

“Take heed what you heare”: Re-reading Donne’s Lincoln’s Inn Sermons

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Students of Donne’s writing have reaped remarkable benefits from the recent emphasis on interdisciplinarity in early modern studies. The work of Jeanne Shami, Lori Anne Ferrell, and Peter McCullough, for instance, has recovered Donne’s sermons as a prime site of political and religious debate, “a medium of instruction, . . . propaganda, and polemic.”¹ A recent collection of essays on *John Donne’s Professional Lives* provides a biographical and methodological foundation for this cross-disciplinary approach. Donne was at various points in his life “a hired polemicist, lawyer, diplomat, churchman, and self-taught medic,” and these diverse professional interests had a lasting impact on his writing, manifesting themselves most clearly in “the remarkable way[s] in which his works use a wide range of terms and even whole vocabularies—legal, theological and medical, among others.”² And we should not forget that Donne himself insisted, in the preface to *Pseudo-*

¹Shami, *John Donne and Conformity in Crisis in the Late Jacobean Pulpit* (Cambridge: Brewer, 2003), p. 2. See also Ferrell and McCullough, eds., *The English Sermon Revised: Religion, Literature and History, 1600–1750* (Manchester: Manchester University Press, 2000); Ferrell, *Government by Polemic: James I, the King’s Preachers, and the Rhetorics of Conformity, 1603–25* (Stanford, CA: Stanford University Press, 1998), and McCullough, *Sermons at Court: Politics and Religion in Elizabethan and Jacobean Preaching* (Cambridge: Cambridge University Press, 1998).

²David Colclough, “Introduction,” in *John Donne’s Professional Lives*, ed. Colclough (Cambridge: Brewer, 2003), pp. 1–16, quotations from p. 4.

Martyr, on the "freedom and libertie . . . not to betroth or enthrall my selfe, to any one science, which should possesse or denominate me."³

Donne's poems and prose writings before 1615 demonstrate the diversity and complexity with which these terminologies could be employed. His Holy Sonnet "Father, part of his double interest," for instance, tackles the speaker's doubts about the possibilities of salvation by engaging with the language of early modern property law;⁴ "A Valediction: of my name, in the window" casts its doubts about emotional and sexual fidelity in the terms of the law of treason; "A Valediction: of the booke" uses the vocabulary of prerogative right to write the history of the speaker's love;⁵ and the *Anniversaries* deploy anatomical modes of description and interpretation to analyze the consequences of Elizabeth Drury's loss.⁶

That this interest in highly specific technical vocabularies persists after Donne's ordination in 1615 is confirmed by the language of law he employs in a sermon preached for the lawyers of Lincoln's Inn on Trinity Sunday 1620 on Genesis 18:25, "Shall not the Judge of all the Earth Do Right?"⁷ My argument will be that equity plays an important part in

³*Pseudo-Martyr*, ed. Anthony Raspa (Montreal: McGill-Queen's University Press, 1993), p. 12.

⁴See Jeremy Maule, "Donne and the Words of the Law," in *Professional Lives*, pp. 19–36.

⁵See Annabel Patterson, "John Donne, Kingsman?," in *The Mental World of the Jacobean Court*, ed. Linda Levy Peck (Cambridge: Cambridge University Press, 1991), pp. 251–272, esp. pp. 269–270.

⁶See Stephen Pender, "Somiotics: Rhetoric, Medicine and Hermeneutics in John Donne" (unpublished doctoral dissertation, University of Toronto, 2000), esp. chap. 2.

⁷Recent work on Donne's Lincoln's Inn sermon includes Shami, *Controversy*; Emma Rhatigan, "Knees and Elephants: John Donne Preaches Ceremonial Conformity," *John Donne Journal* 23 (2004): 185–213; Hugh Adlington, "The Preacher's Plea: Juridical Influence in John Donne's Sermons, 1618–1623," *Prose Studies* 26 (2003): 344–356. The relations between law and literature in the early modern period are now the subject of much scholarly interest. For an overview of recent developments in this field, see Erica Sheen and Lorna Hutson, eds., *Literature, Politics and Law in Renaissance England* (Houndsmills, Basingstoke, Hampshire, England: Palgrave Macmillan, 2005), and Victoria Kahn and Hutson, eds., *Rhetoric and Law in Early Modern Europe* (New Haven, CT: Yale University Press, 2001). See further the seminal work of Luke Wilson, *Theaters*

Donne's Lincoln's Inn sermons, both as an exegetical process and as a political concept. The effectiveness of equitable interpretation depends on place and audience: in this case, Lincoln's Inn chapel, which lay outside the jurisdiction of the Bishop of London and therefore allowed for a more sustained and explicit engagement with politico-religious issues than most of Donne's preaching venues,⁸ and the lawyers and students at the Inn, who were in an ideal position to appreciate, as well as benefit from, the complexity of Donne's legal arguments. In this respect, the sermon is a prime example of what has been described as the occasion-dependence of early modern preaching.⁹ But equitable exegesis is important to Donne for another and somewhat less appreciated reason. This is that it can be made to look like something else, namely, a charitable mode of interpretation whose precepts were first coherently formulated by St. Augustine.⁹ The tendency to think through an issue by analogizing it with something else—explaining the intricacies of love's constancy by recourse to a pair of compasses, for instance—is something we are familiar with from Donne's poems. This habit of thought persists in Donne's preaching: his sermons mobilize contextual knowledge in very particular ways, and therefore demand a particular kind of interdisciplinary approach. One tentative way of putting this would be to say that what they ask for is not so much a cross-disciplinary as a criss-cross disciplinary methodology; when we try to analyze and evaluate Donne's theological, political, and philosophical positions, we need to take account of the fact that his thoughts often emerge by thinking across and between a variety of discourses, rather than about any given issue in isolation. The case study that I have chosen here is intended to clarify this approach. Donne's sermon on divine and human judgment tracks the shifting relations between two key terms in his preaching: equity and

of Intention: Drama and the Law in Early Modern England (Stanford, CA: Stanford University Press, 2000), and Peter Goodrich.

⁸ Wilfrid R. Prest, *The Inns of Court Under Elizabeth I and the Early Stuarts 1590–1640* (London: Longman, 1972), pp. 187–188.

⁹ As Mark Fortier has shown, this discursive flexibility is one of the governing characteristics of equity. "To understand equity in early modern England," he argues, "it is necessary to see that there is no characteristic discipline at whose centre it is fixed and defined. Equity is a moveable concept informed from many different directions" (*The Culture of Equity in Early Modern England* [Aldershot, England: Ashgate, 2005], p. 50).

charity. Equity places Donne's performance in the sphere of technical legal debate, but also puts it in touch with the politics of the law; the relative claims of common law and the king's prerogative justice was the subject of fraught public debate during James's reign. Charity is a principle of Christian conduct, but was also deployed as a powerful polemical tool in early seventeenth-century controversy; an insistence on impartiality, tolerance and generosity frequently served to discredit the opposing side as partisan and narrowly factional. What equity and charity have in common, though, is a shared set of interpretive processes. Both terms inscribe hermeneutic strategies that revolve around the relationship between particulars and universals, letter and spirit, expression and intent; all of these concepts are crucial to the processes of secular and divine judgment discussed in Donne's sermon. The flexible relations between charity and equity help to illuminate the complexities of moral and political decision-making; even more importantly, however, they inflect the ways in which Donne's own performance can be judged by showing how polemical arguments are constructed, articulated, resisted, or deflected. It is in the *analogy* between these two modes of judgment—in the parallels, similarities and contrasts between equity and charity—that Donne's own rhetorical stance emerges.

Although a single case study, then, the sermon on Genesis 18:25 illuminates habits of thought that operate throughout the Lincoln's Inn sermons: a concern with the legal concept of equity and its significance for contemporary debates about the nature of prerogative justice; a persistent interest in exegetical processes of judgment—notably Augustinian charity—and the ways in which they can acquire or resist polemical significance; and an emergent notion of civic engagement, addressed to Donne's legal audience and built on a joint foundation of equitable and charitable interpretation.

Before moving on to a detailed discussion of Donne's sermon, it is necessary to note the biographical background of his interest in the law, and establish the topical relevance of his preaching performance on Genesis 18:25 in the early seventeenth-century debate about the nature, possibilities, and limitations of equitable jurisdiction. Both factors are crucial in understanding Donne's complex discursive negotiations with his legally trained audience.

If we accept R. C. Bald's claim that Donne attended Oxford from 1584–1587, his first encounter with the law would have taken place at university, where courses in civil law were obligatory.¹⁰ But it was his grounding in the practices of the common law—of which there is no doubt—that enabled Donne to adapt his sermon discourse to the members of Lincoln's Inn, to establish a "nearnesse" with this particular audience that would allow him to "pierce" their consciences effectively.¹¹ Although he was never called to the bar, Donne went through the usual course of common law education, first at Thavies Inn (one of the Inns of Chancery, essentially a prep school for the Inns of Court), and then, from 1592 to 1594, at Lincoln's Inn itself.¹²

Donne's occupation with legal practices and institutions was frequent and varied—as the Lord Keeper's secretary he was engaged in "legal research"; he practiced law on his own behalf and "suffered it in person as a husband"; towards the end of his life, he acted as a judge in the Court of Delegates and the Court of High Commission.¹³ As David Colclough has noted, Donne's "first major published work, *Pseudo-Martyr*, is a highly professional legal exposition and defence of the Oath of Allegiance, and he enagages in tangled questions of civil and canon law

¹⁰*John Donne: A Life* (Oxford: Clarendon Press, 1970), pp. 42–46; Bald is here following Walton. If we follow this line of thinking, Donne may have studied civil law under the famous Italian jurist Alberigo Gentili, who was appointed to the Regius Chair of Civil Law at Oxford University in 1587. He owned a copy of Gentili's *In Titulum Digestorum De Verborum Significatione Commentarius* (Hanover, 1614). See Geoffrey Keynes, *A Bibliography of Dr. John Donne*, 4th ed. (Oxford: Clarendon Press, 1973), p. 269; and, for more on Gentili, Maule, pp. 34–35. Bald's claim has been questioned by Dennis Flynn, who argues that Donne left Oxford for the continent in October 1584; see *John Donne and the Ancient Catholic Nobility* (Bloomington: Indiana University Press, 1995), pp. 131–146.

¹¹*The Sermons of John Donne*, ed. George R. Potter and Evelyn M. Simpson, 10 vols. (Berkeley: University of California Press, 1953–1962), 3:142.

¹²On the biographical background see Bald, pp. 53–79; Potter and Simpson, "Introduction" to vol. 2 of the *Sermons*, pp. 1–20; and Geoffrey Bullough, "Donne the Man of Law," in *Just So Much Honor: Essays Commemorating the Four Hundredth Anniversary of the Birth of John Donne*, ed. Peter Amadeus Fiore (University Park: Pennsylvania State University Press, 1972), pp. 57–94 *passim*.

¹³Louis A. Knafla, "Mr Secretary Donne: The Years with Sir Thomas Egerton," in *Professional Lives*, pp. 37–71, quotation from p. 44; Maule, p. 22.

in several other works, notably *Ignatius his Conclave* and the *Essays in Divinity*.¹⁴ When, in October 1616, he was appointed divinity reader of Lincoln's Inn and given a chamber there, this was only the most material manifestation of his intellectual affinities with the members of that society.¹⁵ Until his resignation on 11 February 1621/2, shortly after he had been appointed Dean of St. Paul's, Donne preached in their chapel "everye Sabbath Daye in the tearme, both fore-noone and after-noone, and once the Sabbath Dayes next before and after everie tearme, and on the Grand Dayes everie for-noone, and in the Reading tymes."¹⁶

For an audience as sensitized to the pressing political concerns of the day as the Lincoln's Inn lawyers, Donne's sermon would have had clear topical resonances. The following passage from the second part of Donne's sermon *divisio* is a case in point:

The Pope may erre, but then a Councell may rectifie him: The King may erre; but then, God, in whose hands the Kings heart is, can rectifie him. But if God, that judges all the earth, judge thee, there is no error to be assigned in his judgement, no appeale from God not throughly informed, to God better informed, for hee alwaies knowes all evidence, before it be given.¹⁷

In 1620 a sermon on the topic of appeal and final judgment, equity and law, would have reminded the members of Lincoln's Inn of the spectacular drama surrounding the altercation between Chief Justice Coke and Lord Chancellor Ellesmere four years previously. This conflict, which was initiated by a series of cases involving Henry de Vere, the eighteenth Earl of Oxford, and Barnaby Gouge, the Master of

¹⁴Colclough, in *Professional Lives*, p. 8.

¹⁵Donne was chosen by the Council on 24 October 1616, as the following entry from the *Black Books* indicates: "Mr. Doctor Dune is at this Councell chosen to be Divinitye Reader of this House, and is to have the like entertaynement that Mr. Doctor Holloway had" (*The Records of the Honorable Society of Lincoln's Inn. The Black Books*, ed. R. D. Walker, 6 vols. [London, 1897-1968], 2:187).

¹⁶*Black Books*, 2:187.

¹⁷Donne, *Sermons*, 3:134-155, quotation from pp. 147-148. Subsequent references to this sermon will be given in the text.

Magdalene College, Cambridge, developed into a wider debate regarding the respective authorities of the King's Bench and Chancery, common law and equitable jurisdiction, and ultimately, parliament and the royal prerogative. The gist of the matter was this: does the King have a royal jurisdiction (embodied mainly in the Court of Chancery) distinct from common law (represented by the common lawyers and judges who sat on the King's Bench)? Or, to put it differently, does the king have the authority to overrule the law, to impose justice over and against common law prescriptions if he sees fit? Coke's and Ellesmere's arguments centered on widely divergent interpretations of two statutes, 7 Edward III, Chapter 1, and 4 Henry IV, Chapter 23. While Coke claimed, following the decision of the common law judges in the case *Finch v. Throckmorton* in 1598, that the statutes prohibited recourse to Chancery after a cause had been determined at common law, Ellesmere maintained in *The Earl of Oxford's Case* that "the Statute of 4 H 4, Chap. 23, was never made nor intended to restrain the power of the Chancery in Matters of Equity."¹⁸ In response to the growing tensions between the Chief Justice and the Lord Chancellor, the statutes were eventually put before a panel of so-called chancery-men, led by Francis Bacon (the Attorney General who was to replace Ellesmere as Lord Chancellor), for arbitration.¹⁹ The panel found that neither statute barred recourse to Chancery after a judgment at law, thus effectively deciding in favor of Ellesmere. After a series of clashes with Chancery and the Crown, most notably in the case *Colt v. Glover*, Coke was removed from the bench in November 1616.²⁰

¹⁸*The Earl of Oxford's Case. The Third Part of Reports of Cases Taken and Adjudged in the Court of Chancery* (London, 1716), pp. 1–16, quotation from p. 15. See Mark Fortier, "Equity and Ideas: Coke, Ellesmere, and James I," *Renaissance Quarterly* 51 (1998): 1255–1281, esp. p. 1263.

¹⁹The statute of 7 Edward III, Chapter 1 prescribed a *praemunire* and harsh sanctions for anyone who was to "sue in any other court, to defeat or impeach the judgements given in the King's court"; and the statute of 4 Henry IV, Chapter 23 asserted that "after judgements given in the courts of our lord the king, the parties and their heirs shall be thereof in peace, until the judgement be undone by attainr or by error." For a more extensive account of the debate, see Fortier, "Equity," p. 1263.

²⁰See Fortier, "Equity," p. 1265.

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The quarrel between King's Bench and Chancery had flared up, intermittently, for more than a century. One of the most pressing issues in this controversy centered on the place and function of equitable justice: who was to administer it, and what kinds of procedures and rules were to govern its execution. Among the most important contributors to the debate about the role of equitable justice during Henry VIII's reign was Christopher St. German, a lawyer at the Middle Temple. His definition of equity in the dialogue "Doctor and Student" had a great impact on the discussion surrounding the relationship between common law and Chancery, and merits citing in some detail:

What is Equitye

The xvi chapytre.

DOCTOURE) Equitye is a [ryghtwysenes] that consideryth all the pertyculer cyrcumstaunces of the dede/ the whiche also is temperyd with the swetnes of mercye. And [such an equitye] must always be obseruyd in euery lawe of man / and in euery generall rewle thereof / . . . And for the playner declaracyon what equitye is thou shalt vnderstande that syth the dedes and actes of men / for whiche lawes ben ordayned happen in dyuers maners infynytlye. It is not possyble to make any generall rewle of the lawe / but that it shall fayle in some case. And therefore makers of lawes take hede to suche thynges as may often come and not to euery particular case / for they coulde not though they wolde. And therefore to folowe the wordes of the lawe were in some cases both agaynst Iustyce and the common welth: wherfore in some cases it is *good* and *even* necessary to leue the wordis of the lawe / & to folowe that reason and Justyce requyreth / & to that intent equitye is ordeyned / that is to say to tempre and myttygate the rygoure of the lawe. And it is called also by some men epicaia. The whiche is no other thyng but an excepcyon of the lawe of god / or of the lawe of reason / from the generall rewles of the lawe of man: when they by reason of theyr generalytye wolde in any pertyculer case Iuge

agaynste the lawe of god / or of the lawe of reason /
the wiche excepcion is secretly vnderstande in euery
generall rewle of euery posytyue lawe.²¹

St. German's definition draws on some of the crucial topoi of equitable judgment first articulated by Aristotle in the *Rhetoric* and the *Nicomachean Ethics*. For both authors, equity is a hermeneutic trouble-shooting tool designed to compensate for the unavoidable disparities between general laws and individual cases; as St. German explains, "syth the dedes and actes of men / for whiche lawes ben ordayned happen in dyuers maners infynytlye. It is not possyble to make any generall rewle of the lawe / but that it shall fayle in some case." As an interpretive mechanism, equity allows an exegete to construct a law according to its reason and spirit, rather than its letter, so as to make it applicable to cases for which it does not expressly provide. As Aristotle had affirmed in his groundbreaking account of equity, "where the lawgiver's pronouncement because of its absoluteness is defective," the equitable interpreter can legitimately depart from the [letter] of the law "to rectify the defect by deciding as the lawgiver would himself decide if he were present on the occasion."²² Another important feature of St. German's theory, however, is indebted not to Aristotle but to Jean Gerson (1363–1429), the Chancellor of the University of Paris, and one of the leading conciliarists of his time.²³ As the phrase "the wiche excepcion is secretly vnderstande in euery generall rewle of euery posytyue lawe" makes clear, St. German

²¹*Doctor and Student*, ed. T. F. T. Plucknett and J. L. Barton (London: Selden Society, 1974), pp. 95, 97. The treatise was originally published as *Dialogus de Fundamentis Legum Angliae et de Conscientia* in 1523 and 1528. The English version followed in 1530. STC records that it was reprinted frequently throughout the sixteenth and seventeenth centuries, and this in turn suggests that St. German's arguments were considered to be relevant to the juristic issues of the 1610s and 1620s. On the political and constitutional issues raised by St. German's work, see John Guy, *Politics, Law and Counsel in Tudor and Early Stuart England* (Aldershot, England: Ashgate, 2000).

²²*The Nicomachean Ethics*, ed. H. Rackham, 2nd ed. (Cambridge, MA: Harvard University Press, 1934), 5.10.5. See also *OED*, "equity," 3.

²³St. German's indebtedness to Gerson is established by Zofia Rueger in "Gerson's Concept of Equity and Christopher St German," *History of Political Thought* 3 (1982): 1–30.

believes that equity is not outside the law, but resides implicitly in it, as an integral part of its inherent reason. This emphasis forms the basis of St. German's conviction that equity could and should be administered in the common law courts; the law's inbuilt equitable mechanisms obviate the need to consult external bodies like Chancery.²⁴

St. German's position on equity was violently opposed by the Chancery lawyers under Cardinal Wolsey, the civil lawyers who since the end of the fifteenth century filled this and other prerogative courts.²⁵ As Edward Hake reports with some disapproval in his treatise *Epieikeia* (1603), these lawyers continued to argue that equity could be administered only in the court of Chancery and that it was drawn not from the law, but from the Chancellor's (and thus ultimately the king's) "owne breste":

In a late conference which I had with certayne civilians abowte theise matters, it was strongly defended of their side that there is no such *Equity* of the Common lawe as I have surmised throughowte my severall passed discourses, but that lawe and *Equity* are twoe things and the one of them not included within the body of the other. Againe, that *Equity* is not drawne owte of the lawe, but derived from some other thing as from the conscience of the Prince or from some other unto whome the Prince hath comitted the care of such matters, whome they wolde have to be the Lord Chauncellor sitting in the highe courte of Chauncery.²⁶

The question as to whether it is within the king's prerogative to suspend the law "vpon causes onely knowen to him" was, of course, to become a *casus belli* in the 1640s.

²⁴St. German's position on the relations between equity and Chancery has been the subject of much scholarly discussion. For a summary of the debate see Fortier, *Culture*, pp. 62–63.

²⁵See Rueger, p. 28.

²⁶*Epieikeia. A Dialogue on Equity in Three Parts*, ed. D. E. C. Yale, with a preface by Samuel E. Thorne (New Haven, CT: Yale University Press, 1953), p. 121. For one of the most systematic defences of the position that equity exists outside the law, see William Lambarde, *Archaeion or, a Discourse upon the High Courts of Justice in England* (London, 1591).

At the time Donne composed his sermon on Genesis 18:25, the link between equity and the Chancellor's conscience was already gaining both in notoriety and political volatility. Reviewing the role of Chancery during Bacon's administration, the legal writer George Norbury noted that "[i]t cannot be denied, but that the boundless power of chancery . . . is the cause of much discontent and distraction to the king's subjects, and clamours against the lord chancellor."²⁷ James had codified the crucial role of the prerogative courts in his Star Chamber speech of 20 June 1616, where he warned the judges to "keepe within your limits and Iurisdictions":

It is Atheisme and blasphemie to dispute what God can doe: good Christians content themselues with his will reuealed in his word. So, it is presumption and high contempt in a Subiect, to dispute what a King can doe, or say that a King cannot doe this, or that; but rest in that which is the Kings reuealed will in his Law. . . . [T]here [is] a Chancerie Court; this is a Court of Equitie, and hath power to deale likewise in Ciuill causes: It is called the dispenser of the Kings Conscience, following alwayes the intention of the Law and Iustice; . . . And where the rigour of the Law in many cases will vndoe a Subiect, there the Chancerie tempers the Law with equitie, and so mixeth Mercy with Iustice, as it preserues men from destruction. . . . The Chancerie is vndependant of any other Court, and is onely vnder the King: There it is written *Teste meipso; from that Court there is no Appeale*.²⁸

On the terms of this argument, Chancery is the formal expression of the king's role as the ultimate judge of consciences and intentions, himself answerable to none but God: "the seat of Iudgement is properly Gods, and Kings are Gods Viceregents."²⁹ James concluded that "That which concernes the mysterie of the Kings power, is not lawfull to be disputed;

²⁷"The Abuses and Remedies of Chancery," in *A Collection of Tracts Relative to the Law of England*, ed. Francis Hargrave (Dublin, 1787), p. 430.

²⁸In James VI and I, *Political Writings*, ed. Johann P. Sommerville (Cambridge: Cambridge University Press, 1994), pp. 204–228, quotation from p. 214 (my emphasis).

²⁹James VI and I, p. 205.

for that is to wade into the weaknesse of Princes, and to take away the mysticall reuerence, that belongs vnto them that sit in the Throne of God."³⁰ And a year later, Lord Chancellor Bacon spelled out the consequences of this philosophy, putting the common lawyers firmly in their place: "the twelve judges of the realm are as the twelve lions under Solomon's throne. They must be lions, but yet lions under the throne. They must show their stoutness in elevating and building up the throne."³¹ In this context, a sermon on the topic of appeal and judgment represents a significant intervention in a fraught legal and political debate, subtly but determinedly engaging the terms of royal prerogative justice, and the terms upon which it can be "disputed."

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Donne's sermon on Genesis 18:25 takes on a text with explicitly legal resonances, "Shall not the Iudge of all the Earth do right?," and considers the proposition that the "King may erre . . . but then, God, . . . may rectifie him." In doing so, it confronts some of the ethical and political concerns connected with the problem of equitable jurisdiction in the years immediately following the 1616 landmark conflict between Chancery and King's Bench. The opening section of his sermon sums up the main concerns of Donne's inquiry, casting Genesis 18, the biblical passage under discussion, in the language of equitable appeal:

That God appeared to *Abraham*, in the plaine of Mamre, in the persons of three men; three men so glorious, as that *Abraham* gave them a great respect: That *Abraham* spoke to those three, as to one person: That he exhibited all offices of humanity and hospitality unto them: . . . that they imparted to *Abraham*, upon their departure, the indignation that God had conceived against the sins of Sodome, and consequently

³⁰James VI and I, p. 213. For a fascinating (but very different) account of the connections between equity, absolutism and Christian justice, see Debora Kuller Shuger, *Political Theologies in Shakespeare's England: The Sacred and the State in Measure for Measure* (Basingstoke, Hampshire, England: Palgrave, 2001), esp. chaps. 3 and 4.

³¹*The Works of Francis Bacon*, ed. James Spedding, Robert Leslie Ellis, and Douglas Denon Heath, 14 vols. (London, 1857-74), 13:201-202.

the imminent destruction of that City; That this awakened *Abrahams* compassion, and put him into a zeale, and vehemence; for, all the while, he is said, *to have been with him that spoke to him*, and yet, now it is said, *Abraham* drew near, he came up close to God, and he says, Peradventure, (I am not sure of it) but peradventure, there may be some righteous in the City, and if there should be so, it should be absolutely unjust to destroy them; but, since it may be so, it is too soone to come to a present execution; *Absit à te*, sayes *Abraham*, *Be that far from thee*; And he repeats it twice; And upon the reason in our text, *Shall not the Iudge of all the Earth do right?* . . . [H]e thinks it unjust, that God should wrap up just and unjust, righteous and unrighteous, all in one condemnation.

(3:134-135)

Donne rewrites the account of Abraham's encounter in a way that invites his audience—and us—to draw parallels with the processes of judgment at law and equitable appeal. It is worth stating that neither here nor anywhere in the sermon does he employ the term "equity." Instead, he saturates his text with the language of the law, expecting his lawyerly audience to hear the continual resonances between his exegesis and the practices of equitable reasoning in which they had been trained: the psalmist is a "petitioner"; God is a judge who will undertake a "visitation" and go on a "Circuit," and as such is compared with a mere "Arbitrator" or even "Chancellor" (3:146, 147). In the passage just cited, the parallels are clear; Donne begins by recounting the initial verdict, "the imminent destruction of that City," and then retraces Abraham's movement from one judicial instance to the next: "he came up close to God" to plead, in St. German's words, for a judgment that "is temperyd with the swetnes of mercye." Abraham's argument in Donne's representation closely follows two *loci classici* of equitable interpretation: he notes, first, the deficiencies arising from the generality of the law (as St. German had observed, "[i]t is not possyble to make any generall rewle of the lawe / but that it shall fayle in some case"), and then refers to the classic legal maxim *summum ius, summa iniuria* ("it should be absolutely unjust . . . that God should wrap up just and unjust, righteous and unrighteous, all in one condemnation"). When Abraham demands that God consider the claims of the righteous minority in a corrupt city, he is effectively pleading a case of restrictive equity: the rules of fairness imply the

possibility of an exception from the general "condemnation." There are "some cases," as St. German had affirmed, where it is "*good and even necessary . . . to tempre and myttygate the rygoure of the lawe.*" Donne suspends the resolution of the problem—"it may be so, it is too soone to come to a present execution"—and thus opens up a hermeneutic space in which his own assessment of the case can unfold.³²

Against the background of Abraham's eloquent pleading, the *divisio* of Donne's sermon reads like a textbook example of equitable inquiry into the specific details of the case. Invoking the spirit of the lawgiver, as Aristotle had specified, he carefully considers the circumstances and motives of the agents involved:

The person who is *the Iudge of all the Earth*, submits us to a necessity of seeking, who it is that *Abraham* speaks to; and so, who they were that appeared to him: whether they were three men, or three Angels, or two Angels, and the third . . . were Christ: Or whether in these three persons, whatsoever they were, there were any intimation, any insinuation given, or any apprehension taken by *Abraham*, of the three blessed Persons of the glorious Trinity?

(3:135)

As well as demonstrating his command of the technicalities of legal exegesis, however, Donne's text is intimately concerned with identifying, illustrating and, in the words of the *Essayes in Divinity*, "vexing" the ethical problems surrounding equitable modes of interpretation. The figure of Abraham plays a crucial part in this project. He is presented as, at once, the ideal hermeneut and an exemplary text that embodies the best meaning of God's law: he is "our copie" (3:137), Donne insists in a characteristic conflation of textual and moral spheres, forging a close link between the generous reception of scriptural passages and of his fellow

³²For another sermon that confronts Abraham with a legally and theologically significant conflict of conscience, see *Sermons*, 6:186-204 (preached at St. Dunstan's on 1 January 1624/5, on Genesis 17:24). This sermon is excellently analyzed by Jeanne Shami in "Donne's Sermons and the Absolutist Politics of Quotation," in *John Donne's Religious Imagination: Essays in Honor of John T. Shawcross*, ed. Raymond-Jean Frontain and Frances M. Malpezzi (Conway, AR: UCA Press, 1995), pp. 380-412, esp. pp. 400-403.

Christians. Throughout his account of Genesis 18, Donne focuses on Abraham's charity: "*Abraham* entreated them [the three men] faire, and entertained them well: he spoke kindly, and kindly performed all offices of ease, and refocillation to these way-faring strangers. . . . Give really, and give gently; Doe kindly, and speake kindly too, for that is Bread, and Hony" (3:137). This is inseparable from his role as an aspiring exegete of divine equity.

The most crucial exegetical decision Donne has to make in this sermon takes us back to the passage just cited: "whether he [Abraham] apprehended not an intimation of the three Persons of the Trinity" (3:142). Here, Donne attempts to replicate Abraham's charity in an exegetical context, and it is in this exercise of hermeneutic judgment that the ethical and political implications of equity become most pressing:

But yet, betweene them, who make this place, a distinct, and a literall, and a concluding argument, to prove the Trinity, and them who cry out against it, that it hath no relation to the Trinity, our Church hath gone a middle, and a moderate way, when by appointing this Scripture for this day, when we celebrate the Trinity, it declares that to us, who have been baptized, and catechised in the name and faith of the Trinity, it is a refreshing, it is a cherishing, it is an awakening of that former knowledge which we had of the Trinity, to heare that our onely God thus manifested himselfe to *Abraham* in three Persons.

(3:143)

Donne concedes his doubt about the possibility of discovering definitive proof of the Trinity at the "literall" level of the text. Trinitarian meditations, Donne argues, could not have been part of Moses's historical intention. Faithfulness to this primary textual intention is only one element of Donne's homiletic obligations, however. Another is the question of how he can "doe this congregation the best service."³³ But this immediately creates a further problem, highlighting a conflict of interpretive interests that in turn evokes a classic issue in equitable legal inquiry: can Donne afford to deviate from the strict *letter* of Old Testament law to refresh and advance the lawyers' faith in the salvific

³³ *Sermons*, 9:34.

spirit of the New Dispensation? The answer is a tentative “yes,” but one that is hedged about with many qualifications and depends for its legitimation on the fundamental hermeneutic mechanisms of equitable and charitable analysis.

Donne justifies his audience-orientated deviation from the literal sense of the text by appealing to the ultimate *voluntas* of the lawgiver. As Aristotle notes in the *Nicomachean Ethics*, any equitable departure from the law must be undertaken in the spirit of the legislator’s intention, “as the lawgiver would himself decide if he were present on the occasion.”³⁴ Donne also deploys an interpretive strategy that closely resembles one of the basic concepts of equitable investigation, the legal fiction. To explain this idea, we need to look to book 5 of Quintilian’s *Institutio Oratoria*. There, Quintilian remarks that “arguments are drawn not merely from admitted facts, but from fictitious suppositions. . . . When I speak of fictitious arguments I mean the proposition of something which, if true, would either solve a problem or contribute to its solution.”³⁵ Donne’s own argument closely follows this distinction between “admitted facts”—the external circumstances of a case, or the literal sense of a statute at law—on the one hand, and practical moral applications derived from “fictitious arguments” on the other. He interprets Genesis 18:25 as the religious equivalent of a legal fiction: a “figure,” an instance of “similitudinary, and comparative reasoning” (3:144). And, as in Quintilian’s example, admitting this useful hermeneutic “proposition” helps to “solve” a juridical “problem.” But the main purpose of Donne’s exegetical fiction is a devotional one: “renewing the Trinity to our Contemplation, by the reading of this Scripture, this day.” As he observes in the same passage, “there are places of Scriptures for direct proofes, and there are places to exercise our meditation, and devotion in things” (3:144). Donne’s legal fiction-making in this section of the sermon derives its validity from weighing the primary intentions of his text against a higher authority: Moses’s historical meaning is overruled by the ultimate intention of the divine author and lawmaker (“to exercise our . . . devotion” [3:144])

³⁴ *Nicomachean Ethics*, 5.10.5.

³⁵ *Institutio Oratoria*, trans. H. E. Butler, 4 vols. (Cambridge, MA: Harvard University Press, 1920–1922; repr. 1993–1996), 5:10.95–96. Russell’s more recent translation obscures the legal reference.

and realized by the interpreter's equitable deviation from the letter of the law.

As he explicates his exegetical manoeuvres to the lawyers, Donne repeatedly stresses the importance of cultivating a specific hermeneutic mindset: his reading is built on a "*Communicatio pacis*, a peaceable disposition, a charitable interpretation" (3:139). At a later point in the sermon, Donne re-emphasizes the moral implications of his approach when he remarks that "*Sed non sic agendum cum auditoribus, ac cum adversariis*, We must not proceed alike with friends and with enemies" (3:144). Donne draws his former colleagues at the Inn into an interpretive community: unless they open themselves, charitably, to Donne's textual negotiations, they cannot reap the spiritual benefit offered by Abraham's example. But Donne's formulation "a charitable interpretation" also foregrounds the second significant subtext of his hermeneutic meditations, Augustine's theory of charitable exegesis as formulated in book 1 of *De Doctrina Christiana*. As Kathy Eden has shown, Augustine's hermeneutic approach offers close conceptual parallels with models of equitable interpretation; like equity, charity radically privileges interpretive objective and intent over literal and historical significance:³⁶

[A]nyone who thinks that he has understood the divine scriptures or any part of them, but cannot by his understanding build up this double love of God and neighbour, has not yet succeeded in understanding them. Anyone who derives from them an idea which is useful for supporting this love but fails to say what the writer demonstrably meant in the passage has not made a fatal error, and is certainly not a liar. In a liar there is a desire to say what is false, and that is why we find many who want to lie but nobody who wants to be misled.³⁷

³⁶The Rhetorical Tradition and Augustinian Hermeneutics in *De Doctrina Christiana*," *Rhetorica* 8 (1990): 45–63.

³⁷*De Doctrina Christiana*, trans. R. P. H. Green (Oxford: Oxford University Press, 1993), 1.36.40. On Donne's Augustinianism see, most recently, Mary Arshagouni Papazian, "The Augustinian Donne: How a 'Second S. Augustine,'" in *John Donne and the Protestant Reformation: New Perspectives*, ed. Mary

Reading, on Augustine's terms here, is about educating oneself to find love in a text. The main criterion of exegetical success is the usefulness of an interpretation in the task of "build[ing] up this twofold love of God and our neighbour" or, as Donne puts it, to "exercise . . . devotion." This intention, the will towards love, is the decisive factor in any reading act, even if this entails a misconstruction of the author's original historical intention. Augustine's argument, then, like Donne's, is founded on a hierarchy of intentions: God's ultimate will to "build up . . . love" may outweigh "what the writer demonstrably meant" in a specific passage, and revealing this underlying divine purpose can involve a departure from the literal meaning of the text. As Augustine observes in book 3 of *De Doctrina Christiana*, "[g]enerally speaking, it is this: anything in the divine discourse that cannot be related either to good morals or to the true faith should be taken as figurative. Good morals have to do with our love of God and our neighbour, the true faith with our understanding of God and our neighbour."³⁸ If the surface meaning of a scriptural passage is not conducive to building up our love of God and neighbor, Augustine argues, it is legitimate to deviate from the letter of the text and find a spiritual reading which is more useful in achieving this edifying effect. It is at this point that the parallels between charitable and equitable reading become most apparent: both strategies insist on the necessity of departing from the literal—or semantic—dimension of a text in order to recover the spirit or *dianoia* of its author. Where Aristotle's legal exegetes contribute to "the rectification of law," Augustine's spiritual readings seek to contribute to the "reign of charity." In both instances, a focus on *voluntas*, goodwill, and the moral usefulness of an interpretation is crucial. This hermeneutic manoeuvre pivots not just on God's intentions, but on the good will of the exegete himself; fictive interpretations may be admitted in the interest of a *fide non ficta*, just as the lawyer resorts to legal fictions in the interests of true justice. The only safe access to God's will is through the reader's own good intentions.

While this exegetical mechanism ensures devotional efficacy by allowing the possibility of non-literal interpretation, it also points to a central element of hermeneutic indeterminacy that is shared, to a certain

Arshagouni Papazian (Detroit, MI: Wayne State University Press, 2003), pp. 66-89.

³⁸ *De Doctrina Christiana*, 3.10.14.

extent, by systems of equitable and charitable interpretation. Because the lawgiver is absent, his intentions cannot be verified directly; this in turn opens up an exegetical space that could be claimed, potentially, by benign and malicious interpreters alike. St. German's account of equity hints at the problem when he states that the principle of "excepcion is secretly understande in euery generall rewle of euery posytyue lawe."³⁹ Equity, then, depends to a significant degree on the assumption that the law contains hidden pockets of signification, but this hermeneutic opacity makes it vulnerable to abuse. As Ian Maclean has pointed out, equitable and inequitable exegeses are distinguished "not in their formal or material elements (i.e., their argument or premises) but solely in their purpose," and Renaissance lawyers are constantly exercised by "the problem of providing adequate notation" to distinguish between contrary motives of interpretation.⁴⁰ In view of these issues, it is hardly surprising that Donne should devote so much of his rhetorical efforts to shaping and stabilizing the audience's hermeneutic intentions.

* * * *

In his sermon on Genesis 18:25, Donne tries to negotiate the competing needs of law and case, text and audience. In both instances, the interpretive problems focus on a complex process of accommodating the general and the specific, universals and particulars. In a 1629 Whitsunday sermon preached at St. Paul's on Genesis 1:2, Donne resumes discussion of these issues. Here, he considers the preacher's task of catering for an often bewildering variety of homiletic occasions, contexts, and recipients. This task can only be realized, Donne argues, because Scripture itself articulates and reconciles a broad spectrum of readings and interpretations:

Where diuers senses arise, and all true, (that is, that none of them oppose the truth) let truth agree them. But what is Truth? God; And what is God? Charity; Therefore let Charity reconcile such differences. *Legitimè lege utamur*, sayes he [Augustine], let us use the Law lawfully; Let us use our liberty

³⁹ *Doctor and Student*, p. 97.

⁴⁰ *Interpretation and Meaning in the Renaissance: The Case of Law* (Cambridge: Cambridge University Press, 1992), p. 139.

of reading Scriptures according to the Law of liberty; that is, charitably to leave others to their liberty, if they but differ from us, and not differ from Fundamentall Truths. . . . So far I will goe, saies he, so far will we, in his modesty and humility accompany him, as still to propose, *Quod luce veritatis, quod fruge utilitatis excellit*, such a sense as agrees with other Truths, that are evident in other places of Scripture, and such a sense as may conduce most to edification.⁴¹

Donne's phrase "the Law of liberty" crystallizes many of the concerns that trouble him in the Lincoln's Inn sermon on Genesis 18:25.⁴² What the preacher argues here, effectively, is that the structures of accommodation between text and occasion are written into the law itself; Scripture contains the exceptions to its own rules. God's word anticipates equitable or charitable deviations from its literal meaning; it contains "divers senses," which may "all" be "true." On the terms of this model, an interpreter can realize figurative readings that benefit his audience whilst still respecting the integrity of the Scriptures. The Bible thus means many things and yet remains perfectly at one with itself. As Donne is quick to emphasize, though, such liberty is not to be confused with hermeneutic licence. The law of liberty is synonymous with the law of charity, which is governed by the ultimate *voluntas* of the lawgiver (God "is . . . Charity," and the true end of his law is "building up . . . love") as well as the reader's own honorable intentions in supporting the truth of love. In other words, non-literal readings are only admissible if they conduce to devotion and edification. Donne's system of hermeneutic circulation, then, depends on an exegetical *ethos*, predisposition or mentality rather than specific technical procedures of interpretation.

⁴¹*Sermons*, 9:92–108, quotation from pp. 94–95.

⁴²Donne's Augustinian notion of the law of charity has complex scriptural and legal resonances. It relies on the shifts of interpretive emphasis implicit in the transition from the Old Testament covenant to the New Dispensation: 1 John 4:8 ("God is love") encapsulates the spirit of interpretive liberty that licences deviation from the literal meaning of a text. At the same time, however, Donne's definition of the law of liberty carries clear contractual overtones; Donne, as we will see, draws his audience into a hermeneutic bond designed to safeguard charity against potential abuses. On Donne's interest in the law of contract see Maule, *passim*.

Charity is the concept that allows, acknowledges, and defends hermeneutic diversity, while at the same time “reconcil[ing] [such] differences.” Donne stresses the difficulty and the moral implications of using the law of exegetical liberty lawfully: any deviation from the literal sense must be carefully examined in the light of its usefulness in fostering charity; it must circle back to the unified plurality of God’s intention(s).

In the Lincoln’s Inn sermon, Donne is acutely concerned to demonstrate that the equitable hermeneutic liberties he takes are not outside, but within the law. The discourse of scriptural charity, as we have seen, helps to conceptualize and justify this claim. It can accommodate a plurality of occasions and audiences, and yet succeeds in preserving the integrity of the Bible by unifying these readings under the aegis of the double love command. However, these negotiations between universals and particulars are played out on an additional discursive plane, as Donne uses the language of Trinitarian theology to help the audience’s devotion and aid their understanding of charitable and equitable interpretation.

The metaphysical conundrum of the simultaneous unity and diversity of the Trinity offers yet another opportunity for reflecting on the relationship between the one and the many. Before he maps out the doctrinal risks involved in applying a Trinitarian reading to Genesis 18, Donne remarks on the distinctions between the persons of the Godhead, distinguishing between “the eternall generation of Christ Jesus” and “the eternall procession of the Holy Ghost” (3:143). However, notwithstanding this difference of origin, the Trinity is a single “beame” (3:145), a “threefold manifestation of God to man” (3:144): the persons are co-eternal and co-equal, alike uncreated and omnipotent. In a sermon preached “at a Christning” on 1 John 5:7 (“For there are three which beare record in heaven; the Father, the Word, and the Holy Ghost; and these three are one”), Donne affirms “*That these three are one*; that is, not onely one in *Consent*, . . . but they are *Vnum Essentia*, The Father, the Sonne, and the holy Ghost are all one *Godhead*.”⁴³ In asserting the divine property of multiplicity in unity, Donne follows, once again, one of his most cherished patristic sources, Augustine. In the preface to book 8 of *De Trinitate*, Augustine elaborates on the doctrine of “being” and “the one”:

⁴³ *Sermons*, 5:143.

Whenever each is singly spoken of in respect to themselves, then they are not spoken of as three in the plural number, but one, the Trinity itself, as the Father God, the Son God, and the Holy Spirit God; the Father good, the Son good, and the Holy Spirit good; and the Father omnipotent, the Son omnipotent, and the Holy Spirit omnipotent: yet neither three Gods, nor three goods, nor three omnipotents, but one God, good, omnipotent, the Trinity itself; and whatsoever else is said of them not relatively in respect to each other, but individually in respect to themselves.⁴⁴

Just as equity is able to contain a variety of particular case manifestations within the overarching unity of the law and the Bible spells out "divers sense" which are "all true," so the Trinity is capable of accommodating "all" three persons of the Godhead "in one" metaphysical entity.

In the sermon on Genesis 18:25 for the lawyers of Lincoln's Inn, then, Donne combines elements of metaphysical speculation with problems of scriptural hermeneutics and topical concerns in legal exegesis to adjudicate theological, ethical, and political conflicts surrounding the relation of particulars and universals, general laws, and specific cases. Although Donne emphasizes the conceptual differences between these discourses, he insists on their usefulness as a set of mutually illuminating vocabularies and idioms. Explaining the metaphysical complications of Trinitarian theology through the terminology of equity, for instance, helps the lawyers to improve their faith; it encourages them to seek for "*Vestigia Trinitatis*, Impressions of the Trinity" (3:144) in their lives and shows them how to integrate these traces into a unified image of faith. The parallels between equitable and charitable interpretation, as we will see, are designed to teach the lawyers how to become the best judges of their own devotional constancy, and to assist them in implementing Abraham's "copie" in the (at times frighteningly diverse) challenges of practical Christian living.⁴⁵

⁴⁴*De Trinitate libri XV*, ed. W. J. Mountain, 2 vols. (Turnhout: Brepols, 1968), 8.Pr.5–12 (1.268).

⁴⁵For a more detailed account of Donne's views on the Trinity, see Dennis Klinck, "*Vestigia Trinitatis* in Man and his Works in the English Renaissance," *Journal of the History of Ideas* 42 (1981): 13–27; see also Jeffrey Johnson, *The*

But Donne's complex calibration of metaphysical and hermeneutic languages also has more immediate implications for the topical relevance of his performance. Donne's insistence that the particular exceptions and manifestations of a law are implicit in the ultimate reason of the universal rule, that equity and charity are forms of hermeneutic licence (or, as Donne puts it, "liberty") which can nevertheless be "lawfully" realized within the scope of the law, would certainly have appealed to the common lawyers of Lincoln's Inn. Donne's suggestion that diversity is contained by unity, that the law is capable of catering for "all in one" (3:135) resonates richly with St. German's conviction that exceptions are "secretly vnderstande in euery generall rewle of euery posytyue lawe"—that equity, therefore, should be administered in the common law courts rather than through an independent system of prerogative justice. In the passage quoted earlier, Donne is similarly sceptical about the possibilities of an appellate court that depends on the King's conscience alone:

The Pope may erre, but then a Councell may rectifie him: The King may erre; but then, God, in whose hands the Kings heart is, can rectifie him. But if God, that judges all the earth, judge thee, there is no error to be assigned in his judgement, no appeale from God not thoroughly informed, to God better informed, for hee alwaies knowes all evidence, before it be given. And therefore the larger the jurisdiction, and the higher the Court is, the more carefull ought the Judge to be of wrong judgement; for *Abrahams* expostulation reaches in a measure to them, *Shall not the Iudge of all* (or of a great part of the earth) *do right?*

(3:147–148)

Donne, unlike James and Ellesmere during the legal quarrel of 1616, chooses to stress the differences between divine and human justice here. Although the king has powers vested in him by God, he is not infallible. He has the judgment of a man, and this implies that he should rule by law, rather than, as *The Trew Law of Free Monarchies* (1598) states, "be aboue" it. Donne's warning to those who would defend the prerogatives of "higher" courts over the law, to those who judge "a great part of the

earth," "reaches in a measure" to James VI and I, who had stated in the Star Chamber speech of 1616 that "there is no Appeale" from Chancery.⁴⁶ It is because equitable exception-making is morally and epistemologically necessary that the judge "ought to be carefull . . . of the wrong judgement"; the conscience of one man, Donne implies, may not be able to carry that burden.⁴⁷ In God's court, by contrast, all the circumstances of the case—the facts of the matter, the client's character, motives and intentions, the evidence, the legal options, and the tools of equitable inquiry—are at the judge's fingertips. This is why "there is no error to be assigned in his judgement" and "no appeale from God not thoroughly informed, to God better informed." And, in a way, this is also the point of Donne's own interpretive contortions. The whole sermon is an appeal for equitable justice, as Donne asks God's permission to depart from the letter of Genesis to draw out the spirit of the occasion, Trinity Sunday. And he knows he will receive a fair verdict at His hands because God can cope with the uniquely difficult relations between human and divine law, justice and mercy: "hee alwaies knowes all evidence, before it be given." God, in fact, positively invites such active engagement with his laws and decrees:

God admits, even expostulation, from his servants; almost rebukes and chidings from his servants. . . . Now, *Offer this to one of your Princes*, says the Prophet, *and see whether he will take*

⁴⁶James VI and I, p. 214. For two influential accounts that emphasize Donne's critical stance towards the prerogative rights of absolute monarchs, see David Norbrook, "The Monarchy of Wit and the Republic of Letters: Donne's Politics," in *Soliciting Interpretation*, pp. 3–36; and Patterson, pp. 251–272.

⁴⁷In its negotiation of universal laws and particular cases, general rules and exceptions demanded by the individual conscience, equity displays parallels with another process of moral judgment and reasoning: casuistry. In the sermon on Genesis 18:25, however, Donne does not highlight these parallels but deliberately underplays them. What is at stake in his discussion of equity (in its legal and broader ethical sense) is a notion of public, civic responsibility rather than principled private resistance. On Donne and casuistry, see Meg Lota Brown, *John Donne and the Politics of Conscience in Early Modern England* (Leiden: Brill, 1995); Jeanne Shami, "Donne's Protestant Casuistry: Cases of Conscience in the Sermons," *Studies in Philology* 80 (1983): 53–66; and Camille Wells Slight, *The Casuistical Tradition in Shakespeare, Donne, Herbert, and Milton* (Princeton, NJ: Princeton University Press, 1981).

it. . . . [W]hat Prince would not (and justly) conceive an indignation? . . . And yet our long-suffering, and our patient God, (must we say, our humble and obedient God?) endures all this, . . . [and] as long as Abraham kept himselfe upon this foundation, It is impossible, that the Iudge of all the earth should not do right, God mis-interpreted nothing at Abrahams hand, but received even his Expostulations.

(3:145–146)

Donne clearly did not need reminding that James thought it “contempt and high Presumption in a Subiect, to dispute what a King can doe”; he is far from advocating a stance of open resistance to royal authority (see especially 3:146). But once again the political reverberations of Donne’s comparison are readily felt; if God can muster the humility to admit expostulation and disputation, perhaps James would be well-advised to do the same. Donne argues his case eloquently, mustering the collective support of august moral precedent. Jacob, David, Amos, Paul, and Abraham are cited as examples of principled participation in the process of judgment, and lend force to an alternative model of political engagement that is grounded in active deliberation, dialogue, and good faith.

Donne’s analysis of the relative claims of heavenly and earthly justice emphasizes the ethical and hermeneutic difficulties involved in the process of equitable human judgment. The best approaches to legal and scriptural exegesis, he suggests, aim to realize the law-giver’s ultimate intention and this in turn, as we have seen, entails a constant and scrupulous attention to the exegete’s own motives. In order to ensure the interpretive fidelity of his audience, Donne encourages a habit of moral and hermeneutic introspection in his audience, an exegetical mentality that is based on the modes of equitable inquiry practiced by Abraham, and God himself:

Tell thy selfe that thou art the Judge, as *Abraham* told God that he was, and that if thou wilt judge thy selfe, thou shalt scape a severer judgement. He told God that he was Judge of all the earth; Judge all that earth that thou art; . . . Mingle not the just and the unjust together; God did not so; Doe not thinke good and bad all one; Doe not think alike of thy sins, and thy good deeds, as though when Gods grace had quickned

them, still thy good works were nothing, thy prayers nothing,
thine almes nothing in the sight and acceptation of God.

(3:155)

Donne recommends an attitude of intense self-analysis here, insisting that the lawyers keep a close eye on the motives and consequences of their actions. At the same time, however, Donne reminds them of the interpretive rules that govern these psychological negotiations; they too deserve a fair hearing that can account for the precise circumstances of ethical and spiritual decisions. And although the audience should constantly be aware of God's judging presence, Donne also emphasizes the structures of mediation that control these processes of self-examination in the practice of daily life: often "the presence of a Magistrate, or a Preacher, or a father, or a husband, keeps men often from ill actions" (3:154). Throughout the sermon, Donne stresses his own role as a supervisor of the lawyers' spiritual welfare and a mediator of God's law (even though he firmly subordinates his role to the divine lawgiver's), a gesture that seeks to legitimate his own authority as an interpreter both of general scriptural law and its specific, audience-orientated manifestations. This is especially apparent in his concluding exhortations to the lawyers, a conscious and deliberate attempt, on the preacher's part, to write after Abraham's "copie":

Though Gods appearing thus in three persons, be no
irrefragable argument to prove the Trinity against the Jews, yet
it is a convenient illustration of the Trinity to thee that art a
Christian: And therefore . . . accustome thy selfe to
meditations upon the Trinity . . . and seeke a reparation of
that thy Trinity, by a new Trinity, by faith in Christ Jesus, by
hope of him, and by a charitable delivering him to others, in a
holy and exemplar life.

(3:154)

By charitably admitting a Trinitarian reading that will advance the audience's devotion, and by advising them to integrate this rule of charity into the texture of everyday spiritual practice, Donne aims to establish himself as a worthy heir to Abraham's hermeneutic and ethical legacy. This legacy always already entails an element of legal responsibility, as the text of Genesis 18 implies, for God elects to reveal his judgment of

Sodom to Abraham in recognition of his future role as the founding father and principal law-keeper of the Israelite community: "For I know him, that he will command his children and his household after him, and they shall keep the way of the LORD, to do justice and judgment" (Genesis 18:19). Donne's discourse similarly aims to found a community by forging vital interpretive and moral bonds with the lawyers of Lincoln's Inn. By creating a closed circuit of honorable intentions that links God's hermeneutic disposition with Abraham's and his own, Donne strongly encourages (or rather, gently compels) his audience to extend the imperatives of charitable reception to his own performance.

The twin system of equitable and charitable exegesis, as we have seen, is founded on recovering and realizing an absent legislator/author's intention; this implies a certain degree of argumentative circularity, and potentially opens the process to malicious hermeneutic attacks. The only means of authenticating and safeguarding spiritual readings is by stabilizing and controlling the interpreter's intentions, and this is exactly what Donne sets out to do. His reflections on the function of royal prerogative confer exegetical authority on the lawyers of Lincoln's Inn by implicitly placing equity within their sphere of legal influence. At the same time, however, Donne binds this nexus of concerns to the hermeneutics of charity, thus aiming to ensure a fair reception of his own discourse. These structures of mutual validation are crucial to a hermeneutic system that depends, to a large extent, on the ethical predisposition or mentality of the audience. Donne's conviction that "we must not proceed alike with friends and enemies" encapsulates the complex exegetical negotiations in his sermon on Genesis 18:25; he offers to build a moral and interpretive covenant with the lawyers (one that is founded on God's promise to Abraham), but this depends on a set of moral and hermeneutic obligations that is designed to avoid possibilities for misapprehension in his own approach. The audience's spiritual edification is made dependent on their discretion in handling the potentially controversial aspects of Donne's performance; this may have included safeguarding it from the prying eyes of uncharitable misinterpreters, and thus from damagingly literal-minded applications of Donne's pronouncements on equity. This is a model of discretion that solicits the active collaboration of the listener in the creation of hermeneutic, devotional, and political meaning: the Lincoln's Inn sermon demands a significant interpretive investment from them that

reflects their civic and moral commitment.⁴⁸ Being Donne's audience, then, is an infinitely complex but often highly rewarding business.

* * * *

The Lincoln's Inn sermon demonstrates Donne's active and principled participation in the political affairs of early Stuart England. His analysis of the possibilities and limitations of prerogative justice makes full use of his own and the audience's legal expertise, and analogizes the languages of the law, politics, hermeneutics, and ethics to formulate a powerful critique of the king's claim to occupy the ultimate "seate of Iudgement."⁴⁹ Against James's attempt to silence the "curious wits" who would inquire into "my Prerogatiue or mystery of State," Donne asserts the right—and indeed the duty—of the lawyers and judges "to dispute what a King can doe."⁵⁰ Donne insists on the crucial importance of discussing, debating, and "vexing" the defining political issues of his day. As he observes in the preface to *Biathanatos*, "as in the Pool of *Bethsaida*, there was no health till the Water was troubled, so the best way to find the truth . . . was to debate and vex it, (for we must as well dispute *De veritate*, as *pro veritate*)."⁵¹

The Donne of the Lincoln's Inn sermon subtly but resolutely argues the case for a model of homiletic engagement which encourages active deliberation about essential political "truths" and the institutions that embody them. If we read the sermon in the context of James's 1616 Star Chamber speech, which establishes Chancery as the supreme "dispenser of the Kings conscience" and prohibits discussions about "the mysterie of the Kings power," then this is a radical stance. But there are other possible criteria to be applied here: that Donne did not suffer any consequences for his intervention in matters of controversy, for instance, or that he did not advocate (or implicitly suggest) any concrete measures

⁴⁸For a more detailed and diachronically grounded account of Donne's discretion, see Shami, *Conformity*, and "Donne on Discretion," *ELH* 47 (1980): 48–66, esp. pp. 56, 50.

⁴⁹James VI and I, p. 205.

⁵⁰James VI and I, pp. 204, 213, 214.

⁵¹*Biathanatos*, ed. Ernest W. Sullivan, II (Newark: University of Delaware Press, 1984), p. 30.

for curtailing the king's prerogative rights.⁵² What we can say with some certainty, however, is that the evidence of the Lincoln's Inn sermon shows us a Donne who is rather more engaged in discussing politics than has been suggested in some recent scholarly accounts of his preaching.⁵³ The sermon's complex analogizing of legal and religious discourses, equity and charity, denies a tidy separation of pulpit and lawcourt, Church and State. In stating this, I do not intend to attribute to Donne a radically interventionist stance, but simply to reposition him as a preacher whose notion of civic responsibility includes—at least in this particular forum—a commitment to vigorous political debate. On the other hand, to re-evaluate Donne's political involvement in this way does not imply that every putatively pastoral element of his sermon is irrevocably politicized, as is evidenced by his complex and multifaceted use of the term "charity."

Donne's treatment of charity has occasioned considerable critical debate. For Shami, Donne's charity is an exegetical mentality as well as a moral imperative; where other "players in the religious debates vied for interpretive control of their common authority—scriptures—Donne continues his unusual practice of emphasising that his 'interpretations' of controversial religious matters are merely interpretations."⁵⁴ Donne, Shami goes on to observe, is a remarkably "impartial" hermeneut, whose exegetical tolerance aims to encourage doctrinal inclusiveness, "a capacious vision of the English church" which would "integrate and convert all but the most determined recusants."⁵⁵ Donne's charitable exegesis is political but not polemical. Achsah Guibbory, on the other hand, who argues for Donne's affiliation with the anti-Calvinist party of Montague and Laud in the mid- and late-1620s, sees Donne's use of the term charity as merely strategic, as a means of denigrating his Calvinist opponents as extremist: "Donne's emphasis on 'charity' is not simply a generic Augustinian formulation: rather, it aligns him with the Arminians who repeatedly invoked the ideal of 'charity' in attacking

⁵²For a summary of some influential attempts to delimit the monarch's equitable discretion, see Fortier, *Culture*, pp. 99–101.

⁵³See, e.g., P. M. Oliver, *Donne's Religious Writing: A Discourse of Feigned Devotion* (Harlow, Essex, England: Longman, 1997), pp. 236–266.

⁵⁴*Conformity*, p. 140.

⁵⁵*Conformity*, p. 20.

predestination and who attacked Puritans and Calvinists as rigid and uncharitable.⁵⁶

Donne's use of charity in the Lincoln's Inn sermons at once underwrites and destabilizes these positions. Attending to the localized instantiations of the concept reveals that it is both interested and disinterested, and can be put to political as well as pastoral purposes, regardless of whether that political purpose is openly polemical or determinedly discreet. Donne, as we have seen, focuses on the tactics of charitable interpretation to advance the lawyers' devotion, and there is no reason to doubt the sincerity of this endeavour. At the same time, however, Donne also deploys these mechanisms as a safety net that guarantees his exegetical authority and ensures the faithful reception of his sermon. These concerns are in turn linked with a highly polemical application: Donne reveals charity's political dimension by analogizing it with the discourse of equitable interpretation, and charitable techniques of accommodating the competing demands of universal law and particular case help to strengthen the claims of common law justice. The complexity and richness of this stance arises from Donne's ability to find connections between languages that seem worlds apart; to bring them home to specific audiences and create a "nearnesse" with them that allows for a uniquely effective communication of the homiletic message.⁵⁷

Jeremy Maule has shown us how the Holy Sonnets deploy the language of early modern property law to negotiate the terms of Christian salvation. The Lincoln's Inn sermon demonstrates that, years later, Donne was still alive to the rich intellectual, ethical, and political implications offered by the legal vocabularies he commanded. But the sermon also reminds us that if the parallels between law and religion provide opportunities for topical commentary, the relationship between these discourses is neither stable nor mono-dimensional. Donne's professional languages variously overlap and intersect with each other; they move between the abstract and the specific, broad conceptual analogies and highly localized technical references. Perhaps, therefore, more than most other sermons, Donne's demand a multi-lingual

⁵⁶"Donne's Religion: Montagu, Arminianism and Donne's Sermons," *English Literary Renaissance* 31 (2001): 412–439, quotation from p. 422.

⁵⁷On "nearenesse," see Shami, *Controversy*, pp. 21–2, 38, 76, 91, 111, 145, 278.

approach. And an audience—both in the seventeenth century and now—that is willing to subject itself to a process of “error” and “rectification.”⁵⁸

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