REGINALD PECOCK'S *MORAL PHILOSOPHIE* AND ROBERT HOLCOT O.P.: FAITH, PROBABILISM, AND 'CONSCIENCE'*

> Thomas […] toke not the evydence of Cristis resurrexion […] eer than Crist apperid to Thomas, and schewid his side to Thomas. And if Thomas hadde take in the bigynnyng the evydence into deep consideracioun of his resoun, to se and fele hou myche thilk evydence schulde move into feith, no doute but that Thomas, stonding in thilk receyte of evydence, muste nedis have bileeved.[1]

Thus muses Bishop Reginald Pecock[2] on the famously troubling episode of doubting Thomas (John 20:24-29).[3] The passage forms part of an extended and detailed engagement with the epistemology of religious belief in Pecock's *Book of Faith.* Written in the form of a dialogue between a learned and rigorously patient 'Father' and an intellectually demanding 'Son', the

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[1] Reginald Pecock, *Book of Faith: A Fifteenth Century Theological Tractate*, ed. J. L. Morison (Glasgow, 1909), 160; all further references will be to this edition by page-number (henceforth *BF*). All translations mine. 'Thomas […] did not receive / accept the evidence of Christ's resurrection […] until Christ had appeared to Thomas, and showed his side to Thomas. And if, right at the start, Thomas had taken the evidence into deep consideration of his reason, to see and to feel how much this evidence should move to faith, there is no doubt that Thomas, having received this evidence, would have been compelled to believe'.

[2] On the biography of Pecock (c.1392-c.1459), see Wendy Scase, *Reginald Pecock*, Authors of the Middle Ages 3 (Aldershot, 1996); also Scase's entry on 'Pecock, Reginald' in *ODNB*.

[3] For an overview of the patristic and scholastic tradition of commentary on this episode, see Glenn W. Most, *Doubting Thomas* (Cambridge, MA, 2005), 122-54.

work is evidently intended by Pecock as a piece of pedagogic elucidation of the fundamentals of 'faith'.[4] However, as is characteristic of his work—and that of the Wycliffite milieu which he occasionally appears to have in his sights[5]—elementary instruction is inseparable here from startlingly ambitious explorations in the vernacular arising out of scholastic moral philosophy of daunting complexity and sophistication from the fourteenth-century Schools, in particular Oxford. Especially to be noted is the role played by the thought of the Dominican philosopher Robert Holcot.[6] Whilst Pecock draws diffusely on some of the major scholastic thinkers of the twelfth and thirteenth centuries, he normally does so without providing

[4] Pecock's main focus is on faith primarily as the act of belief rather than doctrinal content; for the range of senses possible, see Olga Weijers, 'Some notes on *fides* and related words in Medieval Latin', *Bulletin du Cange: Archivum Latinitatis Medii Aevi* 40 (1977), 77-102.

[5] On Pecock's putative readership, see Mishtooni Bose, 'Reginald Pecock's Vernacular Voice', in *Lollards and their Influence in Late Medieval England*, ed. Fiona Somerset, Jill C. Havens and Derrick Pittard (Woodbridge, 2003), 217-36 (esp. 229); Kantik Ghosh, 'Bishop Reginald Pecock and the Idea of "Lollardy"', *Text and Controversy from Wyclif to Bale: Essays in Honour of Anne Hudson*, ed. Ann Hutchinson and Helen Barr (Turnhout, 2005), 251-265; Kirsty Campbell, *The Call to Read: Reginald Pecock's Books and Textual Communities* (Notre Dame, IND, 2010), 27-60; Anna Lewis, '"Give the Reason for the Hope that you have": Reginald Pecock's Challenge to (Non)Disputing Lollards', *Studies in Philology* 112 (2015), 39-67.

[6] Foundational older studies of Holcot include Gordon Leff, *Bradwardine and the Pelagians* (Cambridge, 1957), 216-27; H. A. Oberman, *Archbishop Thomas Bradwardine: A Fourteenth-Century Pelagian* (Utrecht, 1957), passim; Beryl Smalley, *English Friars and Antiquity in the Early Fourteenth Century* (Oxford, 1960), 133-202; Fritz Hoffmann, *Die theologische Methode des Oxforder Dominikanerlehrers Robert Holcot* (Münster, 1972). For a recent overview, see John Slotemaker and Jeffrey C. Witt, *Robert Holcot* (Oxford, 2016).

references or precise details; the few which *are* provided tend to be critical.[7] In contrast, the 'doctour called Holcot' is referred to approvingly as an *auctor* in the context of a notably subtle and challenging discussion of intention, merit, and ecclesiology. Pecock's (single) citation of Holcot by name is unspecific and does not provide chapter and verse.[8] However, his indebtedness to the sceptical moral philosophical tradition to which Holcot made provocative contributions is clear and will be explored here, and his own—characteristically lucid and intransigent—contributions to that tradition highlighted.[9]

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[7] In his classic study, Vivien Green characterized Pecock's scholarship as 'eclectic', and underlined the difficulty of establishing his indebtedness with any degree of accuracy; he also pointed to his facility in criticism, with targets including both Aquinas and Scotus. For an overview of Pecock's citations, see V. H. H. Green, *Bishop Reginald Pecock: A Study in Ecclesiastical History and Thought* (Cambridge, 1941), 76-88 (esp. 82-8).

[8] *BF* 208; for discussion, see below 000-000.

[9] As will emerge in this article, Pecock very likely knew and drew upon Holcot's *Sentences* commentary, as well as his *Sex articuli*: for an edition and study of these latter, see Fritz Hoffmann, *Die 'Conferentiae' des Robert Holcot O.P. und die akademischen Auseinandersetzungen an der Universität Oxford 1330-1332* (Münster, 1993). On the (unedited) *Sentences* commentary, see Appendix A in Slotemaker and Witt, *Robert Holcot*; for one edited question, see *Seeing the Future Clearly: Questions on Future Contingents by Robert Holcot*, ed. Paul A. Streveler and Katherine H. Tachau (Toronto, 1995), 113-95. The reception-history of Holcot's very widely disseminated works in the later Middle Ages remains largely unexplored, though there has been enterprising work on his possible influence on Chaucer and other Middle English poets: see, for example, Alastair Minnis, 'Looking for a Sign: the Quest for Nominalism in Ricardian Poetry', in his *Translations of Authority in Medieval English Literature* (Cambridge, 2009), 38-67; Hester Goodenough Gelber, 'Laughter and Deception: Holcot and Chaucer Remain Cheerful', in *Uncertain Knowledge: Scepticism, Relativism, and Doubt in the Middle Ages*, ed. Dallas G. Denery II, Kantik Ghosh and Nicolette Zeeman

This article will focus on the *Book of Faith*, while drawing as appropriate on Pecock's other extant writings, as it foregrounds some of the intellectual and rhetorical contortions or stratagems that late-medieval thinkers had to rely upon in order to negotiate various pitfalls and dead-ends in the domain of faith in both its individual and institutional dimensions. In an environment shaped by a burgeoning lay religio-intellectual enterprise, and its (putative) vulnerability to heterodoxy, at a time of the pan-European spread of heresy, Pecock's vernacular moral-philosophical project stands out in its intellectual acumen, analytic boldness, and linguistic ambition.[10] An examination of the *Book of Faith*, as it explores and extends the limits of Holcot's radical speculations, therefore takes us into the heart of some of the most intractable problems of moral philosophy and ecclesiology in the fifteenth century, at a time when Europe had been fundamentally destabilised by the 'epistemological shock' of the papal Schism (1378-1417),[11] the Wycliffite and Hussite (and other) heresies, as well as protracted conflicts between pope and council.

Pecock devotes substantial attention to St Thomas and to his insistence on the empirical verification of Christ's resurrection. It was not so much, says Pecock, that Thomas did not believe that the man standing before him was risen from the dead—since this was obvious—but rather that this man was indeed Jesus Christ in his manhood, in his material

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(Turnhout, 2014), 285-304; Neil Cartlidge, 'Ripples on the Water? The Acoustics of Geoffrey Chaucer's *House of Fame* and the influence of Robert Holcot', *Studies in the Age of Chaucer* 39 (2017), 57-98.

[10] On Pecock's linguistic innovations, which will not be discussed in this article, see J. A. T. Smith, 'English and Latin Lexical Innovations in Reginald Pecock's Corpus', *Neophilologus* 100 (2016), 315-33.

[11] The description is Rudolf Schüssler's: 'Jean Gerson, Moral Certainty and the Renaissance of Ancient Scepticism', *Renaissance Studies* 23 (2009), 445–62 (457).

scarred human body as it had been when he was crucified.[12] This doubt impels Thomas to seek experientially to verify the wounds:

> the article which Thomas, first bifore he sawe the woundis, wolde not bileeve, and which, aftirward he hadde seen tho woundis, he bileeved, was not this, that this man was rise fro deeth into lijf; for therof he had in maner experience,[13] but it was this that Crist, that is to seie God being man, was risen fro deeth in his manhode, into lijf in his manhode, into which bileve of thilke article helpid wel, as therto a meene, the experience had bi Thomas of the woundis, which Thomas sawe in thilke manys persoone and quik bodi; and that this is trewe may be take weel here of, that Thomas aftir that he had seen, and was profrid to him for to touche the woundis, seid thus: *O my Lord and O my God.*[14]

Thomas's failing, in this scheme, is his wish to seek experiential evidence of Christ's wounds beyond what he had been offered without, however, considering the latter with sufficient diligence (taking it into 'deep consideration of his reason'). Pecock thereby broaches, in this passage and the one quoted at the beginning of this essay, several key themes: the

[12] For conflicted discussions surrounding the exact nature of Christ's risen body, going back to St Paul's First Letter to the Corinthians, see Most, *Doubting Thomas*, esp. 127-33.

[13] 'Experience' here means the process of acquiring knowledge by observation and sensory perception: *MED* 1(a).

[14] *BF* 158: 'the article which Thomas would not believe before he saw the wounds, and did believe after he had seen them, was not that this man [before him] was risen from death to life, since he could, in a fashion, experience this [fact], but was that Christ, that is to say God as man, was risen from death in his humanity, into life in his humanity. Belief in this article was helped, as a means to it, by Thomas's experience of the wounds, which Thomas saw in this man's person and living body. That this is true may well be inferred from the fact that Thomas, after he had seen the wounds, and after the wounds had been offered to him to touch, said this, "O my Lord and O my God"'.

constitution of 'evidence' in the context of faith, the role played by the will of the believer (or unbeliever), and the interrelationship of reason, will, trust and faith in the domain of revealed truth in particular and that of moral life in general.

In his ambitious account of what he calls 'the rule of Christian religion',[15] Pecock undertakes a searching analysis of human moral life and the ways through which we establish its values and norms. The first and well-known point to recall here is that Pecock's account is dominated by reason rather than revelation, since, according to him, God endowed man with reason so that he might arrive at the bulk of what constitutes religion and natural law, barring, that is, a handful of the fundamental revealed truths of faith. The 'rule' of the Christian religion, as encoded by God in the 'lawe of kynde' or natural law, is therefore, according to Pecock, 'fyndeable and knowable' via the labour of natural reason, and not dependent on 'eny reuelacion or witnessing from aboue', whether 'inmediatly' from God or mediately via his messengers.[16] The realm of ethics and value being considered here is constitutive of the bulk of what we understand by 'religion', i.e. the domain of 'the law and service of God', in other words of the moral life broadly understood, which does not primarily pertain to the revealed articles of faith such as the Trinity or the 'fewe positive lawis' which pertain to the 'newe sacramentis'.[17] As a result of this primary focus on the sphere of the non-revelatory,

[15] Reginald Pecock, *The Reule of Crysten Religioun*, ed. William Cabell Greet, EETS 171 (London, 1927); all further references are to this edition by page-number (henceforth *RCR*).

[16] *RCR* 424. On the close interrelationship of reason, natural law, and God in Pecock's thought and its relation to scholastic-legal tradition, see Norman Doe, *Fundamental Authority in Late Medieval English Law* (Cambridge, 1990), 60-70.

[17] *RCR* 23. Pecock's point is that Christ replaced the positive laws of 'the ceremonyes, iudicialis [religious laws], and sacramentalis' which God had given to the Jews with a new set pertaining to 'hise newe sacramentis with whiche he chargid the peple of Cristen'; however, this did not affect the

Pecock argues for a concept of 'faith' as allied fundamentally to reason.[18] He therefore considers at length the question of whether reason has 'any interest in matters of faith', and especially whether its judgment and assent are a prerequisite for faith.

Pecock begins by pointing out that reason is necessary for faith as otherwise animals would be capable of faith. Faith, in the sense being discussed here, is based in rational knowledge and not in the senses (which latter we share with animals, both inward and outward): indeed, Pecock states categorically that faith is a 'knowingal vertu', i.e. aligned to the cognitive power or faculty, and therefore reliant on evidence.[19] Pecock therefore uses, as we shall see, the medieval vocabulary of probable reasoning pervasively. Reason, in order to consent to faith, must have 'euydencis forto so consente'. Furthermore, it must have greater evidences to consent in a particular way than it has evidences for the opposite conviction: 'grettir euydencis forto so consente þan he haþ to þe contrarie party'. Such evidences may give information to reason only through the 'knyttyng' of evidences into an argument via, of

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ongoing validity of the law of nature, which is aligned with the 'doom [judgment] of resoun and moral philsophie': Reginald Pecock, *The Repressor of Over Much Blaming of the Clergy*, ed. Churchill Babington, 2 vols, Rolls Series (London, 1860), 1:18-20.

[18] See Green, *Reginald Pecock*, 129-42; also Stephen Lahey, 'Reginald Pecock on the Authority of Reason, Scripture and Tradition', *Journal of Ecclesiastical History* 56 (2005), 235-60; James H. Landmann, '"The Doom of Resoun": Accommodating Lay Interpretation in Late Medieval England', in *Medieval Crime and Social Control*, ed. Barbara A. Hanawalt and David Wallace (Minneapolis, MN, 1999), 90-123.

[19] On Pecock's exposition of the intellectual virtues and transformation of the inherited 'classification-of-sciences' model, see Tamás Karáth, 'Vernacular Authority and the Rhetoric of Sciences in Pecock's *The Folewer to the Donet* and in *The Court of Sapience*', in *After Arundel: Religious Writing in Fifteenth-Century England*, ed. Vincent Gillespie and Kantik Ghosh (Turnhout, 2011), 285-303 (286-8, 291-3).

course, the syllogism. Without such evidences, reason cannot arrive at a judgment regarding the credibility of an article of faith (i.e. always excepting the handful of fundamental revealed articles, which are beyond reason and must be believed, since God may not lie).[20] Furthermore, Pecock goes on to argue, the presence of adequate or sufficient evidences implies that reason *constrains* those who take 'sufficient diligence' to hear arguments based on them; they would not have the power to dissent from the conclusion arrived at by such arguments, whether they wish to or no, if they consider the evidences and arguments with due attention and diligence. Opposing arguments in such a situation would not be of equivalent probability: if the Christian 'receyue into his heering and to his vndirstonding þe ful fourmyng of [the complete and methodical process of arriving at] þo argumentis, and if he take sufficient attendaunce to þe processis [methodological procedures] of hem', such arguments will prove their conclusions 'in ful greet likelihode', so that their opposites would have 'nouȝwhere nyȝ [nowhere near] argumentis and euydencis in so greet likelihode'. Pecock's fundamental point is that reason, and faith (because based on reason) are not voluntarist: reason is constrained by evidences, as is the bodily eye, because it is 'not a power of free worching as is þe wil'.[21]

[20] Pecock is here evidently unwilling to enter into the protracted scholastic debates on the possibility of divine deception to which Robert Holcot, amongst others, made significant contributions: see Hester Gelber, *It Could Have Been Otherwise: Contingency and Necessity in Dominican Theology at Oxford, 1300-1350* (Leiden, 2004), 200-22; Dallas G. Denery II, 'From Sacred Mystery to Divine Deception: Robert Holkot, John Wyclif and the Transformation of Fourteenth-Century Eucharistic Discourse', *Journal of Religious History* 29 (2005), 129-44; Dominik Perler, 'Does God Deceive Us? Skeptical Hypotheses in Late Medieval Epistemology', in *Rethinking the History of Skepticism: The Missing Medieval Background*, ed. Henrik Lagerlund (Leiden, 2010), 171-92.

[21] *RCR* 425-28.

In his clear statement of his fundamental thesis—necessarily stripped, in English, of the scholastic nuances which would accompany the equivalent Latin terminology[22]—Pecock places himself in opposition to a widespread scholarly consensus: the position which contemporary philosophers describe as one of 'doxastic voluntarism'. As Rudolf Schuessler explains:

> Doxastic voluntarism, in a crude summary, proclaims that human beings can decide at will what they believe. In its most radical understanding, which includes the power to believe absurdities at command, doxastic voluntarism has never been part of the scholastic tradition. However, scholastics assigned a significant role to the will with respect to the generation of beliefs or opinions. The will can indirectly maneuver us towards beliefs or opinions by directing our attention to this or that piece of information, thus causing a selective intake of information. […] Adherence to moderate forms of doxastic voluntarism was certainly buttressed by the indispensability of the will for religious faith. Faith stood for a greater certitude and firmness of assent than natural reason permitted, otherwise faith would automatically follow on epistemic grounds without the need for divine grace and without deserving merit.[23]

Pecock comes perilously close to this last position: that faith does automatically follow on epistemic grounds if sufficient evidences and correctly formulated arguments—'ordynatli and formabli [i.e. following the due order and form of the relevant methodology], in forme of

[22] Mishtooni Bose suggests of Pecock: 'It is as if he deliberately wished to clear a space beyond the conventional academic genres in which to situate his distinctive vernacular project'. See Bose, 'Two Phases of Scholastic Self-Consciousness: Reflections on Method in Aquinas and Pecock', in *Aquinas as Authority*, ed. Paul Van Geest, Harm Goris and Carlo Leget (Leuven, 2010), 85-107 (93).

[23] *The Debate on Probable Opinions in the Scholastic Tradition* (Leiden, 2019), 368-71.

silogismes'—are present.[24] But he also acknowledges that there is a (weak) volitional aspect to assent: we do have to decide to consider the evidences and arguments presented to us with 'sufficient diligence'. In his extended treatment of the episode of doubting Thomas, to which we shall briefly return now, there is the suggestion that this—the matter of 'diligence' or its opposite, negligence—is where the will can play a minor role. Pecock's analysis is complex, and brings together some key discourses: reason and faith, trust (*fiducia*), and the apprehension of probable truth (as opposed to certain knowledge, *scientia*).

Thomas's fault lay in that he continued to doubt that the man before him was the risen Christ in his material earthly body even though he did have 'sufficient evydencis' to believe in the Resurrection. Pecock points out that even we, at this later time, believe this on the authority of the apostles, since we have sufficient evidences that they were 'trewe and trusty men, and not liers.' Thomas too heard the same apostles; furthermore, he knew from *experience* their truth/ integrity/ sobriety/ guilelessness whereas we know these by likelihood only, and by the absence of evidence to the contrary: 'and also he knewe bi experience the treuthe, and the sadness, and the unbigilefulnes of hise felowis'.[25] Thomas knew 'ful likeli' that the apostles were no liars. His fault, therefore, was that he sought 'over miche

[24] *BF* 130. Elsewhere, Pecock dismisses the Gregorian dictum (*fides not habet meritum ubi humana racio prebet experimentum*) as flawed and misguided, for to believe 'withoute evydence is unresonable, and therfore unvertuose, and so demeritorie [without merit]'; furthermore, all that holy men write on parchment is not true: see *BF* 145-51.

[25] *BF* 155-6. On the valences of the Middle English word 'experience' in the late Middle Ages, see Derek Pearsall, 'The Wife of Bath's "Experience"', in *Readings in Medieval Textuality: Essays in Honour of A. C. Spearing*, ed. Cristina Maria Cervone and D. Vance Smith (Cambridge, 2016), 3-14; and Mishtooni Bose, '*Piers Plowman* and God's Thought Experiment', in *Medieval Thought Experiments: Poetry, Hypothesis, and Experience in the European Middle Ages*, ed. Philip Knox, Jonathan Morton, and Daniel Reeve (Turnhout, 2018), 71-97.

[excessive] evydence, eer [before] he wolde bileeve.' Thomas did not take the evidence of Jesus's resurrection 'into deepe consideracioun of [his] reasoun', and failed properly to assess, 'to se [see] and fele', how much this evidence should 'move into feith';[26] if he had done so, there is no doubt but that Thomas, 'standing in thilk receyte of [having received this] evydence, muste nedis have bileeved'.

> And ferthermore, thou maist se that a man may weerne, bi dedis of his wil, sufficient evydencis for feith, mynistrid to hise eeris, or to his iȝen forto come so nyȝ into his resoun, that thei move myche the resoun. And in this maner it is to be undirstonde, what that holi Austyn seid […]: […] *But bileeve maist thou never, but with thi wil.* But not withstonding all this, ȝitt if a man bi his wil suffre sufficient evydencis of feith forto entre sufficientli into resoun, and if he bi his wil suffre hem move the resoun as myche as thei ben able to move, certis, he schal not, ne may not, aȝenstonde but that he schal consente to hem in his resoun, and bileeve bi hem in his resoun, wil he, nyle he.[27]

[26] Note Pecock's phrasing here: he suggests that Thomas did indeed have, even before touching the risen Christ, enough sensory input to 'move' his reason to the appropriate faith; in his refusal to allow this input into the deep consideration of his reason, he is comparable to a bad student, who has his lesson written in his book but not in his heart or in his 'consideracioun of undirstonding' (*BF* 159). Pecock is here likely drawing on Holcot who uses the same comparison to make a similar point: 'dico quod in cadendo a vera fide est talis processus: Primo aliquis credens habet quamdam negligentiam de sua salute nec curat credere vel discredere […] sicut scolares discoli non habent velle addiscere'. See *Sex articuli*, Secundus articulus, in *Conferentiae*, ed. Hoffmann, 99/7-11; for discussion, see Christophe Grellard, *De la certitude volontaire: débats nominalistes sur la foi à la fin du Moyen Âge* (Paris, 2014), 105.

[27] *BF* 160-161: 'And furthermore, you may see that a man may refuse [to allow], by acts of his will, sufficient evidences of faith, ministered to his ears or to his eyes, to enter so far into his reason that

The role of the will here is to enable a kind of cognitive receptivity to evidence, so that the objective ability of such evidence to 'move' the reason ('as much as they are able to move') is not negated by a subjective resistance to it.

The Augustinian citation—from Tractatus 26 on John 6:44, a locus classicus in such discussions—gestures to an influential tradition of classical, patristic and scholastic thought which suggested that 'human beliefs are biased by emotional and volitional influences' (*quod volumus, facile credimus* [we believe easily what we wish to believe]).[28] However, Pecock's formulation, as adduced above, is to be noted for its attempt to avoid the connection between such volition and a position that would be more in line with mainstream doxastic voluntarism, whether direct or indirect.[29] Indeed, it is a remarkably weak and muted version of that scholastic tradition of thought which sought to restrict the role of the will to the mere reorientation of the cognitive activity of the intellect, by which the will helps only indirectly in the production of assent. The most extreme exponent of this anti- or minimally voluntarist position was Robert Holcot. In Holcot's view, as Christophe Grellard explains, the will is

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they move the reason much. And in this manner is to be understood what St Augustine said […]: […] "But believe thou mayst never, unless with thy will". But notwithstanding all this, yet if a man by his will allow sufficient evidences of faith to enter sufficiently into [his] reason, and if he by his will allow them to move the reason as much as they are able to, he shall not, indeed may not, withstand but that he shall consent to them in his reason, and believe by them in his reason, whether he wishes to do so or not'.

[28] For discussion of the many variations on this dictum (Caesar – Seneca – Peter Lombard – Aquinas et al.), see Schuessler, *Debate on Probable Opinions*, 371 ; and Reijo Työrinoja, 'Faith and the Will to Believe. Thomas Aquinas and Robert Holkot on the Voluntary Nature of Religious Belief', *Documenti e studi sulla tradizione filosofica medievali* 12 (2001), 467-92.

[29] For a succinct account of these modes of voluntarism, see Nicolas Faucher, *La Volonté de croire au Moyen Âge: Les theories de la foi dans la pensée scolastique du XIII^e siècle* (Turnhout, 2019), 15-8.

reduced to a kind of desire or intention which orients the intellect so that it looks for reasons to believe. There is in Holcot, Grellard underlines, such a reduction of the remit of the will that it amounts to nothing more than desire or intention.[30] In Pecock's formulation, this is taken one step further: what the will does is merely to ensure that the intellect opens itself up to, and does not resist, the full implications of the evidences presented to it.

Pecock's emphasis on faith as a 'knowingal vertu', and his devaluation of the role of the will in it, thus builds on Robert Holcot's thought and develops its implications in radical ways. As Grellard has explicated, Holcot, in rejecting the tradition of doxastic voluntarism, inscribes faith 'dans le même cadre épistémique que l'opinion'. Faith, in this scheme of things, is nothing but a certain type of opinion, one that relies on testimony.[31] Pecock goes further. He makes a categorical distinction between two kinds of faith: 'opinial faith' and 'sciential faith'. 'Opinial faith' encompasses almost the *entire* domain of faith as we experience it in this life, 'whiche we and alle Cristen han [have], bi the comoun lawe of God, whilis we lyven in this lijf'. Pecock adduces 1 Cor. 13:12 as a proof-text, and revealingly translates the Pauline *enigma* as *uncerteynte*: 'Now we seen in a myrrour in uncerteynte' (*videmus nunc per speculum in enigmate*). 'Sciential faith' is not commonly had in this life except 'bi specialte', i.e. by special dispensation (cf. *MED* 1(e)) by which Pecock presumably

[30] 'on peut desirer croire, de sorte que la volonté orientera l'intellect en vue de chercher des motifs de croire'; 'une singulière reduction de la portée de cette faculté, puisque finalement la volonté n'est plus que l'autre nom du désir ou de l'intention': Grellard, *De la certitude volontaire*, 103; see also Pascale Bermon, '*Il n'est pas au libre pouvoir de l'homme de croire quand il lui plaît*: l'involontarisme doxastique de Robert Holcot', in *Genèses antiques et médiévales de la foi*, ed. Christophe Grellard, Philippe Hoffmann and Laurent Lavaud (Paris, 2020), 409-28.

[31] 'la spécification d'un certain type d'assentiment opinatif, à savoir celui qui s'appuie sur les témoignages': Grellard, *De la certitude volontaire*, 93.

means very rare instances of revelation vouchsafed to (exceptional?) human beings. It arises out of—and here Pecock indulges in a memorable tautology to drive home his point—'cleer sure *expert evydencies,* schewing that an article is affermed of God',[32] and is the certitude that the blessed have in heaven ('in the blisse of hevene').[33] Pecock's coupling together of *scientia* and faith is to be noted; it has the ring of an oxymoron since standard scholastic consensus was that faith and certain knowledge cannot, by definition, co-exist, and that faith would disappear in the beatific vision to be replaced by full clarity.[34]

As for 'opinial faith', Mishtooni Bose has clarified the nuances of Pecock's understanding of such faith as related to, but distinct from, mere 'opinion':

> The relationship between these two is clearly analogical, in order that faith remain uncontaminated with simple opinion, and Pecock works hard […] to delineate them, pointing out that 'opynyonal feiþ' is derived from a trustworthy source, the testimony that 'opynyoun' lacks. For him, faith is strongly associated with 'credence', and represented by an internal syllogism, a probable conclusion, that someone forms within themselves when confirming the truth of another's testimony'.[35]

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[32] *BF* 140; italics mine. 'Expert' here means 'evident': see *MED* 3(a).

[33] *BF* 161. Pecock discusses such faith in more detail in his *Folwer to the Donet*, ed. Elsie Vaughan Hitchcock, EETS 164 (London, 1924), 70-2.

[34] However, the precise nature of the beatific vision was the subject of fraught debate through out the Middle Ages; some of the controversies are outlined by Christian Trottmann, *La vision béatifique: des disputes scolastiques à sa définition par Benoît XII* (Rome, 1995); Severin Kitanov, *Beatific Enjoyment in Medieval Scholastic Debate: The Complex Legacy of St Augustine and Peter Lombard* (Lanham, MD, 2014).

[35] Bose analyses Pecock's discussion in his *Folwer to the Donet*: see 'Vernacular Opinions', in *Uncertain Knowledge*, ed. Denery II, Ghosh and Zeeman, 239-69 (254). As Weijers clarifies,

Pecock's firm location of faith in the domain of 'opinion' implies, as Bose points out and as we will consider in detail below, the assignation of a central role to testimony in matters of faith. Our assent given to the testimony of patriarchs and saints is entirely natural and does not involve the will; such assent remains firmly within the realm of the probable. Pecock therefore dismisses philosophical attempts to argue in favour of the will as productive of assent. Those who hold that the will decides what should be a 'true knowing' and what should not, by comparing the way the eye perceives colour to the way we perceive truth, are entirely misguided:

> summe of hem fantasien that as liȝt of the sunne, hild abrode upon a colour and the iȝe, makith the iȝe to se the colour, and is the formal cause whi the colour is knowun, so God him silf, which is first trouthe, hildith him silf abrood as a liȝt upon the article to be bileeved, and upon the undirstonding and the wil of him which schulde bileeve, and therbi the undirstonding and the wil hath suerte of the trouthe bileeved, thouȝ not cleerte of the trouthe bileeved.[36]

Though this is a standard comparison derived from the Arabic-Aristotelian tradition and much elaborated upon in scholastic thought,[37] Pecock is nevertheless dismissive: if Godhead

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credulitas (as opposed to *fides*) signifies persuasion established by arguments, distinct from faith, which pertains to assenting to that which cannot be reasoned out: 'Some notes on *fides'*, 100.

[36] *BF* 166-7: 'some of them fantasize that just as the sun's light, falling upon a colour and the eye, makes the eye see the colour, and is the formal cause why the colour is known, so God himself, who is the First Truth, pours himself as a light upon the article to be believed, and upon the understanding and will of the person who should believe, and thereby the understanding and the will achieve certainty, but not clarity, about the truth which is believed'.

[37] For background, see Paul Wilpert, 'Die Ausgestaltung der aristotelischen Lehre vom Intellectus agens bei den griechischen Kommentatoren und in der Scholastik des 13. Jahrhunderts', in *Aus der*

is the principle of understanding,[38] there can be no question of unclarity; instead, the relevant article would be 'more cleerli knowen of [by] the undirstonding for [because of] the excellence of the liȝt'. To argue that the understanding's adherence to an article of faith is all the stronger when 'the knowing is so litil and so derk' is but a childish fantasy, based on 'ungroundable fyndingis' (i.e. baseless discoveries), falsehoods and repugnances, since there would be no distinction possible in such a case (i.e. of divine illumination) between believing something more steadfastly and believing something more clearly. 'Faith' therefore, in Pecock's view, excludes full cognitive transparency *as well as*—and here he places himself in direct opposition to the mainstream understanding—firm conviction (except, as we have seen, in heaven, where faith becomes 'sciential'): it is a strictly 'opinial' attitude arrived at via a rationalist probabilistic weighing of the available evidence.[39]

Testimony, and the assessment of testimony, therefore play a central role in Pecock's conceptualization of faith. Faith deals with truths which natural reason cannot fully access, and as a result, the apprehension of such truths is dependent on the attention we pay to, and the trust we repose in, witnesses. Pecock therefore uses 'credence' and 'faith' more or less as synonyms,[40] and aligns faith in religious truths with credence in other truths, since both faith

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Geisteswelt des Mittelalters: Studien und Texten Martin Grabmann […] *gewidmet*, ed. Albert Lang, Joseph Lechner, and Michael Schmaus (Münster, 1935), 447-62.

[38] 'Understanding' in Pecock's lexis is the equivalent of the rational faculty: see his *Donet*, ed. Elsie Vaughan Hitchcock, EETS 156 (London, 1921), 12/20-2: 'Þis same now seid power of oure soule whiche is now clepid "resoun", is also ful ofte clepid "vndirstonding", so þat resoun and vndirstonding is al oon.' However, 'understanding' in Middle English has a wide semantic range (including the ability to perceive truths or see more deeply into a matter as well as the ability to grasp spiritual truths): see *MED* 3(b).

[39] *BF* 167-8. On the *scientia-fides-opinio* triad, see Schuessler, *Debate on Probable Opinions*, 30-36.

[40] See n. 35 above.

and credence are arrived at through probable reasoning about the trustworthiness of the witness. When we critically examine an article of faith, what we are doing is examining the *grounds* for believing whether it has been affirmed by God or not; we do not examine the article itself according to natural reason (as Thomas tried to do by asking to see material evidence of Christ's wounds). Faith is therefore derived from the affirmation of someone other than oneself (all the way up to God), and is thus distinct from other kinds of knowledge; however, it is related to such knowledge because the syllogistic method underpins the rational assessment of testimony.

> [Each truth of faith is of a kind] in to whos leernyng and knowyng, after that y it not knewe, y come bi the auctorite of a teller or of a denouncer oonli which is so trewe that he may not lie, and namelich, if the same treuthe be such that y may not bi natural witte suffice forto come into the leernyng, fynding, and knowyng of it […]. And so, if y leerne and knowe tidingis, oold gestis, and governaunces which myn oolde fadris diden, and that bi the telling of such a man, which y knowe bi sufficient likelihood to be a trew teller or a trewe writer, this knowing of these tydingis, or of these oold storial dedis and gestis, is to me credence and feith.
>
> […] whanne an article of feith is to be examyned, whether it be trewe as feith or no [Pecock offers as examples the Trinity and the Resurrection], thouȝ y knowleche wel that the seid examynacioun of thilk article ouȝte to be maad bi labour of arguyng in oure natural resoun, for as myche as we han noon other power forto examyne eny thing […], ȝitt this labour and arguyng and examynacioun, so maad in oure natural resoun, ouȝte not be maad go and falle upon the natural meenys, witnessing the treuthe of thilke article to be trewe […], but this seid labour and arguyng, for examinacioun of the seid article of feith, owith to be maad go and renne upon tho meenys whiche witnessen so likli God to have schewid, or have affermed thilk article

> to be trewe, that no meenes ben had or likely ben hopid to be had forto schewe so likli the contrarie; which contrarie is this, that God the seid article schewid not or affeermed not. And thanne, bicause God many not lie, that therfore thilk article is trewe, and to be bileeved for the infailable and unbigiling treuthe of the affermer, which is God.[41]

Since testimony is assigned such a key role in Pecock's view of faith, trustworthiness takes centre-stage. The trustworthiness or otherwise of those who transmitted divine or

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[41] *BF* 123-4; 133-4: '[Each truth of faith is of a kind such that] I come to the knowledge / apprehension of it, from a state of not knowing, by the authority of a someone who tells / announces it, someone who is so "true" that he may not lie, and especially if this truth is of such a kind that natural reason does not suffice to come to the apprehension/ finding / knowledge of it […]. And therefore, if I learn and know facts, old narratives and the modes of conduct / way of life of my ancestors, via the assertion of such a man, whom I know as sufficiently likely to be a truthful teller or writer, this knowing of these facts, or of these old historical deeds and narratives, is to me credence and faith.

[…] when the truthfulness or otherwise of an article of faith is to be examined […], even though I accept that such an examination of this article ought to be made by the argumentative / analytic labour of our natural reason, since we have no other power whereby to examine anything […], nevertheless this labour and arguing and examination, thus made in our natural reason, must not be directed to the natural means testifying to the truth of this article […], but instead this labour and argumentation, in the examination of the said article of faith, must be directed at the means which testify that God is likely to have shown or affirmed this article to be true, so that there might not be reasons to be arrived at (or likely to be arrived at) in support of the opposite being as probable, which opposite is this, that God did not show or affirm the said article. And therefore, since God many not lie, this article is true, and is to be believed because of the infallible and undeceptive truthfulness of him who affirms it, i.e. God.'

angelic revelations to others is a key question, since it is because of their trustworthiness that we can accept the truth of these revelations, especially when these cannot be verified in any other way. Drawing on some foundational ideas as articulated in Augustine's *De utilitate credendi*,[42] Pecock asserts that just as each one of us 'now lyuyng may fynde manye persoonys to whom we wolen ful stidfastli trowe and bileeue [trust and believe very steadfastly] if þei sadli and in grettist eernest [soberly and in the greatest earnest] telle vs summe þingis whiche þei seien hem to knowe [which they claim to know]', historically, human beings have done the same with the witnesses to divine truth. Hence the children of Adam and similar people 'hadde sufficient euydencis forto beliue þe same hiȝe trouþis' when they were taught these by Adam and any other person who was granted angelic revelations, along with the (unwritten) evidences accompanying the angels' appearance. These latter are the 'lijkly euydencis' that God gave to witness that a particular angel was good and true and sent from God; these evidences, though not preserved in writing, must have existed in order for the patriarchs and others to have believed in the authenticity of the revelations, and these evidences were then handed down orally from one generation of trustworthy men to the next until Moses wrote down the Pentateuch.[43]

Several aspects of Pecock's analysis demand attention. First of all, what stands out is his attempt to restrict the domains of 'faith' and 'trust' to natural reason as much as possible. The voluntarist dimension, as we have seen, is reduced to a negative: the will has to ensure that it does not resist the implications of the evidences presented to it in order for 'faith' to

[42] See c. 12, 26.

[43] *RCR* 431-2. On the wider medieval resonances of the phrase 'trustworthy men' or *viri fidedigni*, the sociology of such men, and the important role they played in ecclesiastical administration, see Ian Forrest, *Trustworthy Men: How Inequality and Faith Made the Medieval Church* (Princeton, NJ, 2018).

arise via probable reasoning and inference. Trust functions here as the premise of an inference. Pecock suggests that we trust in the patriarchs as faithful transmitters of the original, direct evidence provided by God, in a manner analogous to the trust we repose in others in other contexts, because we have accorded them epistemic and moral privilege based on their 'conversation':

> siþen adam and ech of þe oþere persoonys to whom eny such good aungel apperide, bere him so in his conuersacioun þat he was worþi be trowid and bileeued of hise children and of oþere men þat he hadde such reuelacioun and such teching fro þee, god, riȝt as ech of vs now lyuyng may fynde manye persoonys to whom we wolen ful stidfastli trowe and bileeue if þei sadli and in grettist eernest telle vs summe þingis whiche þei seien hem to knowe, þerfore þe children of adam and þe children and þe freendis of þe oþere seid persoonys to whom aungel or aungels apperiden, hadde sufficient euydencis forto bileue þe same hiȝe trouþis aftir þat þei weren of þe oþere seid persoones þerupon tauȝt and enformed wiþ þe euydencis of þe aungelis appering.[44]

In the new dispensation inaugurated by Christ, the apostles, evangelists and other disciples play a similar role:

[44] *RCR* 431-2: 'since Adam and anyone else to whom any such good angel appeared had a way of life such that his children and other men trusted and believed that he received such revelation and such teaching from Thee, God, just as each of us now alive may find many persons whom we would steadfastly trust and believe if they, soberly and in the greatest earnest, tell us some things which they assert that they know, therefore Adam's children and the children and friends of the other persons to whom angel(s) appeared, had sufficient evidences to believe these high truths after they had been taught and informed about these by these other persons with the evidences [supporting] the angels' appearance.'

> Persoones holy in lyuyng, symple and wel manerid, ful of charite to her neiʒboris and no cause hauyng forto maliciosely and so myche harmyngly lie, whiche lyueden in þe tyme of þi concepcioun, jhsu, and siʒen þo þingis whiche befallen fro þe bigynnyng of þe newe testamentis storie in to þe eend or ellis herden of oþere lijk trusty persoonys þo þingis, as weren þe apostolis of jhsu crist and þe euuangelistis and disciplis, wroten þe storie of þo þingis.[45]

Indeed, it can 'be proued bi ful greet probabilnes or likelihode sufficient to cause feiþ' that these above-mentioned people—i.e. holy and simple persons having no cause to lie in a malicious, perilous and harmful fashion—did not in fact lie and that they wrote the New Testament.[46]

Once again, the background to Pecock's thought in this matter is provided by Holcot. As Grellard has shown, Holcot highlights the naturally compelling power of witnesses when discussing the process by which a pagan may be brought to faith:

> si constaret sibi euidenter unam multitudinem hominum esse veracem in verbis et *honestam in vita, et peritam et circumspectam in naturalibus siue in naturaliter scibilibus*, et talis multitudo assereret constanter quedam esse crededam ad que ratio naturalis non attingit nec attingere potest in presenti, dico quod esset bene possibile necessitare talem infidelem et capacem rationis ad assensum quorumcunque

[45] *RCR* 434: 'Persons holy of life, simple and of good behavior, full of charity to their neighbours and having no reason to lie in such a malicious and harmful fashion, who lived in the time of Thy conception, Jesus, and saw those things which happened from the beginning to the end of the New Testament narrative, or heard of those things from similar trustworthy persons, such as the apostles of Christ and the evangelists and disciples, wrote the account of those things.'

[46] *RCR* 434. Pecock refers his reader to his *Book of Faith* at this point.

credendorum, ad hoc enim deseruiunt miracula et *rationes quedam probabiles que sufficiunt ad causandum fidem*.[47]

Grellard underlines Holcot's emphasis on the plural nature of the authority of witnesses, in particular those witnesses who are both of good character *and* possessed of adequate expertise. Holcot is drawing here on the famed Aristotelian *endoxon*, as developed influentially by Cicero and Boethius: an opinion may be considered probable 'if it seems true to everyone or to most people or to the wise—and of the wise, either to all of them or most of them or to the most famous and distinguished—or to an expert in his own field'.[48] Pecock

[47] *Quaestiones super Sententiarum*, Book I, q. 1, a. 6 (italics and translation mine; cited by Grellard, *De la certitude volontaire*, 94): 'if it were shown to him in an evident fashion that a multitude of men is truthful in their words and honest in their life, expert and circumspect [i.e. possessing *discretio*] in natural things [i.e. as opposed to the realm of the revealed or the supernatural] or things which are naturally knowable, and if such a multitude were to affirm in a constant / unchanging way that certain things must be believed, things to which the natural reason does not or cannot attain in this life, I say that that it would be more than possible that such an infidel / pagan capable of reason would be obliged / constrained to assent to each of the things that it is necessary to believe. It is to this end that miracles and certain probable reasons which are sufficient to cause faith serve.'

[48] Boethius, *De topicis*, 1180**ᵇ** 28 (Aristotle, *Topics* I, 100ᵇ 20; Cicero, *De inventione*, I.29.46) cited by Rudolf Schuessler, 'Probability in Medieval and Renaissance Philosophy', in *The Stanford Encyclopedia of Philosophy* (Summer 2019 Edition), ed. Edward N. Zalta, <https://plato.stanford.edu/archives/sum2019/entries/probability-medieval-renaissance/> accessed April 2021; see also Schuessler, *Debate on Probable Opinions*, 37-46. On *endoxon* and its varied reception in the Middle Ages, see the following papers by Peter von Moos, '"Was allen oder den meisten oder den Sachkundigen richtig scheint": Über das Fortleben des *ἔνδοξον* im Mittelalter', in *Historia Philosophiae Medii Aevi*, ed. Burkhard Mojsisch and Olaf Pluta, 2 vols (Amsterdam, 1991), 2:711–44; 'Die angesehene Meinung. Studien zum *endoxon* im Mittelalter II', in *Topik und Rhetorik:*

too attaches a fundamental value—both cognitive and normative—to *endoxa* in his extended discussion, and defence, of the kind of *auctoritas* that might reasonably be accorded to the academic-ecclesiastical institution of 'clergie'.[49] The reach of his argument is considerable, and he broaches several thorny issues: ecclesiastical authority and heresy, the role of clerical expertise, 'vincible' (i.e. culpable) and 'invincible ignorance' and their moral-soteriological implications, and, most challenging of all, the role of 'conscience', inclusive of the vexed question of the 'erroneous conscience'. It will therefore be useful to examine his argument in some detail.

Pecock begins his discussion of the 'erroneose conscience' by invoking that staple of casuistry: the case of the ignorant *vetula* or peasant ('an oold symple widowe, or an oold symple husbonde man')[50] who is given instructions by her prelate, a 'greet famed kunnyng

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ein interdisziplinäres Symposium, ed. Thomas Schirren and Gert Ueding (Tübingen, 2000), 147–68; 'Die angesehene Meinung. Studien zum *endoxon* im Mittelalter III: Abaelard', *Freiburger Zeitschrift für Theologie und Philosophie* 45 (1998), 343–80; 'Die angesehene Meinung. Studien zum *endoxon* im Mittelalter IV: Johann von Salisbury', *Mittellateinisches Jahrbuch* 34 (1999), 1–55; 'Introduction à une histoire de l'*endoxon*', in *Lieux communs, topoï, stereotypes, clichés*, ed. Christian Plantin (Paris, 1994), 3–16; revised version in Peter von Moos, *Entre histoire et litterature. Communication et culture au Moyen Âge* (Florence, 2005), 511–24.

[49] For an account of the complex and conflicted Wycliffite engagement with *endoxa* and expertise, see Kantik Ghosh, '"And so it is licly to men": Probabilism and Hermeneutics in Wycliffite Discourse', *Review of English Studies* 70 (2019), 418-36.

[50] On the *vetula*, see Jole Agrimi and Chiara Crisciani, 'Savoir médical et anthropologie religieuse: les representations et fonctions de la vetula (XIII^{e} – XV^{e} siècle)', *Annales: Economies, sociétés, civilisations* 48.5 (1993), 1281-1308; Christophe Grellard, 'How is it possible to believe falsely? John Buridan, the *vetula*, and the Psychology of Error', in *Uncertain Knowledge*, ed. Denery II, Ghosh and Zeeman, 91-113. Buridan, in his commentary on Aristotle's *Ethics*, developed the idea of the *vetula*'s

[learned] mayster of divinite', 'forto bileeve as feith a certeyn article, whiche in trouthe is an heresie': in following these instructions, is she or he culpable? The ignorant husbandman has no reason, and nor can he find any, not to trust in his prelate or to examine carefully whether his prelate was teaching him rightly or not. As a result, he adheres fervently ('cleveth […] stiffeli') to the said doctrine:

> In this case, it is holde of ful good clerkis, bi greet skilis, that this man is excusid in his now seid errour, and not oonli is he excusid, but he plesith God, and deserveth mede and blisse bi this errour […]; ȝhe, and not oonli is this trewe, but also […] this man were a martir, if he died for knowleching, and avowing, and defending of thilke same seid article, whiche in trouthe is erroneose, and he is bounde forto so bileve thilk article, stonding this seid case and hise seid circumstauncis.[51]

Pecock's invocation of this casuistic example is part of a venerable scholastic tradition. The basic tension foregrounded here, between *fiducia* and *discretio*, between the interiority of the believer and the social regulation of acts, was (in)famously broached by Abelard,[52] and

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faith as purer (even if based on fewer evidences) that that of the learned clerk; however, it is not clear that Pecock knew his work. See Jean Buridan, 'Questions on Book X of the Ethics', in *The Cambridge Translations of Medieval Philosophical Texts*, vol. 2: *Ethics and Political Philosophy*, ed. Arthur Stephen McGrade, John Killcullen, and Matthew Kempshall (Cambridge, 2001), 498-586 (473-4).

[51] *BF* 223-4: 'In this case, it is held by great scholars by means of solid arguments that this man is excused of his error; indeed, not only is he excused but furthermore he pleases God and deserves reward and salvation because of this error […]. Indeed, not only is this true, but furthermore, this man would be a martyr if he died because he acknowledged, avowed and defended this same article, which in fact is erroneous, and he is obliged to believe this article given this situation and his circumstances.'

[52] See the classic study by Robert Blomme, *La Doctrine du péche dans les écoles théologiques de la première moitié du XII^e siècle* (Louvain, 1958), 103-217; for Abelard's handling of the test-case of the

continued to be explored by a range of subsequent thinkers including, radically and controversially, William of Ockham and Robert Holcot, and it is the latter's lucid formulation which is echoed above in the passage from Pecock. In Holcot's view, 'ista vetula in credendo heresim meretur, quia credit errorem qui nullo modo potest sibi imputari'.[53] In other words, 'invincible ignorance', i.e. an ignorance that one cannot be faulted with, and which does not arise out of wilful negligence, excuses absolutely, and the conscience—whether erroneous or not—obliges absolutely.[54] In Pecock's rendition:

> an erroneose conscience, of whiche thou art not, bi thin owne wil, neither bi thin neccligence, the cause […] thou art bounde forto folwe it, and truste to it, and obeie to it. Forwhi, as bi the sentence of the apostle, as Rom. xiv c^{r}., who ever doith aȝens his conscience bildith to helle, and therefore he therynne deedli synneth.[55]

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sinfulness (or otherwise) of the tormentors of Christ, and its condemnation at the Council of Sens in 1140, see 285-8.

[53]*Quaestiones super Sententiarum,* Book 3, q. 1, a. 6 (also see Book 1, q. 1, a. 6): 'this little old woman is meritorious in believing a heresy, since she believes an error which cannot be imputed to her in any way'. For discussion, see Christophe Grellard, 'Que m'est-il permis d'ignorer? La foi, l'ignorance et les limites acceptables de l'orthodoxie', in *Gèneses antiques et médiévales de la foi*, ed. Grellard, Hoffmann and Lavaud, 429-48 (445). For Ockham, see Takashi Shogimen, *Ockham and Political Discourse in the Late Middle Ages* (Cambridge, 2007), esp. 123-35.

[54] See, for example, Holcot's formulation in the *Sex articuli*, Quartus articulus, in *Conferentiae*, ed. Hoffmann, 109/10: 'error suus est invincibilis; igitur simpliciter excusat'.

[55] *BF* 222: 'you are obliged to follow, trust in, and obey an erroneous conscience of which you, by your will, or by your negligence, are not the cause. For according to the apostle, Romans 14[:23], whoever acts against his conscience paves the way to hell, and he therefore commits deadly sin therein'.

Here, Pecock refers to the proof-text of Romans 14:23 (*omne autem, quod non est ex fide, peccatum est* [for all that is not of faith is sin]) but what he offers us is the standard interpretation of this verse, variously elaborated upon in the Glossa Ordinaria, in the Lombard's *Sentences*, and in Gratian's *Decretum*: 'omne quod contra conscientiam fit, aedificat ad gehennam'.[56] As Odon Lottin clarifies, this gloss on Romans 14:23, which interprets *ex fide* as *secundum conscientiam*, when placed alongside the Augustinian definition of sin as 'dictum vel factum vel concupitum contra legem Dei' (what is said or done or desired contrary to the law of God), gives rise to a founding antithesis between the order of subjective morality proclaimed by the Gloss and that of objective morality affirmed by Augustine.[57]

The case of the *vetula* or husbandman that Pecock examines has another dimension. In which circumstances is trust, *fiducia*, legitimate? Pecock examines this question at some length since it is fundamental to his defence of the moral and doctrinal authority of 'clergie'. Since Pecock chooses to place his discussion within a wholly rationalist and probabilistic framework, almost entirely eschewing the realm of the miraculous and the revelatory,[58] he aligns clerical *auctoritas* with various kinds of non-religious expertise: in matters to do with

[56] *Decretum*, Pars 2, Causa 28, q. 1, c. 14: see *Corpus iuris canonici*, ed. Emil Friedberg, 2 vols (Leipzig, 1879-81), 2:1088.

[57] 'l'antithèse entre l'ordre de la moralité formelle ou subjective proclamé par la Glose et celui de la moralité objective énoncé par Saint Augustin': Odon Lottin, *Psychologie et morale aux XII^e^ et XIII^e^ siècles*, vol. 2: *Problèmes de morale* (Louvain, 1948), 354-5; see also Eric D'Arcy, *Conscience and its Right to Freedom* (London, 1961), 77.

[58] Pecock is generally dismissive of the supra-natural outside the strict confines of scripture: claims to special revelation *now* are presumptuous or superstitious or 'wantoune' (i.e. reckless, undisciplined) and lacking in humility; furthermore, it is likely that such claims have their roots in medical conditions such as an imbalance in humours: see *RCR*, 445-6, 459-60.

indentures and charters and statutes, one must go to civil lawyers instead of those who are unlearned in the King's law; in shipbuilding, to carpenters; in philosophy, to those who have been schooled for a long time (who, Pecock acknowledges in a memorable aside, can make one turn this way and that, like a cat running after straws).[59] Similarly, in difficult matters of faith, we should be reliant on the expertise of the theological *magisterium*, i.e. those who 'bi long bifore goyng scole [long-term training] in logik, and in philsophie, and aftirward bi lijk long labour in divinite, han exercisid hem theraboute'.[60] In such circumstances, our trust in expertise excuses us from any error: such error in effect is 'invincible'. However, laying claim to such expertise obliges the clergy to undertake the intellectual labour lauded above, and to communicate their findings to the untutored laity as may be demanded of them.[61] Only

[59] For an interesting social-field-theoretical approach to Pecock and his interest in 'the interplay of scholastic theological discourse and the everyday working knowledge of layfolk', see Ian Johnson, 'Pecock's Mismigrations across the Religious Field: the Dynamics and Boundaries of the Failure of a Reforming Bishop and His Texts in Mid-Fifteenth-Century England', *Church History and Religious Culture* 99 (2019), 371-86 (384).

[60] *BF* 229.

[61] On Pecock's vision of a joint project of lay-clerical understanding, see Landmann, '"Doom of Resoun"', 106-16; Kantik Ghosh, 'University-Learning, Theological Method, and Heresy in Fifteenth-Century England', in *Religious Controversy in Europe, 1378-1536: Textual Transmission and Networks of Readership*, ed. Michael Van Dussen and Pavel Soukup (Turnhout, 2013), 289-313 (298-9); Campbell, *Call to Read*, 217-43. On the wider debates surrounding the claims of expertise in late-medieval Europe, see Frank Rexroth, *Expertenweisheit: Die Kritik an den Studierten und die Utopie einer geheilten Gesellschaft im späten Mittelalter* (Basel, 2008); Rexroth, 'Systemvertrauen und Expertenskepsis. Die Utopie vom maßgeschneiderten Wissen in den Kulturen des 12. bis 16. Jahrhunderts', *in Wissen, maßgeschneidert: Experten und Expertenkulturen im Europa der Vormoderne*, ed. Björn Reich, Frank Rexroth and Matthias Roick (Munich, 2012), 12–44.

in such circumstances may the clergy expect a weak version of 'implicit faith' on the part of the laity (wherein they delegate, as it were, the task of defending and proving articles of faith to the clergy and, for their part, simply believe them to be true):

> Certis, if lay men wolen holde hem content forto bileeve articlis whiche ben famed to be of feith, and bileeve, thouȝ thei kunnen not thus prove and defende tho articlis, it is no vilonye to hem; it is sufficient and allowable to hem. But if clerkis, namelich accounted sad divinis, kunnen not, or wolen not go any ferther than so aboute articlis of oure feith, thei ben not therynne preisable.[62]

This is a notably conditional and grudging 'allowance' of a limited kind of implicit faith on the part of the laity, laying significant emphasis on their volition to be content with such faith (the implication being, of course, that they might well choose *not* to do so).[63]

The scholastic tradition had long explored the grounds on which one would be justified in accepting an expert or scholarly opinion. Schuessler cites Henry of Ghent who outlined three criteria for the adoption of a scholarly opinion: the status of the scholar, the reasons and grounds for the scholar's judgment, and importantly, the status of the listener or reader: 'the competence of the source matters, as does that of the receiver because he has to make a morally risky decision'. The simple *vetula* or the husbandman, as a putative

[62] *BF* 137: 'Certainly, if laymen wish to be content to believe those articles which are reputed to be of faith [i.e. worthy of belief] and do so believe, even though they are not able to prove and defend those articles, it is no failing on their part; it is permissible and sufficient for them. But if clerks, especially those who are considered to be wise and learned theologians, are either not able, or do not wish, to go beyond this with regard to the articles of our faith, they are not therein praiseworthy'.

[63] On debates surrounding 'implicit faith' in late-medieval England, Wyclif's critique of the notion, and his opponents' responses, see Christophe Grellard, 'John Wyclif on Implicit Faith', in *Wycliffism and Hussitism: Methods of Thinking, Writing, and Persuasion c. 1360-c.1460*, ed. Kantik Ghosh and Pavel Soukup (Turnhout, forthcoming 2021).

illiteratus, would not be expected to have the kind of 'receiver competence' we would need to hold him culpable were the scholarly opinion he accepts in accordance with the dictates of his conscience prove to have been false. In other words, 'the objective sinfulness of an action does not suffice to turn the agent into a sinner. He or she must subjectively fail some duty of sin-avoidance to incur a sin'.[64]

In Pecock's formulation, this is especially the case between an individual *viator* and the entire clergy, since it is far more probable that, in case of disagreement, the individual rather than the entirety of the clergy would be found to be in error. In the 'mater of feith and in hard maters of Cristen conversacioun in Cristen religioun', therefore, the case is that:

> the *hool chirche of the clergie, or the more or the kunnynger partie therof, as bi al liklihode of resoun*, schulden kunne myche more skile, forto opene and teche […] thilk riȝt and or dewe undirstonding of Holi Scripture than thou kanst, or than the seid multitude of lay people can […]. […] the seid clergie, or the more or wiser seid parti therof, can better schewe and opene which is the riȝth and dewe undirstonding of Holi Scripture than thou, or the seid lay multitude kan.[65]

Indeed, it is entirely improbable ('ful unlikli') that an untutored individual opinion would be true as opposed to the 'multitude of clergie'.

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[64] Schuessler, *Debate on Probable Opinions*, 28-30. Also see Catherine König-Pralong, 'Situations et fonctions sociales du croire dans la scolastique médiévale: Godefroid de Fontaines contre Henri de Gand', in *Le Croire au cœur des sociétés et des cultures: différances et déplacements*, ed. Pierre Gisel and Serge Margel (Turnhout, 2011), 81-103.

[65] *BF* 227-8; italics mine: 'the entire Church / hierarchy of clergy, or the greater or more learned part thereof, is, by reason, likely to be much more capable than you, or the bulk of laypeople, to elucidate and teach […] this right and due understanding of Holy Scripture. […] the said clergy, or the greater or wiser part thereof, can better show and elucidate what is the right or due understanding of Holy Scripture than you or the lay multitude can.'

It is important to pause here and consider the nuances of Pecock's defence of the clergy, a defence which is couched in fundamentally probabilistic terms. The *Book of Faith* is in general remarkable for the clarity and directness with which Pecock acknowledges the (possible) fallibility of the clergy, and the necessity of addressing lay critiques of such fallibility; indeed, this necessity, he says, is the raison d'être of his treatise: 'forto move and convicte hem [i.e. convince laymen] into obedience […] thouȝ it were so that the clergie may erre and faile aȝens feith'. For Pecock has noted that when the clergy assert that they, when 'gaderid togidere in a general counseil, may not erre and faile aȝens eny article of feith, neither may determyne amys aȝens trewe feith', they are 'lauȝed [laughed] into scorn of the lay personys whiche schulden bi labour of tho clerkis be convertid'.[66] Though he regrets such a state of affairs, Pecock nevertheless eschews the Ockhamist route—as famously and controversially set out in the *Dialogus*—which reprised the topic of true faith subsisting in only one man or woman even if the entire church, barring this individual, were in error,[67] and ultimately affirmed the primacy of individual righteousness against the judgement of men. If, says Ockham, the entire body of pope, experts and learned theologians is in error but nevertheless *de facto* condemn an innocent man, and the latter's legal appeal against such a judgment is not upheld, 'non restat ei nisi ut divinae gratiae se committat et non timeat de

[66] *BF* 111-113.

[67] *Dialogus*, Part 1, Book 5, c. 25, 29 et al.: for discussion, see David Zachariah Flanagin, '*Extra ecclesiam salus non est – sed quae ecclesia?* Ecclesiology and Authority in the Later Middle Ages', in *A Companion to the Great Western Schism (1378-1417)*, ed. Joëlle Rollo-Coster and Thomas M. Izbicki (Leiden, 2009), 333-74 (357-8). The topic of *vera fides remanet in uno solo* (as for example in the Virgin Mary or in Elijah) was influentially developed by the fifteenth-century canonist, Niccolò Tudeschi (Panormitanus): see Peter von Moos, '"Public" et "privé" à la fin du Moyen Âge: Le "bien commun" et la "loi de la conscience"', *Studi Medievali* 41.2 (2000), 505-48 (536-7).

hominum societate iudicio iniquo deleri quem de libro viventium conscientia non delet iniqua'.[68] Wycliffite discourse would of course take this line of thought to an extreme, with the entire clerical establishment and its claim to hermeneutic and moral authority dismissed outright.[69] Following in Wyclif's footsteps, Jan Hus opposed his own understanding of divine truth against that of the assembled ecclesiastics at the Council of Constance which culminated in the judicial executions of Hus (and his disciple, Jerome of Prague) for heresy in 1415-16.[70] Pecock therefore attempts to chart a subtle and nuanced course through this

[68] 'there is no alternative for him except to commit himself to divine grace and not to fear being excommunicated / excluded from human society by an iniquitous judgement, because an iniquitous conscience [i.e. of the judge(s)] does not delete him from the Book of Life [lit. of the living].' The main discussion of conscience is in the *Dialogus*, Part I, Book 4 (this passage is from c. 23): see Christophe Grellard, *La possibilità dell'errore: pensare la tolleranza nel medioevo* (Canterano, 2020), 119-31; Shogimen, *Ockham and Political Discourse*, 131-5; also Peter S. Eardley, 'Conscience and the Foundations of Morality in Ockham's Metaethics', *Recherches de théologie et philosophie médiévales* 80 (2013), 97-108.

[69] Anne Hudson, *The Premature Reformation: Wycliffite Texts and Lollard History* (Oxford, 1988), 314-34; Takashi Shogimen, 'Wyclif's Ecclesiology and Political Thought', in *A Companion to John Wyclif, Late Medieval Theologian*, ed. Ian Christopher Levy (Leiden, 2006), 199-240; also see Alexander Russell, *Conciliarism and Heresy in Fifteenth-Century England: Collective Authority in the Age of General Councils* (Cambridge, 2017), chapters 4 and 5, 116-83.

[70] The authoritative account is by Jiři Kejř, *Die Causa Johannes Hus und das Prozess-Recht der Kirche*, trans. from the Czech by Walter Annuß (Regensburg, 2005). See also Thomas Fudge, *The Trial of Jan Hus: Medieval Heresy and Criminal Procedure* (New York, 2013); Sebastián Provvidente, 'Hus's Trial in Constance: *Disputatio Aut Inquisitio*', in *A Companion to Jan Hus*, ed. František Šmahel and Ota Pavlíček (Leiden, 2015), 254-88.

political minefield. However, his attempt ultimately results in incoherence. It is therefore necessary to examine his argument in some detail.

As we have seen in the italicized sections of the passage indented above, Pecock uses the formulations 'whole clergy', or 'greater or wiser part thereof', insistently. This is his translation of the Latin tag *major et sanior pars* derived from the discourses surrounding *endoxon*. Schuessler clarifies:

> The bases for ascribing greater probability to an opinion could apparently vary. As far as authority is concerned, greater probability was associated with the 'larger and sounder side' (*major et sanior pars*) in a dispute. This was obviously not necessarily a majority, because 'sounder' referred to the quality of authorities, and there could be diverging opinions about the quality ranking, and thus the relative weight of scholastic authorities in probability-generating considerations. There was no official, authoritative or otherwise prescribed view on many issues, which side of the debate was larger and sounder. That is, the weighted balance of authorities for and against an opinion was often a matter of debate itself, and competent scholastic reasoners could hold different views on it. Their assessment of weighted aggregates of authorities was thus open to a considerable subjective element.[71]

As Schuessler's account suggests, approaches to 'truth' via *endoxon* are necessarily uncertain and probabilistic, and intellectually open to root-and-branch challenge. Probabilistic argumentation therefore would seem not to be the most politically astute defence of an embattled clergy at a time of a direct challenge to its authority from the laity and various

[71] *Debate on Probable Opinions*, p. 42. For discussions of what constitutes the *maior et sanior pars* in the context of canonical elections, see Russell, *Conciliarism and Heresy,* 93-94 and further references therein.

dissident movements labelled 'heresy'.[72] Pecock, moreover, complicates this model by introducing the question of 'conscience', a complication deepened by the vast, and ever-developing, semantic range of the word 'conscience',[73] and his uncharacteristically ambiguous—even slippery—usage.

Pecock begins with saying that conscience, even the erroneous conscience, obliges us to believe according to its dictates as long as we have not been able—whether via knowledge, power or grace—to 'do away' with it. However, he goes on to say, such an erroneous conscience must capitulate before the authority of the (as it were) group-conscience of the clergy, *even if* such a 'group-conscience' were erroneous:

> And thouȝ it be thi part forto leie doun, or do awey thilk erroneose conscience, as soone as thou maist have therto witing, power, and grace, ȝitt al the while thilk conscience dureth, thou muste and ouȝtist confoorme thee to it. This is proved of greet clerkis bi good divinite undoutabili.[74] Wel, sir, if this be trewe, as it is unaȝenseiabili trewe, and thou maist not, for schame of thi silf, putte thi conscience before *the consciencis of al the hool clergie*, or ellis of the more party, and of the kunnynger

[72] As Pecock would discover to his cost, see below n. 117.

[73] Main areas of meaning covered in medieval Latin include shared knowledge (*DMLBS* 1), inner awareness/ knowledge/ cognizance (*DMLBS* 2a, 2b), as well as 'conscience' (in the modern sense) / sense of right and wrong (*DMLBS* 3a). In Middle English, 'conscience' covers attitude of mind / awareness/ conviction as well as moral sense/ awareness of right and wrong / scrupulousness / conscientiousness (*MED* 1, 2a, 3a). For an introductory account, see Timothy C. Potts, *Conscience in Medieval Philosophy* (Cambridge, 1980), 1-11; D'Arcy, *Conscience and its Right to Freedom*.

[74] Pecock, as is usual, does not list his *auctores* but they would include Aquinas (in a qualified way), Ockham, and, above all, Holcot: for details of the thought of these *auctores* on this subject, see Grellard, *Possibilità dell'errore*, 44-86; Grellard, 'Que m'est il permis d'ignorer?', 443-8; Gelber, *It Could Have Been Otherwise*, 293-306.

parti therof, namelich sithen to thilk clergie were as looth to erre in conscience as is looth to thee, and also forto defende hem fro errour, namelich in mater of Cristen feith, thei kunnen better than thou kanst forto defende thee; folowith nedis, thou were wood to seie nay that bi like skile, ȝhe and bi greter cause and skile, *stonding the clergie, or the more and kunnynger party, in conscience of a mater consernyng thee, as in Cristen religioun*, thou art bounde forto obeie and folowe thilke *conscience of the clergy*; ȝhe, *thouȝ it were so that thilk conscience of the clergie were for the while erroneouse.* And if thou have conscience into the contrarie, thou art bounde forto leye down thilk thi conscience, as erroneose, and so forto holde it a conscience erroneose, not worthi to be folowid.[75]

[75] *BF* 222-3; italics mine: 'And even though it is up to you to surrender or depose this erroneous conscience as soon as you have the knowledge, ability and grace to do so, yet nevertheless, as long as this conscience endures, you must and ought to conform yourself to it. This is proved beyond doubt by great clerks via proper theology [i.e. theological argumentation]. Well, sir, if this is true, as indeed it incontrovertibly is, and if you may not, for shame, put your conscience before the consciences of the entire clergy, or else of the majority, and of the more learned part thereof, especially since it is as repugnant to this clergy to err in conscience as it is to you, and also since they know better than you do how to defend themselves from error in matters of the Christian faith, it follows necessarily that you would be mad to deny that by a similar argument, indeed by an even stronger argument, given that the clergy, or the greater or more learned part thereof, [holds a position] in conscience as regards a matter of the Christian faith concerning you, you are obliged to obey and follow this conscience of the clergy; indeed, to do so even though it might be the case that this conscience of the clergy were at that time erroneous. And if you have a conscience [directing you] in a contrary direction, you are obliged to surrender your conscience as erroneous, and thus to consider it an erroneous conscience not worthy to be followed.'

The argument is complex. Pecock makes two important points, the first somewhat ambiguous and made almost in passing. We must 'do away' with our erroneous conscience as soon as we have the knowledge / certainty ('witing'), ability ('power'), and grace to do so. Though Pecock pays lip-service to grace here and elsewhere, he is ultimately not interested in its functioning in religious epistemology beyond certain restricted limits. As he affirms in the *Reule*, what he is examining is faith which is acquired by intellectual labour 'and not of feiþ infusid or hildid [poured] into vs fro […] god'; he furthermore raises the possibility that all faith that is in us is acquired by labour and not infused supernaturally.[76] In this, he differs from earlier thinkers such as Ockham or Holcot, both of whom ultimately make some limited space for supernatural interventions.[77] Indeed, Pecock's contemporary opponent John Bury OESA would take him up on this very point, and make it one of the majors thrusts of his anti-rationalist polemic in the *Gladius Salomonis* which he wrote to counter Pecock.[78]

The second point to note is Pecock's use of the expression 'to do away with conscience'. This is his translation of the standard Latin clause *deponere conscientiam*, to

[76] *RCR* 434-5.

[77] Grellard, *De la certitude volontaire*, 78-85, 101.

[78] E.g.: 'sicut radix vivacitatem suam a fundamento sortitur, et imperfecta est, nisi suo adhaeserit fundamento; ita lex naturae aut in vitium declinat, aut non dirigit perfecte in virtutem, nisi quatenus suffragetur per sanctas Dei illuminationes': *Gladius Salomonis* (extracts), in Pecock, *Repressor*, ed. Babington, 2:586. Naomi D. Hurnard clarifies how, in Bury's view, moral action is dependent on grace: 'Studies in Intellectual Life from the Middle of the Fifteenth Century till the Time of Colet' (D. Phil. thesis, University of Oxford, 1935), 262. See also R. M. Ball, 'The Opponents of Bishop Pecok', *Journal of Ecclesiastical History* 48 (1997), 230-63; Ghosh, 'University-Learning, Theological Method, and Heresy', 301-3.

'depose conscience', much used in the context of discussions of the erroneous conscience.[79] As Pierre Michaud-Quantin points out, medieval thinkers repeatedly stress that one must 'depose' one's conscience in case of error, but they do not raise a fundamental question: how is one to know that one's conscience is erroneous in order to depose it?[80] Pecock attempts to address this very question via his favoured probabilistic route.[81] He argues that the very logic of abiding by one's conscience, even when (unknown to oneself) it is erroneous, itself compels us to subordinate this conscience to the conscience(s) of the entire clergy, or of its greater part, or its most learned part. There appears to be an attempt here to superimpose on each other two quite disparate scales of value: an autonomous one, based on an understanding of 'conscience' which, as we have seen in Pecock's citation of the locus biblicus of Romans 14:23 (as glossed by the *Decretum* and other authorities), answers ultimately to God, and a

[79] For examples of usage in Alexander of Hales and Bonaventura, see Shogimen, *Ockham and Political Discourse*, 124-5.

[80] 'Comment s'apercevra-t-on que la conscience est *erronea* et que l'homme a le devoir de la *deponere* avant d'en suivre les indications? Il est curieux que les auteurs ne se posent pas la question': 'La Conscience individuelle et ses droits chez les moralistes de la fin du Moyen-Âge', in *Universalismus und Partikularismus im Mittelalter*, ed. Paul Wilpert, Miscellanea Mediaevalia 5 (Berlin, 1968), 42-55 (50).

[81] Deserving of further study is Pecock's response to sceptical lines of enquiry: the outright dismissal of the possibility of divine deception (see above n. 20), as also his attempt to address the question of the erroneous conscience here would suggest that he was sensitive to the potential sceptical implications of the thought of Holcot. For the sceptical epistemological dimensions of the concept of invincible error, see Christophe Grellard, 'L'Erreur invincible et le problème sceptique à la fin du Moyen Âge' in *Irrtum -- Erreur – Error*, ed. Andreas Speer and Maxime Mauriège, Miscellanea Mediaevalia 40 (Berlin, 2018), 39-52; also Leff, *Bradwardine and the Pelagians*, 216-27; Gelber, *It Could Have Been Otherwise*, 267-80.

heteronomous one, based on an understanding of 'conscience' as allied to *endoxon*, which answers to the judgement of men.[82]

This emphasis on submission to a 'group-conscience' which may itself be erroneous is justified for Pecock because he has earlier extended invincibility to the group itself. Even if, says Pecock, the Church were mistaken in holding something as an article of faith, but were not guilty of negligence, and had instead done its best to understand and follow the divine disposition, it would be—exactly on the lines of Holcot's defence of the individual who errs in invincible ignorance—not only guiltless but actually meritorious. Indeed, it is in the context of this discussion that Pecock makes his sole explicit reference to Holcot. Though Pecock does not specify which text, it is likely to be the *Sentences* commentary where Holcot argues at length that 'nec pertinet ad meritum fidei utrum [the proposition which is believed] sit vera an falsa'.[83] Pecock, in very similar phrasing, asserts that 'alle causis of deservyng ben in the chirche oon and the same, whether the thing without forth bileeved [i.e. as opposed to the inner intention of the believer] be trewe, or untrewe, and also, bi open ensaumple, it may be schewid al day doon bitwixe ech resonable temperal lord and his servaunt to him serying, and as doctour callid Holcot proveth it ful wel'.[84]

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[82] I am indebted to Grellard, *Possibilità dell'errore*, for the (anachronistic but heuristically useful) conceptual binary of autonomy vs heteronomy: see 57.

[83] *Quaestiones super Sententiarum*, Book 1, q. 1: 'Whether [the proposition which is believed] be true or false is not relevant to merit in faith'. The passage runs: 'Homo enim, volendo credere certam propositionem quae praecipitur esse credenda, et est falsa, potest mereri, nec pertinet ad meritum fidei utrum sit vera an falsa'. For discussion, see Leff, *Bradwardine and the Pelagians*, p. 221.

[84] *BF* 208: 'all reasons for deserving in the Church are one and the same, whether the external proposition believed be true or false, and furthermore, it may be shown by an open example to happen all the time between a reasonable temporal lord and his servant serving him, and the doctor called Holcot proves this very clearly.'

> Pecock imagines a question of faith in the investigation of which:
>
> the chirche dooth al that he can do therynne, and al that he may do therynne. Forwhi he seeth not, neither can se where and hou he schulde seche ferther or better, forto come into the trewe kunnyng than he now seeth, and wittingli and willingli he takith not to him eny lette, which he knowith to forbarre the wey into sufficientli to be hadde trewe kunnyng. And alle men musten nedis knowleche that God askith no more of eny man of witt than what he can and may; wherfore no man may seie but that the chirche, so longe tyme and ever laboring, and avising forto come into treuthe, is excusid or were excusid, thouȝ it were so that the chirche, bi ignoraunce, and bi […] unpower […] erre; ȝhe, and not oonli the chirche is excusid, but over it the chirche plesith, and serveth, and deserveth mede anentis God bi thilk faith, thouȝ it were untrewe, as fer forth as thouȝ it were trewe.[85]

This is an important—and, to my knowledge—unusual move.[86] Pecock in effect is extending 'invincibility' to an institution which he has acknowledged, in response to Wycliffite and

[85] *BF* 207-8: 'the Church does all that it can do, and may do, in this matter. For it does not see, nor is able to see, how it should seek [and enquire] further and better to arrive at a better understanding than it now sees, and it does not knowingly and willingly accept any hindrance or obstacle which it knows bars the way to a true and adequate understanding. And everyone must acknowledge that God asks no more of any man of intelligence than what he can or may [do], and therefore no one may say anything other than that the Church, always labouring and deliberating over a long time to arrive at the truth, is to be excused, even if it were the case that the Church, because of ignorance or […] inability […], should err; and furthermore, not only is the Church excused but it pleases and serves God, and deserves as much reward from him because of this faith, even if it were untrue, as though it were [indeed] true'.

[86] Various late medieval thinkers came up with their own, more or less unsatisfactory, attempts to bridge the potential chasm between the individual conscience and the normative authority of the

Hussite criticism over seven decades, to be vulnerable to error. In the process, the institution is endowed with something akin to a 'group-conscience' ('conscience of the clergie') which, even when erroneous, is meritorious as it intends to do as best as it can—Pecock here invokes the *facere quod in se est* argument[87]—while eschewing negligence and embracing diligent labour with 'avisement'.

The foundational tension that we see here—between subjective / internalised / individual value, and objective/ externalized/ social or institutional value—is central to the vast theological-jurisprudential edifice that was constructed around 'conscience' over the twelfth to fourteenth centuries, to navigate the labyrinths of which Odon Lottin's classic work still remains our *savio duca*. In the context of legal theory, this tension is especially evident between a 'judicial conscience', pertaining to the external forum of judgment (and therefore with due process), and a 'moral conscience', which pertains to the precepts shaping one's internal forum of value: *conscientia publica juris* versus *propria consciencia*.[88] This

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Church, but Pecock appears to stand out. For a discussion of Pierre d'Ailly and Jean Gerson, see Grellard, *Possibilità dell'errore*, 86-95. We have no firm evidence that Pecock knew the work of either. However, it is likely that he would have been familiar with the substantial conciliar debates on the nature and legitimacy of collective authority, given their widespread availability and high profile in fifteenth-century England: see Russell, *Conciliarism and Heresy*.

[87] See Heiko A. Oberman, '*Facientibus quod in se est Deus non denegat gratiam*: Robert Holcot, O.P. and the Beginnings of Luther's Theology', *The Harvard Theological Review* 55 (1962), 317-42.

[88] See the nuanced discussion by Antonio Padoa-Schioppa, 'Sur la conscience de juge dans le *ius commune* européen', in *La Conscience du juge dans la tradition juridique européene*, ed. Jean-Marie Carbasse and Laurent Depambour-Tarride (Paris, 1999), 95-129 (117); also Jacques Chiffoleau, '*Ecclesia de occultis non iudicat?* L'Église, le secret, l'occulte du XII^{e} au XV^{e} siècle', in *Il Segreto – The Secret*, Micrologus 13 (Florence, 2006), 359-481 (444-58). For the underlying distinction

distinction loosely overlapped with a related distinction between 'conscience' as pointing to *knowledge* shared with others (based on an etymological interpretation of 'conscience' as *cum scientia*), and a personal *belief* or conviction informing one's moral judgment.[89] Crucially, these juridically-shaped concepts always existed in a richly creative tension with the superstructure of patristic and later theological thought which tussled at great length with the vexed question of the interrelationship between synderesis, the work of the individual conscience, and God.[90] The resultant legal-theological discourses therefore allowed for a great deal of productive ambiguity as well as sheer muddledom,[91] though commentators remained reluctant to give up on the pretence that they constituted a magnificent many-chambered edifice of coherent thought.

Pecock was writing at a time when the fault-lines in this edifice—already present at an early stage, as Lottin explicates[92]—had become major fractures, and the entire structure

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between *lex publica* and *lex privata*, see Gratian, *Decretum*, Pars 2, Causa 19, q. 2, c. 2: *Corpus iuris canonici*, ed. Friedberg, 1:839-40.

[89] See Jean-Marie Carbasse, 'Le Juge entre la loi et la justice', in *La Conscience du juge*, ed. Carbasse and Depambour-Tarride, 67-94 (83 n. 2). Timothy Potts discusses this tension between belief and knowledge: see 'Conscience', in *The Cambridge History of Later Medieval Philosophy*, ed. Norman Kretzmann, Anthony Kenny and Jan Pinborg (Cambridge, 1982), 687-704 (692-3); for a detailed philosophical analysis, see Potts, *Conscience in Medieval Philosophy.*

[90] Lottin, *Psychologie et morale*, vol. 2; D'Arcy, *Conscience and its Right to Freedom.*

[91] Occasionally giving rise to some dry wit: as the *Summa Coloniensis*, a twelfth-century commentary on the *Decretum* put it, 'multa enim cum conscientia contra conscientiam fiunt': cited and discussed by Knut Wolfgang Nörr, 'Zur Stellung des Richters im gelehrten Prozess der Frühzeit: *iudex secundum allegata non secundum conscientiam iudicat*' (Habilitationsschrift, Münchener Universitätsschriften, Reihe der juristischen Fakultät, Vol. 2, Munich, 1967), 51-65 (citation at 52).

[92] See n. 57 above.

was dangerously unstable. In his important work on the erroneous conscience, Grellard argues that the fourteenth century saw a developing disequilibrium—much exacerbated by the Great Schism from 1378 onwards—between individual and institution, *discretio* and *fiducia*, conscience and expertise.[93] For our purposes, it is worth recalling again that the confrontation between the individual conscience and what the Church and its theological *magisterium* held to be valid and normative doctrine had already found one of its most sensational and violent climaxes c. three decades previously in the burning of Jan Hus at the Council of Constance in 1415.[94] For Hus, his own 'conscience'—answerable only to God—authorised him absolutely to reject the various institutionalized compromises that the Council Fathers proposed to him to avoid execution.[95] Albeit on a less visible international stage, England too had executed its share of heretics, and conscience played a notable role in some

[93] Grellard, *Possibilità dell'errore*, 57 and *passim*.

[94] Pecock was well aware of, and troubled by, the ongoing Bohemian crisis since Hus's execution: see *Repressor*, ed. Babington, 1:86. For context, see Michael Van Dussen, 'Bohemia in English Religious Controversy before the Henrician Reformation', *The Bohemian Reformation and Religious Practice* 7 (2006), 42-60; also Van Dussen, *From England to Bohemia: Heresy and communication in the Later Middle Ages* (Cambridge, 2012), 86-125.

[95] Alexander Patchovsky, 'Das Gewissen als Letztinstanz. Wahrheit und Gehorsam im Kirchenverständnis von Jan Hus', in *Autorität und Wahrheit. Kirchliche Vorstellungen, Normen und Verfahren (13.-15. Jahrhundert)*, ed. Gian Luca Potestà (Munich, 2012), 147-58. Pavlína Rychterová highlights how the Council Fathers were keen on making Hus recognise the sovereignty of dogmatic and canon-legal interpretation and the hierarchy of discourses: 'Die Verbrennung von Johannes Hus als europäisches Ereignis. Öffentlichkeit und Öffentlichkeiten am Vorabend der hussitischen Revolution', in *Politische Öffentlichkeit im Spätmittelalter*, ed. Martin Kintzinger and Bernd Schneidmüller (Ostfildern, 2011), 361-84.

high-profile cases.[96] Pecock therefore has to address the perplexing case of the devout and zealous heretic, and it is partly in this context that he offers the solution that we have just seen: that one must always be ready to subordinate one's individual conscience to the group-conscience, which, in Pecock's treatment, amounts to nothing other than a version of *endoxon*, the *communis opinio doctorum*.[97] However, the invocation of 'conscience', and the marked ambiguity of Pecock's usage—which he, suggestively, does not seek to disambiguate via painstaking *definitio* as is his wont—appear to be attempting to acquire for *endoxon* (a probabilistic concept, as we have noted) some of the absolutist resonances of *puritas conscientiae*. It is tempting to speculate that this is Pecock's (rhetorical) attempt to counter the Wycliffite theorization, put into practice by Hus and others, of 'resistive obedience', i.e. the resistance that the individual can offer to an earthly superior in order to obey the always and incontrovertibly valid supreme authority of God to which he has access via his conscience.[98]

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[96] For example, that of Richard Wyche, friend and correspondent of Jan Hus, executed in 1440; also of interest is the testimony of William Thorpe purporting to give an account of his examination for heresy by Archbishop Thomas Arundel of Canterbury: see Christopher G. Bradley, 'Trials of Conscience and the Story of Conscience', *Exemplaria* 24 (2012), 28-45.

[97] On the *communis opinio doctorum*, see Andrea Aldo Robiglio, 'Christ as Common Doctor and John Duns Scotus's Place in the History of Hermeneutics', in *Vera Doctrina: Zur Begriffsgeschichte der Lehre von Augustinus bis Descartes*, ed. Philippe Büttgen, Ruedi Imbach, Ulrich Johannes Schneider and Herman J. Selderhuis (Wiesbaden, 2009), 85–113.

[98] For 'resistive obedience', see Ian Christopher Levy, 'Liberty of Conscience and Freedom of Religion in the Medieval Canonists and Theologians', in *Christianity and Freedom*. Vol. 1: *Historical Perspectives*, ed. Timothy Samuel Shah and Allen D. Hertzke (Cambridge, 2016), 149-75 (167). Wyclif states that right resistance is nothing other than obedience to God, 'sepe vocavi illam resistenciam obedienciam, et illam necesse est quemcunque fidelem addiscere': Sermo 43, Super

Pecock examines the question of those who choose to die in the 'glorie of her [their] conscience' at some length:

> many persoonys han suffrid deeth bi greet devocioun and zele to God, and his lawe *in her maner*, but ȝitt in […] unobedience aȝens the prelatis of the chirche […]. […] manye undiscreet and unwise persoones […] holden the sufferers of deeth to be holi martiris. Alas upon this, and alle other suche blindenes. Can eny man trowe otherwise than that Arri, and Sabelli, and Novat, and Donat, and Pellagi, and alle the other oolde heretikis, hadden greet zeel and devocioun to God and his lawe *in her maner*, in that that thei helden her heresies. […] And ȝitt y wote weel that thou man, which holdist the now late brenned men in Ynglond to be martiris, wolte seie that the othere now named oold heretikis weren in dampnable synne, notwithstonding al her holiness in other sidis, and her devocioun, which thei hadden in holding and mayntenyng of her synguler opiniouns, aȝens the teching of the chirche.[99]

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evangelia de sanctis, in *Sermones*, ed. Johann Loserth, 4 vols (London, 1887-90), 2:311/13-5. On some of the institutional consequences of Wyclif's understanding of obedience for fraternal correction, see Edwin D. Craun, *Ethics and Power in Medieval English Reformist Writing* (Cambridge, 2010), 85-100; Ian Christopher Levy, 'John Wyclif on Papal Election, Correction, and Deposition', *Mediaeval Studies* 69 (2007), 141-85. For the socio-political dimension, see Anne Hudson, 'Preaching Civil Liberties in Medieval England', in *Preaching and Political Society: From Late Antiquity to the End of the Middle Ages*, ed. Franco Morenzoni (Turnhout, 2013), 185-201.

[99] *BF* 190-2; italics mine: 'many persons have suffered death because of their great zeal and devotion to God, in their fashion, but yet in disobedience to the prelates of the Church. […] Many persons, lacking in *discretio* and wisdom, hold [these people] to be holy martyrs. Woe to this and such blindness. Can anyone believe otherwise than that Arius and Sabellius and Novatian and Donatus and Pelagius, and all the other ancient heretics, had great zeal and devotion to God and his law in their fashion when they held onto their heresies [...]. And yet I know that you who now consider the

By the same argument, Pecock continues, his interlocutor must concede that these recent 'martyrs' actually died in damnable sin,

> notwithstonding al her devocioun had to her opiniouns, and forto suffer deeth for hem; ȝhe, more forto seie, thouȝ it hadde be so that her seid opiniouns hadden be trewe. […] Certis, but if it schulde be trewe that alle suche unobeiers to the prelatis, and ierarchis of the chirche, schulden synne dampnabli, ellis in waast eny ierarchiing schulde be ordeynyd, or be purveied bi God to be in his chirche.[100]

Pecock sums up this section by invoking the *Celestial Hierarchy* of the Pseudo-Dionysius as *auctoritas* before providing offering the following peroration (!):

> And if y schulde seie my feling, peradventure the unobedience of Adam and Eve was not so myche gilti, neither the pride of Lucifer; but whether this be trewe or no, y remitte it to God.[101]

In this uncharacteristically rhetorical argumentative sequence, Pecock comes very close to relativizing religious conviction: he acknowledges that 'heretics' may indeed have great devotion and zeal to God and his law, but *in their manner*, a phrase he repeats. The uncomfortable questions which immediately arise regarding interiority, intention, sincerity, faith, and merit are then scotched—and not at all satisfactorily at this point in the *Book of*

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recently burnt men in England to be martyrs, would say that these other ancient heretics were in damnable sin despite all their holiness in other respects, and the devotion with which they held and maintained their individual / unusual opinions against the teaching of the Church.'

[100] *BF* 192-3: 'despite all their devotion to their opinions and suffering death for them, and indeed furthermore, even if these opinions had been true. […] It is certain that unless it were true that all such persons who disobey the prelates and other members of the ecclesiastical hierarchy sin damnably [therein], the divine ordination and provision of hierarchy in his Church would be in vain.'

[101] *BF* 194: 'And if I should speak my mind, perhaps neither the disobedience of Adam and Eve, nor the pride of Lucifer, was so reprehensible, but whether this is true or not I leave to God.'

Faith—by invoking that old warhorse, the *Celestial Hierarchy*, and its tired iterations of the rightness of the 'ecclesiastical order' (worn threadbare by the mid-fifteenth century after the Schism and its attendant conciliar debates on papal authority followed by notably pragmatic compromises such as the Hussite-Church compacts concluded at Basel).[102] There is as a result a notable emphasis here on obedience,[103] and in particular on obedience to 'prelatis of the chirche', an emphasis that sits uneasily with the *Book*'s overarching valorization of a divinely-endorsed reason to which we all have access.[104] Pecock appears to be not entirely unaware of the unsatisfactory nature of this attempted resolution of the problem of heretical zeal and devotion—'in its own fashion'—to God: the ostentatiously hyperbolic yet uneasy

[102] Not to mention the foundational Wycliffite critique of hierarchy and re-definition of true *dominium*: see David Luscombe, 'Wyclif and Hierarchy', in *From Ockham to Wyclif*, ed. Anne Hudson and Michael Wilks (Oxford, 1987), 233-44; Hudson, *Premature Reformation*, 359-62. On the Hussite *compactata*, see Michael Van Dussen and Pavel Soukup (eds), *A Companion to the Hussites* (Leiden, 2020).

[103] 'Obedience', and its conditional nature (*obedire oportet Deo magis quam hominibus* [Acts 5:29]), had been the subject of sustained Wycliffite polemics: see Russell, *Conciliarism and Heresy*, 133; and, as we have seen, Wyclif himself developed the idea of resistance as obedience (see n. 98 above); he also devalued implicit faith in so far as it was premissed on trust and obedience: see Grellard, 'John Wyclif on Implicit Faith'. For wider background, see Mario Turchetti, '"Il faut obéir à Dieu plutôt qu'aux hommes": Aux sources théologiques du droit de résistance au siècle de la Réforme', in *Le Droit de résistance: XII^{e}-XX^{e} siècle*, ed. Jean-Claude Zancarini (Lyon, 2001), 71-103.

[104] It also sits uneasily with a substantial body of Wycliffite critique directed specifically against 'prelates': see Anne Hudson, 'Lollard Views on Prelates', in *The Prelate in England and Europe, 1300-1560*, ed. Martin Heale (Woodbridge, 2014), 277-93. As Hudson points out, 'Lollard usage is overwhelmingly that *prelat* and the much less frequent *prelacie* are words that carry a heavy weight of condemnation and rejection' (278).

coda which asserts and then semi-withdraws the proposition that such heretical self-conviction is worse than man's, or indeed angel's, first disobedience, would seem to suggest this.[105]

Ultimately, Pecock tries to argue—at least in theory— that disputes in the domain of faith, even when they involve appeals to 'conscience', can be resolved via probabilistic argument without necessarily ending in violence. He allows for the possibility of the autonomous individual or group refusing to accept the heteronomous authority of the larger group, the theological *magisterium* / University/ Church, but insists that such refusal, to be legitimate, must be based on the dissident individual / group proving 'undoutabili [i.e. in a way which cannot be questioned] her parti aȝens [their case against] the general chirche'.[106] Whilst such a mechanism for the resolution of disputes could be defended in ideal theoretical terms—Schuessler's magisterial account of the rules and norms by which medieval thinkers sought to manage 'disagreement and a sprawling plurality of opinions' is of great value here—in practice, as the Councils of Constance and Basel had amply demonstrated, neither

[105] Large areas of enquiry, beyond the scope of this study, would be Pecock's position via-à-vis late medieval theories of toleration, as also his approach to the bifurcation of law and conscience which assumed such centrality in the Early Modern era; for the first, see, for example, Grellard, *Possibilità dell'errore*, 112-4; Cary J. Nederman, *European Discourses of Toleration: c.1100-c.1550* (University Park, PA, 2000); for the latter, see Paolo Prodi's suggestive reflections in 'Il giuramento e il tribunale della coscienza: dal pluralismo degli ordinamenti giuridici al dualismo tra coscienza e diritto positivo', in *Il vincolo del giuramento e il tribunale della coscienza*, ed. Nestore Pirillo (Bologna, 1993), 475-90; also Prodi, *Una storia della giustizia: dal pluralismo dei fori al moderno dualismo tra coscienza e giustizia* (Bologna, 2000), 155-217. There are some attenuated gestures towards Pecock and the topic of law versus conscience in Dennis Klinck, *Conscience, Equity and the Court of Chancery in Early Modern England* (Burlington, VT, 2010), 36-9.

[106] *BF* 191.

'conscience' nor *endoxon* was of much help.[107] 'Conscience', as in the case of Jan Hus and Jerome of Prague, not to mention sundry Lollards, led sincerely devout and zealous men to the stake; *endoxa*, as at Basel, led to a sterile deadlock between endlessly proliferating arguments and counter-arguments, all proffered with considerable rhetorical and logical expertise, so that the very mode of scholastic debate showed itself to be systemically dysfunctional when it came to the real-life resolution of *causae fidei*. Though Pecock has a nuanced and at times critical approach to aspects of scholastic method,[108] he refuses to confront this systemic dysfunctionality, as also the very real problem of *perplexitas*,[109] and his is therefore a notably innovative and experimental but, at the same time, blinkered and traditionalist endeavour for the time in which it is written. 'Experimental and innovative' not only because he wrote in English, but also because in his attempt to reorient (fallible) clerical

[107] *Debate on Probable Opinions*; the cited phrase is at 1. In any case, Pecock's assertion of the divinely endorsed rightness of the ecclesiastical hierarchy would seem to be in direct conflict with such a position.

[108] For example, Pecock has a clear view of the pronounced limitations of the scholastic method of arguing via *auctoritates*; according to Pecock, 'ech of [the Doctouris] seide and wroot, as he trowid [believed] for the tyme to be trewe'; furthermore, they are discordant and can be cited in great numbers to support contradictory views. What is genuinely authoritative is therefore divine, natural or positive law. Pecock claims to have written a book (now not extant) specifically on the subject of the assessment of the truth-claims of *doctores*: see *Repressor*, ed. Babington, 2:320.

[109] On the medieval vocabulary relating to various kinds of incertitude, see Rudolf Schüßler, *Moral im Zweifel*, Vol. 1: *Die scholastische Theorie des Entscheidens unter moralischer Unsicherheit* (Paderborn, 2003), 54-63 (*perplexitas*, 63). On the prominent role played by invocations of *perplexitas* in debates at the Council of Basel, see Thomas Woelki, 'Theological Diplomacy? Cusanus and the Hussites', in *Wycliffism and Hussitism*, ed. Ghosh and Soukup.

authority away from judicial violence,[110] he appears to be reaching towards a form of *institutional* moral certitude (*certitudo moralis*), an expansion of the remit of epistemic probability or conditional certainty (i.e. 'the possibility of a certainty that is conditional upon the information we hold') to encompass the determinations of 'clergie'.[111] 'Traditionalist', because he weds this explicit accommodation of clerical fallibility with an undiluted *laus* of ecclesiastical hierarchy which pushes in the opposite direction. 'Blinkered', because he failed to realise that mid-fifteenth-century England, with a *magisterium* still raw from the Wycliffite assault, and an insecure political regime well aware of the ongoing Hussite debacle and the continuing threat of religio-political dissent, was not the place for experimental strides in a probabilistic ecclesiology.[112]

Pecock's 'scholastic self-consciousness', to borrow Bose's felicitous phrase,[113] therefore needs further study in the context of fifteenth-century intellectual and institutional history, especially of ecclesiology, and of the role of probabilistic thought in the construction of clerical *auctoritas*.[114] On the one hand, he attempts to 'do' rigorous moral philosophy, drawing on the work of Holcot and others, of significant ambition in the English vernacular,

[110] See Landmann's discussion of Pecock's approach to legal coercion in '"Doom of Resoun"', 92-5.

[111] For Gerson's explorations of moral certitude, see Schüssler, 'Jean Gerson, moral certainty and the Renaissance of Ancient Scepticism'. Robert Pasnau argues that it is only in the seventeenth century that epistemic probability receives clear articulation, even if there are adumbrations in the thought of Jean Buridan and others: see *After Certainty: A History of Our Epistemic Ideals and Illusions* (Oxford, 2017), 36-40 (the quotation above is at 38).

[112] See Ghosh, 'University-Learning, Theological Method, and Heresy', 304-8.

[113] See n. 22 above.

[114] Fifteenth-century English intellectual history largely remains no man's land; for an old but still illuminating study, see Hurnard, 'Studies in Intellectual Life'; also see Mishtooni Bose, 'Intellectual Life in Fifteenth-Century England', *New Medieval Literatures* 12 (2010), 333-70.

with the stated aim of addressing an intellectually and spiritually aspirational laity outside the technical Latinate domain of university-discourses; on the other, he resists taking on board—even while apparently recognising them—the full implications of various pan-European developments of the preceding seven decades, and especially of the extent to which the *magisterium* had shown itself not only to be riven by unresolvable conflicts, but also to be epistemically and soteriologically fallible, as well as politically compromised.[115] Pecock paid a heavy price for this resistance. It is a grim irony that this apostle of scholastic rationalism and probabilistic argumentation, who castigated Islam for allegedly disallowing freedom of discussion and debate in religious matters,[116] and who repeatedly articulated his profound reservations regarding legal coercion, should have himself been silenced with judicial violence: his books were proscribed and burnt, and he himself was hereticated and incarcerated in Thorney Abbey without pen or paper until his untimely death. Among the 'errours and heresies' that he had to abjure, one in particular deserves to be noted here: 'quod Ecclesia vniversalis potest errare in hiis que sunt fidei' (that the universal Church can err in matters of faith).[117]

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[115] See in this context, Maarten Hoenen, 'Ideas, Institutions, and Public Scandal: Academic Debates in Late Medieval Scholasticism', in *Wycliffism and Hussitism,* ed. Ghosh and Soukup.

[116] *BF* 131: 'the feende [devil] hath brouȝte in so greet a sleiȝte [trick] in the secte of the Sarrasenes [i.e. Muslims], that thei ben ful wondirful violentli lettid [prevented with astonishing violence], forto ȝeve audience to [pay attention to] eny proof making for [in favour of] Cristen faith or making aȝens [against] Sarrasene secte.' Pecock also refers approvingly to Petrus Alfonsus, who examined comparatively the claims of Judaism, Islam, and Christianity, and chose the latter as it surpassed the others 'in evydencis' (*BF* 136).

[117] Another alleged heresy was 'quod non est de necessitate salutis credere et tenere quod consilium generale et vniversalis Ecclesia statuit, approbat seu determinat': see Scase, *Reginald Pecock*, 133.