into a donation of money towards the crusading campaigns, or a commensurate pious action, such as attending masses for crusaders or contributing to a local pious cause (Bird 2003: 508-11; Powell 1987: 93-4). The result was not only a broadening of the crusade movement to all parts of society, but a considerable extension to the rules around vows.

Such was the ubiquity of commutations for crusade vows, much of the casuistical discussion was concerned with naming exceptional cases when a vow to go to the Holy Land should not be exchanged for an easier duty. Peter the Chanter wrote about commutation of vows of crusade in the period shortly after a peace had been established between Richard Lionheart and Saladin in 1191. He commented that during the previous crusade, many people, including monks and clerics, arrived in Rome, having sworn a solemn vow to go on crusade. The pope absolved them from their vow when he saw that these people were not suitable for the crusade, neither for fighting, preaching, nor as counsellors and funders. However, the Chanter says that since peace has been established, people should not be let off from their vows to go to the Holy Land so easily: if they have taken the crusading vow with the simple desire to visit the Holy Sepulchre, they should be advised to continue with their journey, irrespective of their military capacity (Peter the Chanter, xvi: 293-4). Peter the

Chanter's view proved influential, and was later echoed by Innocent III, even when he was planning a new military campaign in the Holy Land.[16]

Robert Courson cited a case in which a previous pope, Alexander III (1159-81), had allowed the commutation of a crusading vow. The cleric in the case promised that instead of travelling to Jerusalem he would provide for one Christian pauper's food and clothing for the rest of his life. Courson comments that this dispensation would not be allowed at the time he was writing (the beginning of the thirteenth century) because the cleric in question could afford to make the pilgrimage and would benefit from it far more, in terms of overcoming bodily vices and desires, than from spending the same amount on the poor. The only acceptable amendments to crusading vows, according to Courson, are granted because it is impossible for the crusader to make the journey or because it is more beneficial for the church that the aspiring crusader remain home and undertake other pious actions (for text, see appendix). Later casuists discussed further possibilities for negotiated commutations of vows: they agreed that in general it is acceptable to change a crusading vow into a vow to enter into a religious order, but debated whether this should be universally permitted. Should a king or a great lord be allowed to enter a monastery instead of crusading, since this would lead to an entire expedition being cancelled? Should a crusader be allowed to commute his vow if he had a young wife, susceptible to having an affair while he was gone? If such a knight was forced to go on crusade, should he be allowed to prevent his wife from accompanying him?[17]

In these cases, casuistry provided an external framework whereby those who had taken pious vows could enter into a reasoned discussion about the correct means of fulfilment. There is no question that the ecclesiastical authorities had one eye on the greater good of the crusades when they made these rules: they wanted to ensure the maximum possible contribution to the crusade, with the minimum of burdensome non-military pilgrims. Still, these rulings also were intended to provide spiritual guidance to those who had made the crusading vow in doubtful circumstances (cf. Bird 2003: 514-15). In practice, many men who had taken crusading vows found, when the time for departure came, that they were weighed down with additional responsibilities: a young family and poor finances; pastoral duties that could not be filled in a clergyman's absence; some crusaders found that they had

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[16] Innocent III wrote to Hubert Walter, the archbishop of Canterbury in 1200 in answer to a question about the commutation of crusade vows, saying that those who vowed to go on crusade simply as a penitential act of visiting the Holy Lands should not be allowed to commute their vows into a pious action at home. The letter is printed in Cheney 1967: 127-9.

[17] William of Rennes, *Apparatus* at v. 'Commutare', 58; Raymond of Penafort, *Summa*, 67, and glosses to this passage. John of Freiburg, *Summa Confessorum*, 23v, 25r.

underestimated the cost of travel, and were forced to turn back before they reached the Holy Land.[18] Commutations were intended to be a practical but not a lenient solution to these dilemmas of obligation.

Resolving conflicts of duty

Finally, discussion was devoted to the problem of reconciling a personal vow with other obligations. As we have already seen, the terms of a vow could prevent the person observing it from fully participating in other aspects of their life. Casuists offered advice on how to negotiate these contradictory imperatives.

For example, there were a number of rules concerning those who made a simple vow of chastity but subsequently got married. John of Freiburg considered this scenario and the contradictory obligations it created. The vow of chastity did not invalidate the marriage, but it did affect the morality of sex within the marriage. John said that if someone who has made a vow of chastity has consummated their marriage, they are required, within the terms of the marriage contract, to consent to sex with their spouse. However, the one who has taken the vow should not initiate sex, even if he or she should not refuse it either. There is some latitude within this rule: he says that it is permitted to respond to an implicit request for sex, and even, according to some authorities, to initiate sex, if it would be too much of a burden always to leave it to the other spouse to make the first move (John of Freiburg, *Summa Confessorum,* 20r). John of Freiburg thus tries to find a middle way between observing the vow of chastity and fulfilling the requirements of marriage.

A number of rules are concerned with adjudicating vows that are made by those who are not free, and where obligations to a higher authority come into conflict with personal conscience. Casuists drew a distinction between those vows that a wife might take that would redound to the discredit of her husband, and those which would not affect him. Some vows could lead the husband into sin, such as a wife's vow to go to matins every day (a service which took place at night), to fast or to wear a hair shirt at night: the casuists seem to think that these factors might tempt the husband to look for sex outside of the marriage. A husband was permitted to veto this kind of vow, for the sake of his own soul and because the wife's duty was understood to include the prevention of illicit sexual behaviour. On the other hand,

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[18] As shown in the remarkable document edited in Bombi 2014. It is a list, resulting from an inquisition of Hubert Walter in 1196, of men who had taken the crusading vow at the time of the third crusade, but who were found to have legitimate reasons for postponing or commuting their vow.

a husband did not have the right to cancel vows which did not affect him, for example, if his wife gave alms out of her own property or vowed to say prayers only on occasional nights.[19] Similarly, a servant must not make a vow which would interfere with their work, or that deprives the master of rights over their servant. However, if the servant makes a vow of chastity or renounces his or her property, this is permitted.[20]

These rules may sound coercive, and for those who were committed to a life of self-directed ascetic observance, they were. However, for those who wished to undertake vows at the same time as continuing with a normal life, these parameters provided reasoned solutions to dilemmas. The moral rules around medieval vows therefore enable individual conscience, not in the modern liberal understanding of obeying internal imperatives independently from external rules, but as it is defined in the introduction of this volume, namely, an individual's choice between a number of conflicting rules and imperatives. This case study parallels in important ways the treatment of dilemmas in the Islamic tradition as described by Al-Azem (chapter 8).

Conclusion

In terms of physical trials and calls for resilience, abstinence and poverty are undoubtedly far more demanding than moderation. However, the medieval cases of conscience discussed here show that moderation itself can pose problems. Ascetic saints had relatively little cause to worry about mixed imperatives: their lives were so focused on a singular purpose that mundane conflicts of duty rarely arose. For those who embraced moderate ascetic regimes, on the other hand, the physical demands were comparatively tiny, but the intellectual problems were more difficult. Casuistry addressed the endless challenges that arose from maintaining a moderate religion: failure of will, conflict of duty, necessity of frequent adjustment.

Michel Foucault, in his description of the 'cultivation of the self', drew a broad distinction between code-based morality, consisting of a series of prohibitions, and ethics, which involves forming oneself into a virtuous subject. He acknowledged that all moralities included both of these dynamics to some extent, but he tended to assume that usually one or other is more prominent (1985: 29-30). The example of vows might superficially appear to

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[19] John of Freiburg, *Summa Confessorum,* 21r, from 'Maritus illa sola vota uxoris abstinentie' to 'non exiget debitum vel quod non consentiret adultero.'
[20] *Ibid*., fo. 23v, from 'servus in omnibus operibus personalibus et realibus subiectus' to 'continentiam vovere et propriis renunciare.'

fall in with this distinction, with the rule-based morality of casuistry exemplifying moral codes, and the expansive ascetic regimes of pious laypeople representing a virtue ethics oriented towards 'practice of the self'. Further examination of confessors' manuals in this chapter has shown that casuistical rules were central to the ethical practices and self-cultivation of many laypeople, as a source of advice, encouragement and public recognition. The more pertinent distinction in the case of vows is thus not between moral rules and moral virtues, but between degrees of ascetic commitment, and between the single-mindedness of sanctity and the complex and burdened selfhood that arises in normal life. Both versions of the moral life involve a combination of rules and virtues, but the rules play a different role in the two styles of piety.

This conclusion complements Nicole Reinhardt's slightly different arguments about the interrelation of virtue and rule-based ethics in early modern discussions of the First Commandment (see chapter 5). Whereas the increasing prominence of the Decalogue in early modern Catholicism indicates a new stage in a dynamic interplay of virtue ethics and rules (rather than a replacement of the former by the latter), religious vows in the medieval period were addressed in terms of rules that facilitated a moderate vision of virtuous life and cultivation of the self.

In the introduction, we referred to a common contemporary perception of religious rules – not least those of Islam – as restrictive, strict and authoritarian, and argued that an adherence to rules need not indicate a loss of agency, but a constructive way of understanding one's personal religion. Similarly, as stated at the start of this chapter, casuistry, along with the whole institution of confession, has been described as a means of diminishing personal freedom and of increasing the power of institutions, as in the historiography surrounding charismatic holy women and popular religious groups in the twelfth cenutry. As we have seen, this is too crude a generalisation. Doubtless, some confessors used the privileges of their office as a means of exerting power, and, throughout the middle ages and the Reformation, a number of Christians rejected casuistry because they objected to being hemmed in by so many rules. Nevertheless, for another personality and another set of circumstances (perhaps that of the majority of Christians in this period), the fine-grained ethical rules embodied by casuistry could be used as a means to achieving modest projects of religious devotion. The intervention of a priest, who followed a rationalised set of moral instructions, facilitated the realisation of a meaningful religious and social self. As with the modern Islamic communities described below by Clarke (chapter 9), the manner of following

the rules – the correct application, categorisation and exception-making – was a crucial part of the discussion.

Appendix

Robert of Courson, *Summa,* fo. 83rb-va:

Alexander dispensans cum quodam clerico qui voverat peregrinationem itineris Iherosolomitani ut toto tempore vite sue uni Christi pauperi in victu et vestitu provideret sufficienter. Sed esto quod talis hodie fiat dispensatio cum clerico tali, vel quocumque alio qui ire potest. Videtur quod non teneat talis dispensatio quia ita magis affligitur in eundo et plus demolit carnem suam cum viciis et concupiscentiis. Ergo non ex equo fit talis commutatio, cum dominus sibi semper exigat quod ei vovetur reddi sed hic non redditur totum quod prius Deo promissum est. [...] Videtur nobis indistincte dicendum quod non habet locum dispensatio circa votum, vel voti commutatio, nisi cognita sufficienti causa, aut de impossibilitate persone que votum implere non possit, aut de utilitate ecclesie que maiorem recipit utilitatem ex voti commutatione, quam si non commutetur. Ita videlicet ne ex commutatione voti aliqua pernicies exempli aut scandali oriatur.

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COD	1972. *Conciliorum Oecumenicorum Decreta,* ed. Josepho Alberigo, Josepho A. Dossetti Perikle, P. Joannou, Claudio Leonardi, Paolo Prodi. 3rd Edn. Bologna: Istituto per le scienze religiose.
John of Freiburg, *Summa Confessorum*	John of Freiburg, 1518. *Summa Confessorum.* Lyon: Henricus Vortoma
Peter the Chanter, *Summa*	Peter the Chanter, 1954-67. *Summa de Sacramentis et Animae Consiliis,* ed. Jean-Albert Dugauquier, Analecta Mediaevalia Namurcensia 4, 7, 11, 16, 21, 5 vols. Paris : Éditions Nauwelaerts.
Raymond of Penafort, *Summa.*	Raymond of Penafort, [1603] 1967. *Summa de Poenitentia et Matrimonio cum Glossis Ioannis de Friburgo* Rome, repr. Farnborough: Greg Press; Glosses actually by William of Rennes.
Robert of Courson, *Summa*	Robert of Courson, *Summa,* Bibliothèque nationale de France, MS lat. 14524.
Thomas Aquinas, *Summa Theologiae*	Thomas Aquinas, 1886-1906. *Summa Theologiae,* in *Opera Omnia iussu Leonis XIII,* 4-12. Rome. Translations taken from the New Advent online edition, <http://www.newadvent.org/summa/index.html> consulted 3 January 2018.
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VI.1.2.3.	*Liber Sextus* (with reference to book, title and chapter) in Emil Friedberg (ed.), [1881] 1959. *Corpus Iuris Canonici*, 2 vols. Leipzig, vol. ii
William of Rennes, *Apparatus*	William of Rennes, *Apparatus,* printed in the margins of Raymond of Penafort, *Summa.*
X.1.2.3	*Liber Extra* (with reference to book, title and chapter) in Emil Friedberg (ed.), [1879–81] 1959. *Corpus Iuris Canonici*, 2 vols. Leipzig: Tauchnitz. vol. ii.

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