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‘Ginzburg and Biasiori have assembled some of the world’s leading thinkers to explore casuistry as a fundamental and surprisingly neglected approach to intractable dilemmas and paradoxes throughout history. Traversing disciplines and centuries, this volume will change the way we think and the way we think about thinking.’

MATTHEW C. MIROW, Professor of Law, Florida International University, USA

‘As these wide-ranging essays demonstrate, casuistry is hardly so simple as normally believed, but a style of thought in which norms and exceptions are mutually constitutive, dialogically and dialectically interrelated. Time after time, we observe how established authorities in one domain or another (law, medicine, theology, Europe, Asia, the Americas) responded to deviations from what they prescribed and expected, struggling to defuse the challenge these anomalies present by construing them – often with extraordinary ingenuity – as exceptions that prove, rather than threaten the rule. Each chapter makes for fascinating reading, as does the volume as a whole.’

BRUCE LINCOLN, Caroline E. Haskell Distinguished Service Professor Emeritus of History of Religions, University of Chicago, USA

Casuistry, the practice of resolving moral problems by applying a logical framework, has had a much larger historical presence before and since it was given a name in the Renaissance. The contributors to this volume examine a series of case studies to explain how different cultures and religions, past and present, have wrestled with morality’s exceptions and margins and the norms with which they break. For example, to what extent have the Islamic and Judaic traditions allowed smoking tobacco or gambling? How did the Spanish colonization of America generate formal justifications for what it claimed? Where were the lines of transgression around food, money-lending, and sex in Ancient Greece and Rome? How have different systems dealt with suicide?

Casuistry lives at the heart of such questions, in the tension between norms and exceptions, between what seems forbidden but is not. *A Historical Approach to Casuistry* does not only examine this tension, but re-frames casuistry as a global phenomenon that has informed ethical and religious traditions for millennia, and that continues to influence our lives today.

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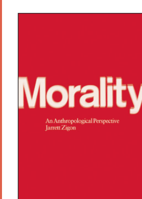

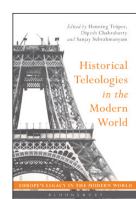

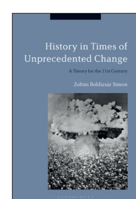

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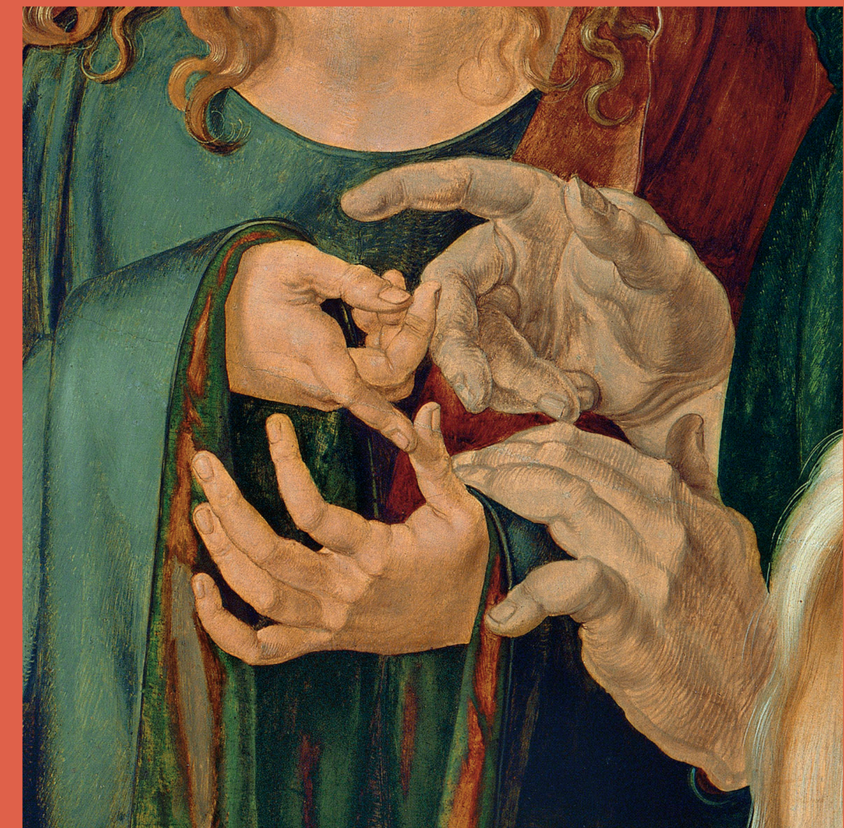

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8

The Exception as Norm: Casuistry of Suicide in John Donne's *Biathanatos*

Lucio Biasiori

Crime *and* sin

Between the late Middle Ages and the early modern period, both states and churches considered suicide as the worst act that a man could ever commit. For the former it was a crime which deprived the kingdom of a subject. The latter saw in it a sin which was worse than homicide itself, since, according to Augustine, the self-killer damned not only his body but also his soul, at the same time going against natural law, which prescribed that "every man must love himself" (as Thomas Aquinas put it).[1] That is why, for instance, Dante, who in the *Divine Comedy* condemns those committing violence against themselves in the middle ring of the seventh circle of Hell, needs to justify his choice to put a self-murderer like Cato the Younger as the guardian of Purgatory by referring to his overwhelming desire for liberty.[2] The opposition between norm and exceptions shapes the entire first *canto* of the *Purgatorio*. Not only does Cato represent an anomaly in the perfect structure of the otherworld but he himself levels against Dante and Virgil the accusation of a violation of God's laws, penetrating Purgatory from Hell. Through the words of Virgil, Dante assures the guardian that they are not breaking God's law since he is still alive and Virgil is outside Hell's jurisdiction (in fact, he is confined in Limbo, as a virtuous heathen). Dante's choice, however, was not self-evident, since many of his commentators (such as Benvenuto da Imola and Cristoforo Landino) needed to defend it at length. Nonetheless, medieval and early modern casuists followed the exception that Dante had introduced in Catholic moral doctrine, and they invariably dealt with several exceptions regarding suicide.[3]

In the case of suicide, rules were still more open to exceptions in everyday "life." Negotiations between the authorities and the relatives of the self-murderer were frequent. They aimed at avoiding the revenge of the institutions both on the body (to be buried outside the cemetery) and on the assets of the deceased (which should go to the state as compensation). It is impossible, at this juncture, to sketch a comparative picture of how this clash between norms and exceptions developed on a European scale. What we can say with relative certainty is that the most important exception that could allow someone to evade the regular vengeance of both state and church was illness, either physical or mental. The quantitative incidence of such claims is still

debatable: in England 95 percent of those who took their lives between 1485 and 1660 were considered *felo de se* (a felon to himself) and only 5 percent *non compos mentis* (unfit to plead).[4] Therefore, the vast majority of their families was deprived not only of a body to cry for, but also of the main source of economic support. The Italian situation seems to have been rather different. Let us take just a couple of examples to illustrate this point. On August 9, 1556, the corpse of a Tuscan woman resident in Rome, the Lucchese Maria, wife of Silvestro de' Vecchi, is inspected by the notary Giusto and by his assistant Mariano Paluzzi.[5] After considering the crime scene, they release their diagnosis: "Livor insaniae" (lividity of madness). After the notary has "visum et inspectum" the corpse, it is the turn of the coroner. This is a certain Lorenzo "barberius" (literally barber, but he was certainly a surgeon, a rather dishonorable figure in the medical field at the time, because his work involved the use of the hands instead of the head). He first rules out the possibility that the woman might have been killed, and then tries to establish the reasons why Maria took her own life:

> I made every effort to know if she had been beaten in the head or in any other part of her body, so I had to strip her to examine her naked body and, having seen everything, I did not find any sign of assault, except for these bruises on her right thigh, which seem like pinches or pricks rather than punches . . . . Anyway, whether she hanged herself or someone else did it, I do not know, but it is clear that the cord on her neck is so tight that it was embedded into it.

As the coroner does not succeed in establishing the causes, the husband is interrogated:

> Maria has been my wife for twenty years, and I do not know and cannot imagine why she hanged herself, because she was always like a saint and she went to confession and received communion two or three times a month. But, after Carnival, I had a quarrel with a Portuguese named Giulio Peri who is building beside me, and he wanted to take over my house, and a strange humour had come over my wife's mind, and she was always in a huff and the confessor told me that he did not know whether she had confessed apart from on Easter Sunday.

Asked about their married life, he answers: "Between me and my wife there was only peace and quiet, because she was one of the best women in Rome . . . and she had no flaws, although she was a little bit arrogant." The investigators want to go into the nature of this arrogance and Silvestro replies that, if he commanded her to do a thing against her will,

> the whole world would not have been enough to make her do it, and she became so mad that she cried. I knew her way, and so I let her do what she wanted, all the more because her anger made her hysterical (*si pigliava certo mal di madre*), which made her sick for two or three days . . . but I never ended things with my wife because of this arrogance!

After the initial stages, the trial stops, so that we can infer that in this case Maria's mental illness (which, as the husband's words used to define it show very well, was strongly gender-biased) convinced the judges not to go any further with the confiscation and the burial outside the cemetery.

When the self-murderer was male, the diagnosis could be less gender-oriented, but the result was the same. Another Tuscan living in Rome, the Florentine Giacomo di Giovanni, "was old and infirm, because his gallstones (*male della renella*) disturbed him very much and he was sick for so long that he seemed a dead thing and he did not speak or anything else."[6] The judges believe the witnesses and the trial ends. The Italian documentation is so lacking that we do not know if these cases were the rule or the exception. But the lack of documentation is itself a signal of a mild treatment of suicide. A step further would be to hypothesize a role of the Roman Catholic Church (which has always preferred—metaphorically—to bury suicides under the sand) and, more importantly, of Roman law. The incidence of Roman law was far more effective on the European continent (and especially in Italy) than in England, where after the Norman conquest common law prevailed, based on precedents rather than on book codification.[7] According to Roman law, suicide was only exceptionally a crime. In the course of early modern times, Roman law thus seems to have become a factor that extenuates the punishment of suicide.

Such is also the opinion that the English poet and writer John Donne (1572–1631), with whom we shall deal in this chapter, expresses in his posthumous work *Biathanatos* (from the Greek *bìa* [violence] and *thanatos* [death]), a work devoted to showing that suicide is not in all cases a sin, as theology states. In the work's perspective, Roman law represents an important card to play for introducing a more tolerant attitude toward self-murder:

> That law hath most force and value which is most general, and there is no law so general that it deserves the name of *ius gentium* (or if there be, it will be the same, as we said before, as *recta ratio*, and so not differ from the law of nature), to my understanding, the Civil or Imperial Law, having had once the largest extent . . . this law, I say, which both by penalties and anathemas hath wrought upon bodies, fortunes, and consciences, hath pronounced nothing against this self-homicide.[8]

According to Donne, Roman law is a more general norm than the law of nations, a rather evanescent concept that in his view tends to coincide with the law of nature. Moreover, Roman law—which, surprisingly enough, Donne considers "so abundant that almost all the points controverted between the Roman and the reformed churches may be decided and appointed by it"[9]—paves the way for a milder approach toward suicide. To understand why such a perceptive statement on this delicate matter could arise, it is necessary to go into the reason why Donne wrote this work, and to examine its contents and reception.

"My cases of conscience": Donne the casuist

According to his first and most important biographer Izaak Walton (1593–1683), Donne kept "copies of divers letters and cases of conscience that had concerned his friends, with his observations and solutions of them; all particularly and methodically digested by himself."[10] Donne himself mentions a collection of "my cases of conscience."[11] His fascination with casuistry probably started as a student in Cambridge between 1587

and 1590, where he might have heard the lectures on cases of conscience by the Protestant casuist William Perkins, whose *Treatise of the Cases of Conscience* (1608) became the most widespread work of the genre.[12] In 1605, when the Gunpowder Plot revealed the existence of an armed Catholic opposition to the monarchy, Donne, who had been born into a Catholic family, had surely abandoned the religion of his ancestors. His patron and mentor was Thomas Morton, the author of the *Exact Discoverie of Romish Doctrine* (1605) and *Full Satisfaction concerning a Double Romish Iniquity, Rebellion, and Equivocation* (1606), which were respectively a denunciation of the Jesuits' role in the plot and an accusation against their alleged ability in simulation through the art of mental reservation.

While the part of Donne in these two works is still a matter for debate, in 1610, he tackles the problem of a possible resolution of the conflict between the English Catholics and the Crown. He does so in *Pseudo-Martyr, Wherein Out of Certaine Propositions and Gradations, This Conclusion Is Evicted: That Those Which Are of the Romane Religion in This Kingdome, May and Ought to Take the Oath of Allegiance* (London, 1610), a work that proves his conversion to Anglicanism and opens the door for his ecclesiastical career in The Church of England.[13] As the title says, the book joins the debate over the Oath of Allegiance and argues that English Catholics can and must swear the Oath, thus proving their loyalty to the king without abjuring their religion. A casuistical accommodation of the Stuart regime with the Catholic faith of some of its subjects,[14] *Pseudo-Martyr* is in many aspects the positive pole of *Biathanatos*. As we shall see, the latter shows that suicide is not necessarily a sin and thus could even be a solution. In extreme situations (like those which he confesses to having been through many times), Donne declares himself to be ready to resort to suicide as an escape from his sufferance: "I have the keys of my prison in mine own hand, and no remedy presents itself so soon to my heart as mine own sword"—as *Biathanatos* famously goes in the Preface.[15] Instead, in *Pseudo-Martyr* (which was written just after the end of the personal crisis that, as some scholars believe, was the origin of *Biathanatos*),[16] Donne recommends taking the Oath of Allegiance as positively the best way to dissuade Catholics from a misguided and suicidal desire for martyrdom. The *Pseudo-Martyr* mentioned in the title is no other than the Catholic who, denying his loyalty to the king of England, might consequently be executed for treason.

Even his activity as a preacher—starting in 1615 as Royal Chaplain of James I—involved a certain degree of casuistical reasoning. A striking example is his speech on Est. 4:16, in which he focuses on the conflict between the royal edict of the Persian king Ahasuerus to exterminate the Jews in his empire and the conscience of his Jewish wife Esther, who was eventually prepared to break the law in order to save her people.[17] Finally, it is not surprising that his *Essays in Divinity* (1619), full as they are of the subtleties required by moral theology, extensively employ casuistical methods for tackling the problems of conscience.

Biathanatos and casuistry

The work in which Donne's passion for casuistry expresses itself fully is indeed *Biathanatos*, written between 1607 and 1609 and published only in 1647 (about fifteen years after his death) by his son John Donne junior. The casuistical perspective that

informs the book is already evident from its subtitle: *Declaration of That Paradox, or Thesis, That Self-Homicide Is Not So Naturally Sin, That It May Never Be Otherwise*.

Not only, as we saw, was its object deeply affected by this dialectic, but the structure of the work itself conceals a complicated relationship between a quasi-scholastic architecture (three parts dedicated to natural law, the law of reason, and divine law, respectively, each divided into a series of distinctions and sections) and continuous digressions into ancient and contemporary cases.[18]

Many scholars have debated the issue of the relationship between Donne and casuistry. The most comprehensive and thoughtful account of the matter is to be found in Meg Lota Brown's book *Donne and the Politics of Conscience in Early Modern England*. Lota Brown has correctly emphasized Donne's ambiguous attitude toward casuistry: "Insofar as practical theology privileged conclusions of the individual conscience over institutionally mediated truths, it was potentially disruptive of social norms . . . . And yet, I argue, Donne also invokes case divinity as the resource of conservatism and moderation, as did most contemporary casuists. Enabling integration while promising integrity of conscience, casuistry appealed both to Donne's divided culture and to his own ambivalent politics."[19] Although criticizing Camille Wells Slights for unilaterally insisting on the English and Protestant character of Donne's attitude toward moral theology, Lota Brown never abandons the idea of "Donne's enduring identification with Protestant casuistry."[20] This quasi-exclusive insistence on the Protestant side of Donne's moral universe is the only flaw in Lota Brown's excellent book. To overcome this limit (which is particularly evident in the case of *Biathanatos*, in which Catholic moral theologians are omnipresent, while there is no trace of Protestant ones, who were by the way much harsher regarding suicide) one has to refer to an older essay by A. E. Malloch. On the one hand, he is consistent with Lota Brown's approach to Donne's cautious use of casuistical methods ("if he disagreed with their methods, he also appears to have shared with them many of the habits of thought which produced those methods").[21] On the other, he rightly focuses his attention on the Catholic moral theologians. Where casuistry is concerned, this is a decisive rift.

True, Donne's biography itself contributes to the blurring of a watertight distinction between Protestantism and Catholicism in late sixteenth- and early seventeenth-century England. Born into a Catholic family which could claim Thomas More as one of its ancestors, Donne lost his father at an early age and grew up with his mother Elizabeth.[22] A devout Catholic, she was the sister of two Jesuits: Elizaeus (or Ellis) and Jasper Heywood. The former joined the entourage of cardinal Reginald Pole, becoming one of his secretaries. He probably supported him in the effort to restore Catholicism under the reign of Mary Tudor, but had to leave England when her sister Elizabeth became queen. In 1556, he was residing in Florence; ten years later he joined the Society of Jesus (probably at Dillingen in Bavaria). He then became a preacher in the Jesuit house in Antwerp, and after the violent expulsion of the Jesuits from the city, he took shelter in Louvain, where he died in 1578.[23] More famous (and more important for John's education) was Ellis's brother Jasper, who was a professor of moral theology and controversy at the Jesuit College at Dillingen. Best known for his translation of three plays by Seneca (*Troas*, *Thyestes*, and *Hercules furens*), Jasper shared his brother's fate. Forced to leave his country because of his Catholic faith, in 1581, he came back to England as a Jesuit missionary. His mild attitudes allowed him

to convert many people to Catholicism, but were ultimately the cause of his ruin. His superiors accused him of being too lax in the matter of fasting, and therefore recalled him from England. As he was attempting to sail to the continent, a storm drove him back to the English coast, where he was arrested on the charge of being a priest. Facing torture, he revealed himself to be a firmer Catholic than his superiors had suspected and did not abjure. Therefore, he was condemned to perpetual exile and died in Naples on January 9, 1598.

Coming from such a family milieu (his brother Henry died in prison at a very young age for giving shelter to a Catholic), it is no wonder that Donne's "first breeding and conversation with men of a suppressed and afflicted Religion, accustomed to the despite of death," accompanied him even after his conversion to Anglicanism.[24]

And yet, to come back to the issue mentioned above, the fact that Donne's life reflects the unstable and changing character of the English religious life between the end of the Tudor and the beginning of the Stuart dynasty must not lead us to forget the fundamental differences between Catholic and Protestant (or Puritan and English reformed) casuistry. Whereas "the most unique feature of Puritan casuistry (at the turn of the seventeenth century) was its preoccupation with the problem of assurance and election,"[25] Catholic casuistry was much more concerned with practical instruction vis-à-vis concrete problems of daily life, such as sex, food, family, health, property, or, in countries like England, where Roman Catholics were a minority, the participation in non-Catholic religious ceremonies and the allegiance to a Protestant sovereign.[26] However, we should not let this difference lead us to believe that Catholic casuistry was addressed to laypeople and Protestant casuistry to the clergy—quite the opposite. In Catholic countries moral theology was mostly written in Latin for priests, who eventually had the task of transmitting these teachings to their flock. In England, instead, practical divinity was meant to be read by laypeople—hence the use of the vernacular—with the aim of easing their tormented conscience.[27]

From this point of view, it is possible to build a bridge between those who argue for an influence of Protestant casuistry on Donne and those who insist on the fundamental place occupied by Catholic moral theology in his work, and especially in *Biathanatos*. On the one hand, he proves to be close to Catholic casuistry inasmuch as his sources are for the most part drawn from Spanish (and, to a lesser extent, Italian) authors. On the other, his attitude toward a general readership shows an evident affinity with authors such as the most important English casuist, William Perkins, who turned casuistry from a clerical prerogative into an aid for laypeople in taking ethical decisions that enable them to direct their lives to the good.[28]

That said, it is undeniable that the moral universe of *Biathanatos* is a radically casuistical one, since "there appeares no other interpretation safe, but this, that there is no externall act naturally evill, and that circumstances condition them, and give them theyr nature."[29] These words have been compared to Perkins's, according to whom "as there is a keeping of the law, and a breaking of the same; so there is a middle or meane action betweene them both, which is to doe a thing beside the lawe, and that without sinne."[30] To do a thing "beside the law" means neither to break the law nor to obey it. Donne accepts this perspective, but he radicalizes it, stating that

the case of suicide is not, properly speaking, an exception, because it falls outside the reach of the law itself:

> It is a safe rule *iuri divino derogari non potest, nisi ipsa derogatio iuri divino constet*. But since it is not thought a violating of that rule to kill by public authority, or in a just war, or defense of his life, or of another's, why may not our case be safe and innocent? When such a case ariseth, we say that that case never was within the reach of that law.[31]

It is true that one can make an exception to the divine law only if this exception is consistent with the divine law (that is the meaning of the Latin sentence quoted by Donne). But—*Biathanatos* is full of "buts"—the exception of suicide is like the defense of a life and therefore can ignore divine law. Elsewhere, Donne compares suicide to a papal dispensation, which does not go against the law, but cancels the reason why the law itself was created, thus liberating man from the necessity of being bound to it:

> Let it be true that no man may at any time do anything against the law of nature, yet, as a dispensation works not thus, that I may by it disobey a law, but that that law becomes to me no law in that case when the reason ceases, so may any man be the bishop and magistrate to himself . . . . In these exempt and privileged cases, the privilege is not *contra ius universale*, but *contra universalitatem iuris*. It doth only succor a person, not wound or infirm a law—no more than I take from the virtue of light or dignity of the sun if, to escape the scorching thereof, I allow myself the relief of a shadow.[32]

"A false thread"

In a letter to Robert Ker, Earl of Ancrum, written between March 9 and May 12, 1619, Donne presented to him the manuscript of *Biathanatos* as "a book written by Jack Donne and not by Dr. Donne" and recommended waiting before publishing it:

> Reserve it for me if I live, and if I die, I only forbid it the press and the fire. Publish it not, but yet burn it not; and between those, do what you will with it . . . . Because it is upon a misinterpretable subject, I have always gone so near suppressing it as that it is only not burnt. No hand hath passed upon it to copy it, nor many eyes to read it; only to some particular friends in both universities then, when I writ it, I did communicate it, and I remember I had this answer: that certainly there was a false thread in it, but not easily found.[33]

Before attempting to say anything about this "false thread" and the direction toward which it leads, it is worth going a little deeper into the structure of the work.

The first part deals with the law of nature. According to Donne, the law of nature is not divine law, as God cannot do anything against nature. Natural law is rather

something which extends to beasts more than to men, because animals cannot understand any degree of obligation, whereas men can realize that some things, like suicide, could be "ill for conservation of our species in general, yet it may be very fit for some particular man."[34] Furthermore, the law of nature is not an argument against suicide, because it is what "every sect will, a little corruptly and adulterately, call their discipline."[35] The law of nature, if it exists at all, is thus something completely relative, "so variously and unconstantly delivered, as I confess I read it a hundred times before I understand it once."[36]

The second part criticizes the law of reason, because "scarce any reason is so constant, but that circumstances alter it, in which case a private man is emperor of himself, for so a devout man interprets those words: *faciamus hominem ad imaginem nostram*: id est sui iuris."[37]

This interpretation of the Creator's words in the first chapter of *Genesis* as a plaidoyer for the freedom of man (a very bold one, albeit presented under the authority of the Church Father Dorotheus of Gaza) introduces the third part of the work, in which Donne criticizes the use of divine law as an argument against self-murder. The target of his polemic is Augustine's definition of sin as "dictum, factum, concupitum contra aeternam legem Dei" (something told, done, desired against the eternal law of God). After rejecting the Augustinian definition, Donne endorses the more nuanced Thomistic one as "actum devians ab ordine debiti finis" (act deviating from the order of the established end). As E. A. Malloch convincingly demonstrated, for the Thomistic definition of sin Donne does not refer to Aquinas's works, but instead quotes from a very widespread compendium, the *Tabula aurea* by Peter of Bergamo, first published in 1472. Even if Donne might not have known the relation between the *Tabula aurea* and the actual text of Saint Thomas, his reading of the latter deserves a closer look for its singular mixture of irony, admiration, and aggressiveness.[38]

> St. Thomas, a man neither of unholy thoughts nor of bold or irreligious or scandalous phrase or elocution (yet I adventure not so far in his behalf as Sylvester[39] doth, that it is impossible that he should have spoken anything against faith or good manners), forbears not to say "Christ was so much the cause of His death as he is of his wetting, which might and would not shut the window when the rain beats in."

Jorge Luis Borges, in an essay devoted to *Biathanatos* (which in the collection of *Other Inquisitions* significantly comes immediately before the one entitled *Pascal*), maintains that the "false thread," to which Donne refers in the letter to Robert Ker, could indeed have been this subversive idea that Christ had committed suicide:

> I perceived, or thought I perceived, an implicit or esoteric argument beneath the obvious one. We will never know if Donne wrote *Biathanatos* with the deliberate aim of insinuating this hidden argument, or if some glimmer of it, however fleeting or crepuscular, called him to the task. The latter hypothesis strikes me as more likely: the hypothesis of a book which in order to say A says B, like a

> cryptogram, is artificial, but that of a work driven by an imperfect intuition is not . . . . Christ died a voluntary death, Donne suggests, and this means that the elements and the terrestrial orb and the generations of mankind and Egypt and Rome and Babylon and Judah were extracted from nothingness in order to destroy him. . . . This baroque idea glimmers behind *Biathanatos*. The idea of a god who creates the universe in order to create his own gallows.[40]

A suggestive passage, no doubt. But what is its analytical value? How, for instance, could Borges miss the reference to Aquinas and believe that this idea was Donne's? This happened because he did not read the work directly, but through a filter: "I owe to De Quincey (to whom my debt is so vast that to point out only one part of it may appear to repudiate or silence the others) my first notice of *Biathanatos*."[41] If we read the text that brought *Biathanatos* to Borges's attention, the point becomes clearer. It is an article entitled "Casuistry" written by the English essayist Thomas de Quincey appearing in the issue of October 1839 of *Blackwood's Edinburgh Magazine*, in which he reflected on the birth of casuistry: "Out of these cases, i.e. oblique deflexions from the universal rule (which is also the grammarian's sense of the word case) arose casuistry . . . . All law, as it exists in every civilized land, is nothing but casuistry, simply because new cases are for ever arising to raise new doubts."[42] De Quincey concluded by saying that *Biathanatos* "means not the act of suicide, but a suicidal person," putting forward the example of Christ, which inspired Borges.[43]

Actually, Donne never conceals the idea that Christ had committed suicide: quite the contrary. He openly declares it and even quotes the very passage from which he took it, the first article of the forty-seventh question of the third part of the *Summa Theologiae* by Thomas Aquinas, whose title was "quod Christus non fuerit ab alio occisus, sed a seipso" (that Christ was not killed by someone else, but by himself). Not only did such an ambiguous thinker as Origen maintain that the fundamental act of the Christian religion was a suicide (*Commentary to John*, XIV, 554), but, as Donne underlines with a quasi-libertine satisfaction, so did Thomas Aquinas, the quintessential Christian philosopher. Therefore, the "false thread" hidden in *Biathanatos* cannot be, as Borges believed, the subversive thesis that Christ committed suicide (which was not subversive at all), but possibly the fact that this thesis was contained in the backbone of Christian philosophy. This was a technique of arguing typically used by the French *libertins érudits* for mocking Christian religion. Still on the subject of Aquinas's case, the French *libertin* Gabriel Naudé, for instance, ironically highlighted the similarity between Saint Thomas's advice to rulers and Machiavelli's: "Voilà certes des preceptes bien estranges en la bouche d'un Sainct" (These are certainly strange teachings from the mouth of a Saint).[44] Such a mischievous quotation of Aquinas turned him into a teacher of moral and religious license. Donne could not have agreed more: "As Aquinas says, the lower you go towards particulars, the more you depart [from] the necessity of being bound to it."[45] After all, he had just said that the first words of the Book of Genesis were a permission for man to take his own life. Why should it be a problem to say that, according to Saint Thomas, Christ had killed himself?

This similarity with the continental *libertins érudits* helps us explain some features of *Biathanatos*, such as the passages in which Donne describes the reason why the condemnation of suicide was established. In his view, such a historical phenomenon is connected to slavery:

> Since servitude hath worn out, yet the number of wretched men exceeds the happy (for every laborer is miserable and beastlike, in respect of the idle, abounding men). It was therefore thought necessary, by laws and by opinion of religion (as Scaevola is alleged to have said, *expedit in religione civitates falli*) to take from these weary and macerated wretches their ordinary and open escape and ease, voluntary death.[46]

"Expedit in religione civitates falli" (it is appropriate that states are deceived by religion). This was also a motto of the libertines, for whom the words of the Roman priest Scaevola (often quoted through Augustine's rejection) had become the evidence that, from Antiquity on, religion had always been used as a trick to control the people. Already cautiously quoted by Montaigne (*Essays* II, 13), the sentence was picked up, in the same years as Donne, by Giulio Cesare Vanini in his *Amphitheatrum aeternae providentiae divino-magicum* (Divine-Magic Amphitheatre of the Eternal Providence, 1615) for emphasizing that religion was nothing but an imposture.[47]

Obviously, it would be far-fetched to reduce Donne to a *libertin*, a label which scholars nowadays use at most for the content of his licentious erotic poems. Some of his contemporaries, however, had a different opinion. The provost of King's College, John Adams (1662–1720), in his *Essay Concerning Self-Murther* (which was published in 1700, the same year as the second edition of *Biathanatos*), launched a violent attack against Donne's work, which he considered very dangerous, inasmuch as it introduced libertine opinions in divinity.[48] Adams's accusations, as we will see, were not out of place, nor were Donne's concerns, which led him not to publish the work. Even when his son, John Donne junior, gave the text to the press in 1647 with a dedication to Lord Herbert of Cherbury, such concerns had not disappeared: "Two dangers appeared more eminently to hover over this, being then a manuscript: a danger of being utterly lost, and a danger of being utterly found and fathered by some of those wild atheists."[49]

Such concerns are not just something which has strictly to do with a biased reception of the work, however. Moving from the reception to the very moment in which *Biathanatos* was written, it is worth hearing the words of a man who walked the opposite path of Donne's: Tobie Matthew. A former member of Parliament, Matthew had converted to Roman Catholicism. When Donne and his friend Richard Martin came to visit him in Fleet prison, where he was detained for six months on account of his Catholic opinions, Matthew noted that "both Dunne and Martin were very full of kindness to me at that time . . . . By their discourses with me, when I was in prison, I found that they were mere libertines in themselves."[50] These discourses took place in the second half of 1607, which was precisely when Donne conceived *Biathanatos*.

"Doing one thing while feigning another, for the public good": Donne's Machiavellian casuistry

As is well known, one of the most important sources of libertine thought was Machiavelli, with his fierce anticlerical (and sometimes also anti-Christian) spirit and his taste for extreme and paradoxical statements. Likewise known is the fact that Machiavelli's reception—especially in the British Isles—took unpredictable routes.[51] One of these is the diffusion of his thought among English casuists (of all religious persuasions), which was the object of the first book by the historian George L. Mosse. In Mosse's view, such an apparently odd combination is justified by the necessity of keeping the balance between what he, following the evangelical parable largely quoted by English moral theologians, calls the Dove and the Serpent, which is to say the survival of (and as) a good man in an evil world.

The conflict between an intrinsically evil society and the ethical imperative of adopting moral behaviors is *the* problem of the political philosophy of Machiavelli, who tries to resolve it in a very radical but at the same time flexible manner:

> Any man who under all conditions insists on making it his business to be good will surely be destroyed among so many who are not good. Hence a prince, in order to hold his position, must acquire the power to be not good, and understand when to use it and when not to use it, in accord with necessity.[52]

More than in Machiavelli, however, Mosse is interested in Machiavellianism, that is, in the reception of Machiavelli's works as the core of the reason of state, a doctrine according to which the end—the stability of the state—justifies the means that are used to achieve it, including the political application of religion as a tool for governing the state and controlling society. According to Mosse, "we must attempt to determine not only how far reason of state, but especially how far 'policy' had penetrated English thought. This can be elucidated"—he goes on—"through a brief examination of the assimilation of the Florentine's thought in England, for, whatever his actual ideas may have been, for men of the sixteenth and seventeenth century these two concepts seemed to summarize the essence of his teaching. It is important to realize, therefore, that we are not directly concerned with Machiavelli, the perceptive theorist of the Renaissance, but with 'Machiavellism' as Europe came to understand it."[53]

The fact that Mosse abandoned his studies on English political and religious thought for the analysis of the nationalistic and racist roots of twentieth-century totalitarian regimes led him to the impossibility of revising his statement, which now seems rather old-fashioned. In the last few decades, the necessity of studying Machiavelli's thought as connected to its reception (and vice versa) has caught on. Therefore, it would be impossible now to talk about Machiavelli and Machiavellianism as two separate realms, "whatever his actual ideas may have been"—as Mosse says. As for the relationship between Machiavelli and casuistry (which Mosse was interested in), Carlo Ginzburg has demonstrated, for instance, that the author of *The Prince* was

himself well acquainted with casuistical patterns of thought. In his play *The Mandrake*, Machiavelli makes use of a passage by the medieval canonist Giovanni d'Andrea, taken from a book owned by his father Bernardo. The stratagems of Friar Timoteo to convince the beautiful Lucrezia to sleep with an unknown man (actually his accomplice Callimaco) in order to avoid the side effect of mandrake (a drug she was persuaded to take to increase her fertility) are actually inspired by the casuistical reflections of Giovanni d'Andrea on usury. Moving from these findings, Ginzburg has then widely extended the importance of casuistry from *The Mandrake* to *The Prince*, whose most shocking chapters (15–18), including the passage just quoted, he interprets as a sort of casuistical exercise through which Lorenzo de' Medici the Younger (the work's dedicatee) could obtain the best political result in a given situation.[54]

The core of Friar Timoteo's argument (always mirroring Giovanni d'Andrea's) was the biblical example of the daughters of Lot, who, after escaping from Sodom and realizing that they are not going to find men to have sex with them in order to continue the family line, have sexual intercourse with their unaware father. According to Timoteo, this was not the sin of incest, because the action was done with good intentions in order to achieve a higher end:

> Timoteo One's purpose must be considered in everything; your purpose is to fill a seat in paradise, to please your husband. The Bible says that Lot's daughters, thinking that they alone were left in the world, had to have sexual intercourse with their father, and because their intentions were good, they did not sin.
>
> Lucrezia What are you persuading me to do?
>
> Timoteo I swear to you, Madam, by this consecrated breast, that submitting to your husband in this affair is as much a matter of conscience as eating meat on Wednesday, which is a sin that goes away with holy water.[55]

As Mosse shows, William Ames—the most important English casuist after his teacher Perkins—used the same scandalous example to demonstrate that it was not a sin to perform an evil deed for a good end.[56] Therefore, to highlight the presence of that example (and, more generally, of casuistical procedures) in Machiavelli allows us to demonstrate that English casuistry is connected not only to Machiavellianism, but also to Machiavelli himself.

What are the stakes in this backdating for our purpose? It must be stressed that this pattern of thought influences Donne as well, who refers to the same example which, from Giovanni d'Andrea, reached Machiavelli and from (one would like to say "through") him arrived to Ames. Talking about "a place of St. Paul, where he delivers and discharges himself and his fellow apostles of having taught this doctrine, that a man might do evil that good might come thereof,"[57] he comments:

> Apostle's rule (though in this place this be not given properly and exactly for a rule) [is not] more strict than the moral precepts of the Decalogue itself, in which, as in all rules, there are naturally included and incorporated some exceptions, which if they allow in this, they are still at the beginning, for this case may fall

within those exceptions . . . . Whosoever is delighted with such arguments, and such an application of this text would not only have objected this rule to Lot when he offered his daughters.[58]

Donne made this casuistical use of Machiavelli explicit in a work written right after *Pseudo-Martyr*, namely *Ignatius His Conclave*, a satire in which Ignatius of Loyola, the founder of the Society of Jesus, substitutes Pope Boniface as a helper to Lucifer in Hell.[59] The book narrates Donne's "Extasie," and his journey to the gates of Hell.[60] There, he discovers that the condition for entering Hell is to have been an "Innovator," namely a person who "had so attempted any innovation in this life, that they gave an affront to all antiquitie, and induced doubts, and anxieties, and scruples, and after, a libertie of beleeving what they would."[61] That is why, after Lucifer, the most important figures in Hell are Muhammad and Pope Boniface (the second in a higher position than the first, who to some extent had followed the Old Testament). "Once in an Age," the gates of Hell are opened to admit new people among the "Innovators." Ignatius is able to eliminate the other candidates (Columbus, Copernicus, Aretine, and Philip Neri) except for Machiavelli, with whom he sets a challenge as to who is the better innovator of the two of them.[62]

Machiavelli claims to be more of an innovator than Ignatius, first of all in terms of equivocation, that is, in the technique of concealing the truth and keeping it secret.[63] Then he says he has the right to claim this title because he loves blood more than anyone else. In fact, he has always preferred "the sacrifices of the Gentiles and of the Jewes, which were performed with effusion of bloud . . . before the soft and wanton sacrifices of Christians."[64] Second, he was a forerunner of the Jesuits in the art of "king-killings," because he had taught the people how to conspire against tyrants and eventually overthrow them.[65] In conclusion, Machiavelli claims the first place since, although the Jesuits have perfected his teaching, he "brought in an Alphabet, and provided certaine Elements, and was some kind of schoolmaister in preparing them a way to higher undertakings."[66] Ignatius refutes Machiavelli point by point: his equivocation was overcome by "another doctrine, lesse suspicious; and yet of as much use for our Church, which is Mentall Reservation," a typical Jesuit invention.[67] Third, his preference for the bloody sacrifices of the ancients was not really diabolical since it went against the Pope, the actual servant of the Devil. Not to mention that, in matter of tyrannicide, he was surpassed by the most prestigious member of the Society of Jesus, Cardinal Bellarmine. Machiavelli finally surrenders and is therefore confined to Limbo.[68]

Nonetheless, Donne makes use of such a Machiavellian thread for tackling matters of conscience not only when ethics is concerned but also when politics is concerned. In *Pseudo-Martyr*, for instance, he compares the doctrine of reason of state with casuistry to the extent that they both deal with the necessity of doing something that is in contrast with social and moral norms in order to obtain a greater good in the realms of politics and ethics, respectively:

For it is impossible, that any Prince should proceede in all causes and occurrences, by a downright Execution of his Lawes: And he shall certainely be frustrated of

> many iust and lawfull ends, if he discover the way by which he goes to them. And therefore these disguising, and averting of others from discerning them, as so necessarie, that though, In Genere rei, they seeme to be within the compasse of deceite and falshood, yet the end, which is, maintenance of lawfull Authoritie, for the publike good, iustifies them so well, that the Lawyers abhorre not to give them the same definition (with that Addition of publike good) which they doe to deceit it selfe. For they define Ragion di stato to be, Cum aliud agitur, aliud simulatur, bono publico (Doing one thing while feigning another, for the public good).[69]

In Donne's view, reason of state and Machiavellianism are nothing but a public form of casuistry. It would, however, be misleading to think that casuistry was such a pervasive habit that Donne was prompted to analyze every aspect of social life through casuistical lenses. As J. M. Shami points out, "Donne's interest in casuistry is not so much an interest in elaborating these 'rules,' but in dramatizing the procedures by which consciences themselves can be formed. He is interested in examining each case of conscience not as a legal sanction but as an aid in the search for truth, as a rational activity that adjusts the testimony of scripture, tradition, and reason in order to make a judgment that satisfies the conscience as well as the law."[70]

True, Donne uses casuistry more as a means than as an end. But the picture drawn by Shami (and Lota Brown) is a too serene one. Was "the search for truth" "a rational activity," an adjustment between scripture and reason "that satisfies the conscience," the goal that Donne had in writing *Biathanatos*? And, if it is impossible to give a fully satisfactory answer to this question, was this the effect that the work actually had?

"I dare not profess myself a master in so curious a science": Beyond casuistry

In *Biathanatos*, the accommodation of general rules to a particular case is a double-edged sword. It can offer spaces of freedom from theological norms, but it also runs the risk of multiplying the legal frameworks of an action, thus discouraging conscience. In this regard, Donne compares man's conscience to the state of the city of Rome before Emperor Trajan, a city that was overturned by the same laws on which it was based:

> Applying rules of divinity to particular cases, *casuists* have made all our actions perplexed and litigious in foro interiori, which is their tribunal, by which torture they have brought men's conscience to the same reasons of complaint which Pliny attributes to Rome till Trajan's time, that *civitas fundata legibus, legibus evertebatur*.[71]

For this reason, in the conclusion of the work, he declares the kind of casuistry he has followed throughout the work:

> I abstained purposely from extending this discourse to particular rules or instances, both because I dare not profess myself a master in so curious a science,

> and because the limits are obscure and steep and slippery and narrow, and every error deadly.

To the norm, the exception immediately follows:

> Except where, a competent diligence being foreused, a mistaking in our conscience may provide an excuse. As to cure disease by touch or by charm . . . be forbidden by diverse laws, out of a just prejudice that vulgar owners of such a virtue would misemply it, yet none mislikes that the kings of England and France should cure one sickness by such means, nor that the kings of Spain should dispossess demoniac persons, because kings are justly presumed to use all their power to the glory of God, so is it fit that this privilege of which we speak should be contracted and restrained.[72]

Since the case of a thaumaturge king was different from that of a charlatan, the privilege of curing diseases by touch must be limited only to certain people[73]: "Similarly"—says Donne—"a mistaking in our conscience may provide an excuse" for choosing suicide.

If not strictly to casuistry, then to what literary genre does *Biathanatos* belong? Another word from the subtitle can help us give a first answer to the question: "paradox." Paradox and casuistry are not unrelated, however.[74] Etymologically, paradox is something that lies beyond (*parà*) the common opinion (*doxa*). In other words, we could say that paradox is to opinion as the exception is to the norm, as something that can either corrode or lay its foundations on a more solid ground.

Nothing can explain this paradoxical spirit of *Biathanatos* better than the epigraph that Donne chose for opening the work. As is usual with him, it is taken from a secondary and rather peripheral author, John of Salisbury[75]. In his *Policraticus* (a book of advice for princes written around the middle of the twelfth century), John of Salisbury confesses that what he writes in his book was not all true, but useful for readers ("non omnia esse vera profiteor, sed legentium usibus inservire"). Why did Donne choose such an epigraph? Who were the readers he expected to have, and what kind of useful advice did he aim to deliver to them? In *Biathanatos*, he lists four kinds of readers:

> Sponges, which attract all without distinguishing; hourglasses, which receive and pour out as fast; bags, which retain only the dregs of the spices and let the wine escape; and sieves, which retain the best only. I find some of the last sort, I doubt not but they may be hereby enlightened . . . as the eyes of Eve were opened by the taste of the apple.[76]

Donne's self-fashioning as a moral teacher is quite a weird one, as he attributes a positive meaning to the worst event (from a Christian point of view) in the history of mankind: original sin. One of the readers that tasted Donne's apple was the freethinker and proto-deist Charles Blount, the most important disciple of Herbert of Cherbury, the work's dedicatee. In his *Philostratus* (1680), Blount approved of *Biathanatos*: "That excellent treatise . . . wherein, with no weak Arguments, he endeavours to justifie out

of Scripture, the legality of self-Homicide."[77] Blount's reading of *Biathanatos* was very profound, as he reported to the letter one of the casuistical arguments used by the author ("the Doctor") against the universality of the law of self-preservation:

> Self-Preservation is no other than a natural Affection, and appetition of good, whether true, or seeming; so that if I propose myself in this self-Killing a greater good, although I mistake it, I perceive not (saith the Doctor) wherein I transgress the general Law of nature, which is an Affection of good, true, or seeming: and if that which I affect by death . . . be really a greater good, wherein is the Law of self-Preservation violated?[78]

This question received had dramatic answer on July 29, 1693, when Blount killed himself because he was prohibited from marrying the sister of his dead wife.[79] Of course, it would be simplistic to suppose a cause-and-effect relationship between the fact that Blount approvingly read *Biathanatos* and that, thirteen years later, he decided to put end to his life. That a weighing of the pros and cons of such a choice was not unrelated to Blount's extreme action, however, is proved by the fact that his last work is a typically casuistical letter "To his friend, Torismond, to Justifie the Marrying of Two Sisters, the one after the other."[80] Furthermore, in the *Account of the Life and Death of the Author*, which opened Blount's posthumous *Miscellaneous Works* (1695), his friend Charles Gildon explained the preconditions that turned a disappointment in love into a suicide. These were also connected to a pondering evaluation of the circumstances in which respect for a particular law came into conflict with respect for the other laws:

> Mr. Blount consider'd the real extent of each particular law and found that selfpreservation was not so general a precept, but it met with various limitations and exceptions; he found that to adhere inviolably to it, would only be the destruction of all other moral laws. For if selfpreservation were in all things, all times and conjunctures . . . there wou'd be no room left for honour, virtue, or indeed for honesty, no regard to public good, and that noted maxim of the natural law, that the public good is to be preferr'd to any particular, had been wholly abolished.[81]

Like the suicidal readers of Goethe's *The Sorrows of Young Werther*, Blount performed what was inscribed in Donne's text, which from that moment on became the "manifesto of the freedom of dying of (and as) freethinkers."[82] From his sad case, we learn a lesson about the reception of *Biathanatos*, a work that, as paradoxes can do, was able to turn an eternal truth upside down: it was no longer the general norms that condemned the exceptional suicide, but from the exception of the suicide one could judge—and, as in Blount's case, refute—the apparently perpetual norms of society.

Notes

1 Alexander Murray, *Suicide in the Middle Ages* (Oxford: Oxford University Press, 1998–2000), 2 vols.
2 Betsy Bowden, "Dante's Cato and the *Disticha Catonis*," *Deutsches Dante-Jahrbuch* 75 (2000): 125–32.

3 See Georges Minois, *History of Suicide: Voluntary Death in Western Culture*, trans. Lydia G. Cochrane (Baltimore and London: Johns Hopkins University Press, 1999), ch. II: 6.
4 Michael Mac Donald and Terence R. Murphy, *Sleepless Souls: Suicide in Early Modern England* (Oxford: Oxford University Press, 1990).
5 State Archive Rome, Archivio Criminale del Governatore, 203, ff. 582r–92v.
6 Ibid, 283, ff. 1282r–89r. According to Montaigne, *Essays*, II: 3, "Plinie saith there are but three sorts of sicknesses, which to avoid, a man may have some colour of reason to kill himselfe. The sharpest of all is the stone in the bladder, when the urine is there stopped," trans. John Florio (London: Valentine Simmes for Edward Blount, 1603), 196.
7 For an overview, see Peter Stein, *Roman Law in European History* (Cambridge: Cambridge University Press, 1999).
8 I quote from the modern-spelling edition: John Donne, *Biathanatos*, ed. Michael Rudick and Margaret Pabst-Battin (New York and London: Garland, 1982), lines 2770–73.
9 Ibid.
10 Izaak Walton, *Lives*, ed. George Saintsbury (Oxford: Oxford University Press, 1968), 68.
11 John Donne, *Letters to Severall Persons of Honour*, ed. Charles Edmund Merrill (New York: Sturgis and Walton, 1910), 173, 196.
12 Catherine Gimelli Martin, "Experimental Predestination in Donne's *Holy Sonnets*: Self-Ministry and the Early Seventeenth-Century *Via Media*," *Studies in Philology* 110, no. 2 (2013): 350–81. See also George L. Mosse, *The Holy Pretence: A Study in Christianity and Reason of State from William Perkins to John Winthrop* (Oxford: Basil Blackwell, 1957).
13 John Donne, *Pseudo-Martyr*, ed. Anthony Raspa (Montreal, Kingston, London and Buffalo: McGill-Queen's University Press, 1993).
14 Olga L. Valbuena, "Casuistry, Martyrdom, and the Allegiance Controversy in Donne's Pseudo-Martyr," *Religion & Literature* 32, no. 2 (2000): 49–80, 51. See also Olga L. Valbuena, *Subjects to the King's Divorce: Equivocation, Infidelity, and Resistance in Early Modern England* (Bloomington and Indianapolis: Indiana University Press, 2003).
15 Donne, *Biathanatos*, 1100–02.
16 Raymond G. Siemens, "'I Haue Often such a Sickly Inclination': Biography and the Critical Interpretation of Donne's Suicide Tract *Biathanatos*," *Early Modern Literary Studies* 7 (2001): 1–26.
17 Sermon V, 226 is brilliantly analyzed by Camille Wells Slights, *The Casuistical Tradition in Shakespeare, Donne, Herbert, and Milton* (Princeton: Princeton University Press, 1981), 135ff.
18 The role of Donne's son in the final layout of the printed version has recently been highlighted by William W. E. Slights, *Managing Readers: Printed Marginalia in English Renaissance Books* (Ann Arbor: University of Michigan Press, 2001): 81ff, building on the studies of Ernest W. Sullivan, Harold Love, W. Speed Hill, and Mark Bland.
19 Meg Lota Brown, *Donne and the Politics of Conscience in Early Modern England* (Leiden: Brill, 1995), 8: "More conservative than insurgent, he was a supporter of monarchy and—when he believed circumstances warranted—an apologist for autocratic governance. But Donne's political analyses, like his support of monarchy, were never unequivocal. His politics were often inconsistent—at times apparently absolutist and at times apparently subversive—because they were typically casuistical" (at 11–12).

20 Ibid., 97. The reference is to Wells Slights, *The Casuistical Tradition*. For an even more confessionally oriented view, see Jeanne M. Shami, "Donne's Protestant Casuistry: Cases of Conscience in the *Sermons*," *Studies in Philology* 80 (1983): 53–66.
21 Archibald E. Malloch, "John Donne and the Casuists," *Studies in English Literature* 2 (1962): 57–76, 75.
22 The most comprehensive biography of Donne is still that by Robert C. Bald, *John Donne: A Life* (New York and Oxford: Oxford University Press, 1970).
23 Dennis E. Rhodes, "Il Moro: An Italian View of Sir Thomas More," in *England and the Continental Renaissance: Essays in Honour of J.B. Trapp*, ed. Edward Chaney and Peter Mack (Woodbridge: Boydell, 1990), 67–72.
24 On this point, see always Siemens, "I Haue Often such a Sickly Inclination."
25 *William Perkins (1558–1602), English Puritanist. His Pioneer Works on Casuistry: 'A Discourse of Conscience' and 'The Whole Treatise of Cases of Conscience,'* edited with an introduction by Thomas F. Merrill (Nieuwkoop: B. De Graaf, 1966), xiv, quoted in Margaret Sampson, "Laxity and Liberty in Seventeenth-Century English Political Thought," in *Conscience and Casuistry in Early Modern Europe*, ed. Edmund Leites (Cambridge: Cambridge University Press, 1988), 99.
26 This point is strongly (possibly too strongly) emphasized by James F. Keenan, S. J., "Jesuit Casuistry or Jesuit Spirituality? The Roots of Seventeenth-Century British Puritan Practical Divinity," in *The Jesuits: Cultures, Sciences, and the Arts, 1540–1773*, ed. John O'Malley, et al., (Toronto: University of Toronto Press, 1999), II: 627–40. Not surprisingly, Mosse tends instead to blur the differences for showing "the interconnections of casuistic thought among men of different Christian persuasions, all of whom were meeting the same kind of challenge in very similar ways" (*The Holy Pretence*, 152). For the role of casuistical reasoning in Donne's England, see also Chapter 9 in this volume.
27 Benjamin T. G. Mayes, *Counsel and Conscience: Lutheran Casuistry and Moral Reasoning after the Reformation* (Göttingen: Vandenhoeck & Ruprecht, 2011), 11–20. See also Julie Crawford, *Marvelous Protestantism: Monstrous Births in Post-Reformation England* (Baltimore-London: Johns Hopkins University Press, 2005), 24ff, who has shown that broadsheets and pamphlets recounting monstrous births and other marvelous signs were often used as a "popular casuistry," which aimed at discussing troublesome cases of conscience for readers not theologically acquainted.
28 William B. Patterson, *William Perkins and the Making of a Protestant England* (Oxford: Oxford University Press, 2014), 133.
29 Donne, *Biathanatos*, 4413–15.
30 Perkins, *A Discourse on Conscience*, 34–35, quoted by Lota Brown, *Donne and the Politics*, 22.
31 Donne, *Biathanatos*, 4360–64.
32 Ibid., 1751–69.
33 Ibid. For Donne's strategy, see Richard B. Wollman, "The Press and the Fire: Print and Manuscript Culture in Donne's Circle," *Studies in English Literature, 1500–1900* 33, no. 1 (1993): 85–97.
34 Donne, *Biathanatos*, 1679–94.
35 On the exceptions to *consensus gentium*, see Martin Mulsow's chapter in this volume.
36 Donne, *Biathanatos*, 1714–15. These passages raise the question whether Donne knew of Montaigne's work, which is not mentioned in *Biathanatos*. On this, see Paolo L. Bernardini, "'I Have the Key of My Prison in Myne Own Hand': Prime Note di lettura

sul *Biathanatos* di John Donne (1607–1608)," *Materiali per una storia della cultura giuridica europea* 34, no.1 (2004): 3–17.

37 Donne, Biathanatos, 1737–40.

38 The remarkable book by Mary Paton Ramsay, *Les doctrines médiévales chez Donne, le poète métaphysicien de l'Angleterre (1573–1631)* (Oxford: Oxford University Press, 1917) does not take *Biathanatos* into account.

39 Silvestro Mazzolini of Prierio (Prierias), a Dominican adversary of Martin Luther.

40 Jorge L. Borges, *Biathanatos* (1948), in *Other Inquisitions (1937–52)* (Austin: University of Texas Press, 1964), 92.

41 Borges, *Biathanatos* (1948).

42 Thomas De Quincey, "Casuistry," *Edinburgh Blackwood's Magazine* 96 (1839): 455–66.

43 De Quincey, "Casuistry," 464.

44 Quoted by Ginzburg, "Machiavelli, the Exception and the Rule," 84 n. 44.

45 Donne, *Biathanatos*, 709–10.

46 Ibid., 2723–29.

47 Giulio Cesare Vanini, *Amphitheatrum aeternae providentiae divino-magicum,* in *Tutte le opere*, ed. Francesco Paolo Raimondi and Mario Carparelli (Milan: Bompiani, 2010), 36.

48 George Williamson, "The libertine Donne," *Philological Quarterly* 13 (1934): 276–91.

49 Donne, *Biathanatos*, 5.

50 *A True Historical Relation of the Conversion of Sir Tobie Matthew*, ed. Arnold H. Mathew (London: Burns and Oates, 1904), 86.

51 Sydney Anglo, *Machiavelli—The First Century: Studies in Enthusiasm, Hostility, and Irrelevance* (Oxford and New York: Oxford University Press, 2005).

52 *The Prince XV*, in Machiavelli, *The Chief Works and Others*, ed. and trans. Allan H. Gilbert (Durham and London: Duke University Press, 1958), I: 58.

53 Mosse, *The Holy Pretence*, 15.

54 Ginzburg, *Machiavelli, the Exception and the Rule*.

55 *Mandrake* 3 (11–12), in Machiavelli, *The Chief Works,* II: 802 (slightly revised).

56 Mosse, *The Holy Pretence*, 73.

57 Donne, *Biathanatos*, 4434–37.

58 Ibid., 4566–84.

59 John Donne, *Ignatius His Conclave*, ed. Timothy S. Healy (Oxford: Clarendon Press, 1969).

60 Eugene Korkowski, "Donne's *Ignatius* and Menippean Satire," *Studies in Philology* 72, no. 4 (1975): 419–38, rightly places Donne's work in the tradition of Menippean Satire, also mentioning with caution the probable source of his work, that is the *Pasquillus ecstaticus* by the Italian humanist Celio Secondo Curione (at 434–36).

61 Donne, *Ignatius His Conclave*, 9.

62 A perceptive analysis of the dialogue between Machiavelli and Ignatius can be read in Mario Praz, "Machiavelli and the Elizabethans," *Proceedings of the British Academy* 12 (1928): 1–51; see also Anglo, *Machiavelli—The First Century*, ch. 11, *More Machiavellian than Machiavel: The Jesuits and the Context of Donne's Conclave*.

63 See Johann P. Sommerville, "The 'New Art of Lying': Equivocation, Mental Reservation and Casuistry," in *Conscience and Casuistry in Early Modern Europe*, 159–84.

64 Donne, *Ignatius His Conclave*, 28–29.

65 According to Anglo, *Machiavelli—The First Century*, 409 these elements are not sufficient to prove for Donne's direct knowledge of Machiavelli's works, except for the *Florentine Histories*, which he quotes in the Preface of *Pseudo-Martyr* as a source of all the damage that the Pope had caused to Italy.

66 Nobody apparently has noticed that the role of Machiavelli as "schoolmaister" is a likely reference to Roger Ascham's *The Scholemaster* (1570), a harsh indictment of the bad effects of Italian culture (Machiavelli *in primis*) on the education of English people.

67 Donne, *Ignatius His Conclave*, 76–78.

68 Ironically, Machiavelli was here subjected to a sort of *contrapasso*, for in a famous epigram he had wished the same fate for the *gonfaloniere* Pier Soderini, whom he had served as a Secretary of the second Chancery of the Florentine Republic: "That night when Piero Soderini died, his spirit went to the mouth of Hell. Pluto roared: 'Why to Hell? Silly spirit, go up into Limbo with all the rest of the babies'" (Machiavelli, *The Chief Works*, III: 1463). The sentence is now used as an epigraph in the most comprehensive book about the subject, that by Chiara Franceschini, *Storia del limbo* (Milan: Feltrinelli, 2016).

69 Donne, *Pseudo-Martyr*, 47–48.

70 Shami, "Donne's Protestant Casuistry," 56.

71 Donne, *Biathanatos*, 1412–24. The same perplexity is to be found in *Pseudo-Martyr*, where Donne labels Catholic casuistry as a system built on "a Scruple, or a Doubt, or an Opinion, or an Errour" through which "it is impossible to discerne those circumstances or unentangle our consciences by any of those Rules" (*Pseudo-Martyr*, 1 66, quoted in Valbuena, "Casuistry, Martyrdom, and the Allegiance Controversy," 71).

72 Donne, *Biathanatos*, 5451–70.

73 See Marc Bloch, *The Royal Touch: Monarchy and Miracles in France and England* (New York: Routledge, 1989, first ed. 1924). For the Spanish case, see Andrew W. Keitt, *Inventing the Sacred: Imposture, Inquisition, and the Boundaries of the Supernatural in Golden Age Spain* (Leiden and Boston: Brill, 2005, especially ch. 7.2 *Philip IV and the Construction of Royal Thaumaturgy*). The issue would, however, deserve to be treated more in depth, as Keitt considers it an unsuccessful episode that started only with the kingdom of Philip IV (1621–65), whereas Donne's passage shows that it was enacted well before and had a success comparable to the English and French cases. I am coming back to this issue elsewhere.

74 As demonstrated, in the scholarship on Donne, by the scientific trajectory of A. E. Malloch, who some years before "Donne and the casuists", wrote "The Techniques and Function of the Renaissance Paradox," *Studies in Philology* 53, no. 2 (1956): 191–203.

75 To grasp Donne's preference for secondary writers, one has just to think that *Biathanatos* never quotes the best-known author on the subject at the time, namely Michel de Montaigne.

76 Donne, *Biathanatos*, 1200–15. See Emily Miller, "Donne's *Biathanatos*: The Question of Audience," *Mid-Hudson Language Studies* 10 (1987): 7–14, who does not mention this crucial passage.

77 Charles Blount, *The First Two Books of Philostratus, Concerning the Life of Apollonius Tyaneus* (London: Nathaniel Thompson, 1680), 154.

78 Blount, *The First Two Books of Philostratus*.

79 Samuel E. Sprott, *The English Debate on Suicide: From Donne to Hume* (La Salle: Open Court, 1961), 73.

80 Charles Blount, *Oracles of Reason* (London: s.n., 1693), 135–51.

81 *The Miscellaneous Works of Charles Blount* (London: s.n., 1695), A6–A9.

82 Silvia Berti, "Radicali ai margini. Materialismo, libero pensiero e diritto al suicidio in Radicati di Passerano," in hers *Anticristianesimo e libertà: Studi sull'illuminismo radicale europeo* (Bologna: Il Mulino, 2012), 330. For a first survey of the reception of *Biathanatos*, see Bernardini, "I Have the Key", 3 n. 2, where are listed the works that have it as a—more or less polemical—starting point. On *Wertherfieber*, see Julia Schreiner, *Vom Wertherfieber und Selbstmordepidemien*, in hers *Jenseits vom Glück: Suizid, Melancholie und Hypochondrie in deutschsprachigen Texten des späten 18. Jahrhunderts* (Munich: Oldenbourg, 2003), 265–78.