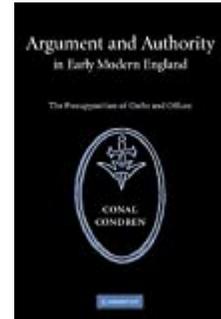




Conal Condren. *Argument and Authority in Early Modern England: The Presupposition of Oaths and Offices.* Cambridge: Cambridge University Press, 2006. 412 pp. \$106.00 (cloth), ISBN 978-0-521-85908-0.



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Offices and Authority

Conal Condren's *Argument and Authority in Early Modern England* endeavors to unpack the pattern of word use in early modern politics, thus discerning intentions, theories, and dispositions. Condren's treatment focuses upon office and its centrality to the mental map by which seventeenth-century Englishmen navigated their tangled web of obligations and duties. From the office of the lavatory through the office of the midwife or street scavenger to the office of the king, the early modern period, Condren contends, is a "world shaped by the resources of office" and the corresponding personae that occupied them (p. 22). Exploring the presuppositions governing this moral and social world radically challenges the dominant scholarly orthodoxies of the early modern period.

There prevails, from Condren's official perspective, a worrying propensity in the history of political thought to read into the past a hypothetical completion of ideas, concepts, and ideologies. The "meta language of explanatory modelling is conflated with the evidence itself and the past is then easily, even inadvertently, reduced to a series of variations on the present" (pp. 26-27).

The consequences of hypothetical completion for the conditions of discourse in seventeenth-century England has, Condren argues, deformed our understanding of both the structure and terms of political debate and the vocabulary in which it was conducted, namely in terms of the web of offices and the physical and mental limits they imposed.

Close attention to the practice and understanding of office, therefore, reveals a somewhat different ethical regime from the one that currently prevails and seeks legitimation by anachronistically reading itself into a seventeenth-century political debate. Part 1 of *Argument and Authority* consequently elaborates the structure of this official world and the personae that both inhabit, contest, and emerge from it. Condren traces its dimensions through chapters devoted to its ceremonies, its institutions, and its vocabulary. Office required representation by a persona expressed in terms of qualities and capacities. As Condren shows, the vocabulary of office ensured that a persona was often fragile, contingent upon office, and that the relationship between offices was cru-

cial to the stability of them all. Moreover, given that office was both a liberty and a duty, it was worryingly unstable. Thus, on the one hand, stability of office was crucial to political order, yet, on the other, the moral behavior in office was open to redescription, contestation, and mutability. Consequently, much intellectual effort was devoted to stabilizing the early modern proliferation of offices. Here again the project proved both ambivalent and paradoxical. The potential for redescription meant that protest could be read as destabilizing riot, liberty as license, kingship as tyranny. The political consequences were troubling; nothing of course illustrated the redescriptive possibilities of contested office more than resistance redescribed as rebellion or monarchy redescribed as tyranny.

Along with this contestation of official persona went the problem of stabilizing moral behavior. The multiplication of seventeenth-century offices engendered a problem of mutability. This potential and the felt need to stabilize it, Condren further explores through the outer offices of the intellect, notably the figure of the philosopher and the inner offices of the soul and conscience, conceived as the inner philosopher. Indeed, the internal offices of the soul and conscience assumed a heightened significance in post-Reformation discourse.

It is this contested political understanding that Condren explores in the second part of the *Argument* about the “authority and insolence of office.” In the official understandings of patriot and nation and counselor and ruler the negative and positive registers of office became particularly apparent. The patriot and its cognates disclosed a search for a distinctive persona augmenting more institutionalized offices. It functioned politically in the crises of the seventeenth and eighteenth centuries to justify, explain, or legitimate otherwise questionable behavior.

Equally volatile, in this quest for authority, was the more established office of the counselor, required to offer critical advice rather than flatter the whims of the counseled. The problem of sovereignty and authority consequently needs to be situated within the uncertain office of evil and good counsel.

The negative and positive registers of office—the claims of different offices and the uncertain terrain between them—necessitated a method that explained and, where necessary, justified these shifts. This leads inexorably to a consideration of casuistry—the method of relating conscience to its more troubling cases. In its more complex forms it evolved dramatically from me-

dieval moral theology to resolve conflicting cases, now further extended to conflicting jurisdictions of office. Casuistry is much misunderstood. Its post-Pascalian Jesuitical associations linger. Yet as Condren observes, much of what is classified as political theory is “pervasively casuistical” (p. 173).

In order to clarify the distinctive character of seventeenth-century casuistry, Condren illuminates its structure by distinguishing between a presumptive casuistry, where the office is taken for granted, and modal casuistry, where the office is itself the issue. In the presumptive phase, much of what we recognize as casuistry assumes a unitary office or moral persona, which might function extensively or within a hierarchical structure of offices. However, where a multiplicity of offices was involved, applying a common standard could prove problematic and require a recourse to casuistry. In a modal context of multiple offices, by contrast, both persona, rule, and office could be in conflict: “The clash between common law and sovereignty was thus channeled in part by modal casuistry” (p.179). Casuistry was therefore Janus-faced, notably where the *honestas* and *utilitas* of office conflicted and required casuistry to reconcile them. The significance of modal casuistry appears most problematically in the ambiguous and contested context of resistance theory. Given the prevailing casuistical perspective, resistance to an abuse of office cannot be explained through an anachronistic appeal to an inchoate liberal ideology. Rather, resistance theory functions within an official vocabulary and its redescription where competing theories present it at one extreme as rebellion, at the other, legitimate defense. As Condren shows, nothing demonstrates “the ecumenical character of casuistry” (p. 230) as arguments about the moral and lawful limitations of obedience. In both presumptive and modal forms casuistry therefore explored the necessity of obedience and submission but also their limits. Out of both Catholic and Puritan resistance theory, as well as classical conceptions of office, arguments about the role of lesser magistrates and counselors in constraining tyrannical behavior proved highly adaptable to the view that a monarch extending his office could be redescribed as a tyrant deserving either constraint for neglect of duty or tyrannicide for its outright abuse. Such arguments presumed a deviation from office. In this context, a theorist like Thomas Hobbes, not normally reducible to casuistry, can be seen as working within a casuistical framework that sought to undermine the appeal to tyranny by delegitimizing the strategy as merely monarchy disliked. In other words, as Condren convincingly demonstrates, “much of what we

designate as political theory would not have been designated thus, but seen through a different legal, rhetorical and theological prism” (p. 237).

The extent of the suppositions uncertainly governing the conduct of officers and offices is more fully revealed through an exploration of the widespread use of state oaths in the seventeenth century in order to secure allegiance to the problematically mutable order in church and state. The third part of Condren’s thesis therefore attends to the oath and the manner in which it reflected official discourse and the modal and presumptive casuistical understandings that governed its tendering, taking, and dissolution.

Condren asserts that oaths were clearly instruments of uncertain trust. He traces how competing understandings of office and the manner in which defining aspects of it evolved into competing doctrines summated in state oaths which were subsequently debated casuistically. By focusing on the oath debates about the Oath of Allegiance (1606), the Engagement to the Commonwealth (1649) and the new oaths to William and Mary (1689), Condren further questions established orthodoxies concerning an evolving but frustrated English absolutism, an ultimately triumphant *de facto*ist theory of obligation, and the revolution of 1689 as an inexorable step on the road to democratic rights and accountable government. The debate over the first oath in this series, the 1606 Oath of Allegiance, asserted the ambivalent necessity of extending the office of the monarch rather than demanding subscription to a new absolutist ideology. It also raised questions about its legality and despite its requirement not to be taken in an equivocal or mentally reserved sense, exposed it to a Jesuit-inspired polemic that argued the oath could only be thus taken. A similar ambivalence adumbrated the Engagement tendered by the new commonwealth in 1649. Here again an innovatory new device, not even an oath, hinted at innovation and its terms at ambiguity, so much so that the leading Anglican casuist, Robert Sanderson, maintained that it might even be taken in an ambivalent sense. The ambivalence attached to the device has led commentators to assume that the state welcomed such an interpretation and accepted a *de facto* rather than a *de jure* commitment to its authority. Condren significantly demonstrates that much modern scholarship concerning *de facto*ism misreads the intentions of those who tendered and defended the new device. As Condren tellingly observes, only tyranny occupied office *de facto*. The commonwealth, in other words, might have acquired its authority contingently, but obligation to it was both moral and legal.

Analogous concerns about authority arose in 1689 and a number of arguments deployed in 1649 were dusted off and applied to the somewhat altered political circumstances forty years later. Here again a casuistic reading of the debates about the abdication of James and the accession of William and Mary confutes much contemporary scholarship. Indeed, to see the debates as a triumph of *de facto*ist theory assumes, misguidedly, the perspective of the non-jurors.

Condren’s important study offers a radical reevaluation of the preconceived structures we bring to the understanding of seventeenth-century thought. Anachronism is the enemy of understanding the context of seventeenth-century official discourse. More particularly, the importation of fixed ideologies of twentieth-century provenance into the fluid, uncertain, and mobile world of seventeenth-century office, distorts understanding by imposing categories entirely alien to the seventeenth-century mind. Casuistry did not function ideologically and to ignore it in favor of distilling from seventeenth-century polemic the vocabulary of an inchoate political theory replaces the object of concern with a convenient meta-language. Condren goes to considerable pains to show how emblematic figures in the history of political thought like Hobbes and John Locke functioned within a framework of office and casuistry. Consequently, there was no liberalism before liberty and liberty itself did not function as an aspect of an emerging, autonomous selfhood.

Given the attention to the terms of seventeenth-century debate one questions therefore why Condren wants to import modish poststructural understandings of Derridean difference into the amphibological exercises of the seventeenth century. Moreover, given the all-explanatory nature of Condrenian office the reader is left seduced but abandoned as to how this official understanding adapted to modern selfhood and the protean modern state or whether it was simply jettisoned as a new post-Kantian moral understanding came into play in the late Enlightenment.

Condren’s epilogue here is disappointingly provisional. Keen not to turn office into yet another ideological formation, Condren offers two factors intimating its demise. Increasingly, the notion of interest and a state interest subsumed and transmogrified the idea of office, whilst the rhetoric, together with the extension of offices, became increasingly indiscriminate. Office suffered, it seems, from a fatal conjoined flaw of explanatory saliency, promiscuous adaptability, and moral credibility

(p. 346).

Alternatively, we might argue that the early eighteenth-century oath pamphlet literature reveals that defenses or attacks on the tendering and taking of the device had assumed a stock quality, indicative of a political cynicism that suggests the device suffered moral and political devaluation. At the same time, the personae modifying their understanding of performativity altered the conventions governing conscience and casuistry. By the early eighteenth century, the abuse of oaths to the restoration settlement after 1689, lends to disaffected Toryism an ironic and skeptical view of politics that presents the world in terms of hypocrisy, and character rather than conscience. When we find with Alexander Pope that the guide to behavior is not con-

scientious performance but ruling passion, something has changed in the understanding of social and political psychology. Rational conscience gives way to Bishop Butler's "cool heart" whilst David Hume's view of human nature affords it no place.

Somewhat confusingly too, Condren's long study attends closely to the moral casuistry of the oath but gives relatively little space to the equally significant legal casuistry that governed their tendering and taking as well and their relationship to the legal understanding of treason that changed dramatically over the century. Such cavils notwithstanding, Condren's argument represents a seminal contribution to the terms of seventeenth-century debate.

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