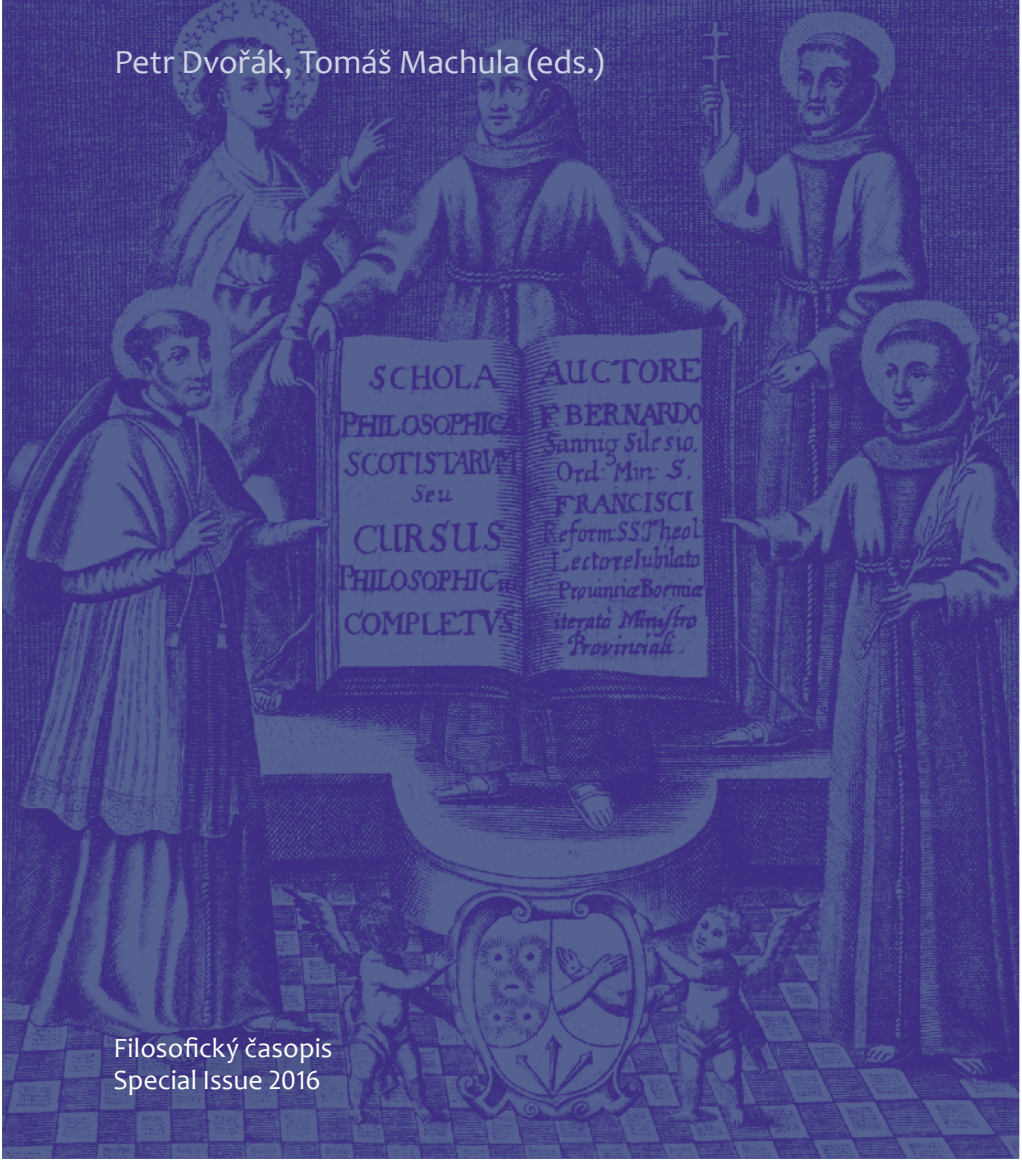
EXPLORATIONS IN LATE SCHOLASTICISM

Petr Dvořák, Tomáš Machula (eds.)



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Editorial

This supplemental issue of *Filosofický časopis*, dedicated to the eighty-fifth birthday of professor Stanislav Sousedík, is in a sense his dream come true. As his former students, we attest to the fact that it was he who entertained the boldest dreams and visions for the future during our meetings. In communist times prior to 1989 professor Sousedík was banned from working in the capacity of a regular university teacher. Teaching and educating new generations of scholars was opened to him at about the time of his sixtieth birthday. The new opportunity to make his dreams come true has given him new energy, and we must say he is still keeping his youthful vigour.

Professor Sousedík belongs to those scholars who assisted at the birth of the study of the so-called Second Scholasticism, or the early modern university philosophy that had been underestimated and neglected for a long time previously. Times have changed, and this current of philosophy and theology has become popular among many scholars today. Francisco Suárez, Francisco de Vitoria, Rodrigo de Arriaga etc. all represent an intellectual elite of their times. They were indeed the decisive persons for the intellectual milieu of the Modern era.

Professor Sousedík's research began in hard times characterized by ideological restrictions on post-medieval scholastic studies, resulting in their virtual neglect, and in neglect of himself personally. Despite all the trouble professor Sousedík has produced a substantial amount of high quality, pioneering, and respected work. His former students and colleagues follow in his footsteps.

His research into the Second Scholasticism did not remain on a purely historical level. He developed a keen interest also in the field of analytic philosophy, and looked for ways in which medieval and early modern Scholasticism might contribute to discussions in the disciplines of logic and metaphysics. At an age when many people live only from their past, professor Sousedík began to realize his project. Twenty years ago the British philosopher John Haldane presented his concept of *Analytical Thomism*. Sharing this analytical approach, professor

Sousedík and his followers hold to a somewhat wider perspective that is not limited to the Thomistic tradition only, but spans other scholastic currents as well. They developed the program of *Analytical Scholasticism* which has become known on an international level. Dreams have become reality because they were not mere dreams but realistic visions.

Analytical Scholasticism was taken up as a program of the Research Group for Post-Medieval Scholasticism that comprises scholars from the Faculty of Theology, University of South Bohemia and the Institute of Philosophy, Czech Academy of Sciences. The succesful career of the journal *Studia Neoaristotelica*, the first editor-in-chief of which was Prof. Sousedík himself, is also worth mentioning. This journal is published in Germany and has an international editorial board, including members from the Research Group.

The last point we want to emphasise is the personality of professor Sousedík as human, scholar and teacher. As his former students we gratefully remember and emulate his cordial approach to us. During our studies we experienced both the demands on us as well as his respect for our efforts and results. The scholarly honesty he strived to pass on to us shines through his personal history. He spent the best years of his life on construction sites working as a manual laborer and plumber, a man disrespected by the communist regime, pushed away from official academic work to manual labour (which he has never held in low esteem). Despite difficulties he did not give up his studies and scholarly work, which he regarded as his highest tasks in life. Under complicated circumstances he was able to graduate, to work in the scholarly field, to be in contact with his colleagues abroad and amidst all this to lead a life free from grave moral compromises. Now, like the Old Testament patriarch Abraham, he has lived to see his scholarly offsprings at an age when it did not seem very likely to expect posterity. This is a manifestation of his human and professional honesty and his truly Abrahamic trust in Divine Providence.

Petr Dvořák and *Tomáš Machula*

Thomism

Poinsot's Compatibilism: An Inspiration for Moral Psychology

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The compatibilist about free will claims that volitions (acts of will) can be both necessitated by a determination and free. According to compatibilism (in general) it is coherently conceivable that a person willing A cannot will non-A (under the same set of conditions) and, simultaneously, such volition of A is still an expression of her freedom. Given this very broad definition of compatibilism we may note that Portuguese Dominican João Poinsot (1589–1644), by religious name Johannes a S. Thoma, prominent thomist thinker of the early-modern period,[1] was a compatibilist.

My intention, however, is not to investigate in detail his complex account of free will, but rather just to point out some interesting aspects of his theory, namely those which can – as I will try to show – be useful and fertile for our present-day ethical thinking. I am not mainly interested in history of philosophy, but in philosophy. The final thoughts of this article will not be those of Poinsot but they will form my attempt to contribute to (meta) ethical discussions.

First of all I have to specify the kind of compatibilism which will be taken into consideration. It is neither the "physicalist" compatibilism rejected e.g. by Peter von Inwagen as contradicting the assumption of human responsibility;[2] nor will I examine the Poinsot's attempt to harmonize the Divine "premotion" with our freedom.[3] I will rather speak of a "rational

1 For biographical profile of the thinker see Lavaud, B., *Appendice II – Jean de Saint Thomas (1589–1644). L'homme et l'oeuvre.* In: Saint-Thomas, J. de, *Introduction à la théologie de s. Thomas. Explication de l'ordre et de l'enchainement des traités et questions de la Somme théologique.* Tr. di B. Lavaud. Paris, André Blot 1928, p. 411–446.

2 Inwagen, P. van, *An Essay on Free Will.* Oxford, Clarendon Press 1983.

3 Such Poinsot's theological issues are surveyed for example in the dissertation thesis of Mahonski, T. J., *The Radical Interiority of Liberty according to the Principles of John of Saint Thomas O.P.* Roma, Officium Libri Catholici 1962.

compatibilism",[4] a position untouched by van Inwagen's argument. Here the necessity in question is neither that of laws of nature nor that of immutable God's decrees. The admitted psychological necessity of volition is caused by respective unambiguous rational view of the willing person.[5]

In our epoch the rational compatibilism has been indicated by Daniel Dennett (despite his physicalism[6]) and by Susan Wolf. Dennett remarks: "[W]hen I say I cannot do otherwise I mean I cannot because I see so clearly what the situation is and because my rational control faculty is *not* impaired. It is too obvious what to do; reason dictates it…".[7] Similarly Susan Wolf: "[O]ne explanation for why an agent might not be able to do otherwise is that it is so obviously rational to do what she plans to do and the agent is too rational to ignore that fact."[8] We will see that a certain kind of rational compatibilism is already present in the thomist tradition.

Before the historical exploration, some brief observations on the notion of compatibilism and libertarianism are needed. Above all, compatibilism *as such* does not suppose any "global" determinism.[9] To be compatibilist only implies holding as conceivable that at least *some* of our volitions are necessitated by a kind of determination and yet free.

4 I borrow the expression from Pink, T., *Free Will. A Very Short Introduction.* New York, Oxford University Press 2004, p. 45–49. Pink uses the term to label the position of Susan Wolf (that I will mention below).

5 Such psychological necessity is a case of alethic ontological necessity which can be (I think) reduced – in the last analysis – to the logical necessity. In the given case of necessity the will is still potency to choose otherwise (than it is actually choosing) *under a different set of conditions*. But it is not potency to choose otherwise *under the very same set of conditions*. If we agree (as I do) that the thesis "no agent *can* really perform an act without *having potency* to perform that act" is a conceptual truth, i.e. a case of logical truth, then we admit that the necessity in question is reducible to the logical necessity. I analysed the character of dispositional necessity in my paper "Dispositional Necessity and Ontological Possibility". In: *Metaphysics: Aristotelian, Scholastic, Analytic.* Eds. L. Novák – D. D. Novotný – P. Sousedík – D. Svoboda. Heusenstamm, Ontos Verlag 2012, p. 195–208.

6 We may certainly ask whether Dennett's physicalism permits him to hold consistently a *very rational* compatibilism. Some philosophers argue that what is *entirely* determined by physical causes cannot be *really* determined by rational reasons. Feser, E., *Philosophy of Mind. A Short Introduction.* Oxford, Oneworld 2005, p. 118–121.

7 Dennett, D. C., *Elbow Room. The Varieties of Free Will Worth Wanting*. Oxford, Oxford University Press 1984, p. 133.

8 Wolf, S., *Freedom within Reason*. New York–Oxford, Oxford University Press 1993, p. 70.

9 Thus for example John Searle recognizes the indeterminism on micro-level and yet he believes that the physical determinism on the macro-level is compatible with our freedom performed on that level. He looks for answers to questions like: "How can there exist genuinely free actions in a world where all events, at least at the macro level, apparently have causally sufficient antecedent conditions? Every event at that level appears to be determined by causes that preceded it. Why should acts performed during the apparent human consciousness of freedom be an exception? It is true that there is an indeterminacy in nature at the quantum level, but that indeterminacy is pure randomness and randomness is not by itself sufficient to give us free will." Searle, J., *Freedom and Neurobiology.* New York, Columbia University Press 2007, p. 10–11.

Compatibilism, including rational compatibilism, opposes the libertarianism (which connects the opinion that we do have free will with incompatibilism). Although the typical contemporary libertarian is concerned especially with a form of nomological[10] determination (and contends that this kind of determination is incompatible with our freedom), the libertarian incompatibilism however essentially alleges that *any* determination[11] precluding our will to choose (*ceteris paribus*) otherwise is incompatible with freedom of the volitional act.[12] In the present paper I will arrive at the conclusion that the rational sort of compatibilism (along the lines suggested by Poinsot) is more plausible than libertarianism when it comes to explaining our moral psychology.

Aquinas between libertarianism and compatibilism

Now let us turn our attention to free-will theories which form the background of Poinsot's thinking, mainly to that of Thomas Aquinas. Thomas believed that the will is by its nature an intellective faculty: it is directed by intellect. It could be objected that then the will is not (and cannot be) free: in every situation it must necessarily aim just at that alternative which is seen by intellect as preferable.[13] But there is an answer in Aquinas' account: considering a certain option the deliberating intellect sees many different aspects of this option: some of them could appear good and attractive, others evil or not attractive. In this sense each of two alternative options, A as well

10 "Nomological" determinism or the determinism based on the concept of law of nature is not necessarily a thesis specifically about laws of *physics*. It is not necessarily physicalism. "Laws of nature may be laws of physics, of chemistry, of biology, of psychology, of sociology, or of any natural phenomena. Determinism, then, has no necessary connection to reductionism, whether reduction of all phenomena to physical phenomena or reduction within physics to the micro-level. Such reductionist theses are compatible with determinism but are not entailed by it." Clarke, R., *Libertarian Accounts of Free Will.* Oxford–New York, Oxford University Press 2003, p. 4–5.

11 Not only "nomological" determinism but also e.g. the claim that "God's foreknowledge determines our future acts" contradicts the "libertarian free will". Treinkaus Zagzebski, L., Recent work on Divine Foreknowledge and Free Will. In: *The Oxford Handbook of Free Will*. Ed. R. Kane. Oxford–New York, Oxford University Press 2002, p. 48–49.

12 "[L]ibertarian free will, unlike a compatibilist version of free will, demands the ability, in the very circumstances that the individual finds herself, to choose among various alternative courses of action. (…) Picturesquely, libertarianism demands that there are alternative paths available to us, right then and there, and not merely that under certain causally possible conditions, though not the ones present, we would have such available options." Bernstein, M., Fatalism. In: *The Oxford Handbook of Free Will*, op. cit., p. 74.

13 Cf. Williams, T., The Libertarian Foundation of Scotus' Moral Philosophy. *The Thomist*, 62, 1998, p. 205.

as non-A, contains and displays different aspects (*rationes*).[14] Therefore the intellective cognition does not determine necessarily the will towards one alternative.[15]

No surprise that Eleonore Stump concludes that "Aquinas holds a view which is libertarian in some sense".[16] Nonetheless the situation will appear less clear if we recall that libertarianism, as it is usually understood, includes incompatibilism: the freedom of volition always and necessarily implies certain kind of contingency, i.e. the possibility (under the same set of conditions) to will otherwise. (Hereafter I will use the term "contingency" in this special sense – in accordance with the usage of early-modern scholasticism.) And it seems that at least in some cases of good[17] volitions Thomas Aquinas admits both necessity and freedom together.

The compatibilist element appears at least twice in Aquinas' writings (in both cases with reference to Aurelius Augustinus): in the beginning of 82nd question of the first part of his *Summa Theologiae* (answer to the first objection) and in the 22nd question of *De veritate* (article 5, ad s. c. 3). Although the medieval thinker believes that free volition cannot be necessitated by violence,[18] he adds that eventual "natural necessity" of a volition "does not

14 Thomas Aquinas, *Summa Theologiae* (hereinafter referred to as *STh*), Iª-IIªe, q. 13, a. 6, co.: "Respondeo dicendum quod homo non ex necessitate eligit. (…) Potest enim homo velle et non velle, agere et non agere, potest etiam velle hoc aut illud, et agere hoc aut illud. Cuius ratio ex ipsa virtute rationis accipitur. Quidquid enim ratio potest apprehendere ut bonum, in hoc voluntas tendere potest. Potest autem ratio apprehendere ut bonum non solum hoc quod est velle aut agere; sed hoc etiam quod est non velle et non agere. Et rursum in omnibus particularibus bonis potest considerare rationem boni alicuius, et defectum alicuius boni, quod habet rationem mali, et secundum hoc, potest unumquodque huiusmodi bonorum apprehendere ut eligibile, vel fugibile." Cf. Iª-IIae, q. 10, a. 2, co.; q. 17, a. 1, ad 2. It seems that in Poinsot's view the will (as intellective appetite) differs from emotionality (sensitive appetite) just thanks to the fact that the will is related to such a "comparative" cognition. King, P., Late scholastic theories of the Passions. Controversies in the Thomist tradition. In: Lagerlund, H. – Yrjönsuuri. M. (eds.), *Emotions and Choice from Boethius to Descartes.* Dordrecht–Boston–London, Kluwer 2002, p. 251.

15 Thomas Aquinas, *Contra Gentiles*, lib. 2, cap. 48, n. 5: "Iudicium igitur intellectus de agibilibus non est determinatum ad unum tantum. Habent igitur omnia intellectualia liberum arbitrium." Cf. lib. 2, cap. 48, n. 6.

16 Stump, E., Aquinas's Account of Freedom: Intellect and the Will. *Monist*, 1997, Vol. 80, Issue 4, p. 595–596.

17 The evil volition functions, as if by definition, *always* without necessity, i.e. in the "incompatibilist" way. This is the reason why Thomas rejects determinism or fatalism precisely in his text on evil: *De malo*, q. 6.

18 Thomas Aquinas, *STh*, Iª-IIae, q. 6, a. 4, co.

remove the freedom of will",[19] because "freedom (…) contradicts the necessity of coercion but not the necessity of natural inclination" of the will.[20]

This Aquinas' (quite sporadic and isolated) compatibilist suggestions remained largely neglected in the work of early-modern scholastic thinkers. The "second" scholasticism, partly in reaction to Reformation, dwelled much in the topics of free will and chiefly Jesuits contended hard with any kind of compatibilism; they defended the libertarian thesis. Thus for example Denis Pétau (1583–1625) argues very widely (and with many references to various Aquinas' texts) that not only violence or constraint, but *any* necessity, including any inner psychological necessity, excludes freedom.[21]

Also (but earlier) Gabriel Vázquez (1549–1604) identifies the "mode of liberty" with the "mode of contingency which is opposed to necessity".[22] The volitional act, says Vázquez, cannot be free merely thanks to the fact that it arises from inner principle and is brought on by one's own cognition: such a functioning can be found also in the life of animals lacking the free will.[23] For freedom the "contingency" is essentially required.

Though in earlier works of John Poinsot, namely in his *Cursus Philosophicus Thomisticus*,[24] we find still rather a similar (incompatibilist) account of free will,[25] ten years (or little more) later the picture of freedom undergoes an important shift. In his *Cursus Theologicus*[26] Poinsot quotes and stresses, explicitly against Vázquez, Aquinas' above mentioned compatibilist

19 Thomas Aquinas, S*Th*, Iª, q. 82, a. 1, ad 1: "Necessitas autem naturalis non aufert libertatem voluntatis (…)."

20 Thomas Aquinas, *De veritate*, q. 22, a. 5, ad s. c. 3: "[L]ibertas (…) opponitur necessitati coactionis, non autem naturalis inclinationis."

21 Petavius, D., De opere sex dierum. In: *Theologiae Cursus Completus*, tom. 7. Ed. J.-P. Migne. Paris, Montrouge 1841, lib. 3, p. 1083–1202.

22 "[M]odus libertatis idem est quod modus contingentiae qui opponitur necessario." Vazquez, G., *Commentariorum ac disputationum in primam partem S. Thomae tomus secundus.* Ingolstadt, Ioannes Hertsroy 1609, disp. 161, cap. 3, n. 9, p. 340.

23 Ibid.

24 The work was published for the first time between 1631–1635 in Alcalá de Henares and Madrid, though the title "Cursus Philosophicus" has not been fixed until the subsequent Roman edition (1637–1638). See Deely, J., On the Value of Poinsot's Work to Philosophy Today. Introductory Remarks to the critical edition reprint of Poinsot's "Cursus Philosophicus". Ed. B. Reiser. "II reimpressio emendata" 1948 (original edition Spain, 1631–1635). Hildesheim, Georg Olms Verlag 2008, Vol. 1, p. v–xiv.

25 Poinsot, J., *Cursus Philosophicus Thomisticus* (hereinafter referred to as *CP*). Lyon, Arnaud & Borde 1678, vol. 3, q. 12, a. 2–4, p. 893–900.

26 *Cursus Theologicus* was published (divided in eight volumes) between 1637 and 1667. (João Poinsot wrote only volumes I–IV and a first part of volume V. A second part of volume V and volumes VI–VIII were written by Diego Ramirez OP.) The text of Poinsot's to which I will refer in this paper (see the next footnote) appeared for the first time in 1645. See Forlivesi, M., Le edizioni del "Cursus theologicus" di Johannes a s. Thomas. *Divus Thomas (Bon.)*, 97, 1994, 3, p. 9–56.

remarks. The necessity of spontaneous "natural" inclination of the will does not contradict the freedom of such volition.[27] Poinsot's doctrine as outlined below forms a development of this (very scanty) Aquinian compatibilist impulsion and, furthermore, of Aquinas' account of *voluntary acts* of appetitive potencies.

In Aquinas' perspective, any desire, choice or volition, including the necessary one, is voluntary just in virtue of the fact that it is not caused from exterior factors but arises from "inner cognitive principle".[28] There are two necessary and sufficient conditions for an appetitive act to be voluntary: (1) its *inner* origin and (2) the animal's[29] own respective (motivating) *cognition* of the end, i.e. of the desired thing and its attractive features.[30] According to Poinsot's subsequent interpretation (which will be explained below) it is also true that whenever the pertinent cognition is *intellectual* cognition, the voluntary act, even if necessarily occurring, is equally a manifestation of free will.

Perfect voluntary

Let us first look at Poinsot's concept of the voluntary act. In the footsteps of Aquinas and the thomist tradition he defines "the voluntary" by the fact that it comes from inner principle and involves the cognition of end (*voluntarium* is generally that *quod est a principio intrinseco cum cognitione finis*).[31] Poinsot distinguishes "the voluntary" and "the free" (*liberum*). He identifies the voluntary with the spontaneous (*spontaneum*) and notes that it occurs also in the life of "infants, madmen or beasts" (e.g. the movement of beasts – unlike that of stone – usually arises "spontaneously" from inside and aims

27 Poinsot, J., *Cursus Theologici in Primam Secundae D. Thomae Tomus Primus.* Lyon, Borde & Arnaud & Barbier 1663, disp. 3, q. 6, a. 2, p. 182.

28 Thomas Aquinas, *STh*, Iª-IIae, q. 6, a. 4, co.: "[A]ctus voluntatis nihil est aliud quam inclinatio quaedam procedens ab interiori principio cognoscente…"

29 Voluntary acts, unlike free ones, exist also in the life of beasts: a cat eats voluntarily, without involving free will.

30 Thomas Aquinas, *STh*, Iª-IIae, q. 6, a. 2, co. "[A]d rationem voluntarii requiritur quod principium actus sit intra, cum aliqua cognitione finis."

31 Poinsot, J., *Cursus Theologici in Primam Secundae D. Thomae Tomus Primus*, op. cit., disp. 3, q. 6, a. 1, p. 178. We may wonder how the principle of the movement can arise "from inside" if the "mover" is an exterior object, the "end". But it could be remembered that – also in Poinsot's view – the object (the cognized nature) becomes the "intrinsic terminus of intellection". Heider, D., *Universals in Second Scholasticism*. Amsterdam–Philadelphia, John Benjamin's Publishing Co. 2014, p. 145.

some goal cognized by the beast) although these beings cannot use (or have not) reason and so they cannot use (or have not) free will.[32]

So far it is clear that the "voluntary" does not coincide with the area of freedom: there are some "voluntary" acts which are not acts of free will. But Poinsot next introduces the concept of the "perfect voluntary" for designating a subset of the set of voluntary acts. The perfect voluntary is the voluntary motivated by *intellectual* cognition[33] of a good (or an evil). Does such a kind of voluntary coincide with the area of *free* volition? It may be objected that perhaps there are some cases of volition that are rationally motivated and yet necessarily functioning. Then there would seem to be some "perfect voluntary" acts which are not acts of free will. Are there – according to the thomistic tradition – cases of intellectually motivated and yet necessarily occurring acts of will?

Aquinas distinguishes two types of necessity: necessity concerning the determination of an act and necessity concerning the exercise or performance of an act.[34] In this sense later scholasticism introduced the terminological differentiation between "necessity in specification" (*necessitas quoad specificationem*) and "necessity in exercise" (*necessitas quoad exercitium*).[35] The first kind of necessity obtains when a person necessarily wants A rather than non-A (even if she may be able to avoid both volitions e.g. by ceasing the consideration of the question). The second comes up when the person simply cannot suspend her actual volition of A.

According Aquinas (and his followers) we necessarily want beatitude (happiness) according to the first type of necessity.[36] Poinsot agrees and says that we want the beatitude under necessity *quoad specificationem* (we cannot want the opposite). Moreover, participants of the eternal life, since they enjoy the clear beatific vision of God's essence,[37] love necessarily this infinite Good and want the union with God not only according to the necessity *quoad specificationem* but also *quoad exercitium* (they cannot suspend

32 Poinsot, J., *Cursus theologici in Primam Secundae D. Thomae Tomus Primus*, op. cit., disp. 3, q. 6, a. 1, p. 178.

33 Ibid., a. 2, p. 180–181.

34 Thomas Aquinas, *De malo*, q. 6., co.

35 Thus already Suarez, F., Relectio theologica de libertate voluntatis Divinae in actionibus suis, disp. 2, sect. 1. In: *Francisci Suarez varia opuscula theologica.* Mainz, Balthasar Lippius 1600, p. 496.

36 Thomas Aquinas, *De veritate*, q. 22, a. 5, co.; *De malo*, q. 6., co.

37 On the topic in detail: Paquin, J., *L'acte de vision béatifique selon Jean de Saint-Thomas*. Roma, Pontificia università Gregoriana 1950.

the actual inclination of their will).[38] So there are some cases of the "perfect voluntary" which functions with necessity.

Eminent freedom

Now it may seem that there is at least some case of the perfect voluntary which is *not free* (because it is necessary). Indeed, in his earlier work Poinsot seems to distinguish the necessary inclination to beatitude *against* free volition[39] (as do his closest intellectual fellows, Discalced Carmelites of Alcalá de Henarez, so-called *Complutenses*[40]). But later Poinsot makes an important distinction between two types of freedom. "Formally free" (*liberum formaliter*) is that which arises with "indifference and contingence" and "without any necessity" and so "might not arise".[41] Conversely "eminently free" (*liberum eminenter*) arises "with necessity" (*cum necessitate*) and without contingency (but also without coercion). The "eminently free" is nothing but *necessary spontaneous* inclination of the will as *intellective* appetite. As Poinsot explains:

"There can be a perfect voluntary which is necessary and yet eminently free, albeit not formally free. Hence the perfect voluntary is always free, either eminently or formally, although it is not always formally free – as it can be necessary."[42]

The "perfect voluntary" is always free because – if it is necessary – it comes "from all heart and all will".[43] Freedom and necessity are compatible. The "beatific love" in eternal life is Poinsot's concrete example.[44] Now the question is, whether there are other cases of such compatibilist volitions.

We must first investigate what the essence or the "root" of freedom is, on Poinsot's view. He sees it in the "universality" of the will. The will does

38 Poinsot, J., *Cursus Theologici in Primam Secundae D. Thomae Tomus Primus*, op. cit., disp. q. 10, 5 a. 5, p. 255–260. In the psychology of Poinsot the determination of the will, including in the case of beatific vision, comes from the object. See Forlivesi, M., *Conoscenza e Affettività. L'Incontro con l'essere secondo Giovanni di San Tommaso.* Bologna, Edizioni Studio Domenicano 1993, p. 268–269.

39 *CP*, vol. 3, q. 12, a. 4, p. 899.

40 Collegium Complutense Discalceatorum fratrum Ordinis B. Mariae de Monte Carmeli: *Disputationes in tres libros Aristotelis De anima.* Lyon, Sumptibus Ioannis Amati Candy 1627, disp. 22, q. 2, p. 590–595.

41 Poinsot, J., *Cursus Theologici in Primam Secundae D. Thomae Tomus Primus*, op. cit., disp. 3, q. 6, a. 2, p. 182: "[L]iberum formaliter est illud, quod procedit cum formali indifferentia, et contingentia, et sine ulla necessitate, ita ut possit non procedere, sicut communiter operamur libere."

42 Ibid.: "[P]otest dari voluntarium perfectum, quod sit necessarium; ilud tamen voluntarium erit eminenter liberum, licet non formaliter: unde voluntarium perfectum, vel eminenter, vel formaliter semper est liberum, licet non semper sit formaliter liberum, sed potest esse necessarium."

43 Ibid., p. 183.

44 Ibid., p. 182–184.

not find its (definitive) rest in any limited good; the will is oriented towards unlimited good, *universal* good.[45] Such a good is beatitude in general and (for participants in eternal life) God in particular (as the will of saints finds full beatitude in God). Both (1) the "formal" and (2) the "eminent" freedom of will consist in this "universality":

(1) During earthly life the will, thanks to its "universality", is not determined to any "particular" good. Therefore the will is "formally" free or "indifferent" in relation to particular limited goods.[46] (2) And beatitude (or in the afterlife, God) is the universal good which corresponds fully to the "universality" of will. Therefore the voluntary character of our necessarily adhesion to beatitude (or God) excludes any coercion (the kind of necessity incompatible with freedom). It implies only the spontaneous intellectual necessity compatible and conjoined with "eminent" freedom.[47]

"The eminently free is that which operates without such formal indifference but rather with necessity. Such necessity nevertheless does not arise from constraint or coercion of the potency [i.e. of the will] but from the adequacy of all the universality of that potency."[48]

In the case of "eminently free" volition, there is not the contingency or "indifference" but the "root of indifference", namely the "universality of will", is still present:

"Although [the will] cannot operate indifferently with regard to such [universally good] object it still operates from the root of indifference which is the universality of will with full awareness. And this is named the liberty *eminenter*."[49]

45 Cf. Thomas Aquinas, *STh*, I^{a}-II^{ae}, q. 2, a. 8, co.

46 Poinsot's views about the "universality" of the will seem to grant that there are sometimes genuine rational alternative options – but why should it also allow for rational subjects to actually "do otherwise", i.e. choose other options than they are actually choosing? This would be a real interpretative issue; nevertheless my concern in this paper is not to explain or justify the "libertarian" varieties of human volitions but – on the contrary – their "compatibilist" forms.

47 Poinsot, J., *Cursus Theologici in Primam Secundae D. Thomae Tomus Primus*, op. cit., disp. 3, q. 6, a. 2, p. 182–184. J. O'Higgins notes: "[T]he intellectual appetitive being is oriented towards universal good. (…) Faced with the universal, perfect good (…) he cannot but choose it and this is what John of St. Thomas calls the realization of freedom *eminenter* (…)." O'Higgins, J., Introduction. In: *Anthony Collins' A Philosophical Inquiry Concerning Human Liberty.* Ed. J. O'Higgins. The Hague, Martinus Nijhoff 1976, p. 16.

48 Poinsot, J., *Cursus Theologici in Primam Secundae D. Thomae Tomus Primus*, op. cit., disp. 3, q. 6, a. 2, p. 182: "Liberum autem eminenter est illud, quod sine tali indifferentia formali, sed cum necessitate, non tamen orta ex coactione, vel coartactione potentiae, sed ex adaequatione totius universalitatis potentiae in agendo procedit."

49 Ibid.: "[Voluntas] erga talem objectum non potest operari indifferenter, licet operetur ex ipsa radice indifferentiae, quae est universalitas voluntatis cum plena advertentia, et haec dicitur libertas eminenter."

Such compatibilism was original in the context of second scholasticism[50] and it remained quite forgotten even within subsequent Thomism in 17th and beginning of 18th century. For instance thomist Paulus a Conceptione in his disputation "On the Free Voluntary", though using the concept of formal freedom, does not mention the idea of eminent freedom; he defends a wholly incompatibilist account and even attributes it also to Poinsot (with reference to his *Cursus Philosophicus*).[51] The concept of eminent freedom is absent also from systematic manuals of the "third scholasticism" (within second half of 19th and first half of 20th century).

Extension of eminent freedom

Poinsot's above outlined explication of eminent freedom may lead us to believe that the compatibilist volition, namely the "perfect voluntary" which is always "eminently" free, concerns nothing else but the universal good which is only beatitude in general and, in the afterlife, God. However the issue is more complicated. Already Thomas Aquinas supposed that the will "necessarily wants as by natural inclination" not only "the ultimate end, i.e. beatitude" but also the things "that are included in the ultimate end, like existence, cognition of truth and some others in this way".[52] Moreover, the will necessarily oriented to an end wants necessarily also the respective means if that means constitutes the only way to the end.[53]

Poinsot says that the will desiring beatitude necessarily tends also towards "conditions" of beatitude such as "existence or life, and well-being,

50 Interestingly, we find a counterpart of Poinsot's eminent freedom within Scotist tradition: the concept of "essential freedom". "Scotistae putant voluntarium necessarium posse esse liberum libertate, quam vocant essentialem: nam quamvis concedant Spiritum sanctum produci per voluntatem divinam Patris ac Filii necessario, putant tamen eum produci libere, et quia non possunt dicere, quod producatur libere libertate indifferentiae, quia sic non necessario produceretur, sed simpliciter potest non produci, vocant libertatem, qua dicunt eum produci, essentialem (…)." Poncius, I., *Integer Theologiae Cursus ad mentem Scoti*. Paris, Antonius Bertier 1652, tract. 6, disp. 20, q. 1, p. 229. Nevertheless according to Poncius (John Punch) for human *moral* acts the incompatibilist "libertas indifferentiae" is required (ibid.). Poinsot remains less clear at this point, as we shall see.

51 Paulus a Conceptione: *Tractatus Theologici Tomus Secundus.* Augsburg, Joannes Strötter 1726, tract. 9, disp. 2, p. 258–260.

52 Thomas Aquinas, *De veritate*, q. 22, a. 5, co.: "Et ideo, id quod voluntas de necessitate vult quasi naturali inclinatione in ipsum determinata, est finis ultimus, ut beatitudo, et ea quae in ipso includuntur, ut esse, cognitio veritatis, et aliqua huiusmodi…"

53 Thomas Aquinas, *STh*, Iª, q. 82, a. 1, co.: "Necessitas autem finis non repugnat voluntati, quando ad finem non potest perveniri nisi uno modo, sicut ex voluntate transeundi mare, fit necessitas in voluntate ut velit navem."

i.e. existence without defect" (*ipsum esse, seu vivere, et bene esse, idest, sine deffectu esse*).[54] And he continues:

"Just as the will is obliged to pursue the good insofar as it is good (…), so it is *necessitated* by the formal nature of beatitude, which is the perfect good (…), to elicit in regard to this good only acts of pursuing and love. And *similarly it stands also in regard to those things that are ordered towards such an end in a way that without them the end could not be obtained*."[55]

For this Poinsot takes as examples the virtues and other means of spiritual life, because the true and complex beatitude (which includes *bene esse* and integrity) is related mainly with moral and spiritual life. (Aquinas spoke e.g. of a "spiritual joy", *gaudium spirituale*, consisting in the "rightness of conscience".[56]) But Poinsot says explicitly that the attribution of volitional necessity is *not* true of *every* means (*de omnibus mediis*) in question, e.g. of every virtue.[57] Is it true of *some* (act of) virtue? Unfortunately the question cannot be definitely answered from Poinsot's texts. I will try now to continue further transition into the moral area without his direct company.

Eminent freedom and moral life

In the period of third scholasticism we find – within the thomistic anthropology – an interesting threefold distinction: necessity is divided into *necessitas naturalis*, *necessitas hypothetica*, and *necessitas coactionis* (i.e. "of constraint"). The "natural" or "essential" necessity operates in our innate inclination to the beatitude or happiness; this necessity is compatible with "the voluntary". The "hypothetical" necessity (or necessity *ex suppositione* or else *ex fine*) is the necessity of a means indispensable (in a given situation) for obtaining the end. This necessity (unlike the constraint) is also compatible with the voluntary character of a volitional act.[58]

This classification refers to the notion of "the voluntary", not directly that of freedom. But if we accept this view and connect it with Poinsot's claim

54 Poinsot, J., *Cursus Theologici in Primam Secundae D. Thomae Tomus Primus*, op. cit., disp. 5, q. 8, a. 4, p. 256.

55 Ibid., p. 256–257: "[S]icut alligatur voluntas ad hoc ut bonum quatenus bonum prosequatur (…), ita *necessitatur* a formali ratione beatitudinis, quae est perfectum bonum, ut si velit elicere actum, non nisi prosecutionis et amoris elliciat erga illud, et *similiter erga ea, quae ita ordinantur ad talem finem, ut sine his non possit obtineri*." Italics added by D. P.

56 Thomas Aquinas, *Super Ioannem.*, cap. 6, lect. 4; *Summa Theologiae*, II^a-IIae, q. 9, a. 4, ad 1.

57 Poinsot, J., *Cursus Theologici in Primam Secundae D. Thomae Tomus Primus*, op. cit., disp. 5, q. 8, a. 4, p. 257.

58 Marcellus a Puero Jesu OCD: *Cursus philosophiae scholasticae ad mentem S. Thomae Aquinatis, Vol. II – Philosophia naturalis*, Bilbao, Elexpuru Hermanos, p. 422: "Voluntarium ergo coexistere potest cum necessario ex suppositione; nam qui vult efficaciter finem, velle debet necessario medium illud sine quo finis obtineri nequid."

that the rationally motivated ("perfect") voluntary is *always* equally an act of (at least) "eminent" (if not "formal") freedom, we have a *necessary and yet free* volition of some *means* to beatitude.

It may be argued that there are some necessary means chosen not freely, as if a person – in pursuit of her happiness – accepts an inevitable painful medical treatment: there is a taste of constraint. But there are also different cases of means, say some displays of virtue (means to the true happiness), which are not perceived as "necessary evil" but – on the contrary – as parts or aspects of our complex beatitude. For example I am generally quite happy not to be a killer.

Suppose that I am asked whether I want – purely for fun – to kill a friend of mine. Since I happen neither to be mad nor a monster, I cannot conclude my deliberation by the real decision to kill my friend. Perhaps I recognize fun as a value and I agree that killing may raise adrenalin and produce apart from predominating horrible aspects also some interesting ones. Nevertheless all these reasons will be utterly *unable* to reverse my decision not to kill, and so do not remove the necessity (*quoad specificationem*) of my volition.

It may be objected that this psychological necessity, even if recognized, can be seen just as a product or impact of emotionality. But we may leave the contribution of the *appetitus sensitivus* apart (by abstraction) and still guess clearly enough that, also in my intellective sphere itself, given its (perhaps innate) moral principles and acquired moral horizons, the necessity works as well (in the considered case).

The (incompatibilist) libertarianism corresponds worse to our moral experience then the rational compatibilism does, according to my further compatibilist argument. Let us take for example two persons similar to the poor student Raskolnikov described in Dostoyevsky's *Crime and Punishment*. Both differ from Raskolnikov by their choice not to kill the avaricious old woman. The first deliberator, however, makes his decision out of his dilemmatic mental state of incertitude and perplexity. His final good decision, due to its contingency, is quite similar to a random result. Conversely the second man understands the sense of moral principles so clearly that he makes his good decision with necessity.

Since it seems that the morality of the second person surpasses that of the first, my point is that the libertarian thinker divorces, or even puts in conflict, morality and the freedom: The more the person (the second man) is virtuous, the less he is free (for the supposed necessity of his volition is taken, in libertarian theory, as incompatible with freedom). And – respectively – the less the person (the first man) is moral, the more he is free. Indeed, he would be free *in contrast* with the second (putatively unfree) man if it were true that the freedom, as the libertarian believes, entails contin-

gency. This is a queer rule of proportion. The rational compatibilism avoids such queerness.

Sometimes we make morally good decisions. And sometimes we are sure – in concrete cases – that, despite the fact that the physical conditions permit us to will and do otherwise, we are still, as *rational* moral agents (not *only* as owners of decent emotionality), effectively incapable of willing and doing otherwise. And, besides, sometimes we are simultaneously aware that such volition is a display of our inner freedom. The rational compatibilism (unlike the libertarianism) permits us to respect this complex moral experience.

Robert Kane (in his response to Dennett's argument quoted in the beginning of my present essay) admits the veracity of above mentioned awareness of inner freedom (accompanied by incapacity to decide otherwise) exclusively for cases where the psychological necessity of a choice is a consequence of agent's past "self-forming actions", i.e. undetermined ("libertarian") will-setting actions in her life-history. Kane describes the "self-forming actions" as "the actions in our lives by which we form our character and motives (i.e., our wills) and make ourselves into the kinds of persons we are."[59] I do not see why the experience of inner freedom should not be equally respectable, where the necessity in question is e.g. a result of our innate intuition of moral laws,[60] rather than of our "libertarian" past self-forming.

Yes, our moral life presupposes that we have genuine control over our choices and actions. But for example on J.M. Fischer's approach to "guidance control" there are just "two chief elements": the volition that issues in action (1) "must be the 'agent's own,' and (2) it must be appropriately 'reasons-responsive'." (Contingency is not required.)[61] In other words (if we agree to use the scholastic terminology), the volition constitutes the case of freedom-entailing "perfect voluntary" if it (1) comes from inner principle and (2) involves the *intellective* cognition of our end. I think this account of freedom can be useful for building an ethics based neither on constraint nor on arbitrariness. The moral law can be fully interiorized;[62] the necessity

59 Kane, R., *A Contemporary Introduction to Free Will*. New York–Oxford, Oxford University Press 2005, p. 129–131.

60 See the quasi-intuitionist interpretation of Aquinas' natural-law theory developed by John Finnis: *Natural Law and Natural Rights.* New York–Oxford University Press 2011, p. 59–99.

61 Fischer, J. M., Compatibilism. In: Fischer, J. M. – Kane, R. – Pereboom, D. – Vargas, M., *Four Views on Free Will*. Malden–Oxford–Carlton, Blackwell Publishing 2007, p. 78.

62 I distinguish mere "internalization", i.e. inner adopting of moral rules (cf. Cencini, A. – Manenti, A., *Psicologia e Formazione. Strutture e dinamismi*. Bologna, Edizioni Dehoniane Bologna EDB 2000, p. 293–304), and "interiorization" or the finding the moral law in the deep essence of our own rationality (cf. Taylor's concept of "our true nature or deep self", Taylor, C., Foucault on freedom and truth. In: Taylor, C., *Philosophy and the Human Sciences. Philosophical Papers II.* Cambridge–New York–Melbourne, Cambridge University Press 1990, p. 183).

of moral law finds its psychological counterpart in our inner rational necessity compatible with freedom.

I suggest the relevant rationally-compatibilist concept of (not contingency-based) freedom can be developed with help of Poinsot's account of "eminent" freedom connected with the notion of "universality". The "universality" of the will i.e. the necessary orientation of the will towards the "universal" (full) good (true beatitude) makes the will free and undetermined – according to Poinsot – in respect to partial goods. But the same "universality" causes in some cases the above outlined "hypothetical" necessity under which we choose some conditions and means in our pursuit of the full human good, or perhaps some parts or aspects of the true beatitude (inseparable from morality). In this "necessary" mode of volition the pertinent necessity is very different from – or even contrary to – any coercion or constraint. Thus the volition is "eminently" free. It is worth noting that the Poinsot's theory permits us to reduce both "libertarian" as well as "compatibilist" cases of freedom to one and the same base: the "universality" of the will in Poinsot's terminology.

SUMMARY

According to Portuguese Dominican João Poinsot (by religious name Johannes a S. Thoma), prominent thomist thinker of the early-modern period, the rationally motivated voluntary volition (the "perfect voluntary") is always an act of freedom, even when it arises (under certain set of conditions) necessarily. In such a case Poinsot speaks of "eminent freedom" (differing from "formal freedom" defined by a kind of "contingency"). The concept of eminent freedom, which presumes the compatibility of freedom with necessity, can be useful in moral psychology as it permits to the ethicist to respect our moral experience of necessary volitions.

Keywords: John Poinsot, free will, necessity, compatibilism, moral psychology

John Poinsot on Categorial Relations[1]

Selected Aspects of His Conception

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Relations are a fundamental philosophical concept. We can consider the things around us (as well as ourselves) not only as they are in themselves, but also as they are related to other entities. Whenever things are ordered in some way, as when one originates from another or is ordered to another, when we add and subtract, when we find a community, language or persons, when we know or love, when we consider how all things are oriented to God and God to the world, we encounter relations. To put it simply, all that exists is always in relation to something else.

Consequently, we ought not to be surprised that philosophers have focused on relations since antiquity. Over the past century analytic philosophy has sustained great advancement in the logic of relations, which among other things has helped to clearly define the logical form of relational propositions, develop more precise logical notation for them, and thereby to better grasp the relations of logical consequence in arguments containing such propositions. The undeniable progress in the logic of relations certainly raised hopes that it will eventually be possible to contrive equally convincing solutions in the sphere of ontology of relations. However, it seems to me that these hopes have remained unfulfilled. Simply said, achievements in the logic of relations were not accompanied by a corresponding development in the ontology of relations. I believe that contemporary as well as future solutions to it may be inspired by the scholastic tradition, which devoted incomparable attention to the ontology of relations. That is why I choose the Alcalá based Dominican and Thomist John Poinsot (1589–1644), whose theory of categorical relations I want to present in this paper.

Though Poinsot draws on various sources, he mostly follows and develops the legacy of Thomas Aquinas. I therefore begin the exposition by summarising the Angelic Doctor's key ideas on the subject. My aim, however, is not

1 This work was supported by Czech Science Foundation grant GAČR 13-08512S.

to present a detailed interpretation of Aquinas's view. I will only briefly sum up his crucial thoughts in order to facilitate an understanding of Poinsot's conception.[2]

§ 1. Aquinas[3]

Aquinas divides relations into two basic types. There are real relations and relations of reason (*relatio rationis*). Real relations are those whose existence does not depend on the activity of the human intellect, while relations of reason are produced by it. Real relations comprise categorial relations and subsisting relations conceived as divine persons in the Trinity (I leave those aside).[4]

Aquinas defines categorial relations as accidents *whose proper being consists in being toward another*.[5] Just like any categorial accident, a relation changes the substance it adheres in in some respect. As a substance becomes wise by receiving the accident of wisdom, so it becomes oriented towards another thing through a relation. What are the conditions of existence of categorial relations? The *subject* of the relation must exist (e.g. the man who begets a son), further its *terminus* (the begotten son), and finally the *foundation* of the relation (the act of begetting). All three entities must be real beings, i.e., exist independently of the human intellect, and the subject and terminus of the relation must be really distinct from each other. If these (necessary and sufficient) conditions are satisfied, a categorial relation

2 In my opinion Aquinas's conception of relations did not change in basic respects in the course of his academic activity. Already in the *Commentary on the Sentences*, the *Angelic Doctor*'s early work, there is fundamentally the same conception as in his mature works, e.g. *Disputed Questions on the Power of God* or *Summa Theologiae*.

3 The following makes use of adapted parts of the text published in Svoboda, D., Tomášovo pojetí kategoriálního vztahu a jeho aristotelská východiska. In: Heider, D. – Samohýl, J. – Novák, L. (eds.), *Pluralita tradic od antiky po novověk.* Studia neoaristotelica Supplementum II. České Budějovice 2015, p. 24–40. There is fairly extensive secondary literature on Aquinas's conception of relations; two works that can be regarded as standard are: Henninger, M., *Relations – Medieval Theories 1250–1325.* Oxford, Clarendon Press 1989; Krempel, A., *La doctrine de la relation chez saint Thomas.* Paris, J. Vrin 1952.

4 A disputed question is whether Aquinas admitted the so-called transcendental relations, traditionally classified among real relations. Most scholars incline to the view that Aquinas did admit what the later tradition named transcendental relations.

5 Thomas Aquinas, *Summa contra Gentiles* (*ScG*) IV, c. 14: "… propria relationis ratio consistit in eo quod est ad alterum…"; *Summa Theologiae* (*STh*) I, q. 28, a. 2: "ratio propria relationis … accipitur … secundum comparationem ad aliquid extra. Si igitur consideremus, etiam in rebus creatis, relationes secundum id quod relationes sunt, sic inveniuntur esse assistentes, non intrinsecus affixae; quasi significantes respectum quodammodo contingentem ipsam rem relatam, prout ab ea tendit in alterum."

exists.[6] If one of the three entities does not exist really or if the subject and terminus are the same (as in the case of numerical identity), then the relation is merely one of reason.

It is disputed how many kinds of categorial relations Aquinas admitted. Some scholars hold that, following Aristotle, Aquinas distinguished three basic kinds of categorial relations, on the view of others he distinguished two.[7] I leave detailed discussion of this problem aside; it is sufficient to state that in his commentary on Aristotle's *Metaphysics* Aquinas speaks of three kinds of relations, which can be labelled *numeric*, *causal*, and *psychological*.[8] Numeric relations are divided into three subordinate species, i.e., identity (and non-identity), similarity (dissimilarity), and equality (inequality), where common mathematical relations such as "to be the double, half, or third of something" are classified among relations of equality and inequality. Causal relations are divided into many subordinated kinds according to different types of movement, activity, passivity, or causality (formal, material, efficient, or final).[9] Psychological relations are relations of cognitive powers, habits, and cognitive acts to their objects. They have also frequently been called relations of the *measurable to the measure*, since the cognized object is the measure defining and measuring the cognitive acts directed to it. This relation to object as to measure can be analogically transposed to habits, cognitive powers, and also to the subject to which this whole hierarchy of acts ultimately belongs. The examples Aquinas mentions are relation of knowledge to the knowable and of sensation to the sensible.

In Aquinas's conception the key part is played by the distinction between the proper character (*ratio*) of relations and their accidental existence (*in-esse*).[10] In virtue of the former relations belong in a certain category and differ from all other accidents, thanks to the latter they are simply accidents. Aquinas mostly defines the proper character of relations in contrast to the proper character of so-called absolute accidents, viz. quantity and quality.

6 There is another necessary condition of real relations which says that the subject and terminus of the relation are of the same relational character (*eadem ratio ordinis*). Relations are of the same character if their foundations are of the same type. For example, there is a real relation of similarity between two red apples since they share the same type of foundation, i.e., redness.

7 E.g. R. Schmidt advocates the view that Aquinas acknowledged only two kinds of relations, three according to M. Henninger. Cf. Schmidt, R. W., *The Domain of Logic according to Saint Thomas Aquinas*. Hague, Martinus Nijhoff 1966; M. Henninger, *Relations – Medieval Theories 1250–1325*, op. cit., p. 29–31.

8 Cf. Thomas Aquinas, *In V Metaph.* lect. 17, n. 1022.

9 Ibid., lect. 17, n. 1022.

10 Thomas Aquinas, *STh*, I, q. 28, a. 2: "… in quolibet novem generum accidentis est duo considerare. Quorum unum est esse quod competit unicuique ipsorum secundum quod est accidens. Et hoc communiter in omnibus est inesse subiecto, accidentis enim esse est inesse. Aliud … est propria ratio uniuscuiusque illorum generum."

They are called "absolute" because they belong to a substance without reference to something else. It is characteristic of these accidents that their proper character is conceived with respect to their subject. Quantity is said to be the measure of a substance, quality its disposition. So the proper character of absolute accidents signifies "something", i.e., a certain nature or form inhering in a subject (*aliquid alicui inhaerens*), and the dependence and imperfection associated with it.[11] On the other hand, the proper character of relations consists only in being toward another (*respectus ad aliud*)[12] and it is not conceived with respect to the subject but with respect to something external to the subject. Aquinas often repeats that the proper character of relations is not "something but towards something" (*non aliquid, sed ad aliquid*); so the *ratio* of relations does not signify a nature or a (relational) form having being in the subject, but only a respect or reference to something that is beyond the subject.[13]

Regrettably, the statements concerning the existence (*in-esse*) of relations found in Aquinas's work are brief and not altogether clear. Contemporary scholars mostly agree that Aquinas identified the existence of a categorial relation with the accidental existence of its foundation. Aquinas's statements on the subject are scattered in various parts of his work, but he probably pays most attention to it in the context of the Aristotle-inspired discussion of whether the generation and corruption of a relation is or is not a change. Aquinas explains the problem as follows:

> … when someone becomes as tall as I am as a result of a change that only he has undergone and I have not, then this equality was already found in me in a certain way, as in its root, and in this way real being pertains to it: in virtue of the fact that I am of such and such height, it pertains to me that I am equal [in height] to all who are of the same height as I am. Thus when someone newly attains this height, that common root of equality becomes directed to it [of itself]; consequently, I acquire nothing new by becoming equal to another [in height] in virtue of a change he has undergone.[14]

11 Thomas Aquinas, *STh*, I, q. 28, a. 1: "… quantitas et qualitas, secundum propriam rationem significant aliquid alicui inhaerens."

12 Ibid.: "Ea vero quae dicuntur ad aliquid, significant secundum propriam rationem solum respectum ad aliud."; *ScG* IV, 14: "… propria relationis ratio consistit in eo quod est ad alterum… "; and others.

13 *Quodl.* IX, q. 2, a. 3.

14 Thomas Aquinas, *In V Physic.*, lect. 3, n. 8.

So Aquinas argues that when someone grows and becomes equal to him in height, then he really relates to him without changing in any way himself. He does not change since that equality was already present in him before *as in its root*. How are we to understand this metaphor? When we identify the root with the foundation of a relation, the meaning of Aquinas's metaphor becomes clear. The accidental existence of a relation of equality is identical with the accidental existence of quantity, which is its foundation. If only the other member of the relation changes, the subject of the relation does not change at all. If I become equal in height to you, I thus acquire the other necessary condition of a categorial relation, i.e., being toward another, which as such adds no new nature or (relational) form, no new accidental existence to me.[15]

The distinction between the proper character and the accidental existence of a relation is far from clear and I will return to it later.

§ 2. John Poinsot

Poinsot's longest, systematically laid out treatise on relations is found in the first part of his *Philosophical Course* devoted to logic.[16] Its structure is based on the division of Aristotle's *Organon* and the text takes the form of an extensive commentary on the individual books. As a result of the fact that Poinsot discusses relations as part of a treatise on the categories his exposition is somewhat limited. He focuses on relations primarily from the logical point of view and often intentionally postpones solving certain subtle ontological problems for the planned metaphysical treatise, which he however failed to write. In sum it is possible to say that the exposition of the *Philosophical Course* provides basic and fairly extensive information on the subject (in the modern edition it takes up over 35 text pages). However, it probably does not exhaust all that the author intended to say on the topic. Poinsot further mentions relations in the fourth volume of his *Theological Course*, which is in fact an (unfinished) commentary on Thomas Aquinas's *Summa theologiae*.[17] But in that work he speaks very little and unsystematically on the present issue, as his attention is mainly focused on the issue of the Trinity, in which the ontology of relations finds an important application, but is regarded as

15 Aquinas following Aristotle distinguishes in this context between accidental change in itself (*per se*) and in a certain respect (*per accidens*). By the former the subject loses and gains some accidental existence, by the latter it loses or gains merely a respect or reference to something else. Cf. Tomas Aquinas, *In V Physic.*, lect. 3, n. 7.

16 Poinsot, J., *Cursus philosophicus Thomisticus* [hereinafter *CP* followed by a volume-number]. 3 vols. Turin 1948–1950 (reprint: Hildesheim–Zürich–New York 2008).

17 Poinsot, J., *Cursus theologicus in Summam theologicam d. Thomae.* 10 vols. Paris 1883–1886.

a more or less clarified issue. The following exposition draws on Poinsot's *Philosophical Course,* supplemented when necessary with reference to the *Theological Course*.[18] I will only focus on the aspects of Poinsot's conception I view as crucial.

§ 2.1. Division of relations

Let us begin with how Poinsot divides relations. He distinguishes between relations according to existence (*relationes secundum esse*) and relations according to name (*r. secundum dici*).[19] Relations according to existence are relational entities whose proper character (*ratio*) consists in being oriented to another (*ad aliud*). They are forms added to a subject bringing it into relationship to another. The proper character of relations according to name consists in an absolute (i.e., not relational) entity, from which a certain relationship arises or can arise; they are also called transcendental relations.[20] An example of a relation according to existence is the accidental form of similarity due to which one red apple is similar to another. A transcendental relation is e.g. the substance itself conceived as passive potency. A substance is an absolute entity and by itself (i.e., not due to some accidental form) tran-

18 The exposition is divided into seven articles, which I present here for a general overview. 1. Whether relations which are intrinsic forms really exist. 2. What the conditions of existence of categorial relations are. 3. Division of categorial relations and their kinds. 4. Whether a relation is materially distinct from its foundation. 5. Whether from the formal point of view the terminus of a relation is something absolute or relational. 6. Where the specific and numeric difference of a relation comes from. 7. How the proprium properties of relations are to be explained, i.e., that their elements exist both according to nature and according to cognition.

19 There is fairly extensive secondary literature on the subject, in which the central position is occupied by N. Deely, author of many books and papers on Poinsot's conception of signs, relations and philosophy. Deely is engaged especially with Poinsot's theory of signs, which he evaluates as absolutely crucial in the history of semiotics. But Deely's interpretation has given rise to opposing reactions, some scholars share his views, others reject them quite sharply. Cf. Deely, J. N., *Four Ages of Understanding, the first postmodern survey of philosophy from ancient times to the turn of the twenty-first century*. Toronto, UTP 2001. Deely's views are advocated and elaborated on e.g. by Furton, E. J., *A Medieval Semiotic, Reference and Representation in Poinsot of St. Thomas Theory of Signs*. New York, Peter Lang Publishing 1995. One of the opponents of Deely's interpretation is e.g. Ashworth, J. E., The Historical Origins of Poinsot Poinsot's Treatise on Signs. *Semiotica* 69, 1988, No. 1/2, p. 129–147.

20 The term "transcendent relation" (*relatio transcendens*) seems to have first been used by Poinsot Duns Scotus to signify a relation obtaining in all the categories and thus transcending their borders (*transcendere* means "to step beyond" in Latin). For factual reasons as well as due to the influence of Aquinas's non-authentic works and Albertism this terminology and doctrine were adopted already by the early Thomistic school by the end of the 15th century at the latest (Dominic of Flanders, Cardinal Cajetan and others). Later (approximately since the 16th century) a certain terminological change took place and the expression "transcendental relation" (*relatio transcendentalis*) came to be commonly used rather than the original term to signify the same. Cf. Krempel, A., *La doctrine de la relation chez saint Thomas*, op. cit., p. 645–668.

scendentally relates to its accident.[21] The orientation of some absolute entity to another, which is not distinct from its essence, is traditionally conceived as a transcendental relation.

Poinsot further divides relations according to existence into real relations and relations of reason.[22] He identifies real relations with categorial ones and states the necessary conditions of their existence mentioned above.[23] If a relation does not satisfy one of these conditions, then it is not a categorial relation but a relation of reason. The main difference between real relations and relations of reason he identifies is that real relations have a real foundation and at the same time a really existing terminus, while relations of reason lack (real) foundations.[24] In the following he focuses almost exclusively on categorial relations.

The essential division of categorial relations is grounded in Poinsot's conception of the formal cause of relations. The formal cause of a relation is its foundation, since it is the form in virtue of which the relation exists and from which its specific determination comes. However, the complete specific determination of a relation is caused by the foundation in respect of the relation's terminus, since the same foundation can give rise to two specifically

21 *CP* I, p. 578–579: "…in relativis secundum esse tota ratio … est respicere. …ratio relationis secundum dici non est pure respicere terminum, sed aliquid aliud exercere, unde sequatur relatio. … relatio transcendentalis, quae non est alia a relatione secundum dici, non importat ex principali significato relationem, sed aliquid absolutum, ad quod sequitur vel sequi potest aliqua relatio."

22 According to this division, can transcendental relations be conceived as real, or are they beyond it? Although Poinsot does not explicitly ask this question, and does not answer it, he appears to regard them as real. To that someone might object that according to Poinsot the division of relations into real relations and relations of reason concerns only relations according to existence. Cf. Ibid., p. 579: "Relationes autem reales et rationis, quae divisio solum in relatione secundum esse invenitur…" But this does not exclude consistently conceiving transcendental relations as real. If transcendental relations cannot be divided into real and of reason, it does not follow that they are not real, as their manner of existence corresponds to the manner of existence of the absolute thing from which the transcendental relation derives. E.g. if a really existing substance relates to its accident of itself, then its transcendental orientation certainly shares its manner of existence and is therefore a real relation. Another question is what prevents dividing transcendental relations into real ones and those of reason. Poinsot gives no reason for that, he merely states that this division concerns only relations according to existence. However, modern authors of Thomistic orientation do distinguish between real transcendental relations and transcendental relations of reason and support the distinction with fairly convincing arguments. Cf. e.g. Sousedík, S., *Identitní teorie predikace.* Praha, Oikúmené 2006, p. 84.

23 Poinsot, in my view rather surprisingly, does not mention subsisting relations at all. Subsisting relations differ from categorial relations in that they do not inhere in some subject, but have the same manner of existence as substances, i.e., they exist in themselves. Subsisting relations are (exclusively) the divine persons in the Trinity.

24 Cf. *CP* I, p. 579: "…principaliter reducitur tota differentia inter relationem realem et rationis, quod relatio realis habet fundamentum reale cum coexistentia termini, relatio rationis caret fundamento…"

distinct relations, insofar as their termini are contrary. So e.g. the redness of an apple is the foundation of its relation of similarity to other red apples and at the same time the foundation of the opposite relation of dissimilarity to yellow apples.[25] Thus the relation's foundation has a double formal effect. It determines its subject absolutely, and it also determines it relatively, i.e., it orients it toward the relation's terminus. So redness primarily makes an apple red and secondarily similar or dissimilar to other coloured things.

Since the specific determination of relations comes from their foundations, the number of kinds of relations is the same as the number of kinds of relation foundations. With reference to Aristotle Poinsot mentions three kinds of foundations and three kinds of categorial relations caused by them.[26] One is quantity or proportion, giving rise to relations of sameness and difference (*r. convenientiae et disconvenientiae*), similarity and dissimilarity, equality and inequality. Another is action and passion, giving rise to causal relations. The third one is measure, which is the basis of psychological relations.[27]

§ 2.2. Categorial relations: Whether they really exist and what they are

In the introduction to his treatise Poinsot presents several arguments for the claim that categorial relations really exist,[28] as this had been contested by many thinkers since antiquity and up to his time. Poinsot's first argument relies on the authority of Aristotle and Aquinas, who mention relations as one of the categories, thereby classifying them as real beings. The second argument derives from the real ordering of things around us, e.g. among the individual parts of an army there really exists a certain order, which is a necessary condition of its proper operation. The same can be observed in nature or the whole universe. But these facts cannot be satisfactorily explained, unless the existence of real relations is admitted. So if someone denies the real existence of relations, he is denying something that is known and acknowledged by even the simplest people. So to admit the existence of real relations is as necessary as to admit real quality and quantity.[29]

Then Poinsot focuses more closely on the essence of categorial relations and defines them as real forms whose entire existence consists in

25 Cf. Ibid., p. 600–606.
26 I pass over Poinsot's accidental division of relations e.g. into mutual and non-mutual.
27 Cf. Ibid., p. 608.
28 According to Poinsot none of his predecessors denied that some type of relations exists. Even those philosophers who did not acknowledge the existence of categorial relations nonetheless endorsed at least relations according to name. Cf. Ibid., p. 573.
29 Cf. Ibid., p. 574–577.

being oriented to another.[30] How categorial relations differ from relations of reason and transcendental relations is obvious from the definition. Relations of reason are not real forms, while transcendental relations differ in that their entire existence does not consist in orientation to another, they are certain absolute entities.

Poinsot further discusses the proper character (*ratio propria*) of relations. It is stimulated by Aquinas's not quite clear statement: "*… we must consider closely that only in relations there are some things that are only of reason and not in reality.*"[31] How is this statement to be interpreted? Aquinas seems to be speaking either of categorial relations, or of relations insofar as they abstract from real existence and existence of reason. But both alternatives are problematic; if the former holds, then categorial relations are not real. If the latter holds, then beings in other categories could not be conceived as something that is both real and of reason. Both conclusions, however, are problematic. That has led many interpreters to the following three errors. Some believe that Aquinas distinguishes between two components of a categorial relation: "to be in the subject" (*in* for short) and "orientation to another" (*ad* for short). The former is allegedly real, while the latter is of reason or abstracting from real existence and existence of reason. According to others, Aquinas wanted to say that beings of reason can be conceived only in the manner of categorial relations. Still others interpret Aquinas as speaking of relations insofar as they are abstracted from real existence and existence of reason.[32]

Poinsot rejects all these interpretations as inadequate. The first view ultimately leads to the incorrect conclusion that categorial relations are not real. For if the proper character of relations is not real, then relations also do not have real existence. The second view errs in that beings of reason could be formed only in the manner of a relation. According to Poinsot beings of reason can be conceived also in the manner of other categories, e.g. a being of reason can be formed according to the model of substance or quantity. The third view is partially true. According to Poinsot Aquinas is really speaking of relations in all their breadth, of relations as such insofar as they abstract from real existence and existence of reason. In relations thus conceived he notes their proper character consisting in orientation to another (*ad*) and says that it is not a real form by definition, but admits of becoming real or of reason. That does not imply, however, that the proper character of categorial relations is not a real entity. As categorial relations are real, so is their

30 Ibid., p. 578: "… definitur relatio praedicamentalis, quod sit forma realis, cuius totum esse est ad aliud."

31 Thomas Aquinas, *STh*, I, q. 28, a. 1: "… considerandum est quod solum in his quae dicuntur ad aliquid, inveniuntur aliqua secundum rationem tantum, et non secundum rem."

32 Cf. *CP* I, p. 580.

proper character; the entity of the proper character of a relation corresponds to the relation's manner of existence. In this respect the third group of thinkers mentioned err, as they believe that the proper character of relations abstracts from existence of any kind.

Poinsot further compares relations and the other categories with respect to their proper character. What is proper to relations and is found in no other category is due to the fact that in the other categories their proper character cannot be consistently thought without considering them also "entitatively".[33] What does it mean to consider proper character entitatively? For all the categories with the exception of relations it is characteristic that their proper character is absolute and "oriented only to itself" (*ad se*), i.e., oriented either to existence in itself (substance), or to existence in another (accident). That makes two things evident: first, that orientation to itself *(ad se)* is to be conceived as the opposite of orientation to another *(ad aliud*), and further, that it is orientation to a certain kind of existence. We consider the proper character of a categorial being entitatively when we understand that it comprises orientation to the accidental or substantial manner of existence, not orientation to another thing.

Only for the category of relations it holds that its proper character consists in orientation to another (*ad aliud*).[34] However, it is not the mere negation or privation of some being, but something positive, something is really "posited" (*positum*) thereby. So the proper character of relations is the only one that can be thought consistently and positively without at the same time considering it entitatively, i.e., without that orientation to accidental or substantial manner of existence.[35] Therefore the proper character of relations as it is in itself can be a mere object of reason. This is how Aquinas's statement mentioned above is to be understood on Poinsot's view.

These considerations lead Poinsot to construe relations together with negations (or privations) as the two highest genera of beings of reason without real foundation, since the proper character of beings of reason consists in that they are the opposite of real beings, i.e., that it is repugnant to them to really exist as such. The proper characters of the other categories

33 Ibid.: "Quomodo autem hoc sit peculiare in relatione et in aliis generibus non inveniatur, dicimus ex eo esse, quia in aliis generibus ratio propria et formalissima eorum non potest positive intelligi, nisi entitative etiam intelligatur, quia positiva eorum ratio est ad se tantum et absoluta, et ideo on intelligitu positive nisi etiam entitative, quo denim est ad se, entitas est."

34 Ibid.: "Sola relatio habet esse ens et ad ens, et pro ea parte, qua se habet ad ens, positive se habet, nec tamen inde habet entitatem realem. Sed aliunde relationi provenit realitas, scilicet a fundamento, aliunde positiva ratio ad, scilicet ex termino, ex quo non habet esse ens, sed ad ens, licet illud ad vere reale sit, quando fundatum est."

35 Ibid.: "… proprium relationis est, … quod possit considerari positive, etiamsi non entitative realiter…"

with the exception of relations, as already mentioned above, include orientation to a certain manner of existence and cannot be consistently and positively thought without it. That is why they are not and as such cannot be only in the intellect, they are not beings of reason. On the other hand, the proper character of relations does not include this orientation to a certain manner of existence, which is why some of them are beings of reason.

To this interpretation someone might object that beings of reason can be formed according to the model of other categories, e.g. a chimera is a substance of reason, imaginary space is quantity of reason, etc. So apparently it is also possible to consistently consider something positive that cannot really exist in the other categories. Poinsot answers the objection by saying that "being of reason" is the name given to such unreal being that we conceive in the manner of a real being. So a being of reason is not a substance or a quantity, according to whose form we conceive something, but quite the contrary, a being of reason is what is formed in the manner of a real being. So when some non-being is conceived in the manner of a substance or a quantity, it is not the substance or the quantity itself what is brought to existence of reason by the intellect, but rather some negation which is thought as if it were a real being. But the case is different with relations, for we do not conceive some non-being as a relation. When we consider relations according to their proper character in the manner of real relations, we bring something positive (not a mere negation) into existence of reason. That is why relation is classified among beings of reason and substance or quantity is not.[36]

At the end of the paragraph devoted to the issue of the proper character of relations the reader is probably expecting that I will now return to the issue of distinguishing between the two metaphysical components of relations raised above. Before I do, it will be appropriate to explain how Poinsot solves the distinction between a relation and its foundation. In light of this exposition the problem will be somewhat clearer.

§ 2. 3. Is a relation really (a parte rei) distinct from its foundation?

Aquinas's somewhat unclear conception of the accidental existence of relations naturally led many Thomistic thinkers to ask whether a relation is materially distinct from its foundation at all. For if the existence of a relation is identical with the conception of its foundation, can these entities be distinct at all? The difficulty of this question is evident from the variety of answers given not only by adherents of other philosophical schools (Scotists, Jesuits, nominalists, and others), but even by Thomists. According to the

36 Cf. Ibid., p. 581–582.

nominalists the distinction is merely of reason, some Jesuits, such as e.g. F. Suárez, teach the same. Real distinction, on the other hand, is advocated by Thomists (though there are exceptions, e.g. D. de Soto): some of them conceive it as a distinction of two things, others as a distinction between a thing and a mode. Scotists teach that some relations are really distinct from their foundations, others are not. There are relations whose foundations exist while the relations do not, e.g. similarity or fatherhood, and in such cases the distinction between the relation and its foundation is real. But there are also other types of relations, whose foundations cannot exist without these relations, and such relations are not distinct from their foundations, e.g. a creature cannot exist without a relation to God.[37]

In the introduction Poinsot specifies that the debate concerns only categorial relations, transcendental relations are not materially distinct from their foundations. In categorial relations he distinguishes between the *remote* foundation (the substance itself) and the *proximate* foundation (a certain accident as the relation's formal cause). In light of this distinction he poses two main questions. Whether and how a relation is distinct from its remote foundation; whether a relation is distinct from its proximate foundation as really as one thing from another thing (*res a re*), or as a thing from its mode.[38] Let us now examine his answers in turn.

Poinsot thinks that there is a real distinction between a relation and its remote foundation. An exception in this respect are relations of specific or generic identity based on the specific or generic essence, which is really identical with the relation's subject, or more precisely, there is merely a virtual (potential) distinction between the essence and the subject (individual). He supports the claim by quotations from Thomas Aquinas and by his own arguments.[39] His basic stated reason for the distinction is their mutual separability. If a certain relation, due to which a substance is oriented to another, starts or ceases to exist, the substance itself does not cease to exist, which is why these two entities are not identical. That is evident from many examples: a red apple, similar in colour to another apple, does not cease to exist when it stops being similar to its counterpart; similarly a man is not a father before he begets an offspring, when he does beget one he becomes a father but his substantial existence does not change thereby. So these relations sometimes obtain on a substance, at other times they do not, while the substance does not cease to exist. That is why there is a real distinction between a relation

37 Cf. *CP* I, p. 590–591.

38 Cf. Ibid.

39 Cf. *ScG* IV, c. 14: "… in nobis relationes habent esse dependens, quia earum esse est aliud ab esse substantiae, unde habent proprium modum essendi secundum propriam rationem, sicut in aliis accidentibus contingit…"

and the substance it inheres in. Another argument derives from the assumption that relations are one of the categories. But only real and as a consequence mutually really distinct natures belong to the categories. Therefore substances and relations are really distinct.

As far as the second question is concerned, Poinsot deems it more probable that a relation is not distinct from its proximate foundation as one thing is distinct from another thing, but as a mode.[40] I find Poinsot's exposition of this thesis unclear and not properly structured. In what follows I will therefore not be guided by Poinsot's exposition, but identify three problems in his thesis and see how he deals with them. (i) First it is necessary to know what Poinsot means by mode, or how modes differ from "things"; (ii) further it is necessary to explain what a modal distinction is and how it differs from a real distinction; (iii) finally we must ask what reasons motivate Poinsot to posit a modal distinction between a relation and its proximate foundation.

(i) Poinsot pays but little attention to the issue of modes, for he regards it as a metaphysical topic (*hoc enim metaphysici negotii est*) and intends to treat it more extensively later. His curt statements show that he divides modes into two groups.[41] The first contains entities incomplete in themselves, which constitute or supplement some real nature. Examples of these modes are subsistence, which co-constitutes a supposit and is the cause of its absolute indivisibility, speed of movement, and intensity of colour. In the second group Poinsot classifies (with the exception of quality and quantity) all categorial accidents, which are real and complete natures, i.e., not parts or principles of complete natures. It is characteristic of these entities that

40 *CP* I, p. 593: "Dico secundo: respectu fundamenti proximi probabilius videtur in sententia S. Thomae, quod relatio non distinguitur ab illo tamquam res a re, sed ut modus…" The doctrine of modes entered second scholastic discussion through F. Suárez (Cf. *Disputationes Metaphysicae* 7, 1, 17), who in this respect follows Durandus a S. Porciano and the Scotistic tradition of so-called internal modes. The distinction *realitas-modus* was introduced as a certain supplementation of and elaboration on the original Aristotelian distinction *substance-accident*. Cf. Schlueter, D., Modus, In: *Historiches Wörterbuch der Philosophie.* Bd. 6. Basel–Stuttgart 1984, col. 66–68; Leinsle, U., Rodrigo de Arriga im Streit um modale Entitäten. In: *Bene scripsisti … Filosofie od středověku k novověku, Sborník k sedmdesátinám Stanislava Sousedíka*. Praha, Filosofia 2002.

41 *CP* I, p. 502–503: "… quidam modi sunt, qui solum reductive ponuntur in praedicamento, ut modi substantiales subsistentiae, unionis et similes. Alii per se habent sua praedicamenta, ut ubi, situs, et similes. Sed breviter dico (hoc enim metaphysici negotii est), quod modi sunt in duplici differentia. Quidam, qui pertinent ad ipsam compositionem vel complementum alicuius rei vel naturae, sicut constitutio substantiae fit per unionem et completur per subsistentiam, accidens per inhaerentiam, qualitas per gradus intensionis et remissionis, sive illi sint diversae uniones sive diversae terminationes eiusdem qualitatis. Et isti modi reducuntur ad praedicamentum rei, quam componunt aut terminant modificando sicut partes componendo. Alii modi sunt neque ad constitutionem neque ad complementum rei pertinentes, sed tantum ex aliqua extrinseca ratione seu principio convenientes, et tales non repugnat praedicamenta per se seorsum constituere, ut ibi et situs et secundum aliquos relatio…"

compared to the categories of substance, quality and quantity they have "weaker" ontological status. Poinsot's most frequent terminological distinction is that he labels the categories of substance, quality and quantity "*realitates*", while the other categories are "mere modes".[42] The modes belonging to the other group, among which Poinsot also classifies relations, are therefore real beings having a "weaker" ontological status as compared to the first three categories.

Poinsot advocates the view that relations are modes and are modally distinct from their proximate foundations with an argument deriving from Aquinas's doctrine that relations are the "remotest" accidents of substances and have the "weakest" existence of all the categories.[43] If all the categories except substance, quantity and quality are mere modes, then relations, whose existence is "weakest" of all the categories, must have "weaker" existence than they do and cannot be "things" (*realitas*).[44]

42 Cf. *CP* I, p. 593: "… constat aliqua genera esse modos tantum et non realitates."

43 Ibid.: "… si inter omnia genera relatio est debilissimi esse, utique minus erit quam lila, quae sunt modi; ergo ipsa relatio non erit realitas, sic enim perfectior esset illis generibus." All categorial accidents depend on a substance as on the ultimate subject. Every accident therefore inheres in a substance, some immediately, some by means of other accidents. In this sense accidents are ordered in a certain way, based on their perfection. The "closer" an accident is to the substance and the less it depends on other accidents, the more perfect it is; on the contrary, the more "remote" it is and the more accidents it requires to exist, the less perfect it is. The first accident of a material substance is quantity, which inheres in it immediately and therefore does not depend on any other accidental form. Other accidents inhere in material substances by means of quantity and in this sense depend on it and are therefore less perfect. In this sense quantity is the most "proximate" and most perfect accident of material substances. Relations are in a sense the opposite of quantity, since they are the last accidents of a substance and depend on many other things. They depend not only on the substance, but also on the other accidents, by means of which they inhere in the substance and which are also their formal causes (foundations). Further, unlike quantity and quality, the existence of a relation requires the existence of something external, since it cannot exist without a terminus. For these reasons relations are the most "remote" from substance, the least perfect, and consequently are the least substance and something existent. So if relations have the "weakest existence" of all the categories and if many categories are mere modes, relations must be construed as modes and not as things.

44 Poinsot admits that even among Thomists different views exist as to whether relations are or are not modes. The source of these views are texts by Aquinas himself, which sometimes speak of relations as of "things", at other times they speak as if relations were in fact no natures at all. To reconcile Aquinas's statements Poinsot employs the distinction between the two types of foundations (remote and proximate) introduced above. When a relation is considered with respect to its foundation, it is merely modally distinct; when it is conceived with respect to its subject, it is really distinct from it, i.e., precisely as the foundation itself is distinct from the subject. The places where Aquinas speaks of a real distinction between a relation and its foundation, in the manner in which two "things" differ, are therefore (in light of the introduced distinction) to be interpreted as concerning the difference between the relation and its subject. Aquinas either explicitly speaks of a subject, as when he says that a relation has an existence which is distinct from the existence of its subject, or he speaks of that which is predicated relatively, by which he again means some subject.

(ii) The difference between a relation and its proximate foundation is modal, whereby he regards this type of difference as an instance of real distinction.[45] Again, Poinsot's characterization of the modal distinction is unfortunately very brief. From the little he says it is evident that a thing can be modally distinct from its mode, as e.g. a man from his position or place, or a mode from a mode (Poinsot does not give an example of such distinction). If I were to attempt to compare the modal distinction with the real distinction, they appear to agree in that they mean factual non-identity. They differ in that really distinct entities are mostly (at least by absolute Divine power) mutually separable. But that does not hold generally. Some really distinct things are not separable even by absolute Divine power, such as e.g. a relation from its terminus, etc. Modally distinct entities are not mutually separable at all, they can (mostly) be separated only one-sidedly, i.e., a thing can exist without the mode, but not vice versa. Sometimes it is not even possible to separate a thing from its mode, if there is a necessary bond between them, as e.g. a substance cannot be separated from its subsistence.[46]

(iii) Poinsot does not explicitly say what reasons bring him to the conviction that there is a modal distinction between a relation and its proximate foundation. Almost his entire exposition is aimed at defending the view that relations are modes. And that is apparently the main reason why he posits a modal distinction between a relation and its proximate foundation. If relations are modes and not "things", then of course they differ from their foundations as modes differ from things or modes, i.e., modally.[47]

Glancing over Poinsot's entire discussion, it is impossible to miss its basic defect. It is implicitly concealed in Poinsot's thesis of the modal distinction

45 *CP* I, p. 294: "Distinctio realis dividitur in realem simpliciter, ut inter duas res, et in realem modalem, ut inter rem et modum…"

46 *CP* II, p. 139: "… separatio mutua unius ab alio saltem non requiritur ad distinctionem modalem. Modus enim non separatur a re; res autem, licet separetur a modo, tamen aliqui modi sunt, a quibus res non potest omnino separari, quia necessariam connexionem habent cum aliquo, licet non cum isto vel illo determinate, sicut non potest aliqua substantia stare sine omni subsistentia propria vel alinea, nec quantitas in suo statu naturali sine omni figura, nec qualitas intensibilis sine omni modo intensionis vel remissionis, et similiter nec essentia aliqua sine existentia propria vel alinea, si est modus. Deinde negatur absolute, quod omnis realitas possit separari ab omni eo, a quo realiter distinguitur, nisi quando non intercedit mutua dependentia. Et instatur tum in relativis, quia relatio non potest existere sine termino, a quo realiter distinquitur…; *CP* I, p. 594–595: „… obicies, si relatio distinguitur a parte rei a fundamento, posset impediri a Deo, ne resultaret posito fundamento et termino, quia quae distinguuntur a parte rei, possunt separari vel impediri… respondetur, … non omne, quod realiter distinguitur ab alio, est semper separabile ab lilo, si sit res, vel impedibile, ne resultet, si sit modus…"

47 *CP* I, p. 594: "Ex hoc autem explicatur, quomodo relation possit fundari etiam in quibuscumque modis, quod non esset, si secundum se esset realitas distincta a fundamento. Sequitur etiam, quomodo relatio sine mutatione physica dicatur resultare ad positionem termini…" I admit that I am not convinced by the second consequence, or I don't understand it.

between a relation and its foundation. The modal distinction is a type of real distinction. How is the claim that a relation and its proximate foundation are really distinct to be defended? Furthermore, Poinsot repeatedly states that the two entities are (numerically) identical.[48] How can he identify relations with their proximate foundations and at the same time advocate a real distinction between them? I would much like to see Poinsot answer these questions, much more so than the question whether relations are (or are not) modes or whether they are modally distinct from their proximate foundations.[49]

This problem is closely associated with the not quite clearly defined ontological status of the two metaphysical components of relations (*ad–in* for short). Apparently, the *prima facie* contradictory claim – relations and their proximate foundations are identical and at the same time really distinct – can be meaningfully defended only by distinguishing between the two metaphysical components of relations. The following paragraph is devoted to this issue.

§ 2. 4. Two metaphysical components of relations "ad" and "in"

In the light of the exposition of the real distinction between a relation and its foundation let us now take a look at the issue of the two metaphysical components of relations! Like Aquinas, Poinsot explicitly distinguishes between these two components of relations.[50] The question now is how he conceives this distinction. Answering the question is not simple since neither Poinsot nor any Thomistic author I am aware of asks this question. Nor do they explicitly answer it. I must therefore try to attempt to infer what Poinsot would reply to a question thus raised by his statements.

Let me first summarize the relevant facts. Poinsot advocates a real distinction between a relation and its foundation. In order to simplify the exposi-

48 *CP* I, p. 593–594: "Relatio … comparata … ad subiectum distinguitur ab illo eo modo, quo fundamentum, cum quo identificatur, sicut gradus intensionis … non nisi modaliter a qualitate distinguitur, a substantia autem … sicut ipsa qualitas, cum qua identificatur."

49 This difficulty is succinctly pointed out by the Carmelite authors of a Thomistic course called Complutenses. Collegii Complutensis Sancti Cyrilli Discalceatorum FF., *Disputationes in Aristotelis dialecticam et Phylosophiam Naturalem*, Lugduni 1668. Reprint (mit einem Vorwort von W. Risse) Hildesheim, Georg Olms Verlag 1977 (I quote this edition): "… semel enim concesso quod relatio est speciale praedicamentum accidentis, habens propriam existentiam, … contendere, an sit dicenda res aut modus, est pura quaestio de nomine…"

50 *Cursus theologicus*, IV, ad q. 28, a. 2, p. 142: "In relatione reali duo includuntur, seu duplici formalitate aut consideratione explicantur: et per ordinem ad subjectum, quod dicitur in relationis, eo quod relationes, quae sunt accidentia, inhaerent subiecto illudque afficiunt: unde omne quod relationi convenit ex parte subiecti, sive cui inhaeret, sive in quo subsistit, vocatur in relationis; et secundo consideratur relatio realis per ordinem ad terminum, et sub hac consideratione appellatur ad."

tion I will omit the case of specific and generic identity discussed above and focus on relations whose foundation is some accidental form. Poinsot thinks that a relation is (numerically) identical with its proximate foundation. So e.g. there are relations of similarity between two apples of the same colour, for which it holds that they are simultaneously identical and really distinct from the colour which is their proximate foundation. In order to avoid the patent contradiction contained in the preceding sentence it is necessary to distinguish between the two metaphysical components of relation *ad* and *in*. The "in" of the cited relation of similarity is identical with the "in" component of the colour which is the proximate foundation, while the "ad" component of the relation is really distinct from the "in" of the proximate foundation. Evidently, if the "in" component of the relation is (numerically) identical with the "in" component of its foundation and at the same time the other component of the relation "ad" really differs from the "in" component of the foundation, then there also must be a real distinction between the two components of the relation itself.

On what level are we to understand those two really distinct components of relations? I believe that there are two options. Either the difference is situated in the relation's accidental essence itself, or it can be conceived at the level of the entitative principles of relations as categorial accidents. In the former case two really distinct parts or components would have to be distinguished in the relation's essence itself, in the latter case the distinction would coincide with the distinction between an accidental essence and its act of existence. It seems to me that the distinction very probably cannot be drawn at the level of accidental essence. Aquinas and the Thomistic authors I am familiar with mention no really distinct parts of an accidental essence. An accidental essence (leaving aside quantity, which is characterized by having a plurality of quantitative parts) has only so-called metaphysical parts, which according to the Thomistic tradition are only virtually or potentially, i.e., not really, distinct. The Thomistic tradition speaks of no other really distinct components or parts of an accidental essence at all. But even if this distinction were drawn at the level of the essence itself, it would imply that two really distinct beings (a relation and its foundation) share parts of their really distinct essences. That is a striking consequence, to say the least.

If the difference between the two components is situated at the level of a relation's entitative principles, "*ad*" is identical with the relation's essence, "*in*" is an act of existence really distinct from the essence, then evidently relations are not categorial accidents, since those are defined as beings characterized by existing in another (as in a subject). But Aquinas and the entire Thomistic tradition including Poinsot unambiguously classify relations among categorial accidents. If my reasoning is correct, then it turns out that

there is an as yet unclarified problem in the heart of the Thomistic conception of relation. As yet I do not clearly see the path that is to be taken in solving it and understand it as an urgent task for further research.

Conclusion

Poinsot's Thomistic theory of relations, which belongs to early modern university philosophy, is (together with the Scotistic one) a realist conception. It is characteristic of realist conceptions that they view relations as real entities existing independently of our thought, which cannot be reduced to mere extrinsic denominations, to the comparing acts of our thinking, or identified fully with their foundations. As compared to Scotus's (or some of his followers') theory, Poinsot's theory has lesser ontological commitment, since it does not construe relations as "full-blooded" realities, but as modes. Modes have "lesser" ontological status than the accidental categories of quality and quantity, but are regarded as real entities. In Poinsot's (and generally Thomistic) conception of relations there is an as yet unclarified problem concerning the two metaphysical components (*ad* and *in* for short) and how they relate to the relation's foundation.

SUMMARY

The paper expounds the conception of categorial relations in the work of the Thomist J. Poinsot (1589–1644) and is divided into two main parts. In the first part the reader is introduced to the assumptions of Poinsot's theory, which stems from and elaborates on the work of Thomas Aquinas. The second part focuses on selected aspects of Poinsot's conception of categorial relations (type of existence, proper character and type of distinction from foundation).

Keywords: Poinsot, categorial relations, being of reason

The Way to the Secularisation of the Natural Law[1]

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Presentation of the question

The concept of natural law belongs to the most important ethical theories from Antiquity to contemporary philosophy. Interpretations of this theory are often limited to the form that has its origin in the writings of Thomas Aquinas. Such an approach is meaningful partly because his concept of the natural law is highly-developed and holds a significantly eminent place in the field of the history of philosophy and of legal systems.[2] Aquinas's exposition however is situated in a theological framework, which is a stumbling block for those who do not accept a Christian point of view. Some authors consider these theological roots of natural law theory as necessary,[3] but many authors strive to propose a secular form of natural law theory that would be acceptable even for those who are not in agreement with the theological premises. It needs emphasising that Aquinas's natural law theory is not grounded in specifically Christian doctrinal principles. It only presupposes the existence of God who is the intelligent Creator of all reality. However, even this can be a problem for some readers and thus some effort to purge the natural law of all reference to God can be well motivated – not only today, but also in the past.

An interesting example of such secularisation of natural law theory is the early modern clause *etiamsi daremus non esse Deum* (even if God did not exist), which was not used by atheists but very often by Christian theo-

1 This study is a result of the research funded by the Czech Science Foundation as the project GAČR 14-37038G "Between Renaissance and Baroque: Philosophy and Knowledge in the Czech Lands within the Wider European Context".

2 Cf. Haakonssen, K., *Natural Law and Moral Philosophy.* Cambridge, NY, Cambridge University Press 1996, p. 15: "Earlier natural law is commonly seen as leading up to Aquinas's paradigmatic version, whereas later natural law is understood as deriving from it."

3 Richard McCormick understands natural law as inseparable from God's grace which in reality cancels its natural character. Cf. Bourke, V. J., Moral Philosophy without Revelation? *The Thomist* 40, 1976, p. 557–570.

logians. In the concluding years of the Middle Ages natural law theory had not lost its meaning, but was developed as a response to the new challenges.

An important impulse for the new development of natural law theory was the discovery of the New World and the consequent social problems connected with a just approach to the native people. The second impulse was the new Protestant thinking and its scepticism concerning the human natural powers that were according to Protestants so much affected by original sin that they were not reliable any more.

Among the classic authors during the interlude between the Medieval and Early Modern understanding of the concepts of the natural law can be found the professor of the University of Salamanca, Dominican friar, and defender of the American natives Francisco de Vitoria (1480–1546), the Jesuit professor of the University of Coimbra Francisco Suárez (1548–1617) and the Dutch lawyer Hugo Grotius (1583–1645).[4] His repeatedly quoted sentence on the validity of the natural law "even if God did not exist" is usually understood as a secularisation of the Scholastic doctrine of the natural law that refers to God.[5]

> And indeed, all we have now said would hold, even should we grant what without the greatest wickedness cannot be granted, that there is no God, or that he takes no care of human affairs.[6]

This sentence of Grotius became an inspiration for finding such a way of speaking about God in the twentieth century, and it could be an answer to the contemporary challenges,[7] as well as to the considerations regarding the existential status of man who must, regardless of his own opinions and state of knowledge, decide whether he acts as if God existed or did not exist.

4 Cf. Daryl Charles, J., *Retrieving the Natural Law*. Grand Rapids, Michigan–Cambridge, UK, William B. Eerdmans Publishing Company 2008, p. 94–99.

5 It was Samuel Pufendorf (1632–1694) who asserted that Grotius had separated the natural law from theology. However this assertion exaggerates Grotius' role, because Grotius was a person standing in the stream of the gradual process of secularization of the natural law more likely than a revolutionist who brought a fatal break in this theory. Cf. Chroust, A.-H., Hugo Grotius and the Scholastic Natural Law Tradition. *The New Scholasticism* 17, 1943, No. 2, p. 101–133; Carpintero, F., *Justucia y ley natural: Tomás de Aquino, y los otros escolásticos.* Madrid, Servicio de Publicaciones de la Facultad de Derecho de la Universidad Complutense 2004, p. 319.

6 Grotius, H., *De iure belli ac pacis*. proleg. 11: "Et haec quidem quae iam diximus, locum aliquem haberent etiamsi daremus, quod sine summo scelere dari nequit, non esse Deum, aut non curari ab eo negotia humana." English translation in: Grotius, H., *The Rights of War and Peace. Book I.* Ed. and introd. by R. Tuck. Indianapolis, Liberty Fund 2005, p. 89.

7 Cf. Lenehan, K. A., Etsi deus non daretur: Bonhoeffer's useful misuse of Grotius' maxim and its implications for evangelisation in the world come of age. *Australasian Journal of Bonhoeffer Studies*, 1, 2013, p. 34–60.

This paper strives to study the Early Modern development of the natural law doctrine "even if God did not exist" and to comment on the reasons for the "secularization clause".

A hypothesis about the secularization of the natural law

As a first possibility of our quest for our studying of the shift from the theological to the secularized basis we can ask for some other shift in the philosophy of law at that time. If there are two parallel changes, it is possible to suppose either that the first of them is a cause of the second or that both of them are the effects of some common cause, or that they have nothing in common. It is obvious that a shift from the intellectualism to the voluntarism can be considered as such parallel change. That is why the voluntarism is the first possible hypothesis of explanation of the secularization of the natural law.

In his book about the natural law,[8] Stanislav Sousedík presents another hypothesis supported by several quotations from Molina and Arriaga. The origin of the secularization clause itself is supposed in the writings of Gabriel Vazquez. According to Sousedík the difference between Aquinas's exposition of the natural law and its secularised form stems from the absolute emphasis on the object of the natural law. Not only an imperative proceeds from the object (things are forbidden because they are evil), but also the obligatory character of the natural law. In Aquinas's concept the obligatory character of the natural law flows from God the supreme Lawgiver. In the secularised theory however, the sanction is the mere impossibility of achievement of the object of the natural inclination.

The last hypothesis that will be considered here is based on a role of the link between the eternal and the natural law. In Aquinas's conception the eternal law is the necessary foundation of the natural law itself. The secularization however does not presuppose any divine law at the root of the natural law. In the following text these three factors will be considered as the possible causes of the secularization of the natural law concept, the first and the third being investigating deeply:

1. voluntarism,
2. a change in the understanding of the sanction,
3. an understanding of the difference between eternal and natural law.

8 Cf. Sousedík, S., *Svoboda a lidská práva*. Praha, Vyšehrad 2010, p. 85–88.

Aquinas's concept of natural law

Aquinas's natural law theory evidently proceeds from the theological perspective.[9] In the context of Aquinas's understanding of the relationship between the divine and created order the interconnection between the law and intellect is fully consistent. According to Aquinas the law as such is rational and directed at some goal:

> Law is a rule and measure of acts, whereby man is induced to act or is restrained from acting: for "*lex*" [law] is derived from "*ligare*" [to bind], because it binds one to act. Now the rule and measure of human acts is the reason, which is the first principle of human acts, as is evident from what has been stated above; since it belongs to the reason to direct to the end, which is the first principle in all matters of action, according to the Philosopher.[10]

Aquinas distinguishes between eternal,[11] natural,[12] human positive,[13] and divine positive law.[14] Eternal law is the absolute foundation of any other law because the natural law is a participation of the rational creature in the eternal law, and the positive laws at least cannot be in contradiction with the eternal law (and consequently with the natural law). The eternal law is a crucial element of our problem. For Aquinas it is the basis of the law as such. The concept of eternal law does not start with Aquinas,[15] because this idea

9 Leo Elders counts Aquinas' derivation of the natural law from the eternal law in Divine mind among most important features of his ethics. Cf. Elders, L. J., The Ethics of St. Thomas Aquinas. *Anuario Filosófico* 39, 2006, No. 2, p. 439–463. Some Thomists understood Aquinas' thinking strictly as theological in its essence (Gilson, de Lubac, Chenu), others, however, admitted some autonomy of its philosophical dimension (Tugwell, Elders, Kaczor). Cf. Lisska, A. J., Human Rights Theory Rooted in the Writings of Thomas Aquinas. *Diametros* 38, 2013, p. 134–152.

10 Thomas Aquinas, *Summa Theologiae* (hereinafter referred to as *STh*) I^{a}-II^{ae}, q. 90, a. 1: "Lex quaedam regula est et mensura actuum, secundum quam inducitur aliquis ad agendum, vel ab agendo retrahitur, dicitur enim lex a ligando, quia obligat ad agendum. Regula autem et mensura humanorum actuum est ratio, quae est primum principium actuum humanorum, ut ex praedictis patet, rationis enim est ordinare ad finem, qui est primum principium in agendis, secundum philosophum." (Sancti Thomae Aquinatis *Opera omnia* iussu impensaque Leonis XIII P. M., T. 7, Romae 1892; English translation: *Sancti Thomae Aquinatis Summa Theologiae*, literally translated by Fathers of the English Dominican Province, Second and Revised Edition, 1920.)

11 Cf. Thomas Aquinas, *STh* I^{a}–II^{ae}, q. 91, a. 1; q. 93.

12 Cf. Thomas Aquinas, *STh* I^{a}–II^{ae}, q. 91, a. 2; q. 94.

13 Cf. Thomas Aquinas, *STh* I^{a}–II^{ae}, q. 91, a. 3; q. 95–96.

14 Cf. Thomas Aquinas, *STh* I^{a}–II^{ae}, q. 90, a. 4; q. 98–108.

15 The relationship between the natural and the supernatural law has its origin especially in the Stoic philosophy and was developed by Christian authors such as St. Augustine (e.g. *De civitate Dei* XI, 4; PL 43, 320, where St. Augustine stated: "… nec tamen ideo Deum in eo faciendo

can be found even in the Patristic and the early Scholastic period. In Aquinas, however, it acquires a specific importance:[16] it is the design of God's Providence. God has created and ruled the world with respect to this idea. It is obviously an intellectualist position where it is the intellect and not the will that is the source of the law.

> A law is nothing else but a dictate of practical reason emanating from the ruler who governs a perfect community. Now it is evident, granted that the world is ruled by Divine Providence, as was stated in the First Part, that the whole community of the universe is governed by Divine Reason. Wherefore the very Idea of the government of things in God the Ruler of the universe has the nature of a law. And since the Divine Reason's conception of things is not subject to time but is eternal, according to Prov. 8:23, therefore it is that this kind of law must be called eternal.[17]

The eternal law is simply the Creator's idea of the divine wisdom that is both a creative pattern and the driving force that leads things to their goals. Aquinas however connects this creative pattern also with art:

> Wherefore as the type of the Divine Wisdom, inasmuch as by it all things are created, has the character of art, exemplar or idea; so the type of Divine Wisdom, as moving all things to their due end, bears the character of law. Accordingly the eternal law is nothing else than the type of Divine Wisdom, as directing all actions and movements.[18]

The creative idea is the artificial piece of work that reminds us of an old sacral art, where painters used some classic canon models and worked them

aeternum concilium voluntatemque mutase."). Cf. Rhonheimer, M., *The Perspective of Morality*. Washington, DC, The Catholic University of America Press 2011, p. 261.

16 Cf. Bastit, M., *Naissance de la loi moderne. La pensée de la loi de saint Thomas à Suarez*. Paris, Presses universitaires de France 1990, p. 79.

17 Thomas Aquinas, *STh* I^{a}–II^{ae}, q. 91, a. 1: "Nihil est aliud lex quam quoddam dictamen practicae rationis in principe qui gubernat aliquam communitatem perfectam. Manifestum est autem, supposito quod mundus divina providentia regatur, ut in primo habitum est, quod tota communitas universi gubernatur ratione divina. Et ideo ipsa ratio gubernationis rerum in Deo sicut in principe universitatis existens, legis habet rationem. Et quia divina ratio nihil concipit ex tempore, sed habet aeternum conceptum, ut dicitur Prov. VIII; inde est quod huiusmodi legem oportet dicere aeternam."

18 Thomas Aquinas, *STh* I^{a}–II^{ae}, q. 93, a. 1: "Ita ratio divinae sapientiae moventis omnia ad debitum finem, obtinet rationem legis. Et secundum hoc, lex aeterna nihil aliud est quam ratio divinae sapientiae, secundum quod est directiva omnium actuum et motionum."

out in a specific and unique way. That is why the order of creation is not a mere serial production of imitations, but it is the work of art that does not deny its origin and artificially creates individual creatures as the real originals.[19] From such eternal law the natural law is derived. Aquinas describes the natural law as a participation of the rational creature in the eternal law. Between the eternal and the natural law there is participatory dependence and not identity:

> Now among all others, the rational creature is subject to Divine providence in the most excellent way, in so far as it partakes of a share of providence, by being provident both for itself, and for others. Wherefore it has a share of the Eternal Reason whereby it has a natural inclination to its proper act and end. And this participation of the eternal law in the rational creature is called the natural law.[20]

This participation is based on the human mind comprising both intellectual activity and free will. The intellection however is a foundation of a subsequent act of will. Human being understands this divine law but does not grasp it in its whole scope. The eternal law present in God's mind is not accessible to creatures in its entireness. The natural law however is present in the human mind and in comparison with the eternal law it is extensionally limited to the area that concerns him. Because of this fact the obligatory character of the natural law is based on the eternal law.

> It is important to note that, for Aquinas, natural law is not something separate from eternal law. Rather, for Aquinas, the natural law is the eternal law itself, but regarded under the aspect of its being in us (rational beings) in this unique, twofold way: it is as in created beings that are ruled, measured, and directed by means of it, but also in us as in created (rational) beings that rule, measure, and direct (both ourselves and other things) by means of it.[21]

19 Cf. Westerman, P. C., *The Disintegration of Natural Law Theory. Aquinas to Finnis*. Leiden, Brill 1998, p. 27.

20 Thomas Aquinas, *STh* I^{a}–II^{ae}, q. 91, a. 2: "Inter cetera autem rationalis creatura excellentiori quodam modo divinae providentiae subiacet, inquantum et ipsa fit providentiae particeps, sibi ipsi et aliis providens. Unde et in ipsa participatur ratio aeterna, per quam habet naturalem inclinationem ad debitum actum et finem. Et talis participatio legis aeternae in rationali creatura lex naturalis dicitur."

21 Baur, M., Law and Natural Law. In: Davies, B. – Stump, E. (eds.), *The Oxford Handbook of Aquinas*. Oxford, Oxford University Press, p. 246.

This means that in Aquinas there is an intellectualist understanding of the law as such and a clear distinction between the eternal and the natural law, which logically leads us to the obligation of the natural law coming from God.

Dominican followers of Aquinas

Aquinas's early modern followers were primarily Dominicans and Jesuits. Where Dominicans were loyal to the doctrine of their religious friar Thomas, Jesuits also adhered to it. Beyond this, however, they were developing it somewhat independently. The very important Dominican thinkers who in this time developed the concept of the natural law and the natural rights were Francisco de Vitoria (1483–1546) and Domingo de Soto (1494–1560).

Let us start, however, with famous commentator upon Aquinas's Summa, Renaissance Italian philosopher and theologian Tommaso de Vio or Cardinal Caietan (1469–1534). He carefully distinguished the eternal and the natural law in his commentary describing the eternal law as the concept of the divine government and the natural law as the principles that are naturally known as such.[22] Apart from the differentiation of the eternal and the natural law his position is undoubtedly intellectualist and theocentric.

Francisco de Vitoria is well-known as a defender of the native inhabitants of the New World.[23] His most celebrated writing is in defence of them, using the concept of natural right. In reaction to Ockham's voluntarism Vitoria holds a contradictory position, i.e. intellectualism.[24] His development of natural law theory did not affect the proper core of the doctrine, but rather of the conditions it reacted to. In the basic principles of natural law theory he remained faithful to Aquinas' doctrine, which was quite common among Dominicans.[25] However Vitoria treats the concept of the natural law especially in the context of its practical development and does not consider a theoretical dimension of the topic very much.

Vitoria's disciple Bartolomeo a Medina (1527–1580), Spanish theologian from the school of Salamanca, repeated and confirmed Aquinas's teaching

22 Cf. *Prima secundae Partis Summae S. Theologiae D. Thomae Aquinatis cum commentariis R. D. D. Thomae De Vio Caietani*. Bergomi, Typis Cornini Venturae 1590, p. 603: „In articulis primo, secundo et tertio eiusdem quaestionis collige quod homo tribus legibus eget ad sui rectitudinem moralem, seclusa rectitudine requisita pro caelesti patria. Nam eget lege aeterna, naturali et humana: quae nihil aliud sunt quam ratio divinae gubernationis in Deo, principia practica naturaliter per se nota, et conclusiones eorum per discursum rationis adinventae."

23 Cf. Vitoria, F., *Relectiones theologicae*. Matriti 1765, p. 183–245.

24 Cf. Specht, R., Materialien zum Naturrechtsbegriff der Scholastik. *Archiv für Begriffsgeschichte* 21, 1977, p. 86–113.

25 Cf. Leger, J. S., *The "etiamsi daremus" of Hugo Grotius. A Study in the Origins of International Law.* Romae, Pontificium Athenaeum Internationale "Angelicum" 1962, p. 93.

on the relationship between the eternal and the natural law. In his commentary he presented only a brief summary and review of the teaching of the Angelic Doctor. His *expositio articuli* to *Prima Secundae* q. 91, a. 1 and 2 uses almost the same words as Aquinas in his Summa.[26]

Neither did Vitoria's religious friar Domingo de Soto depart from this course. He understands a law in the same way as Aquinas, in the context of an intellect with respect to the intellectual virtue of prudence through which it proceeds into our action:

> Law is nothing else than a rule and a commandment of the prudence, that is a mean for government and administer Republic for those, who take care of it. However, the principal sovereign above all rulers is God from whom all the power is derived.[27]

As for the status of the eternal law Soto is also in perfect harmony with the Dominican intellectual tradition following Aquinas. The natural law is understood as a human participation in the eternal law. This relation of the natural and the eternal law is clearly distinguished in his writings:

> Even though we are governed by the eternal law, we are governed through the natural law that is a participation in it.[28]

26 Bartolomaeo a Medina, *Expositio in Primam Secundae*. Venetiis, Apud Petrum Dehuchinum 1580, p. 483: "Quoniam Lex nihil aliud est quam dictamen practicae rationis in Principe qui gubernat aliquam communitatem perfectam, mundus autem iste divina gubernat providentia; unde ratio gubernationis in Deo, sicut in quodam universitatis principe, legis rationem habet. Quoniam vero divina ratio nihil ex tempore concipit, sed ab aeterno omnium habet conceptum, lex illa aeterna est.

Cum lex sit regula vel mensura, duobus modis in aliquo esse potest: Uno modo tanquam in regulante, & mensurante. Alio modo, ut in regulato, & mensurato: regulatur enim unumquodque secundum rationem mensurae quam participat. Cum igitur omnia, quae divinae providentiae subduntur, a lege aeterna mensurentur, ac regulentur, omnia illa participabunt aliqua ratione ipsam aeternam legem, quatenus scilicet ex illius impressione habent inclinationes in proprios actus, & fines. Sed tamen quoniam inter caeteras; creatura rationalis exellentiori quodam modo talis impressionis participium habet, sibi enim & aliis providet ad debitum actum & finem; ideo participation aeterne legis in rationalibus creaturis lex naturalis apellatur."

27 Soto, D., *De iustitia, & iure, libri decem*. I, q. 3, a. 1. Venetiis 1594, p. 18: "Quatuor sunt legis species, quae in titulo quaestionis praeponuntur. Lex nihil aliud est quam regula & praeceptio prudentiae, per quam qui curam gerit Reipublicae illam gubernat & administrat: gubernatorum autem primus supremus est Deus, unde omnis potestas derivatur."

28 Soto, D., *De iustitia, & iure, libri decem*. I, q. 4, a. 1, op. cit., p. 24: "Etsi aeterna lege gubernemur, id tamen fit per naturalem, quae participatio illius est."

The law and the right

A somewhat different approach can be found in the writing of another Dominican Domingo Báñez, who does not literally speak about the eternal and the natural law, because in his *Decisiones* he does not comment on Aquinas's *Summa* itself, but develops his own original treatise that is focused not on the law (*lex*), but on the right (*ius*). In this context he distinguishes the divine right and the human right, the first being subdivided between the right belonging to the order of nature and the order of grace.[29] Nevertheless they are not equivalents of the natural and the eternal law, but represent the Ten Commandments and the commandments of the divine charity respectively. We can conclude that Báñez in his treatise on right and justice speaks about the natural right, but not about the eternal law. The reason for this fact is obviously not a denial of the eternal law, but that the perspective of right (*ius*) is closely connected from the concept of law, but is not the same. While the natural law and the natural right are usually treated together, it has no real meaning to speak about the eternal right. Even Aquinas understands a right without a strict relation to an eternal right because "the *right* or the *just* is a work that is adjusted to another person according to some kind of equality."[30] That's why it belongs to the relation of God and humans (*divine right*) or the relation of one human being to another (*human right*). The eternal law, however, represents a creative idea in God's mind.

As was demonstrated above, Caietan, Vitoria, Medina and Soto followed Aquinas in his intellectualist approach to the natural law and distinguished the natural law from its source that is the eternal law. Báñez does not focus on law but on right which means he does not pay attention to this distinction. It must be said that he does not deny it, but concentration only on right and not on law could exaggerate a tendency to underestimate the source of the natural law. We can state then that most important Renaissance and early modern Thomists – Dominicans firmly held a course of thinking reaching back to Aquinas. They are intellectualists and clearly distinguish between the eternal law and the natural law that is derived from the eternal.

Among other Jesuit authors of that time the strict link of the natural law to the eternal law seems to be disappearing. Let us start with one

29 Bañez, D., *De Iure & Iustitia Decisiones*. q. 57, a. 2. Apud Ioannem & Andream Renaut 1594, p. 7: "Ius itaque in tota sua latitudine primum omnium dividatur in ius divinum, cuius Deus est auctor, & in humanum, cuius homo est conditor. Rursus ius divinum dividitur in divinum pertinens ad naturae ordinem, & in divinum pertinens ad ordinem gratiae."

30 Thomas Aquinas, *STh* II^{a}–II^{ae}, q. 57, a. 2: "*ius*, sive *iustum*, est aliquod opus adaequatum alteri secundum aliquem aequalitatis modum."

of the great Jesuit thinkers at the end of the 16th century Luis de Molina (1535–1600) who distinguishes the divine right only with the natural and positive:

> We mustn't omit that there are two kinds of divine right: the natural right and the positive one.[31]

Natural right here is directly divine right without distinction between the divine and human mind. Jesuit thinker Leonard Lessius (1554 – 1623) treats the problem of natural law similarly.[32] It is the same context as we saw above in the concept of Domingo Báñez. He concentrates on the natural right, so that he does not consider the source of natural law in God. As was observed above, it is the perspective corresponding to Aquinas's *Secunda Secundae* where the virtue of justice is treated, and not his Prima Secundae where he focuses on law as such.

Molina's concept however seems to go a little further, because the divine origin of the natural right does not mean that it is an absolutely transcendent reality. As soon as the world is created, it is in a sense autonomous, so that it is not possible to refer to God in consideration of the natural law. The author of the natural law is God, but it is only the condition of things that obliges us. Molina asserts that an obligation of the natural law doesn't flow from God's will, as Suárez believed, but directly from the thing as such:

> Obligation of the natural right proceeds from the nature of the object and flows further to the precept. That is why it is often said that things pertinent to the natural law are forbidden because they are evil, and not that they are evil, because they are forbidden.[33]

Molina however does not deny the eternal law itself. In the last part of his treatise he considers the eternal law as a source from which all other laws are derived.

31 Molina, L., *De justitia et jure*. tr. 1, d. 3, n. 3. Coloniae Allobrogum, Michael Bousquet 1733, p. 5: "Illud vero non est omittentum, jus divinum duplex esse, naturale videlicet, & positivum."

32 Lessius, L., *De iustitia et iure ceterisque virtutibus cardinalibus Libri quatuor.* Lib. 2, cap. 2, dub. 2. Parisiis, Rolini Theodorici 1618, p. 20.

33 Molina, L., *De justitia et jure.* tr. 1, disp. 4, n. 3, op. cit., p. 6: "Quod obligatio juris naturalis oritur a natura obiecti, indeque se diffundit in praeceptum. Ea vero de causa dici consuevit, ea, quae sunt juris naturalis, prohibita esse, quia mala & non ideo mala esse, quia prohibita."

> God's eternal and immutable law has the first place among various laws and other laws are derived from it.[34]

He speaks here on *derivation* instead of Aquinas's term *participation* but the meaning seems to be the same. The eternal law is the divine providence and government of all things towards their ends.

Suárez's via media between intellectualism and voluntarism

Even though Jesuit authors of modern times followed Aquinas's position, they revised him more or less. One of the most important thinkers of the second Scholasticism, Jesuit philosopher and theologian Francisco Suárez developed Aquinas's concept of the natural law, but according to many authors he made some fundamental changes. According to Germain Grisez the important mistake made by Suárez is his interpretation of Aquinas's theory where practical knowledge is a sum of theoretical knowledge and the decision of the will.[35] Pauline Westerman agrees with Grisez, but she does not understand Suárez's concept as a mere misinterpretation, but as a new theory striving to save all acceptable elements of Aquinas's doctrine. The basic differences between Aquinas and Suárez showing the impossibility of accepting Aquinas's natural law theory without any change are different understandings of creation, law and the theological character of nature.[36] The underlying reasons for Suárez's deviation from Aquinas's teaching are not important here. Rather, we will emphasise here primarily the parts that are important for the modern secularization of the natural law.

Suárez accepts Aquinas's distinction between the eternal, the natural, and the positive (both divine and human) law.[37] He emphasises however the will of the lawgiver more than Aquinas. The eternal law has a specific role because it is an expression of the creative God's will, but it binds creatures only in the form of the natural or positive law. Hence it is a law in relation to the lower laws that are laws in the proper meaning.[38]

34 Molina, L., *De justitia et jure*. tr. 5, disp. 46, n. 20, p. 150. Cf. also Brett, A., Louis de Molina on Law and Power. In: Kaufmann, M. – Aichele , A. (eds.), *A Companion to Louis de Molina.* Leiden – Boston, Brill 2014, p. 155–181.

35 Cf. Grisez, G., The First Principle of Practical Reason: A Commentary on the Summa Theologiae I, II, qu. 94, art. 2. In: Kenny, A. (ed.), *Aquinas: A Collection of Critical Essays.* Notra Dame In, University of Notre Dame Press 1976, p. 340–382.

36 Cf. Westerman, P. C., *The Disintegration of Natural Law Theory. Aquinas to Finnis*, op. cit., p. 78–79.

37 Cf. Suárez, F., *Opera omnia* t. 5 (*De legibus* I, c. 3, 5–7). Parisiis, Vivès 1856, p. 8–9.

38 Cf. Haakonssen, K., *Natural Law and Moral Philosophy*, op. cit., p. 16–17.

In the tension between intellectualism and voluntarism Suárez holds the middle course and criticises both of the named extremes. He speaks about the natural law "even if God did not exist" in connection with the intellectualism. In Suárez's interpretation it is an attitude that does not interpret natural law as preceptive but as indicative, i.e. as a dictate of reason that shows what is intrinsically good and evil. In this context Suárez makes reference to Gregory of Rimini (1300–1358) who understands the natural law as independent of God.[39] But Suárez is inaccurate in this reference to Gregory[40] because in his writing the natural law was not secularised. Gregory only said that sin would exist even without God.[41] The purpose of Gregory's effort was a rejection of voluntarism.[42]

Regardless of the question of the interpretation of Gregory's text, Suárez understands the secularisation of the natural law as a consequence of strict intellectualism. As stated above, he tried to hold a balance between intellectualism and voluntarism. The natural law is then both indicative and preceptive.[43] It is an expression of the divine mind that presents both an intellectual judgement about good and evil, and the will commanding action. It is not situated in the human will as in the case of other laws,[44] but in the human intellect. Our intellectual judgement concerning what is in harmony or disharmony with human nature however is not merely indicative, but it becomes also preceptive and obligatory due to the will of God that is the only source of lawfulness.[45] It clearly shows that Suárez is a voluntarist, albeit a moderate one. According to him the natural law is the judgement of the human intellect, but it becomes a law because of God's will that is contained in this judgment. Suárez firmly avoids radical voluntarism just as he avoids a secularisation of the natural law, which is according to him an effect of radical intellectualism.

39 Cf. Suárez, F., *Opera omnia* t. 5 (*De legibus* II, c. 6, 3), op. cit., p. 105: "Imo ait Gregorius quem caeteri secuti sunt, licet Deus non esset, vel non uteretur ratione, vel non recte de rebus judicaret, si in homine esset idem dictamen rectae rationis dictantis, verbi gratia, malum esse mentiri, illud habiturum eamdem rationem legis, quam nonc habet, quia esset lex ostensive malitiae, quae in objecto ab intrinseco existit."

40 Cf. Gregorius de Armino *In Secundo Sententiarum.* d. 34, q. 1, a. 2. Venice 1503.

41 Cf. Haakonssen, K., *Natural Law and Moral Philosophy*, op. cit., p. 20.

42 Cf. Specht, R., Materialien zum Naturrechtsbegriff der Scholastik, op. cit., p. 86–113.

43 Suárez, F., *Opera omnia* t. 5 (*De legibus* II, c. 6, 5), op. cit., p. 105: "Lex naturalis non tantum est indicative mali et boni, sed etiam continent propriam prohibitionem mali, et praeceptionem boni."

44 The concept of law is not analogical but equivocal for Suárez.

45 Cf. May, W. E., Natural Law Doctrine of Suarez. *The New Scholasticism* 54, 1984, No. 4, p. 409–423.

> Although the obligation that is added by the natural law as it is really preceptive has its origin in the divine will, this will presupposes a judgement about e.g. war, falsehood etc. From the power of mere judgement, however, does not proceed any proper prohibition or obligation of a commandment, because it cannot be understood without will. That is why the will adds the prohibition of such things because they are evil. Therefore the natural law as it is in us does not only indicate evil, but it also obliges us to avoid it. It represents not only natural discord of such an act or object with rational nature, but it is also a sign of divine will that forbids it.[46]

The middle course between intellectualism and voluntarism has a consequence in the concept of the sanction for a violation of natural law precepts. A punishment follows from an obligation stated by the divine free will, so that it is not a part of the natural law according to Suárez.[47] That is why the sanction is incomprehensible by the human intellect and it is only a matter of faith. A question remains: how do people who do not know this sanction because of their lack of faith cope? Suárez answers that it is not necessary for a sinner to know the due punishment for his sin. It suffices when he deserves such a punishment for his evil acts.[48]

The preceptive force of the natural law follows from the indicative force so that there is a natural obligation (*obligatio naturalis*).[49] Hence Suárez on the one hand understands the sanction in direct connection with God, and on the other side opens up the possibility of an autonomous understanding of the natural law where the human being obliges himself on the grounds of an indicative of his nature. This is a starting point for the secularisation of the natural law. Nevertheless, Suárez's attitude with respect to the sanction as such does refer to God.

46 Suárez, F., *Opera omnia* t. 5 (*De legibus* II, c. 6, 13), op. cit., p. 109: "Quamvis ergo obligatio illa quam addit lex naturalis, ut proprie praeceptiva est, sit ex voluntate divina, tamen illa voluntas supponit judicium de militia, verbi gratia, mendacii et similia: tamen, quia ex vi solius judicii non inducitur propria prohibitio, vel obligatio praecepti, quia hoc sine voluntate intelligi non potest, ideo adjungitur voluntas prohibendi illud, quia malum est. Unde tandem fit legem naturalem, prout in nobis est, non tantum esse indicantem malum, sed etiam obligantem ad cavendum illud, ac subinde non solum repraesentare naturalem disconvenientiam talis actus, vel objecti cum rationali natura: sed etiam esse signum divinae voluntatis vetantis illud."

47 Cf. Courtine, J.-F., *Nature et empire de la loi. Études suaréziennes.* Paris, Vrin 1999, p. 145.

48 Cf. Suárez, F., *Opera omnia* t. 5 (*De legibus* II, c. 9, 3), op. cit., p. 119: "Ad incurrendum reatum alicujus poenae, non est necessarium ut ipse subditus et transgressor legis cognoscat poenam debitam suae transgressioni; sed satis est ut faciat actum dignum talis poena."

49 Cf. Suárez, F., *Opera omnia* t. 5 (*De legibus* II, c. 9, 4), op. cit., p. 119.

His theory opened the door to the secularization of the natural law because of an inversion of the relationship between God and human nature. Aquinas starts with God and the eternal law as a creative idea in God's mind. Suárez starts with human nature. If God created human beings as rational, then God established some laws that can be understood and followed by human beings.[50] Thus the natural law is a consequence of the shape of human nature. The starting point here is not God but man.[51]

We must say that the problem as such for Suárez is Aquinas's definition of law, because it is too wide for him.[52] The medieval Scholastic professor understands law as *regula et mensura*, i.e. the ordering principle that commands and counsels which brings some possibility of a creative approach. The Jesuit Scholastic professor however purposefully narrows this law to the principle commanding a morally good life. It means that in Aquinas the law concerns all creatures (in different ways), but in Suárez it is restricted only to rational creatures. For Aquinas the eternal law is a description of the way in which God orders the Universe, while Suárez cannot understand the eternal law as really eternal, because if it had been valid from eternity it would have been valid before creation, when there was nothing but God. But no law can bind God so that the eternal law is rather the law for lower laws (natural law and both positive laws).[53]

But there is a problem in Suárez's concept here. If the natural law is both indicative and preceptive and its preceptive power is a consequence of the indicative, then God evidently has to want what he knows as good.[54] It means God binds himself, which is impossible for Suárez because someone can be bound by a command only from a superior authority. According to Haakonssen this enables a removing of the difference between eternal and natural law[55] which results in the secularisation of the natural law:

> In one sense God is totally free – free, for example, to create or not to create the known world. If we could conceive of his choice between creating this or another world, or no world at all, as a moral choice, a choice between alternative constellations of

50 Cf. May, W. E., Natural Law Doctrine of Suarez, op. cit.
51 Cf. Westerman, P. C., *The Disintegration of Natural Law Theory. Aquinas to Finnis*, op. cit., p. 102.
52 Cf. Courtine, J.-F., *Nature et empire de la loi. Études suaréziennes*, op. cit., p. 143; May, W. E., Natural Law Doctrine of Suarez, op. cit.; Courtine, J.-F., Vitoria, Suárez et la naissance du droit naturel moderne. In: Renaut, A. (ed.), *Histoire de la philosophie politique II: Naissances de la modernité.* Paris, Calmann-Lévy 1999, p. 127–181.
53 Cf. Westerman, P. C., *The Disintegration of Natural Law Theory. Aquinas to Finnis*, op. cit., p. 81–86.
54 Cf. Haakonssen, K., *Natural Law and Moral Philosophy*, op. cit., p. 22.
55 Suárez explicitly asserts that the eternal law and the natural law are different. Cf. *Opera omnia* t. 5 (*De legibus* II, c. 5, 8), op. cit., p. 101–102.

> goods and evils, then we could see him as imposing upon himself certain duties as a consequence of realizing one or another set of values. This rather commonsensical view is probably what Suárez intends. The problem is that it amounts to suggesting that human beings can understand the eternal law by which God himself operates, not just its adaptation in the natural law promulgated to humans. If human beings could have this kind of insight, it is not clear why God the legislator should be necessary as the ground of all human morality.[56]

I consider this reflection to be compelling only in its understanding of God's free decision as rational and consequently intelligible. But it is always hidden for the human being, because human reason is not able to reach the complexity of all alternatives in their fullness. It means that the dependence of the natural law with the eternal law as a participation of the rational creature in the law that is principally inaccessible for mankind (it is intelligible as such but not for human beings) is still in play.

Vázquez – direct predecessor of Grotius?

Among the most important Jesuit philosophers and theologians it was Gabriel Vázquez (1549–1604) who held the most extreme position. Many authors consider both his strong intellectualism and his close affinity to Grotius.[57]

It seems that without distinguishing between eternal and natural law two consequences appear. First, it is a radically transcendentalist view that refers only to God. It takes the form of clear voluntarism, which means that the natural law is transformed into some kind of divine positive law, because it depends only on the will of God who is Lawgiver. Second, it is Molina's concept of natural law that emphasises the nature of good and evil that is in the thing itself. It is a secularised concept, because the origin and obligatory character of natural law have not referred to God any more, and remains valid even if God does not exist.

Quite an obvious form of such an attitude can be found in Gabriel Vázquez, who explicitly articulates thoughts that are only indicated in Molina. According to him the natural law exists independently and there-

56 Haakonssen, K., *Natural Law and Moral Philosophy*, op. cit., p. 22

57 Cf. Westerman, P. C., *The Disintegration of Natural Law Theory. Aquinas to Finnis*, op,. cit., p. 146 "It seems to me that if there is a connection between Vázquez and Grotius at all, Grotius radicalizes Vázquez's view." Cf. also Leger, J. S., *The "etiamsi daremus" of Hugo Grotius. A Study in the Origins of International Law*, op. cit. p. 45–57.

fore it results in action without being explicitly commanded.[58] It means that the necessity and objectivity of natural law cannot be changed even by God.[59]

> Since the law or the right is a rule to which our acts must be adequate to be just, the natural law or natural right is the natural rule that is not based on the will but on the proper nature. It also confirms that such is a law or right, which is not established by will, not a divine one.[60]

What about Vázquez's opinion regarding the above mentioned questions that are important for the formulation of secularized theory of natural law or natural right? First it must be said that Vázquez is a strong intellectualist. He understands law as an act of the intellect and not of the will.[61]

> The law is the act of the intellect and not of the will. It is the act of the intellect as the command that presupposes the act of the will. It is a proposition that is called by Scholastics an intimation of the will of the superior.[62]

Vázquez clearly differs from Suárez in this point and with his intellectualism and secularised concept of natural law he seems to confirm Suárez's reservation about the pure intellectualism that leads only to this radicalism. However, what makes Vázquez the proponent of the secularised form of natural law is not the intellectualism itself. The Thomist authors mentioned above were also intellectualists but they did not arrive at the secularisation of natural law. According to my opinion the key is the blending of eternal and natural law or – more exactly – the dropping of the concept of eternal law from the concept of natural law. Vázquez, like his Jesuit friars, consid-

58 Vázquez, G., *In Primam Secundae Sancti Thomae*. Tom. 2, d. 150, c. 3, n. 23. Compluti, Ex Officina Iusti Sanchez Crespo, 1605, p. 10: "ante omnem voluntatem Dei et imperium, imo etiam ante omne iudicium."

59 Cf. Carpintero, F., *Justucia y ley natural: Tomás de Aquino, y los otros escolásticos*, op. cit., p. 320.

60 Vázquez, G., *In Primam Secundae Sancti Thomae*. Tom. 1. Ingolstadii, Hertsroy 1606, d. 150, c. 3, n. 21. Ingolstadii, Hertsroy, 1606, p. 7: "Cum enim lex, aut ius sit regula, cui aequari debent actiones, ut iustae sint; naturalis lex, aut naturale ius erit regula naturalis, quae nulla voluntate, sed suapte natura constat. Porro talem esse aliquam legem, aut ius, quod nulla voluntate, etiam Dei, constitutum sit, illud maxime confirmat.".

61 Cf. Specht, R., Materialien zum Naturrechtsbegriff der Scholastik, op. cit., p. 86–113.

62 Vázquez, G., *In Primam Secundae Sancti Thomae*. Tom. 2, d. 150, c. 2, n. 16, op. cit., p. 8: "Lex opus est intellectus, non voluntatis, est autem opus intellectus, sicut imperium supponens actum voluntatis, nempe est propositio, quam Scholastici intimationem vocant voluntatis superioris."

ered natural law as independent and self-sufficient so that he did not derive it from eternal law.[63]

> The natural law in the rational creature is the nature itself in so much as it is rational, because it is the first rule of good and evil.[64]

In the end we can mention another distinctive Jesuit thinker Rodrigo de Arriaga (1592 – 1667) who followed Vázquez, but did not hold such a radical position. Arriaga speaks about the natural or the eternal law (*lex naturalis seu aeterna*) that is in the proper sense an act of the intellect,[65] so that he seems to identify both laws then. According to Arriaga even God has the eternal and natural law, which is a position that does not match up with Aquinas's understanding of the natural law as a participation of the rational creature in the eternal law in the divine mind.[66] Arriaga seems to treat the nature of God and the man the same way in this context which brings him closer to Vázquez.

Conclusion

Let us come back to the question at the beginning of this paper. What exactly were the circumstances of the secularisation of the natural law that was made famous by Grotius? It was not a radical turn in the doctrine as stated by Pufendorf who believed that it was only the Stoics who held the true theory of natural law before Grotius while Aristotelians, including the Scholastics, clouded the concept.[67] On the contrary, it was Grotius who came into the field prepared by some Scholastic scholars of early modern times.

It is not voluntarism that makes them Grotius's predecessors in the field of the secularization of the natural law. On the contrary, voluntarism as such is rather a defence against this secularization, as is evident in Suárez: he was a moderate voluntarist but together with that he did not accept the secu-

63 Cf. Courtine, J.-F., *Nature et empire de la loi. Études suaréziennes*, op. cit., p. 63. Cf. Vázquez, G., *In Primam Secundae Sancti Thomae*. Tom. 1, d. 151, a. 1, explic. op. cit., p. 17)

64 Vázquez, G., *In I–II*, d. 150, c. 3, n. 21 (Vázquez, G., *In Primam Secundae Sancti Thomae*. Tom. 1, op. cit., p. 8): "Lex naturalis in creatura rationali est ipsamet natura, quatenus rationalis, quia haec est prima regula boni & mali."

65 Cf. Arriaga, R., *Disputationes theologicae in Primam secundae seu Universi cursus theologici.* Tom. 4, disp. 1, sect. 2, subsect. 1. Antverpiae, Balthasar Moreti 1644, p. 3.

66 Cf. Ibid., p. 4: "Respondeo … Deum etiam habere legem aeternam & naturalem, non quidem ab aliquo sibi Superiore, sed a iudicio suo proprio & intrinseco, seu a sua propria natura et essentia."

67 Cf. Chroust, A.-H., Hugo Grotius and the Scholastic Natural Law Tradition, op. cit.

larised theory of natural law that was caused by radical intellectualism, according to him. Neither is intellectualism itself the cause of secularization of the natural law, because we find intellectualism in authors of the Dominican school that did not adhere to the secularization thesis at all.

According to my opinion the turning point to the secularization of the natural law, besides the change in the understanding of the sanction described by Sousedík, is the weakening of the concept of eternal law. If natural law in the human mind is not derived as a participation in the eternal law in the mind of God, we must look for its reason either in pure voluntarism or in that which is as such without any respect to God. Pure voluntarism can resist the secularisation but it simultaneously leads to resigning the intelligibility of the natural law. The reason for obligatory character and sanction can only be only God's decision and nothing else. From the intellectualist point of view that distinguishes between the eternal and the natural law, and the intelligibility of the natural law remains untouched. It also refers to God with respect to obligation and sanction but it understands Him as intelligent and not wilful. If an intellectualist denies a difference between the eternal and the natural law, he must look for obligation and sanction in the thing itself. Any reference to the cause of the thing is superfluous for the concept of natural law then.

SUMMARY

The concept of natural law in Thomas Aquinas's writings is based on the concept of the eternal law, which is a creative idea in God's mind. The natural law is a participation of the rational being in this eternal law. Some thinkers of the second Scholasticism understood the natural law more and more independently on this theological ground. According to Grotius it is independent even of God. This paper presents Aquinas's view and investigates the writings of some Dominican and Jesuit authors with respect to the question on the development of the Grotian secularisation of the natural law. It concentrates especially on the tension between the intellectualism and the voluntarism and on the weakening of the importance of the dependency of the natural law on the eternal law.

Keywords: Aquinas, natural law, Scholasticism, Suárez

Scotism

Hylomorphism between Thomism and Scotism

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I

Hylomorphism is naturally perceived as a kind of common ground of the entire Aristotelian-scholastic tradition. Of course there are different interpretations of the doctrine and its core notions, but – or at least so it may seem – the basic tenets, like that every material substance is composed of prime matter and at least one substantial form, that matter relates to form as a potency to an act, that substances can be further actuated by additional determinations called accidental forms, and so on, are shared universally across all the various scholastic schools and particular elaborations of the doctrine.

In this paper, I would like to challenge this view. I would like to suggest that under the guise of common nomenclature, there are in fact two radically different philosophical conceptions fighting each other – conceptions not just of material reality but of reality as such: two radically different metaphysical worlds. Putting aside many complications and necessary qualifications, we can say that one of these conceptions is that of the Thomists, while the "rest of the world", so to speak, shares the other.

I am aware, of course, that such a general claim cannot be properly justified within the confines of one paper. Inevitably, then, my approach will drastically abbreviate. For one thing, I will assume on the part of the reader familiarity with the general outlines of the Thomistic theory. I include here the notorious doctrines of prime matter as pure potency,[1] unicity of substantial

1 Cf. Thomas Aquinas, *De principiis naturae* [subs. abbr. as *DPN*], c. 2: "[Materia prima] per se nunquam potest esse, quia cum in ratione sua non habeat aliquam formam, non habet esse in actu, cum esse in actu non sit nisi a forma, sed est solum in potentia. Et ideo quicquid est actu, non potest dici materia prima." Joannes Versor [† c. 1485], Quaestiones super De ente et essentia sancti Thomae de Aquino ordinis fratrum praedicatorum, q. 13, sciendum 1°. Ediderunt M. Severa – L. Novák. *Studia Neoaristotelica*, 5, 2008, 2, s. 247, l. 25–26: "Forma est proprius actus materiae, nam materia secundum se accepta est pura potentia nullam habens actualitatem. Si igitur materia habeat actum, oportet quod habeat per formam, ad quam est in potentia. Omnis autem materia de se sit in potentia – patet, quia unumquodque imperfectum est in potentia ad suma perfectionem. Sed materia de se turpis est et imperfecta, et perficitur per formam. Ideo

form,[2] and resolution down to prime matter at substantial change ("usque ad materiam primam").[3] Assuming familiarity here will allow me to focus

materia est in potentia ad formam." Ibid., q. 13, c. 2: "Si materia sit, ipsa habebit suum proprium esse et suum proprium actum. Sed actus eius est forma […]." Ibid., q. 13, dub. 1°: "Si esset [materia] sine forma, esset ens et etiam non ens, quia non haberet suum proprium actum, per quem solum sibi convenit esse." João Poinsot [Joannes a S. Thoma], *Cursus philosophicus Thomisticus* [hereinafter *CP*], pars 2, q. 3, a. 2. Lugduni, sumpt. Arnaud et al. 1678, p. 362a: "*Materia secundùm se est in potentia ad actum formalem, et ad actum entitativum, ita quod non habet immediatum ordinem ad existentiam, sed mediante forma, cuius est prius susceptiva, quàm existentiæ.*" Gredt, J., *Elementa philosophiae Aristotelico-Thomisticae*. Editio 13, recognita et aucta ab E. Zenzen O.S.B. Herder, Barcinone–Friburgi Brisgoviae–Romae–Neo Eboraci 1961 [subs. abbr. as *Elementa*], vol. 1, Philosophia naturalis, th. 5, p. 240: "Materia prima est pura potentia, forma vero substantialis actus substantialis primus." All italics in quotes are original, unless indicated otherwise. For simplicity, I omit square brackets in case of mere capitalization of the first letter of a quote; and I also silently expand abbreviations as suitable. Proposed emendations of the quoted text are marked by angle/curly brackets (for additions/deletions respectively).

2 Cf. Thomas Aquinas, *In De anima* II, lect. 1, n. 14: "Haec est differentia formae substantialis ad formam accidentalem, quod forma accidentalis non facit ens actu simpliciter, sed ens actu tale vel tantum, utputa magnum vel album vel aliquid aliud huiusmodi. Forma autem substantialis facit esse actu simpliciter. Unde forma accidentalis advenit subiecto iam praeexistenti actu. Forma autem substantialis non advenit subiecto iam praeexistenti in actu, sed existenti in potentia tantum, scilicet materiae primae. Ex quo patet, quod impossibile est unius rei esse plures formas substantiales; quia prima faceret ens actu simpliciter, et omnes aliae advenirent subiecto iam existenti in actu, unde accidentaliter advenirent subiecto iam existenti in actu, non enim facerent ens actu simpliciter sed secundum quid." *CP*, pars 3, q. 1, a. 3, p. 741a: "Tamquam certa conclusio, et communi authorum approbatione recepta statuendum est, *In nullo composito substantiali, quod est unum per se, posse dari plures formas substantiales, neque propter diversa prædicata, seu gradus, neque propter diversitatem propter diversitatem partium heterogenearum*." Gredt, J., *Elementa*, vol. 1, Philosophia naturalis, n. 260, p. 243: "Ergo non possunt duae formae substantiales simul informare eandem materiam […]. Forma enim superveniens formae iam non esset actus substantialis primus […]."; ibid., vol. 2, Metaphysica, th. 18, p. 141: "Non potest ex duabus substantiis constitui una natura, nisi utraque substantia sit incompleta: altera pura potentia, altera ut actus eius substantialis primus."

3 Cf. Thomas Aquinas, *Quaestiones quodlibetales* I, q. 4, a. 1, co.: "Frustra […] esset in homine alia anima sensitiva praeter intellectivam, ex quo anima intellectiva virtute continet sensitivam, et adhuc amplius; sicut frustra adderetur quaternarius posito quinario. Et eadem ratio est de omnibus formis substantialibus usque ad materiam primam; ita quod non est in homine diversas formas substantiales invenire, sed solum secundum rationem; sicut consideramus eum ut viventem per animam nutritivam, et ut sentientem per animam sensitivam, et sic de aliis. Manifestum est autem quod semper, adveniente forma perfecta, tollitur forma imperfecta, sicut etiam adveniente figura pentagoni, tollitur quadrati. Unde dico, quod adveniente anima humana, tollitur forma substantialis quae prius inerat; alioquin generatio esset sine corruptione alterius, quod est impossibile. Formae vero accidentales quae prius inerant disponentes ad animam, corrumpuntur quidem non per se, sed per accidens ad corruptionem subiecti: unde manent eaedem specie, sed non eaedem numero; sicut etiam contingit circa dispositiones formarum elementarium, quae primitus materiae advenire apparent." *CP*, pars 2, q. 1, a. 6, p. 592a: "De resolutione omnis formæ substantialis in praesenti non tractamus, sed supponimus totaliter spoliari materiam forma substantiali, quando fit generatio, eo quod in composito non sunt plures formæ substantiales. […] *De resolutione ergo omnis formæ accidentalis difficultas est.*"; ibid., p. 593a: "[S]ententia S. Thom. est, *In generatione substantiali fieri resolutionem accidentium, ita ut nullum, quod erat in corrupto, relinquitur in genito, sed de novo producatur.*" Gredt, J., *Elementa*, vol. 1, Philosophia naturalis, th. 19, p. 316: "In generatione substantiali, cum corrup-

on the opposite philosophical party. Moreover, from the still quite large pool of doctrinal variants I will chose just a single representative (or, in fact, a pair of representatives), namely the Prince of Scotists Bartolomeo Mastri, together with his overshadowed colleague and co-author of the greater part of his *Philosophiae ad mentem Scoti cusrus integer*, Bonavnetura Belluto.[4] This choice is justified by several considerations. First, Mastri is arguably the most luminous figure of the 17th-century Scotism, and, by implication, of Scotism as such, and so makes for a respectable representative of the entire anti-Thomist cohort. Moreover, his and Belluto's philosophical *Cursus* is probably the most detailed and comprehensive systematic treatment of the whole of scholastic philosophy. Mastri and Belluto's work also has the virtue that it provides a rich panoramic view of the entire landscape of then-current scholastic thought, since they not only cite their sources and opponents by name, but also relate their views and arguments with admirable reliability and precision.[5]

Still, Mastri and Belluto's treatment of hylomorphism spans some 170 folio pages of dense argumentation. From among this overwhelming amount of material I will focus on a single topic, which I consider crucial for my argument: namely the nature of prime matter, and, to a lesser extent, of substantial form.

My paper has three parts. The first one is just over. In the second part, I will put forth some basic theses on matter and related topics extracted form Mastri and Belluto's exposition. Finally, I will turn to the broader context of the problem and present my understanding of the ultimate conceptual background of the Scotist–Thomist dispute, and so try to justify my thesis.

II

Mastri and Belluto's treatment of hylomorphism (based, of course, on Aristotle's *Physics*) is twofold: they treat matter and form first (together with privation) as principles of material things *in becoming* (*in fieri*), i.e., of substantial change, and then as principles of material being *in being there* (*in facto esse*). The most important theses of matter and form, however, are contained

tione substantiae producitur nova, fit resolutio usque ad materiam primam, nulla remanente forma neque substantiali neque accidentali."

4 I use the following edition: Bartholomaei Mastrii […] et Bonaventurae Belluti […] *Philosophiae ad mentem Scoti cursus integer*. Tomus secundus: […] Disputationes ad mentem Scoti in Aristotelis Stagiritae libros Physicorum. Venetiis, apud Nicolaum Pezzana 1727 [subs. abbr. as *Physica*].

5 For a brilliant in-depth analysis of the hylomorphic theory in Duns Scotus himself see Ward, T. M., *Duns Scotus on Parts, Wholes and Hylomorphism*. Leiden, Brill 2014.

already in the first treatment, forming *Disputation 2* of their tome on natural philosophy; and I will focus mostly on that.[6]

The first concern of Mastri and Belluto is to demonstrate the very *existence* of matter and form. Although they regard this thesis as so obvious that it needs virtually no demonstration,[7] they nevertheless provide three standard arguments. First, were it not for hylomorphic composition of bodies, things would be created and annihilated, or perhaps transubstantiated, instead of being generated and corrupted; but these are naturally impossible ways of coming to be or perishing.[8] Second, were it not for substantial forms, material substances would not be specifically different from each other, but they evidently are.[9] Third, it is evident that not all changes are merely accidental. For example, when a piece of food is turned into the flesh of a living being by nutrition, the respective change can hardly be regarded as merely accidental.[10] Therefore, hylomorphic composition is required within substances, too.

But what is the nature of this matter corresponding to a substantial form? This is the next question Mastri and Belluto raise, and from this point on, their exposition inevitably assumes the form of an anti-Thomistic polemic. For the fundamental point of dispute is, whether matter is a potency so pure and naked, that it excludes not just any *formal* act (i.e. any form, substantial

6 The structure of Mastri and Belluto's treatment of matter and form can be gleaned from the titles of the first five disputations of their tome on Physics:
1: *De principiis rerum naturalium in fieri.*
2: *De principio materiali, et formali mutationis substantialis.*
3: *De principio materiali, et formali mutationis accidentalis.*
4: *De privatione.*
5: *De principiis intrinsecis in facto esse.*
Disputations 1–4 treat the "principles *in fieri*" or principles of change: (1) in general, (2) substantial form and the corresponding matter, (3) accidental form and the corresponding matter, (4) privation. Disputation 5 treats the "principles *in facto esse*": i.e. matter and form *qua* material and formal cause of the composite.

7 "Dicimus, ita certum esse, dari in rerum natura materiam, et formam substantialem, ut quasi probatione non indigeat." Mastrius – Bellutus, *Physica*, d. 2, q. 1, a. 1, n. 2, p. 38a.

8 "Si non daretur [materia], res omnes fierent ex nihilo, et in nihilum redirent; atque ita productio omnis esset creatio, aut transsubstantiatio, et omnis corruptio esset annihilatio, sed ex nihilo nihil fit naturaliter, et nulla res in pœnitus nihil desinit, ergo danda est materia, ex qua, tanquam ex subiecto primo omnia fiant, et in quod tanquam in ultimum resolvantur […]" Ibid.

9 "Necesse est admittere principium quo una substantia materialis ita in suo esse constituitur, ut per illud substantialiter differat ab alia re quacunque, illo principio constitutivo carente; sed talis esse nequit, nisi forma substantialis, etgo etc." Ibid., p. 38b.

10 "Non […] solùm da(n)tur mutationes accidentales, sed etiam substantiales, nam ex aqua fit aer, ex ligno ignis, et ex alimento non vivente fit vivens; at huiusmodi, mutationes fieri nequeunt per corruptionem, et generationem primi subiecti, quia tunc forent creationes, et annihilationes, ergo permanet sub utroque termino unum primum, et commune subiectum; pariter per hujusmodi transmutationes non acquiruntur nova accidentia sola, aut deperduntur; dum alimentum fit vivens non acquirit solùm accidens, dum corpus vivens interit, non solùm accidens amittit, ergo termini harum mutationum sunt formæ substantiales." Ibid.

or accidental), but also any *entitative* act – which is the claim associated with Thomists.[11] Or whether it, on the contrary, has an *actus entitativus* proper to itself – which is the Scotist position. But what is an entitative act, or what it means for matter to be endowed with entitative act? This is also a matter of dispute. Mastri and Belluto list no less than *four* different Thomistic positions in that regard:

(1) "Older Thomists" – and, it would seem, the only faction that seems to implement Thomistic principles consistently – simply claim that prime matter is absolutely devoid of any entity or entitative act, whatever that may be, to the effect that *all the entity* of matter derives from the form.[12] In Mastri and Belluto's eyes, this is clearly an extreme view.[13]

(2) Other Thomists, according to Mastri and Belluto "*magis D. Thomae mentem penetrantes*" (i.e. having better grasp of Aquinas's mind), (i) identify *actus entitativus* with existence, and (ii) concede to matter its own entity and essence but not its own existence or *actus entitativus* (in their sense). This is, according to Mastri and Belluto, a more common view.[14]

11 "Explicaverunt Thomistæ essentiam materiæ per hoc, quòd in genere, et coordinatione entium sit nuda, et pura potentia, omnem prorsus excludens actum, etiam entitativum […]" Ibid., a. 2, n. 6, p. 39a.

12 "Veteres Thomistæ ita mordicus a natura materiæ excluserunt omne(m) actum entitativum, ut in tota entium coordinatione nullum gradum entis illi adscripserint, sed omnem eius entitatem, et actualitatem in formam retulerint; ita ut entitas actualis materiae non sit alia præter entitatem formæ, sed sit eadem entitas formæ communicata formaliter ipsi materiæ […]" Ibid., p. 39a-b.

13 It is not clear to me who these "older Thomists" are supposed to have been. Not John Capreolus, who concedes a "positive, albeit potential entity" to prime matter, while responding to Scotus's argument that only that which has some positive entity in itself can be said to "receive" (" 'recipere' non convenit nisi habenti in se prius aliquam entitatem positivam" – see note 35). Capreolus responds: "Dicitur quod solum concludit, quod materia prima habet aliquam entitatem positivam, actualem vel potentialem; sed non concludit quod illa sit actualis." Joannes Capreolus, *Defensiones theologiae Divi Thomae Aquinatis*, lib. II, dist. 13, q. 1, a. 3, § 1, n. II, ad arg. 5^{um}, ad prob. 4^{am}. Ed. C. Paban et T. Pègues, tom. IV, Turonibus, sumpt. A. Cattier 1903, p. 31b. In a similar way, Versor's formulations quoted in note 1 only imply that all *actuality* of matter is given to it by the form, nothing is said about the *entity* of matter: and these two are not the same for Thomists, as can be seen in Capreolus (and cf. also note 14).

14 This seems to be expressly the view J. Poinsot: "Formalem actum vocamus formam constituentem cum materia aliquod tertium; actum verò entitativum, existentiam per quam aliquid formaliter constituitur extra causas. […] Nunc autem qui cum Aristotele sentiunt materiam esse ens in potentia, et aliunde non possunt percipere quod illud quod non est ens actu, sit aliquid reale, sed solum nihil, intelligunt materiam non dici ens in potentia quasi careat existentia […], sed solùm […] forma informante, quae vocatur actus formalis, non quia caret existentia, quae vocatur actus entitativus. Et haec sententia sumit suum principium ex eo, quod existimat existentiam non distingui à quacumque entitate reali, hoc ipso quod realis est […] quia remotâ existentiâ, omnis realitas removetur […]. Nunc autem supponimus fuisse semper communem sententiam usque ad hæc nostra tempora, distinctionem aliquam a parte rei dari inter essentiam realem et existentiam […]." *CP*, pars. 2, q. 3, a. 2, p. 362a. Cf. also Gredt, J., *Elementa*, vol. 1, Philosophia naturalis, n. 261a, p. 243: "Inter merum nihil et actum datur tertium: r e a l i s

(3) Some recent Thomists, or would-be Thomists (Mastri and Belluto list Domingo Soto, but also the Jesuits Conimbricenses and Ruvius), went even further and ascribed to matter not just its proper entity and essence, but also existence distinct from the existence of form. But on the other hand, they denied to matter an *actus entitativus*, which, according to them, is not the same item as existence.[15]

(4) Still others, (and Mastri and Belluto wonder that even some from among the Dominican family) like e.g. Diego Mas, distinguished between existence and *actus entitativus* as well, but they (in Mastri and Belluto's eyes quite strangely) denied existence to matter, while conceding to it an *actus entitativus*.[16]

Mastri and Belluto conclude from all this, first, that despite their rhetoric, no Thomist actually takes the absolute purity of the potentiality of prime matter so seriously as to reduce it to a mere objective potency. So, in the Scotists' eyes, the Thomists' "pure potency" is not in fact as pure as it might be expected.[17] And second, they note that unless the Thomistic position is understood in the (to them) radical sense of the "older Thomists", the dispute between the Thomists and the non-Thomists turns out to be merely verbal. For all the remaining three interpretations concede that matter *does* have some intrinsic reality, actuality or entity, however that may be called, and nothing more is claimed in the Scotistic position. However, the two Scotists add, the radical Thomistic interpretation is untenable, since to deny to matter any intrinsic entity or reality *whatsoever* and say that it receives it all from the form just is to make the form the only single principle of material beings, and thus to contradict the already established conclusion that material beings are hylomorphically composed.[18]

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potentia. Materia utpote pura potentia nullo modo significat actum seu perfectionem, sed omni ex parte potentialitatem, imperfectionem, *est tamen ens reale*, sed prorsus imperfectum, ultima linea realitatis, pura potentia realis […]." [Italics mine, spacing original.]

15 "Recentiores aliqui Thomistæ ulterius per⟨r⟩exerunt, quidam enim concesserunt materiæ nedum suam partialem entitatem, sed etiam existentiam realiter distinctam ab existentia formæ, et adhuc actum entitativum eidem denegarunt concedentes existentiam hoc nomine appelari non posse […]." Mastrius – Bellutus, *Physica*, d. 2, q. 1, a. 2, n. 6, p. 39b.

16 "Alii è contra etiam ex familia Dominicana (quod mirabilius est) negant materiæ propriam existentiam, et concedunt actum entitativum, quia volunt actum ejusmodi importare non rei existentiam, sed intrinsecam quandam et transcendentalem perfectionem cujuscunque entis […]." Ibid.

17 "Ex quo duo colligere licet, primum est nullum Thomistarum materiam primam ita puram potentiam fecisse, ut eam posuerit in sola potentia obiectiva […]." Ibid., n. 7, p. 39b.

18 "Alterum [colligendum] est, hanc quaestionem esse de nomine, nisi in sensu veterum Thomistarum sustineatur, in quo nullo modo defendi potest, quia tunc materia non esset compars cum forma, compositum esset simplex, et alia sequerentur absurda […], nam in altero sensu, quod tribuitur materiæ distincta entitas in rerum natura ab entitate formae, licet non distincta

This move is characteristic for the Scotistic attitude to the Thomistic doctrine of matter as pure potentiality: they cannot imagine how the Thomistic doctrine can be maintained without either being *evidently* false, or coinciding with their own. I hope that the reason why this is so will be made clear in the final part of my paper.

The fruit of the long and detailed discussion of the Thomistic alternative(s) which follows (whose nature and results, however, are pre-determined by the basic strategy I have just sketched) is the real definition of matter: matter is *an imperfect and incomplete substance, the first subject of all forms and changes, and an essential part of the substantial composite in the manner of a per se potency*.[19] Note the reistic language employed: matter is called a *substance*, albeit incomplete and imperfect, and *subject* without any qualification.[20]

The treatment of substantial form by Mastri and Belluto is considerably shorter.[21] The main problematic point of the doctrine is, how substantial form is to be distinguished against accidental form. Substantial form is defined by everyone as the *primary act* of matter.[22] What that means is clear in the Thomistic system, where there can only be *one* substantial form in a given substance and all accidental forms inhere strictly in the already constituted composite.[23] The Scotists, however, maintain that there usually is a plurality of forms in a substance,[24] and they even concede that some accidents inhere

existentia, jam convenit D. Thom[as] cum Scoto secundum rem ipsam, Doctor enim […] aliud probare non intendit, quam materiam non esse in potentia obiectiva tantùm […]." Ibid.

19 "*Est igitur* [materia prima] *substantia quædam imperfecta, et incompleta, subiectum primum omnium formarum et transmutationum, et pars essentialis compositi substantialis per modum per se potentiæ;* […]." Ibid., n. 23, p. 43b.

20 Compare this with Aquinas, *DPN*, c. 1: "Proprie loquendo, quod est in potentia ad esse accidentale dicitur subiectum, quod vero est in potentia ad esse substantiale, dicitur proprie materia. Quod autem illud quod est in potentia ad esse accidentale dicatur subiectum, signum est quia dicuntur esse accidentia in subiecto, non autem quod forma substantialis sit in subiecto. Et secundum hoc differt materia a subiecto: quia subiectum est quod non habet esse ex eo quod advenit, sed per se habet esse completum, sicut homo non habet esse ab albedine. Sed materia habet esse ex eo quod ei advenit, quia de se habet esse incompletum. Unde, simpliciter loquendo, forma dat esse materiae, sed subiectum accidenti, licet aliquando unum sumatur pro altero scilicet materia pro subiecto, et e converso."

21 Spanning less than a single page: Mastrius – Bellutus, *Physica*, disp. 2, q. 1, a. 3, n. 24–26, p. 44a-b.

22 "*Forma est actus primarius materiæ, unum per se cum ea constituere natus*; […]" Ibid., n. 24, p. 44a.

23 See note 2.

24 "Objicies. Primò, quia dantur aliquæ formæ substantiales, quæ essentialiter ordinantur ad alias, ac proindè esse perfectum, et {in}completum non tribuunt, sed incompletum potius, et quasi genericum, sic se habet forma mixti in viventibus in ordine ad animam, vegetativa in ordine ad sensitivam, et sensitiva in ordine ad intellectivam in opinione ponente tres animas, ergo malè explicata est ratio formæ substantialis, quòd det esse completum, et specificum." Mastrius – Bellutus, *Physica*, disp. 2, q. 1, a. 3, n. 25, p. 44a.

directly in the matter (for example, the relation of its union to form[25]). So it seems that in this doctrine some substantial forms will not be primary, and, conversely, some accidental forms will be primary.[26]

Mastri and Belluto cite Scotus's own reply to these kinds of worries: "primary" and "secondary", as distinguishing substantial from accidental forms, must not be understood according to the "order of introduction" of the forms into matter (which is how the Thomists interpret the definition). Rather, the priority and posteriority involved is that of *nature*. A form naturally prior or primary is such that it imparts *esse simpliciter* to its subject, while a form naturally posterior only imparts *esse secundum quid – irrespective of the actual order according to which these forms inhere in the matter*.[27] In other words: the "substantiality" of a form must be considered as part of the intrinsic nature of the given form, which, according to Mastri and Belluto, imparts primary, that is substantial, formal being to whatever it joins, and whenever (in whichever order) it joins it. A substantial form is not "substantial" because it "comes first" to naked prime matter, but because it has, of itself, substantial nature, *viz.* the capacity to formally cause a substance. Unlike the Thomist doctrine, then, there is no reductive analysis of substantiality in Scotism.

For the sake of brevity, I will refrain now from digging further into Mastri and Belluto's rich and dense presentation of their interpretation of the hylomorphic theory, and proceed on to the wider context and background of the Thomist-Scotist dispute, in order to derive some general conclusions.

25 Perhaps a less contentious Scotistic example than that of quantity (see note 26).

26 "Secundò [objicies]. Si differentia posita inter formam substantialem, et accidentalem à Scoto posita valet, nimirum, quod illa sit actus primarius, hæc secundarius materiæ primæ, sequitur aliquam formam substantialem esse accidentalem et aliquam accidentalem esse substantialem; si enim quantitas, v.g. immediatè recipitur in materia, et postmodum forma substantialis, quia est actus primarius materiæ, et anima, quia non primo advenit materiæ, sed post formam mixtionis, esset forma accidentalis, quia est actus secundarius." Ibid., n. 26, p. 44b.

27 "Respondetur negando, esse de ratione formæ substantialis in communi, ut ab accidentali distinguitur, quòd constituat semper rem in esse perfecto et ultimo, sed […] quòd det constituto esse simpliciter, ut esse simpliciter contradistinguitur ab esse secundùm quid, quod à forma accidentali tribuitur." Ibid., n. 25, p. 44a. "Non discernimus formam substantialem ab accidentali per hoc, quod substantialis est actus primarius, et dat esse primum materiæ, et composito, quod constituit; accidentalis vero est actus secundarius, et dat esse secundum, non debet accipi prius et posterius, ut præcisè dicit ordinem introductionis formarum in materia, sed ut significat primum naturaliter et secundum naturaliter; illud enim est esse simpliciter, hoc verò secundùm quid, quia esse simpliciter præcedit naturaliter esse secundùm quid; quamvis igitur quantitas primo adveniens materiæ dat primum esse formale in primo sensu, non tamen in secundo, et quia cuicumque, et quandocumque adveniat, semper tribuit esse secundum quid, et è contra, quamvis forma substantialis adveniat materiæ secundò et tertiò, semper daret esse primum in hoc secundo sensu, esse nimirum simpliciter."

III

Above I have suggested that in the scholastic tradition there are two radically different hylomorphic theories: one Thomistic and one non-Thomistic. Now why do I say that these are not two variants of essentially the same doctrine, but rather two radically distinct philosophical views concerning the nature of material reality, and, implicitly, of reality in general?

The reason is that if I interpret the two hylomorphisms correctly, they are theories serving different purposes, or attempting to explain different things.

Take Thomistic hylomorphism. Its basic tenet (though not always carried through consistently) is that matter and form are not *beings*, but *principles of a being*. According to the orthodox Thomists, the level of being is only reached when the *actus essendi* comes in; a *being* is that which is endowed with *actus essendi*, nothing else. But that means that the entire analysis which precedes the introduction of *actus essendi* (that is, both the essence–existence composition and the matter–form composition) is, so to speak, a sub-entitative analysis. It is not, or would not be if consistently carried through, an analysis of complex entities into simple entities. It is an analysis of entities into items which are not, properly speaking, entities. *This* is the reason why the Thomists do not find anything absurd in the notion that prime matter is not endowed with any "entitative act" – for the entitative act, properly speaking, just is the *actus essendi*; something that only *entities*, i.e. *beings*, can possess. And yet they reject the implication that the lack of any actuality whatsoever in prime matter just means that it is pure nothing. One cannot understand this doctrine unless one is aware that the Thomistic hylomorphic analysis is meant to explain beings by means of items which are *not* beings, not *entities* – which, however, is not to say that they are they *non-entities* or negations of entities. They do not exist or not-exist – they are just not the kind of items capable of either. Their way of obtaining or being there, so to speak, is their *principiating* an entity, and their way of not-being-there is their *non-principiating* an entity.[28] In other words, to ask whether prime matter is something or nothing is, in the Thomistic view, to commit

28 Cf. this concise statement in Gredt, J., *Elementa*, vol. 1, Philosophia naturalis, n. 261b, p. 243: "Duplici modo potest aliquid esse reale seu existere in rerum natura: α) ut «quod», i. e. ut totum quod est, β) ut «quo», sive potentiale sive actuale, i. e. ut pars sive potentialis sive actualis, qua est totum. Materia et forma, essentia et existentia sunt partes, quibus est ens completum corporeum, seu quibus exercet essendi actum: materia est pars pure potentialis, forma pars actualis – actus primus; existentia est pars actualis – actus secundus; essentia est pars potentialis relate ad existentiam. Ideo in forma dicimus: materia existit, *dist[inguo]:* Ut quod, *nego*, ut quo, *subdist[inguo]:* Ut quo actuale, *nego;* ut quo pure potentiale, *conc[edo]*." See further note 43.

a category-mistake. It is neither – for by entertaining the hylomorphic analysis one is making a step beyond the categories of being and non-being; one is enquiring into the *principles* of a being, which are situated on a level of explanation where the dichotomy "something or nothing" does not – yet – obtain or apply. There is no other way how to conceive of such principles, if they are to succeed in explaining the nature of a being in a non-circular way. Clearly, you do not successfully explain the beingness of a being by means of an item that itself is a being.

It seems to me that one can easily identify the source of the intuition underlying the Thomistic understanding of the meaning and philosophical role of hylomorphism. It has little to do with Aristotle but very much with Plato. The basic principle of Plato's ontological thought is precisely a kind of *search for heterogeneous principles*, i.e. principles that are of different kind or order than the items they serve to explain. For Plato, *being* is not the ultimate and elementary ontological datum, it is something that is derived from principles that are "beyond being",[29] principles which transcend the dichotomy of "something or nothing". It is well known that Aquinas adopted many structural features of Platonic ontology.[30] But my point here is that in addition to that, and even more importantly, he adopted from Plato the very *notion* of ontological explanation and analysis.

Of course, he was not able to appropriate this Platonic heritage without at the same time contracting its notorious problems. For example: The Platonic method in ontology inevitably leads to various kinds of hierarchic structures of ontological explanation, as the explaining item is never of the same order or kind as the item explained. However, this very fact works ultimately against the building principle of the hierarchy, which is *heterogeneity* or *transcendence*: since the very fact that there is an ordered hierarchy implies that all the members *do* participate in one and the same order after all. The relative transcendence and heterogeneity of the individual levels of the hierarchy has been "domesticated" or "reduced to the same denominator", so to speak, by the very fact that the individual items could be conceived as partaking in a single hierarchy at all.

This is a paradox which haunts Platonic thought from its beginnings and manifests itself in many ways. One such manifestation is the pragmatic inconsistency of the negative-theological implications of Platonism. On the one hand, the Good (or the One, or whatever one prefers to call

29 Or "ἐπέκεινα τῆς οὐσίας" – cf. Plato, *Republic* VI, 509b.

30 Cf. e.g. the already classic Fabro, C., *La nozione metafisica di partecipazione secondo S. Tommaso d'Aquino*. 1st ed. Milano, Vita e Pensiero 1950.

the "τοῦ παντὸς ἀρχή"[31]) should be absolutely transcendent, and so absolutely ineffable. On the other hand, the Platonists manage to employ thousands of words in attempts to delineate its ineffable nature – precisely by conceiving it as the top-element in the hierarchy.[32]

Another manifestation of this phenomenon is directly relevant to our present concern: it can be dubbed "The Paradox of the Lowest Rank". It seems almost inevitable that in any Platonic system of thought a question must ultimately arise, *how to conceive of the lowest rank of the hierarchy*. On the one hand, the lowest rank is, by definition, *part* of the hierarchy, and so it must, to a degree, partake on the constitutive principle of the hierarchy, which is ultimately derived from its top-rank item. On the other hand, it must be the *lowest* rank of the hierarchy, by its very nature, i.e., it must be impossible to think of anything even *lower*. The paradox is, how these two requirements are compatible. Is there a *least* possible degree of participation? Isn't it always possible to think of a lesser degree, as long as the degree in question is still "positive", still "above zero", i.e. still part of the hierarchy?[33]

This is, in very general terms, the problem that seems to manifest itself clearly both in Plato's original ontological conception and in the Thomist hylomorphism. In the Platonic tradition, it is the problematic nature of the item – variously called χώρα, ἀόριστος δυάς, "Great and Small", matter, etc.[34] – that seems to function both as the lowest rank of the Platonic hierarchy of emanations, and as an independent co-principle which makes the descendent emanation possible and meaningful in the first place. And although, of course, there are many differences between the Platonic notion of χώρα and the Thomistic *prime matter*, they seem to share the same *systematic* problem, the problem of the lowest rank. How is it possible to conceive a *pure* potentiality, which, however, is not mere nothing? How can such an item both partake in the order of positive contribution to the actual makeup of the actual being, and yet be absolutely devoid of participation in all actuality or positivity? Or, in other words: how can there be anything left if you remove all the actuality from a being? This, precisely, is the Scotistic concern with the Thomistic notion of matter.[35] But, on the other hand – if we ascribed

31 Plato, *Republic* 511b2.

32 In Thomism this problem resurfaces in the elusive nature of the analogical predication of God.

33 Think of an analogy: there is no *least positive real number*, as between zero and any positive real number no matter how small there is alwayas an uncountable infinity of more numbers. No real number is "just above zero" – this notion does not make sense.

34 Cf. Plato, *Timaeus*, 48e ff., esp. 52a8 and 52d3; Arisotle, *Metaphysics* I, 6, 987b18 ff.; ibid., XIII, 7–9; ibid., IV, 1–3.

35 Compare Gredt's label for the prime matter, "*ultima linea realitatis*" (see note 14 for context), and Scotus's refusal to regard such a notion as meaningful: "Aliquid dicitur esse in potentia dupliciter. Uno modo, ut terminus potentiae sive ad quod est potentia, ut albedo generanda.

any degree of actuality to the prime matter, wouldn't it, in the Thomistic system, inevitably turn into a *secondary* matter, a composite of potency and act, i.e. not the true *lowest rank* of the Thomist hierarchy of hylomorphic ontological explanation?[36] Augustine the puzzled Platonist observes that matter is "close to nothing, […] below which there is nothing else"[37], but we may ask: precisely *how close*? Any finitely small "distance" plainly is not close enough, since it allows for possible positions even closer; and a distance infinitely small would be just a different label for *lack* of any distance. The notion of being "just above nothingness" is thus suspect as incoherent.[38]

I won't go further now into analysing the nature of Thomistic hylomorphism and its problems and paradoxes, let alone into trying to solve them. I only described the Thomistic approach in such a detail to be able to show how very different it is from the Scotistic take on hylomorphism. But before I turn to that, I would like first to address a certain worry readers might have about my exposition of the role of hylomorphism in Thomism. I said that in Thomism, hylomorphic explanation strives to provide an ontological explanation of being as such, as if hylomorphism had universal ontological validity for the Thomists. However, only material bodies are composed of matter and form in Thomism, so how can I speak of a universally ontological relevance of hylomorphism, as if its role were to explain being as such, and not just material being?

Of course, in the strict sense hylomorphic analysis is indeed confined to the material bodies only. Still, one can easily see that in the Thomistic conception the matter–form analysis is just a special case of a much more general idea that extends to the entire realm of being. Aquinas extrapolates, so to speak, the hylomorphic principles beyond the realm of matter and form proper. In Thomism, the matter–form composition turns out to be just the least perfect instantiation of a more general pattern of a potency–act composition, and lack thereof. The entire Thomistic realm of being is explained in

Alio modo, ut subiectum potentiae sive in quo est potentia, ut superficies dealbanda. Qui dicunt materiam esse primo modo ens in potentia, dicunt eam esse simpliciter non-ens […]. Secundo ergo modo [materia] est ens in potentia, et magis [in potentia] quam subiectum accidentis, quia minus habens in se actualitatis, et maioris capax. Et ista potentia fundatur in aliquo actu, secundum Commentatorem […]. Quia recipere non convenit nisi habenti in se prius aliquam entitatem positivam. *Primum fundamentum omnis realitatis positivae, quid est?*" [italics mine] – i.e. "[…] The 'ultimate foundation of all positive reality' – what is that supposed to be?" (Duns Scotus, *In Met.* VII, q. 5, n. 17-19, ed. Bonav. IV: 135–136).

36 Cf. Thomas Aquinas, *De principiis naturae* 2: "[Q]uicquid est actu, non potest dici materia prima."

37 Augustine, *Confessiones* XII, c. 7, n. 7 (PL 32: 828b–829a): "prope nihil […] quo inferius nihil esset". This saying of Augustine's is often cited by Aquinas as authoritative.

38 Or is there a kind of minimal quantum of actuality? Why should we assume that? And if there is, doesn't it just mean that the degree of *pure* potentiality is unattainable, that you cannot possibly get *prope nihil*?

terms of either presence or absence of the same hylomorphic principles, and it is these principles what provides the most general metaphysical frame for the Thomistic universe. For example, it is not as if hylomorphism simply did not apply to the Angels, who are pure forms without matter. It *does* apply, as their ontological status within the great Thomistic hierarchy of being is determined precisely by the way (noble and exalted) they partake in the hylomorphic constitution of reality as such. They are not *beyond* hylomorphic analysis, but quite the opposite: they represent an ontologically indispensable degree in a hierarchy of possible realizations of the hylomorphic scheme. And the same is true, *mutatis mutandis*, even of God. For the Thomists, divine simplicity is, in the first place, *hylomorphic* simplicity broadly conceived; and its opposite in creatures is *hylomorphic* composition, in its two analogical modes: *viz*. essence–existence composition, and matter–form composition.[39] In this way, it is justified to say that hylomorphism is a general *metaphysical* conception in Thomism.

In contrast, the Scotistic hylomorphism is not a theory designed to ontologically explain the beingness of a being – far from it. According to the Scotists, being *qua* being cannot be further ontologically explained. Being is the ultimate ontological concept of which any further explanation is impossible because it is *presupposed* in all possible explanation. *Any principle, in order that it can function as a principle, must, in the first place,* ***be****.*[40]

39 Cf. Gredt, J., *Elementa*, vol. 1, Intr., n. 3: "Philosophia aristotelico-thomistica essentialiter consistit in evolutione rigorose logica et consequenti doctrinae aristotelicae de potentia et actu. […] Fundamentum eius est distinctio realis inter actum et potentiam limitantem actum: inter essentiam limitantem esse et materiam limitantem formam. Esse irrreceptum est simpliciter infinitum, actus purus; et forma pure spiritualis, in nulla materia receptibilis, est in sua linea infinita. Quo stabilitur distinctio inter Deum et mundum, inter mundum spiritualem et corporeum." By "act" and "potency" Gredt evidently means act and potency qua constitutive, "physical" ontological principles, an extrapolation of the matter–form dyad. This primarily or exclusively "hylomorphic" conception of potency and act is characteristic of Thomism, but is alien to Scotism.

In Scotism, on the other hand, the simplicity–complexity distinction plays a much lesser rôle in distinguishing God and the creatures. For one thing, unlike Thomism, God is not conceived primarily in terms of *unparticipated*, *undifferentiated simplicity* of being ("*ipsum esse subsistens*") but rather of *fullness* and *genuineness* of being (cf. Duns Scotus, *De primo principio*, c. 1, n. 1, interpreting the Mosaic revelation of the God's name, יהוה: "Tu es *verum* esse, tu es *totum* esse" [italics mine]), so that God is more a *paradigm case* of entity than a transcendent *source* of "entitativeness". And so far as Scotus plays the simplicity–complexity card, he relies on his idiosyncratic "formal distinction" to "save the difference" between God and creatures: "Haec differentia [scil. distinctio formalis] et compositio sibi correspondens, quando perfectiones contentae sunt limitatae, generalis est omni creaturae. Et secundum hanc faciliter salvatur quomodo omnis creatura componitur ex potentia et actu. Non enim ibi accipitur potentia pro illa quae est ad esse, quia illa non manet in creatura." – Duns Scotus, *In Met.* VII, q. 19, n. 54, ed. Bonav. IV: 373.

40 A connected (Avicennian-)Scotistic observation is that *being qua being* can have no principles: for in that case each and every being would have to have principles, which cannot be, since God has no principles even though He is a being, *univocally*. See Avicenna Latinus, *Met.* I, c. 2

Matter and form, thus, are not treated as *principles* of being but rather elementary *kinds* of being. The Scotistic hylomorphic analysis does not make any step *beyond* the realm of being in order to explain it, but just dissolves more complex beings into their parts, and reduces effects to their causes. The importance of the latter clause must be stressed: Scotistic hylomorphism is not atomism. It makes no attempt to reduce ontological analysis to mereological analysis – quite the opposite! Matter and form are still conceived not just as *parts* of things, but as their Aristotelian *causes*. The hylomorphic whole is conceived not as a mere *combination* of the matter and form, but as a *joint effect* of them in the manner of material and formal causality. The effect is *really distinct* from its causes, even *qua* united.[41]

It should be clear that this is an entirely different paradigm of thought, and that the difference between Thomistic and Scotistic hylomorphism cannot be reduced to the fact that while the Scotists ascribe an entitative act to matter, the (mainstream) Thomists do not. One should rather say that each party is engaged in a different philosophical project, which, however, the other party regards as impossible. The Thomists pursue the quasi-platonic analysis of being in terms of principles which themselves are neither beings nor non-beings. This is something a Scotist would regard as absurd. On the other hand, the Scotists are in search of the ultimate elementary beings that compose the empirical things by materially and formally causing them. This, in turn, is something that the Thomists find repugnant; since for them, *material substances* are the elementary beings, which cannot be further analysed on the level of being. For the Thomists, no being which has its own unity and essence can be composed of other beings; no two beings can compose a third one; any unity resulting from such a composition would be a mere unity *per accidens*. In the Scotistic picture, a material substance is a complicated complex composed of many various kinds of parts, both physical (matter and form, or, more often, several matters and forms) and integral (like the organs of an animal), and all these parts are considered beings in their own right, and even partial substances (which does not mean that they are substances only partially, but merely that they are substances which are

(ed. Riet I: 14): "Deinde principium non est principium omnium entium. Si enim omnium entium esset principium, tunc esset principium sui ipsius; ens autem in se absolute non habet principium […]"; Cf. Duns Scotus, *In Met.* I, q. 1, n. 9-10 (ed. Bonav. III: 18): "Subiectum cuiuslibet scientiae habet propria principia […], nec Deus nec ens est huiusmodi […] quia si ens, inquantum ens, haberet principia, igitur quodlibet ens haberet principia […]"; further discussion ibid., n. 78-84 (ed. Bonav. III: 41–43); all that in view of *In Met*. VI, q. 4, n. 10-12 (ed. Bonav. IV: 87–88), where Scotus finally endorses the Avicennian position.

41 This is a specifically Scotistic (i.e. not generally non-Thomistic) thesis – cf. the in-depth analysis in Ward, *John Duns Scotus*, op. cit., ch. 4, p. 60–75; for Mastri and Belluto's defense see their *Physica*, disp. 5, q. 13, a. 1, n. 154, p. 149a.

parts of another substance).[42] For the Scotists, the parts are naturally prior to the whole, which means that the whole exists because of the parts that compose and cause it. For the Thomists, a material substance cannot have parts which are both beings and naturally prior to it. Matter and form are naturally prior to the material substance, because they cause it, but they are not beings but principles – and it is the whole that confers the ultimate real status on these parts, once united. For the *actus essendi* belongs to the composite whole as to *that which* ("*ut quod*") has it.[43]

We can also notice that for the Scotists, hylomorphism does not serve as the universal ontological frame we saw it to be in Thomism. Scotistic hylomorphism is not a theory in general ontology that aims at explaining the nature of being as such in all its degrees, but its applicability is rather a matter of empirical knowledge. Mastri and Belluto, for instance, tentatively believe that celestial bodies, though in a sense material, are not hylomorphically composed but simple – because they appear to be incapable of substantial change.[44] And on the other hand, they find acceptable the view that spiritual substances are composed of form and spiritual matter,[45] although they themselves do not endorse it. And the Scotistic understanding of the exclusive divine simplicity is not derived from hylomorphic considerations at all (for God's *hylomorphic* simplicity is shared by many other beings), but the distinction between God and creatures in terms of simplicity is based on the

42 Cf. Ward, *John Duns Scotus*, op. cit., ch. 10, p. 165–182.

43 It only belongs to the matter and form as to that *through which* ("*ut quo*") the composite whole has it – see Gredt quoted in note 28, and also *CP*, pars 2, q. 3, a. 2, p. 362b: "In quocumque composito datur unicum esse existentiæ, quo existit tam forma, quàm materia, eo quod datur unicum fieri totius compositi, et resultat unica entitas: existentia autem sequitur ipsum fieri rei, cùm sit terminus eius, et ipsam unitatem essentiæ, seu entitatis, cui convenit. […] Existentia est propria compositi *ut quod*, et solum convenit formæ, ut principio *quo* deter⟨mi⟩nandi [?] existentiam, et materiæ ut principio *quo* suscipiendi illam." And further: Thomas Aquinas, *Summa theologiae* I, q. 90, a. 2, co: "Nulli formae non subsistenti proprie competit fieri, sed dicuntur fieri per hoc quod composita subsistentia fiunt." Thomas Aquinas, *Quaestiones quodlibetales* 9, q. 5, a 1: "Fieri non [est] nisi compositi, cuius etiam proprie est esse. Formae enim esse dicuntur non ut subsistentes, sed ut quo composita sunt."

44 "Dicimus in principiis Arist[otelis] cœlum non esse compositum ex materia, et forma, imò hoc potius asserendum esse secundum lumen naturæ; at secundum Theologos constare ex materia, et forma […] et prob[atur] primò, quod secundùm Arist[otelem] cœlum tali compositione sit expers, quia secundùm ipsum […] cœlum est æternum, et incorruptibile, at materia est principium, et radix corruptionis, eo quia est in potentia contradictionis ad formam, et privationem formæ […]." Mastrius – Bellutus, *Philosophiae ad mentem Scoti cursus integer*. Tomus tertius. Venetiis, apud Nicolaum Pezzana 1727, De cœlo, disp. 2, q. 2, a. 1, n. 41, p. 491a.

45 "Quamvis enim Angeli, et anima rationalis de facto sint substantiae simplices, compositione materiæ, et formæ carentes secundum communiorem sententiam, quam Doctor sequi semper est visus […] tamen […] non implicare videtur, dari materiam spiritualem receptivam formæ substantialis spiritualis, et aliquam substantiam spiritualem ex his constitui […]" Mastrius – Bellutus, *Physica*, disp.

presence or absence of metaphysical structuring of the essence by means of formal distinctions.[46]

The Thomists, both baroque and modern, like to blame many of the non-Thomistic tenets of their opponents on their rejection of the doctrine of real distinction between essence and existence.[47] Is that a convincing insight? There certainly is a close connexion between the adoption or rejection of the real distinction thesis on the one hand and the adoption of the Thomistic or Scotistic version of hylomorphism on the other. The Thomists can hardly adjudge entitative act to prime matter, if they identify it with the *actus essendi*, the "*ultimus actus entis*" which comes over and above the entire composite essence and by which the essence is first placed into actual reality. The Scotists, on the other hand, do not conceive of the actuality of an item as of an act really distinct from it, but they conceive it as identical to the entity of the given item. Therefore, to be real just *is*, for them, to have an entitative act; there is no room for principles which are real but not of themselves actual, that is, not of themselves beings.

However, despite this clear logical connexion, I don't think that the doctrine of real distinction or identity of essence and existence is the true root of the radical difference between the Thomistic and non-Thomistic conceptions. It seems to me that the interpretation of hylomorphism and the understanding of the essence and existence in these two conceptions both stem from the described divergent general intuitions concerning the possible direction of ontological enquiry. If, as a non-Thomist, you believe that *ens* is the primitive item in ontology, and therefore there is no sense in trying to descry a level of principles of being which are not themselves beings, then your general metaphysical approach will be characterized by what the Thomists would pillory as a "reification of the principles". And since, unlike matter and form, existence *qua* really distinct from essence cannot be meaningfully reified,[48] you are bound to reject its real distinction from

46 See note 39.

47 Cf. J. Poinsot quoted in note 14 who, by the way, boldly claims that the real-distinction thesis has always been the *sententia communis*, shared not just by Thomists but also others, except a few ill-famed dissenters like Durandus, Suárez and Vázquez (Scotus and the Scotists are not mentioned). In neo-Thomism a view gradually established itself that the real-distinction thesis is the cornerstone of Thomism – cf. Del Prado, N., *De veritate fundamentali philosophiae Christianae*. Freiburg (Schweiz) 1911, p. 44–46; Manser, G. M., *Das Wesen des Thomismus*. 3. Aufg., Freiburg (Schweiz) 1949, p. 559; and more authors cited in Berger, D., *Thomismus: Grosse Leitmotive der thomistischen Synthese und ihre Aktualität für die Gegenwart*. Köln, Editiones Thomisticae 2011, p. 177, note 451.

48 The guileless attempt of Giles of Rome (cf. Lambertini, R., Giles of Rome. In: *The Stanford Encyclopedia of Philosophy* (Winter 2014 Edition), ed. E. N. Zalta [cit. 9/4/2014]. Accesible from www: http://plato.stanford.edu/archives/win2014/entries/giles/, ch. 3) is spurned by Thomists and Scotists alike.

essence. If, on the other hand, you work on the assumption that being as such is ontologically derivative, and therefore the main task of ontology is the enquiry into its principles, then you are likely to assign a special principle responsible for its very beingness – the Thomistic *actus essendi* as the final seal of the ontological makeup of any being.

To conclude. It seems that the fundamental question that decides between the two alternative forms of hylomorphism is neither *Is matter endowed with entitative act?*, nor *Is existence really distinct form the essence?*, but *Is being (ens) ontologically primitive, or does it have principles?*[49]

SUMMARY

Although hylomorphism is often regarded as a kind of common ground for the entire scholastic tradition, the aim of this paper is to show that its Thomistic and non-Thomistic versions are radically different. The author takes a developed Scotistic version of hylomorphism (as presented in the work of B. Mastri and B. Belluto) as a representative specimen of the non-Thomistic interpretation and argues that in Scotism the very aim and scope of hylomorphic analysis is quite different from that of the better-known Thomistic interpretation of the doctrine. He claims that the root of the difference is a difference over what metaphysical analysis can and cannot achieve. Whereas in Thomism hylomorphism is a theory that serves to explain the very "beingness" of a being in terms of principles which are neither beings nor non-beings (because they come "before" a being is constituted), the Scotistic position regards such a "sub-entitative" analysis as impossible, and interprets hylomorphic analysis as simply reducing complex beings to simple ones, i.e. as exposing not *principles*, but elementary *kinds* of being. The acceptance or rejection of the real distinction between essence and existence seems to be not the source but just an implication of this more fundamental difference between Thomism and non-Thomism.

Keywords: hylomorphism, matter, form, prime matter, entitative act, formal act, metaphysics, pure potentiality, Thomism, Scotism, principles of being, Platonism, Aristotelianism, B. Mastri, B. Belluto

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Jesuit Scholasticism

Suárez on the Lower External Senses

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1. Introduction

What are the criteria of the individuation of sensory modalities? Can we regard the sensible aspects of external objects as the only shibboleth for the differentiation of the external senses? Do we have only five external senses, or should we revise our intuitive scheme of the five senses? How is it with the (private) bodily sensation known as interoception? Is the object of interoception, namely a range of physical properties of the body (itch, heart-throb, hunger, pain, etc.), part of the sensible object of touch? Do we perceive the external tangibles without a prior percept of our own body? And what does the affinity of the so-called chemical senses of smell and taste actually amount to? Can we reliably "localise" the source of odorous evaporation? In general, are the sensibles of the senses part of the external world, or are they ultimately produced by the subject? Why are the senses of olfaction, gustation and touch, when compared to the senses of vision and hearing, regarded as the "lower" senses? All these (and several other) questions, discussed by contemporary analytical philosophers as well,[1] are addressed by Francisco Suárez, S.J. (1548–1617). His treatment of these issues can be found in the second half of the seventh disputation *De sensibus exterioribus in particulari* of his *Commentaria una cum quaestionibus in libros Aristotelis De anima*, published by Balthasar Álvares, S.J., in 1621 after Suárez's death.[2] The last seven *quaestiones* (qq. 10–16) of the longest disputation in the whole *Commentary* are devoted to the physical, physiological, psycho-

1 For detailed treatment of these queries in contemporary philosophy of perception see De Vignemont, F. – Massin, O., Touch, in: Matthen, M. (ed.), *The Oxford Handbook of Philosophy of Perception*. Oxford, Oxford University Press 2015, p. 294–313; Smith, B. C., The Chemical Senses, ibid., p. 314–352; Ritchie, J. B., Carruthers, P., The Bodily Senses, ibid., p. 353–370; Ross, P., Primary and Secondary Qualities, ibid., p. 405–421; Hardcastle, V. G., Perception of Pain, ibid., p. 530–541.

2 The text was written previously in the first half of the 1570s while Suárez was teaching philosophy in Segovia.

logical and epistemological questions related to the issue of the lower senses. Since Suárez's view of these senses is largely unexplored, I aim to provide, above all, a systematic survey of the author's positions on the issues raised by Aristotle in *On the Soul*, *On Sense and Sensible Objects* and some of his biological treatises. Following Suárez's systematic procedure, in the context of each sense, I will discuss the following items: a) The nature and kinds of proper sensible object;[3] b) the way the proper sensibles affect the medium and the sense organ; c) the organ of the perceptual faculty. Apart from these issues applicable to all the lower senses, I will consider two special difficulties concerned with touch and taste suggested by Aristotle in *On the Soul*. These are the specific unity of *tactus*, and the question of the irreducibility of the sense of taste to touch. However, before approaching the topic of the nature and varieties of the proper sensibles of smell I will briefly explain in what sense Suárez evaluates the three senses as "lower".

2. The "Absolute" Ordering of the External Senses

The senses of smell, taste and touch can be called "lower" according to an *absolute* ordering which does not consider the subjects (e.g., a man, or a brute) in which the power inheres. On this absolute ordering Suárez advocates the following ranking of the external senses: The most perfect sense is sight, the second is hearing,[4] the third is the sense of smell, which is followed by taste and touch.[5] What are the criteria for this arrangement? In general, the pertinent shibboleth is the degree of "immateriality"; more precisely, the level of corporeal subtlety of an external sense and the principles of its cognition.[6] The more "immaterial" an external sense is, the nobler it is, and the higher position it occupies. On the other hand, the earthier a sense is, the lower the position on the scale of perfection it fills. Obviously, the criterion is applied not only to the character of a sense organ but also to the nature

3 By a proper sensible (*sensibile proprium*) I mean a sensible quality, which can be perceived only by one external sense. Sound can be sensed only by hearing; colours can be perceived only by sight, etc. For Suárez's definition of this kind of sensible see Suárez, F., *Commentaria una cum quaestionibus in libros Aristotelis De anima*. Ed. S. Castellote. Tomo 2. Madrid, Editorial Labor 1981, disp. VI, q. 1, n. 1, p. 454 (hereinafter referred to as *DA* VI, 1, 1, p. 454).

4 Symptomatically, several books on the sense of hearing have the phrase "The second sense" in the titles. Cf., e.g., Burnett, Ch. – Fend, M. – Gouk, P. (eds.), *The Second Sense. Studies in Hearing and Musical Judgment from Antiquity to the Seventeenth Century*. London, The Warburg Institute, University of London 1991.

5 *DA* VII, 16, 2, p. 764.

6 Clearly, if the possibility of gradation is taken into account, the designation "immaterial" is far from having the literal meaning of immateriality as, e.g., in angels.

of the proper sensible object and, importantly, to the manner in which a sensible affects or stimulates the medium and organ.[7]

Sight is the noblest sense since its object is the most "immaterial" one. It is not only colour but also light, which with colour forms the total object of corporeal vision[8], and which – as the medieval imagery of light clearly attests – stands closest to the realm of immateriality. Sight is affected by colour and light in the most "spiritual" way. Both in case of colour and light the organ and the medium can be affected purely intentionally. As compared to the other senses, the radius of corporeal vision is the largest. Moreover, sight, as the "distal sense", can in an instant reach the planets and stars of the lunar sphere. As opticians claim, the visual organ, the eye, has the most admirable fabric. Finally, sight best cognizes the other sorts of sensibles, i.e., the common sensibles (figure, size, number, rest and movement) – the sensibles perceptible by more than one sense, and the incidental sensibles, which, like substances, are sensed only *per accidens*.[9]

Although the proper sensible of the sense of hearing, *sonus*, is – ontologically speaking – a rather imperfect entity (it is only a transient entity, and seems to be less perfect, given the permanent qualities of the other senses), Suárez asserts that in its *esse sensibile* sound is a quality superior to odour, and to the sapid and tangible properties. The dispersal of sound *in medio* is more "immaterial" than the smoky evaporation of fragrances. While a sound commonly affects hearing through the local movement of air, an odour affects olfaction by means of alteration (an odour heats up the organ) – a qualitative accidental change.[10] Further, the *sensorium* of hearing – the inner ear located behind the eardrum – is even more "immaterial" than the pupil, the proper organ of vision. While the organ of hearing is composed of air,[11] the pupil consists of water, precisely of the crystalline humour or, in other terms, in the transparent liquid.[12]

On the absolute comparison, the power of smell stands higher than the "contact" senses of touch and taste.[13] As we shall see below, according to

7 Suárez refers to the five modes of the mediums's and organs's affection (*rationes immutandi*) conceived by Aquinas in his *Summa theologiae* I[a], q. 78, art. 3. For Suárez cf. *DA* VII, 15, 1, p. 750; for Aquinas cf. Sanctus Thomas Aquinas, *Opera omnia*, t. 5, *Pars prima Summa theologiae*. Ed. Leonina. Roma 1889, p. 253–255.

8 *DA* VII, 3, 6, p. 596.

9 *DA* VII, 16, 2, p. 764–766.

10 I write "commonly" because both sensibles can affect the relevant powers purely intentionally (see below).

11 *DA* VII, 9, 1, 680–2.

12 *DA* VII, 5, 6, 628.

13 I write "contact" with inverted commas since, as we shall see in 4.3, both senses can be taken to perceive, in a way, through a medium as well.

Suárez, the quality of odour, unlike those of taste and the tangible, can affect its power purely intentionally. Moreover, its object is obviously less "earthy" than the tasteable and the tangible. Without any explicit argument for the priority of taste to touch, Suárez notes: "Et eisdem rationibus gustus superat tactum."[14] Why is it so? Generally speaking, the higher position of taste is due to its greater "rareness". Some imperfect animals are nourished only "tactually", i.e., only through the primary qualities of the Hot and the Moist.[15] They do not feel any flavour.[16] Accordingly, taste is rarer since there are animals that do not have this faculty. In analogy, its organ is "less universal". While the organ of touch is spread all over the body, that of taste is located in the tongue. *Tactus* has to be evaluated as the lowest sense because as the universal sense (*sensus universalis*) abounds also in the organs of the other senses.[17]

3. Smell

3.1 Nature and Kinds of Odour

Due to the affinity in the objects of smell and taste Suárez deals with the issue of the nature of odour in conjunction with that of taste. The kinship of both sensibles derives from the fact that both are secondary qualities. Both arise from the blending of the first qualities, namely the Dry, the Moist, the Hot and the Cold, and both are constituted by mixtures of the Moist and the Dry with significant assistance of the Hot. At the same time the particular kinds of both qualities are interrelated. The names of odours are taken over from the nomenclature of tastes. Considering the imperfect character of our (human) smell, the names of "nutritive odours", i.e., affect from nutritive substances, are taken over from the names of the sapid properties available to taste, with which we are much more familiar.[18]

14 *DA* VII, 16, 2, p. 766.

15 I mention the first (elemental) qualities of the Dry, the Moist, the Hot and the Cold in capitals since, much like the elements of Air, Water, Fire and Earth, these qualities never appear *in rerum naturae* separately. As such they are theoretical postulates rather than objects of experience. For a general analysis of scholastic first and secondary qualities see the introduction in Pasnau, R., Scholastic Qualities, Primary and Secondary. In: Nolan, L. (ed.), *The Primary and Secondary Qualities: The Historical and Ongoing Debate*. Oxford, Oxford University Press 2011, p. 41–61.

16 *DA* VII, 15, 8, p. 760–762.

17 On its universality see *DA* VII, 16, 7, p. 774.

18 Unlike the common contemporary view Suárez does not seem to take into account so-called retronasal olfaction, which arises during eating. This second kind of smell, distinct from ortonasal olfaction which perceives odours coming from the outside, is today generally regarded as part of the multisensory flavour experience. For this cf. Smith, B. C., *The Chemical Senses*, op. cit., p. 324 ff.

In his procedure, Suárez first comes to reject the reductionist account of odour. On this interpretation, odour is nothing else than a vapour, a smoky exhalation (today we would say the dispersal of volatile molecules), which is partly constituted by Air, partly by Earth. Accordingly, odour is not an accident of quality, but a substance.[19] In his anti-reductionist drive, Suárez dismisses this view by arguing that no substance can be the proper sensible of an external sense since all substances are only incidental sensibles. Fragrance is not a substance, however airy and subtle. Ontologically speaking, it is an accident of patible quality, namely of the quality that can be "suffered" by a percipient, or a quality pertaining to the third kind of accident of quality. The Jesuit is well aware of Aristotle's wavering in this issue. In *De sensu et sensato*, chapter 2, on the one hand, Aristotle explicitly says that "[…] odour is a kind of smoky vapour […]" (438b24–5). However, in the same treatise, chapter 5, while reprehending Heraclitus, he states that "[…] smell is neither of these [vapour and smoky exhalation; D.H.]" (443a30–1). In his typically conciliatory exegesis, Suárez comes with the following distinction: The equivalence of odour and smoky exhalation can be interpreted either formally (*formaliter*), or merely subjectively (*subiective*). Formally speaking, the essence of odour is not smoky evaporation. However, if the identity is taken in the subjective sense, the equivalence is true. The sensible quality of odour is an accident, which exists in evaporation as in its subject. Since it holds that no accident can "travel" without its substance, the quality of odour needs its own substantial subject *in medio*. This subject is a smoky exhalation.[20] An odour's immediate subject thus is not air but a smoky evaporation. A smoky evaporation with the quality of odour is only carried along by air.[21]

The first qualities are odourless, as they are flavourless. To constitute the quality of odour a blending of the first qualities is necessary. Much more briefly than Aristotle in *De sensu et sensato*, Suárez specifies an "odorous mixture" as follows. The sensible of odour arises by the blending of first qualities, in which the Dry and especially the Hot are dominant.[22] The

19 In *On the Sense and Sensible Objects* Aristotle says that, in fact, all his predecessors defended this theory. Nevertheless, he explicitly names only Heraclitus. Cf. Aristotle, *On Sense and Sensible Objects*. Ed. W. S. Hett. Cambridge, Mass., London 2000, p. 249, 443a 24–5.

20 For this issue of what the subject of an odorous quality *in medio* is, as exposed by late ancient Neoplatonic commentators, see Ellis, J., The Trouble with Fragrance. *Phronesis* 35, 1990, no. 3, p. 290–302. Basically, these expositors presented two theories. On the "tense solution", an accident of odour inheres in a new subject, in air. On the "effluence solution", the fragrance rides on a part of, say, an apple, which comes away from it, and it reaches the sense power without having been separated from it. In this case, Suárez seems to embrace the second solution.

21 *DA* VII, 11, 2, p. 700.

22 *DA* VII, 10, 3, p. 688.

predominance of both elemental qualities is clear from experience. Like Fire, comprising the Dry and the Hot, the quality of odour moves upward. Our experience substantiates the absolute prevalence of the Hot as well. In summer we can smell better than in winter. Proportionally, if the Moist outweighs the Dry, the things turn to be less fragrant. Sweet meals are less fragrant since they are damper. The same "logic" holds for the organ of olfaction as well. If it gets moistened, it loses its ability to discriminate smells.[23]

In the part on kinds of odour, Suárez distinguishes two *genera* of odour. One *genus* is connected with taste – these are the fragrances of food; the second relates to the non-nutritive odours such as those of flowers. Suárez stresses that, unlike humans, the smell of brutes is related only to "nutritive fragrances",[24] or if non-nutritive odours are part of the brutes' sensory system, their perception of these odours is rather imperfect since brutes do not find pleasure in them. On the ground that sight is not always sufficient for the right probing of food (not everything that looks nice is also edible) smell (and Suárez seems to speak about the ortonasal olfaction) is of vital importance for animals. The brute's sense of smell is also more developed than in humans. However, since men, absolutely speaking, are superior to brutes, Suárez qualifies the higher perfection of the beastly smell (e.g., of dogs or vultures) only as a superiority in a certain respect (*secundum quid*). Strictly speaking, the human sense of smell is the more perfect.[25] The superiority of the human smell can be seen in the human ability to appreciate "aesthetic fragrances". Besides the "nutritious odours", humans appreciate also the pleasure in odours not directly related to tastes. The range of the human smell is broader than that of brutes since it also includes the odours of flowers, etc. Not only do these fragrances not stimulate our appetite, they often have a contrary effect. If they are mixed into a meal, they often discourage us from eating.[26]

3.2 How Odour Affects the Medium and the Power

It has been said that fragrances inhere in an exhalation, which is carried along in, or by, the air. Although air is the best medium for their spreading,

23 *DA* VII, 10, 3, p. 690.

24 It must be noted that the view that brutes in general are not capable of perceiving non-nutritious odours was not common in second scholasticism. The Coimbran authors, the Portuguese Jesuits whose Commentaries on Aristotle became the standard scholastic philosophical manual at the end of the 16th century, dissented from that view: "… bruta animantia non odores tantum alimentitios … sed alios etiam percipiant … quia videmus canes venaticos florum odores sentire …", Collegium Conimbricensis, *In tres libros de anima*. Ed. L. Zetzner. Coloniae 1609 (reprint: Hildesheim 2006), In II lib. De anima, cap. 9, q. 5, art. 2, p. 300–301.

25 *DA* VII, 16, 4, p. 768–770.

26 *DA* VII, 10, 7, p. 696–698.

Suárez explains that it is not the only one. In fact, water can be a medium as well since fish, led by smell, swim from afar for food. Having noted the two media, Suárez approaches the crucial issue of his theory of perception, which is the question of sensible species (*species sensibilis*). First of all, the Jesuit shows that there are two possible kinds of affection of both the medium and the power. One kind is natural affection[27] – a smoky exhalation naturally affects the air and then the power of smell. The second is spiritual (intentional) stimulation.[28] Accordingly, the Jesuit discerns two positions in the issue of the propagation of smell. According to the first, odour is spread only naturally up to the power. On this view, the material affection fully suffices to explain the origin of a perceptual act. On the second theory, *res odorifera* emits *ab initio* only sensible (odoriferous) species. Before entering into the three questions related to the issue of the nature of affection Suárez mentions two premises. 1) Smell cannot be *realiter* diffused in water since water is not able to receive the quality of odour. 2) Obviously, odour is *realiter* diffused from *res odorifera*. One of the five arguments for real spreading noted by Suárez states that we experience that the fragrance of, say, an apple remains in a room for a long time after the apple has been eaten. Due to the fact that the *species odoriferae* (like all the species of the external senses) are ontologically dependent on the sensible quality of odour, there must be another subject, i.e., a smoky exhalation, in which they inhere. Precisely this subject is carried away from an apple, and it is this subject that carries the accident of odour that continuously emits and multiplies the olfactory species of an apple.[29]

Having formulated two assumptions, three difficulties regarding the conditions of olfaction elicitation come to occupy Suárez's mind. 1) Does the real evaporation of an odour have to reach the organ of smell? 2) Is the

27 By the term "natural" I primarily mean "non-intentional" stimulation, which once received in the subject destroys the previous (contrary) existent property. Unlike intentional stimulation this non-intentional affection does not contribute to the production of object-directed intentional perceptual acts that grasp the sensible aspects of external objects.

28 The theory of intentional immutation and the sensible species is typical for Suárez's theory of perception. What does Suárez mean by the intentional species? Since I have dealt with this issue elsewhere, I mention here only four statements fundamental for the understanding of Suárez's theory. 1) All the species are accidents, qualities (*DA* V, 2, 2, p. 296); 2) the species are not of the same order and the same kind as the sensibles of which they are species (*DA* V, 2, 8, p. 306); 3) the sensible species are material and divisible (*DA* V, 2, 17, p. 316); 4) the species are formal likenesses of the sensibles (*DA* V, 2, 21, p. 322). Importantly, these species are caused by the sensible qualities of substances (*DA* VI, 2, 6, p. 474–476). For the details of Suárez's theory see Heider, D., Suárezova teorie vzniku species sensibilis a kognitivního aktu v kontextu středověké a renesanční filosofie. *Organon* F 22, 2015, no. 2, p. 229–249; and South, J. B., Suárez and the Problem of External Sensation. *Medieval Philosophy and Theology*, 10, 2001, No. 2, p. 217–240.

29 Cf. *DA* VII, 11, p. 700.

species odorifera multipliable from an odorous thing (*ab initio*), or only from the point where real multiplication has ceased? 3) Is the real multiplication of an exhalation, at least for a certain distance, necessary?

As regards the first query Suárez replies that the more probable view is the negative one. An act of olfaction is possible even if a real evaporation does not reach the organ of smell. Setting aside the obvious counter-example to the opposite claim, namely the fact of the underwater diffusion of smell where only intentional multiplication occurs, Suárez employs the argument "from the perception over long distances" which he also employs in the case of hearing.[30] Vultures perceive the smell of a carcass over fifty miles. However, it is improbable that their odorous evaporation travels over such a distance. Albeit the fume of a carcass can be carried along by wind over that distance, it would still be difficult to understand how vultures can find the place where the carcass is. It is not credible to assume that the whole way from the carcass to the vulture is blazed by its smoky evaporation. The positing of the species and their multiplication seems to be the device necessary for "saving the phenomena". Moreover, if the real evaporation were a necessary condition, smell would be a sort of touch. Accordingly, the quality of fragrance would be reducible to the tactile qualities. However, this "Democritean view" is rejected not only by Suárez but also by Aristotle.[31]

Concerning the second enquiry, Suárez underlines the premise that fragrance is the proper sensible of smell. As the proper sensible it must emit its intentional qualities *ab initio*. Contrary to "spiritual" emission, natural evaporation is accidental. It can occur but it need not. Suárez raises two objections to this "intentional" conception. 1) If the olfactory species is multiplied from the very beginning, olfaction must proceed on the instant, which is not the case. According to Suárez only vision proceeds in no time since – as the scholastics falsely assumed – the speed of light is unlimited. The perception of all the other senses runs successively. In his recurrent analogy to hearing and sound,[32] Suárez replies by distinguishing a (circular) field of perception, within which a fragrance can be immediately perceived. Beyond this notional ambit it can be sensed only after some time. This is because, beyond this notional ambit the multiplication necessarily takes time, as the process of exhalation and heating, which accompany the propagation of odour, also takes time. 2) The perception of odour cannot take its course by multiplication of the species since the diffusion of odour can easily be affected by external influences such as wind or a stronger fragrance. Wind

30 For the intentional multiplication of sound see *DA* VII, 8, 7, p. 670.
31 *DA* VII, 4, 4, p. 704–706.
32 *DA* VII, 8, 9, p. 678.

or some other smell can affect the perception of an original odour. What can be influenced in this way can be only a real quality. Although Suárez agrees that wind can affect our perception of fragrance, he explains that this effect applies specifically to the sensible species itself. Even though the sensible species is called "spiritual", it is still material and divisible.[33] Its "spirituality" does not mean literal immateriality but material subtlety and a different character from sensible qualities. As a consequence, in his answer Suárez comes to endorse a certain (ontological) gradation in sensible species with respect to their constitution. The reason why wind can affect the dispersion of odour and not that of colour is that the *species visualis* is more "spiritual" than the *species odorifera*.[34]

Accordingly, the reply to the third issue results from the answer to the second argument. If a smoky exhalation of odour is only an accidental feature of intentional multiplication, a real evaporation, even for a minimal distance, is not necessary. The intentional multiplication is fairly sufficient for the elicitation of olfaction. Some cypresses and pebbles are redolent for many years without diminution. It means that they are redolent without evaporation.[35]

3.3 Organ and Act of Olfaction

In analogy to the physiological *quaestiones* on the organs of other senses, also in *DA* VII, 12, devoted to the organ of olfaction, Aristotle is not a decisive authority for Suárez: "Aristotelis sententia non est clara …".[36] On one hand, Aristotle considers the nose to be the proper organ of smell,[37] on the other hand, he seems to advocate the view that it is only a way (*meatus*) of olfaction.[38] This opinion comes close to Galen's position. For Galen the sense of olfaction is to be placed in the front ventricle or, more precisely,

33 Cf. the third conclusion in note 23.

34 *DA* VII, 11, 5, p. 708. Obviously, what we have here is a certain gradation in the "spirituality" of sensible species. This gradation is far from new and was advocated, e.g., by Albert the Great, cf. Knuuttila, S., Aristotle's Theory of Perception and Medieval Aristotelianism. In: Knuuttila, S. – Kärkkäinen, P. (eds.), *Theories of Perception in Medieval and Early Modern Philosophy*. Dordrecht, Springer 2008, p. 1–22, esp. p. 13–14.

35 *DA* VII, 11, 6, p. 708–710.

36 *DA* VII, 12, 2, p. 712.

37 When speaking about animals's sense organ of smell in the fourth book of his *Historia animalium*, Aristotle distinguishes between animals with nostrils and animals with olfactory passages such as birds. Obviously, he must assume that the nose is the organ of smell here. Cf. Aristotle, *Historia animalium*. Transl. A. L. Peck. Cambridge, Mass., London 1970, Book IV, Chapter 8, 533a22-4.

38 In the first book of the same treatise the Stagirite claims: "Smelling, too, takes place through the nose […]", Aristotle, *Historia animalium*, op. cit., Book I, Chapter 11, 492b13. This seems, at least, to admit the possibility that the nose is only a channel of olfaction but not the very *sensorium*.

in the two front ventricles of brain.[39] In his brief anatomical entry, Suárez notes that there are also two olfactory nerves, the so-called mammillary nerves (*mamillares*), leading from these ventricles to the nasal cavities. It was Andreas Vesalius (1514–1564) who located the olfactory organ just in these "olfactory nerves".[40]

Despite the considerable authority of both physicians, Suárez is quick to say that neither Galen's nor Vesalius's opinion is probable. His critical stance is based on the arguments formulated a couple of years earlier by the Spanish physician Francisco Valles (1524–1592).[41] As Suárez shows in *DA* VI, 6, the brain is not the proper organ of *any* external sense since it is the universal source (*fons*), principle (*origo*) or root of sensation (*radix sentiendi*). Unlike Aristotle, who locates the *radix sentiendi* in the heart, Suárez places it in the brain.[42] The brain is not the *sensorium* of any external sense but only the source "irrigating" (*foveat*) the sense organs with animal spirits (*spiritus animales*). The influx of the *spiritus* is what (physiologically) disposes a power in its attention for perception.[43] In any case, there is no better reason to locate the organ of smell in the brain than any other organ. If we place the sense of smell in the brain, why not fix sight there as well? Besides, Galen himself admits that there is no touch in the brain. But if no touch is there, Suárez asks rhetorically, can we really say that the power of smell is? Besides denying Galen's view, Suárez dismisses also Vesalius's opinion by saying that *mamillares* are in the brain. If the brain as the *sensorium* of smell was rejected by Suárez, the same is to hold also for the olfactory nerves.[44]

In the positive part of the *quaestio* Suárez asserts that the sense organ and also the power of olfaction must be placed in the nasal cavities.[45] He mentions two arguments for this claim taken over from Valles. First, the organ of sense perception must be located where the pleasure and pain associated with it are sensed. However, they are felt in the nose, not in the brain. Second, the olfactory organ must be situated outside the cranial wall (*calvaria*) – the borderline between the nasal cavities and the front ventricle – since if it

39 For this Galen's opinion see Galenus, C., *De usu partium corporis humani*. Ed. S. Colina. Paris 1528, lib. 8, p. 244.

40 *DA* VII, 12, 2, p. 712. For Vesalius's view cf. Vesalius, A., *De humani corporis fabrica*. Ed. I. Oporini. Basel 1543, lib. 4, cap. 3, p. 322–323.

41 It is Francisco Valles who, besides Galen, is for Suárez the key authority in anatomical matters. For Valles's treatment of the organ of smell see Valles, F. *Controversiarum medicarum et philosophicarum libri decem*. Ed. A. Wechel. Francofurti ad Moenum 1582, lib. 2, cap. XXIV, p. 97–99. *Controversiae* were first published in Alcalá in 1556.

42 *DA* VI, 6, 6, p. 534.

43 Cf. *DA* VI, 6, 10, p. 540.

44 *DA* VII, 12, 3, p. 712–714.

45 Ibid., p. 714.

were not the brain would be "flooded" with the chaos of various exhalations. As a consequence the power would have difficulties discriminating them. In analogy to the mouth in the case of taste, there must be an "explorer" situated in front of the brain, which discerns and hinders its potential damage.[46]

One of Galen's reasons for the claim that the organ of olfaction is the brain is the assertion that breathing creatures can smell fragrances only by inhaling. Accordingly, aspiration is necessary so that the fragrances could get through up to the brain. Without sniffing smoky exhalations odours could not reach the inner *sensorium* situated in the front ventricles. Suárez is not impressed by this argument for the view he rejects. He provides a different explanation. Basically, he follows Aristotle of *De anima* II, 9. There the Stagirite asserts that animals smelling by aspiration have a sort of a lid (*operculum*) in the nose, which needs to be opened so that fragrances and species could enter. This lid opens when they breathe in; it closes when they breathe out. The lid has the same function as an eyelid protecting an eye as a sheath against potential damage. On the other hand, animals that can smell without aspiration (e.g., aquatics) do not have this operculum. Likewise, the hard-eyed animals – animals whose eyes are not protected by an eyelid – do not have to open their eyes to be able to see. Consequently, Suárez in principle agrees with Aristotle's opinion. The only proviso he makes concerns the existence of the operculum. Instead of employing a lid of which anatomists know nothing, Suárez explains smelling by inhalation through a process of expansion of the narrow internal cavities in the nose. Without this aspiration the nasal tracts would be too narrow even for the species to go through.[47]

4. Taste and Touch

4.1 Nature of Sapor and Tangible

The kinship of odour and sapor is manifest in Suárez's definition of *gustabile*. Like odour, sapor is defined as a second (patible) quality resulting from the blending (*temperamentum*) of the elemental qualities, which are the explanatory basics with respect to secondary qualities. As with odour, the dominant quality in sapor is heat; unlike odour, however, the Moist gains head over the Dry.[48] The Moist must be the prevalent quality in the organ too. The tongue must be moistened with saliva to be capable of perceiving sapors. If not, as with the sick, sapors cannot be perceived or they are sensed falsely. If heat attains an inordinate degree, Moisture evaporates and Dryness outweighs

46 Ibid.
47 *DA* VII, 12, 7, p. 718.
48 *DA* VII, 10, 5, p. 692.

it. This leads to the production of odour. By contrast, if *res odorifera* is moistened, its odour is diminished.[49] The "metamorphosis" of the two sensibles evinces Suárez's collateral treatment of the nature of the sensibles and their kinds. Like the kinds of odour, the different types of sapor result from the different *temperamenta* of the elemental qualities. The analogy holds also between the kinds of sapors and colours. In analogy to the two extreme colours, white and black, there are two extreme sapors, sweet and bitter. These two qualities differ in the degree of Dryness and Moisture. The more Moisture a sapor has, the sweeter it is. The more Dryness it possesses, the bitterer it is. In analogy to the "medial" colours, all the other "medial" sapors are characterized by proportional approximation and recession to the pertinent extremes.[50]

Although Suárez is painfully brief in his exposition on the proper sensible object of touch, as if he was suggesting that the reply is entirely clear, the issue is anything but such. In *DA* 7, 13, 1, Suárez asserts that the object of touch is a set of the primary qualities and other qualities resultant from them.[51] What resultant qualities does Suárez mean? Obviously, these cannot be sapor or odour. Even though they are second qualities, *as such* they are not tangible. In the second book of *De generatione et corruptione* (*GC*), disputation 4, question 1, Suárez mentions five pairs of non-basic tactile qualities. All constitute binary contraries. They are the heavy and the lightweight, the hard and the soft, the viscous and the brittle, the rough and the smooth, the coarse and the fine. Although he does not explicitly say whether they are secondary qualities or first qualities, in line with the mainstream scholastic tradition he is inclined to take them for secondary qualities. Except for the opposition of the heavy and the lightweight, all the other pairs are grounded in the primary qualities. Since the primary qualities are foundational – they are the material causes of both the second qualities and the elemental substances (Earth, Water, Fire and Air) – the touch, which perceives them, is also a fundamental sense power.[52] As Suárez affirms, the sense of *tactus* is "quasi sensus universalis".[53] This universality is due to the fact, as we shall see in 4.3, that its organ is spread all over the body and it can perceive, in a way, all the proper sensible objects of the other external senses, even though it cannot perceive them *as such*.

49 Ibid., p. 694–696.
50 *DA* VII, 10, 6, p. 694–696.
51 *DA* VII, 13, 1, p. 720.
52 For this see Suárez, F., *De generatione et corruptione*, disputatio 4, quaestio 1, p. 25–26 [retrieved on February 5th, 2016]. Available on-line: http://www.catedraldevalencia.es/castellote/degetc2.pdf.
53 *DA* VII, 15, 4, p. 754.

So far Suárez's position seems to be clear. However, what about other qualities, which we today call "interoceptive", namely the introspectable qualities perceived by bodily self-awareness such as fevers, swells, itches or the non-visual (proprioceptual) perceptions of the position of our own limbs, which are all characterized by the special phenomenal quality of "owness"? Are these also part of the proper sensible object of touch? Truly, Aristotelian psychology paid much more attention to the *external* tangibles than to the *internal* ones. The main reason was that the tactual potency, like the other senses, could not be actuated by itself. As material powers, none of the external senses are capable of reflection. They are directed outside, namely toward the proper extramental sensibles. In defiance of this mainstream scholastic position there were not infrequent exceptions in the Middle Ages. Peter John Olivi (1248–1298),[54] who is occasionally mentioned as a significant source of Suárez's psychology,[55] was one of the authors who extended the field of tangibles to include these interoceptive and proprioceptive qualities. Pietro d'Abano (1250–1316), to name another exception, broadened the field of tangibles to comprise even pain (*dolor*) as a proper sensible of touch.[56]

I have to say that throughout *DA* VII I have not found a statement going in the direction of this tactual interoception and proprioception. Although the Jesuit rejects the typically Aristotelian opinion that all the external senses necessarily proceed through a medium (see 4.3), which seems to approximate him to the affirmation of bodily self-awareness, Suárez explicitly asserts that the touch does not perceive the qualities *inherent* in the organs.[57] It senses only the qualities of external (tangent) things.

Can we thus say that Suárez completely rules out all interoceptive qualities including *dolor* from the objective field of touch? If we look outside Suárez's *DA* VII, we should be, at least, cautious in saying that. In the second question *"Quotnam sint et quales actus appetitus sensitivi"* of *DA* 11 *"De appetitu sensitivo"* Suárez comes close to Abano's view, according to which we tactually perceive corporeal pain. There Suárez says that there are two factors in pain. First, it is the cognition of something inconvenient; second, it is a (bitter) act of disliking (*amaritudo de illo obiecto*). Since proportional cognition precedes an appetitive act, the first is to be considered the cause of

54 Peter John Olivi is mentioned in this context also in De Vignemont, F. – Massin, O., Touch, op. cit., p. 296.

55 Cf. Spruit, L., *Species Intelligibilis: From Perception to Knowledge*. Vol. 2. Leiden, Brill 1995, p. 306.

56 On Olivi see Yrjönsuuri, M., Types of Self-Awareness in Medieval Thought. In: Hirvonen, V. – Holopainen, T. J. – Tuominen, M. (eds.), *Mind and Modality: Studies in the History of Philosophy in Honour of Simo Knuuttila*. Leiden, Brill 2006, p. 153–169, especially p. 158–161. For Olivi and D'Abano see also Yrjönsuuri, M., Perceiving One's Body. In: Knuuttila, S. – Kärkkäinen, P. (eds.), *Theories of Perception in Medieval and Early Modern Philosophy*, op. cit, p. 101–116.

57 *DA* 7, 13, 3, p. 722.

the second. Suárez avers that while the second is an act of the concupiscible appetite – in the chart of emotions it is to be located next to *tristia* –, the first "resides" not in the appetitive power, which is for Suárez really distinct both from the external and internal senses, but in the bodily part where pain is perceived. Suárez is not hesitant to say that it is the sense of touch, extended all over the body, which perceives this corporeal pain. By way of elimination – the proximate cause of *dolor* cannot be the chopping of the bodily continuum since the result of scission is a common sensible, which can be both seen and touched, and not the proper sensible of touch –, Suárez concludes that apart from the above mentioned secondary qualities we also have to include another kind of tangible secondary quality in the proper object of touch, which he calls *dolorifera qualitas*. Like the non-basic tangible qualities, the dolorogenic quality results from the blending of the first qualities and affects the touch.[58] Basically, there is no obstacle for Suárez not to subsume this quality under the tangibles. In *GC* Suárez says that second qualities are *innumerae*.[59]

4.2 Real or Intentional Affection?

In 3.2 we have seen that Suárez believes that an odorous quality can affect the power both naturally (*realiter*) and intentionally. Moreover, he said that while an intentional affection can occur without a physical (natural) alteration, the opposite is not possible. The situation with the "contact senses" of taste and touch appears to be different from that of the "distal senses". It seems that for eliciting a tactual perception material contact with a tangible is both necessary and sufficient. Consequently, intentional affection seems to be entirely dispensable for an explanation of the elicitation of the corresponding perceptual acts. The title question of *DA* 7, 13 – whether *gustabilia* and *tangibilia* affect the corresponding senses only *realiter* or also *intentionaliter* – shows that Suárez is well aware of this "naturalist" position. He affirms that one of the arguments for the sufficiency of real affection is our experience. The organs of both powers, when actualized by the sensibles, *always* undergo material alteration. When we touch fire, our hand is warmed; touching snow it gets cold; while tasting ice cream our tongue is penetrated with sweet flavour through its pores. Why should we then introduce qualities such as the tangible or the saporific species? Why not conceive

58 For Suárez's treatment of *dolor* see Suárez, F., *Commentaria una cum quaestionibus in libros Aristotelis De anima*. Tomo 3. Madrid, Editorial Labor 1991, *DA* 11, 2, 6–7, p. 342–346.

59 Suárez, F., *GC*, disp. 4, q. 1, p. 25.

the elicitation of perceptual acts in a naturalized manner, namely by means of "literal" affection?[60]

Suárez formulates a simple query, crucial for the reply to the title question, as follows: What is it like to feel? Suppose that we approach fire with our hand. What do we feel? Do we feel the heat inherent in our hands, or the heat of the fire itself?[61] As mentioned in 4.1, only the second option is tenable for Suárez. He has four arguments for his "externalist" claim. First, Suárez argues by employing an analogy with the other senses. If sight, hearing and smell do not perceive the qualities inherent in their organs and thus their organs must be deprived of proper sensible qualities if these are to be perceptible, the same must be said about taste and touch. Second, if we felt the qualities in the tactile organ(s), we would have to be tactually sensing all the time since there always are some primary qualities in the tactile organ(s). The espousal of the "interoceptual" statement, which is absent in *DA* VII, does not cohere with the dynamic character of our tactual experience. Our tactile sensation varies depending on the distance from the external tangible. Consequently, it is the extramental object what triggers our tactual perception. This dynamic character of tactile experience, dependent on external tangibles, is addressed again in the third reasoning. If we come close to fire, we quickly feel its heat. If we draw our hands away from it, we immediately feel its recession. Fourth, the sense of touch is specifically one (for more see 4.4). However, *tactus* does not perceive only the primary qualities but also second qualities, e.g., the hard and the soft. Although in the tactile experience of primary qualities such as heat we can assume that the organ literally takes on the primary qualities, it is not the case with second qualities such as the hard or the soft. When touching hard and soft objects these qualities do not literally come to inhere in the organ.[62] They do not "imprint" real affections in the organ. By way of conclusion, Suárez says it is only possible for these sensibles to be perceived through "non-literal", to wit, intentional affection.[63]

60 Cynthia Freeland (while discussing Aristotle's theory) calls the theory, according to which for eliciting a perceptual operation it suffices to be actually and literally affected by the relevant qualities, a "literalist position". Cf. Freeland, C., Aristotle on the Sense of Touch. In: Nussbaum, M. C. – Rorty, A. O., Essay on Aristotle's "De Anima". Oxford, Oxford University Press 1995, p. 227–248, p. 231.

61 This question is frequently raised also by contemporary phenomenologists. For an overview of the divergent positions on the issue "what it is like to feel", see Mattens, F., Perception, Body, and the Sense of Touch: Phenomenology and Philosophy of Mind. *Husserl Studien* 25, 2009, p. 97–120.

62 For these arguments see *DA* VII, 13, 4, 722–8.

63 *DA* VII, 13, 5, p. 728.

But why cannot the qualities of Heat or Cold existent in the sense organs produce the species in these organs? In the reply Suárez assumes the premise that in the case of touch there is a natural order between the intentional and the natural (in the sense of the non-intentional) activity of a sensible. The intentional action of a sensible is *always* accompanied by its natural action. Our hand simply cannot feel heat without being warmed. The reason for this necessary connection is the imperfect character of *tangibilia* and *gustabilia*. Unlike the "distal" senses, the tangible can intentionally affect the power only if it undergoes (material) alteration. This alteration then can proceed only by deflection from the midpoint (*secundum excessum*), i.e., only by means of the (necessary) application of an external quality registrable by the tactile organ, which must be rightly "tuned" by the elemental "medial disposition" (*temperamentum*) of the first qualities. This is also the reason why this organ cannot be affected by the quality of an equal degree but only *secundum excessum*.[64]

4.3 Organ of Taste and Touch

One of the most controversial issues in the Aristotelian tradition related to touch is the question of its organ. Unlike the organ of touch, the organ of taste does not pose a problem. In line with Galen, Suárez says that it is an intrinsic part of the tongue, namely the lingual nerve, while the extrinsic part is its medium.[65] Since these external parts are porous, food – if sufficiently chewed and humidified by saliva – penetrates through the pores to the internal part of the tongue. Consequently, the power of taste, though possessing an intrinsic medium, can sense *gustabile* by being in immediate contact with it.[66]

The issue of the organ of touch is more problematic. There are several divergent views. On the first sentiment, attributed to the Aristotle of *De sensu et sensato*, the organ is the heart and all the other parts such as the skin and the flesh are its medium.[67] On the second tenet, the organ(s) are the nerves abounding under the flesh and the skin; they are spread all over the body. On this view, advocated by the Aristotle of *De anima*, the flesh is again only the medium of the tactual perception.[68] According to yet another opinion,

64 *DA* VII, 13, 6, p. 730–732.

65 *DA* VII, 14, 1, p. 734. For Galen's tenet see Galenus, *De usu partium corporis humani*, lib. 16, p. 450–451.

66 *DA* VII, 14, 4, p. 742.

67 Aristotle mentions the heart not only as an organ of touch but also as an organ of taste. Cf. Aristotle, *On Sense and Sensible Objects*, ch. II, 439a1-2: "… the sense organ of both taste and touch is near the heart".

68 Aristotle, *De anima* II, 9, 423b23-7: "… that which is perceptive of what is touched is within … the medium of the tangible is flesh".

espoused by Galen, the organ of touch is the skin. The skin, unlike the flesh, which is too hot since it is too sanguine, contrary to the nerves, which are too cold because bloodless, is best tempered for perception of the first qualities. Thus it is most suitable for their perception. On the last opinion, advocated by Suárez, the organ of touch is the whole body or all the parts except for the hard and the earthy parts such as bones, hairs, etc.[69] When writing about the flesh as the tactile organ Suárez also mentions the skin.[70]

The first two opinions, regarding the flesh as the medium of perception, are quickly dismissed by Suárez. We feel heat in our hands, not in the heart. Moreover, the heart is neither the organ of tactile perception nor the *radix sentiendi*. The most spurious is the second opinion. It cannot be denied that Aristotle embraced it in *De anima* II. 9: "… as air and water are related to vision, hearing and smell, so is the relation of the flesh and the tongue to the sense organ in the case of touch".[71] In this quote, Aristotle states that the only difference between the higher senses and the lower senses is that the former have an *external* medium (e.g., air), while the latter are operative through the *internal* medium (the uppermost part of the flesh). The difference is not that the higher senses have a medium, while the lower do not. On the contrary, all the senses operate through a medium since "That which is placed on the sense organ should be imperceptible is common to *all* senses" [italics; D.H.].[72]

We have seen that Suárez in a way accepts medium in the case of taste. Yet, he is of a different mind in the case of touch. In his reasoning he starts with an argument from experience. If we are pricked, our flesh and skin feels the prick. Even when the skin is separated from the flesh due to injury, still this "naked" flesh feels it. Moreover, there is tactile perception in parts where no such nerves exist, such as the stomach. Suárez also adds that the required "medial" *temperamentum* of the first qualities can best be found in the skin and only in a lesser degree in the flesh. Finally, the organ of touch must be placed in the peripheral parts of skin and flesh since *tactus* was given to animals to protect themselves from external harm. Teleologically speaking, the main function of the external "soft parts" is to protect the "hard parts", such as the skeleton. Although Suárez mentions the flesh and the skin as the proper organs of touch, he is at the same time well aware of Aristotle's claim that this organ can be not only the flesh but also what is proportional to flesh.[73]

69 *DA* VII, 14, 2, p. 736.
70 Ibid., p. 740.
71 Aristotle, *De anima* II, 11, 423b17–20.
72 Ibid., II, 9, 421b16-18.
73 *DA* VII, 14, 2, p. 736–738. Thus this "proportional flesh" can be, e.g., the teeth. Cf. *DA* VII, 14, 3, p. 740. This claim also raises the issue of "the limits of body". For this issue in the theories of early

However, how can Suárez be reconciled with the fact that he advocates a view which is at odds with the dictum of *On the Soul*, i.e., with the text he is commenting on? In his reply Suárez is quick to say that although the claim is not in line with the Aristotle of *De anima*, it can be authorized by the Aristotle of treatises such as *De generatione animalium*, *De historia animalium*, etc.[74] Since these texts are later than *De anima* it is justifiable to follow the Aristotle of those texts. Second, more importantly, Suárez neither agrees with the universal validity of the assertion "sensible supra sensum non facit sensationem", nor with the claim that the difference between the visible, the audible and the smellable on one side, and the tangible and the tasteable on the other is due to the fact that while the former senses operate through an external medium, the latter ones are active through an internal medium. In his elaborate reasoning, Suárez underscores that in the case of the affections of sound and odours no external medium is necessary. The senses of hearing and smell can both sense sensible objects such as a smoky evaporation or a local movement of air by which they are touched. At the same time it is not true that the tangible and the tasteable can be perceived only through an internal medium. In 4.2 it has been said that both sensibles can be perceived while contiguous to the sense powers. Strikingly, Suárez notes that touch can be affected by fire through a medium such as air. By that, surprisingly, the sense of touch is assimilated to the "distal senses". It may be concluded that Suárez regards the aforesaid distinction between two groups of "connect" and "distal" senses, based on operability through an external and internal medium, as implausible since it is too "cut-and-dry".[75]

How does Suárez assess the validity of the proposition "that what is placed on the sense organ is imperceptible to all the senses" – an important axiom of Aristotelian theory of perception? Is the proposition acceptable for Suárez in any sense? As usual, the Jesuit distinguishes between two meanings. First, the phrase "of what is placed on the sense organ" can be interpreted in the sense of "inherence". If the proposition asserts that the object *inherent* in the organ does not cause sensation, it is true. Considering Suárez's overall approach to interoceptive perceptions in *DA* VII, for all the sense powers he holds that if a sensible inheres in the organ, the power cannot be intentionally affected by it. Second, the aforesaid phrase can be taken in the sense of "tangentiality". If understood in the way that a tangent (*contiguum*) object cannot be perceived, the sentence is true only for sight. In order for an object

Jesuits see Des Chene, D., *Life's Form: Late Aristotelian Conceptions of Soul*. Ithaca and London, Cornell University Press 2000, p. 196–199.

74 *DA* VII, 14, 3, p. 738.

75 *DA* VII, 14, 4, p. 742–744.

to be visible it must be illuminated by the illumination of air. Yet in the other senses the proposition is not true. A sensible adjoining the tactile organ can "spiritually" affect the power. It may be objected that a medium is necessary since it is what makes a sensible "spiritual" and what makes it a sensible species. In his reply Suárez leaves no doubt that this move is futile since it is not due to the medium that the object is capable of producing a "spiritual" species but only due to the virtue of the sensible itself.[76]

4.4 Appendix: Non-Reducibility of Taste and Unicity of Touch

In *DA* 7, 15, in which he treats the issue of the number of external senses, Suárez considers two puzzles taken from *De anima*.[77] Not surprisingly, he states that there are five external senses. There are two objections to this view. First, it seems that there are four senses since Aristotle himself advocated that taste and the tasteable are reducible to touch and the tangible: "The tasteable is a kind of tangible";[78] "Taste, in fact, is itself, as it were, a sort of touch".[79] Although Suárez presents this view as a part of the scholastic tradition, exemplified by Paul of Venice (ca 1369–1429), he is clear that the majority of Aristotelians endorsed the opposite view. Taste cannot be reduced to touch since its proper sensible is different; the two powers have a diverse organs: while the faculty of touch is spread over the whole body, taste resides in the tongue; the way of their affection is different: While taste can be affected only while in physical contact with the tasteable, the tangible – as said above – can be felt through a medium. Correct reading of Aristotle's "Gustus est quidam tactus" requires (how else) a pertinent distinction. The sentence can be taken either *formaliter*, or *praesupositive*, i.e., in the sense according to which touch is necessary but not sufficient for the operation of taste. If we consider it in the first sense, it is false. Though Suárez accords with the view that the tongue can also perceive tangibles, its "essence" is not pinpointed by tactual perception. However, if the sentence is considered in the second way – assuming that touching constitutes the necessary condition – it is true. Taste can perceive only by touching.[80]

The second caveat comes with the claim that there are more than five senses. At the outset of *De anima* II, 11, Aristotle avers: "For if touch is not

76 *DA* VII, 14, 6, p. 744–746. For the dispensability of the intentional radiation from the tangible and the tasteable through the medium in Suárez's theory and its evaluation as non-traditional see also Knuuttila, S., Suárez's Psychology. In: Salas, V. – Fastiggi, R. L. (eds.), *A Companion to Francisco Suárez*. Leiden, Brill 2015, p. 192–220, esp. p. 207.

77 *DA* VII, 15, 3, p. 752.

78 Aristotle, *De anima* II, 10, 422a8, p. 125.

79 Aristotle, *Parts of animals*. Ed. E. S. Forster. Cambridge, Mass., London 2000, Book II, chapter 10, 656b37–657a1, p. 179–181.

80 *DA* VII, 15, 4, p. 752–754.

one sense but several, there must be several kinds of tangibles. It is difficult to say whether touch is one sense or more than one […] For every sensation appears to be concerned with one pair of contraries, e.g., vision is of white and black […] but in the tangible there are many pairs of contraries, hot and cold, dry and wet, hard and soft […]" (422b18–28). There are two pairs of basic tactile qualities, namely hot/cold and dry/wet. All the other qualities are derivable from them. If we start from Aristotle's assumption that it is a sensible which specifies a power, there must be, at least, two kinds of touch.[81] In his reply, Suárez says that there is only one kind of touch. Employing the biological criterion of sensory individuation, there is only one *sensorium* for all the tactile qualities; there is only one way of affection, which requires the unique "medial" *temperamentum* of the first qualities. Moreover, for getting one sense it is far from necessary to assume one pair of contrary qualities. If it were necessary, there would have to be more powers of sight since its proper sensible is not only colour but also light.[82] Even smell would have to be at least a twofold power. As we have seen, there are two *genera* of fragrances.[83] It may be concluded that according to Suárez the premise that if there is to be a specifically unique power, there must be a specifically unique pair of contraries, cannot be considered as true.

5. Conclusion

One of the most distinctive features of Suárez's theory of the lower senses and perception in general is his universal endorsement of the sensible species. If we start from the fact that critique of intentional species in late medieval tradition was associated with nominalism represented by William of Ockham,[84] Suárez's stance in *DA* VII is to be regarded as clearly anti-nominalist. The sensible species is presented as an inevitable metaphysical vehicle in the exposition of all the external senses including the "lower" ones. Unlike the natural or physical actions of sensibles, the "spiritual" activities of the sensible qualities represent a necessary phase in the "mechanism" of sense perception in the lower senses. The explanatory force of these "spiritual" likenesses is underlined by Suárez's affirmation of the species's gradation

81 This is also Aquinas's claim from *Sentencia libri De anima*, *Opera omnia*, t. XLV, 1. Ed. Leonina. Roma, 1984, lib. 2, c. 22, p. 160–161: "… unus sensus est unius contrarietatis … In genere autem tangibilium sunt plures primae contrarietates per se … Unde formaliter loquendo et secundum rationem, sensus tactus non est unus sensus, sed plures; subiecto autem est unus."

82 For this see *DA* VII, 3, 7, p. 596.

83 *DA* VII, 15, 5, p. 756–758.

84 Cf. Tachau, K. H., *Vision and Certitude in the Age of Ockham. Optics, Epistemology and the Foundations of Semantics 1250–1345*. Leiden, Brill 1988, p. 130–135.

in the degree of material "subtlety". Historically speaking, if we realize that two years before the publication of Suárez's *Commentary on De anima* (1621) another member of the Society of Jesus, Pedro Hurtado de Mendoza (1578–1641), explicitly denied the existence of the olfactory, gustatory and tangible species,[85] we can better assess how tightly Suárez's position was linked with *via antiqua*.

The crucial aspect of the sensible species as the vehicles of the intentionality of perceptual acts has its counterpart in Suárez's insistence on the irreducibility of the proper sensible objects, which are the objects represented by the species. Suárez makes clear, throughout, that all the proper sensibles of all the lower senses are accidents pertaining to the kind of patible qualities. The quality of odour cannot be reduced to a substantial smoky evaporation. Although the sensible qualities of odor and taste are derived from the blending of the first qualities, they constitute "emergent" qualities *sui generis*, which as the proper sensibles are perceptible only by the senses of smell and taste. Similarly, the primary qualities, which together with the other derived qualities constitute the proper sensible object of touch, are irreducible to the common sensibles such as shape or size.

From a methodological viewpoint, our analysis of Suárez's doctrine of the lower external senses has shown how systematic and lucid, contrary to Aristotle's model,[86] the Jesuit's exposition is. Moreover, his theory also gave evidence that although, no doubt, the Stagirite was the key authority for Suárez in most issues, in anatomical or physiological matters it was not so. Rather than Aristotle,[87] Suárez followed Galen, Andreas Vesalius and Francisco Valles. Futhermore, while in *DA* VII Suárez advocates the classical Aristotelian concept of tactual perception oriented outside to external tangibles, in *DA* XI he mentions the internal *qualitas dolorifera* as a (new) proper sensible quality of touch. This shows that doctrinally not only Aristotle and the tradition of Aristotelian commentaries that constituted important points of reference for Suárez in his treatment of the particular external senses, but also the respectable medical tradition.

Last but not least, in regards to early modern (textbook) philosophy and its notorious elimination of intentional species in general, one of the most "progressive" (depending on the philosophical motivations of the interpreter) doctrinal features of Suárez's doctrine of the external senses, ushering in "the new times", is his claim about the dispensability of a medium in all the

85 Hurtado, P., *Disputationes a Summulis ad metaphysicam*. Ed. L. Prost. Valladolid 1615. De anima, disp. 12, sect. 1, § 8, p. 798.

86 No doubt, the text mirrors the fact that it was written for pedagogical purposes while Suárez was teaching philosophy in Segovia in the first half of 1570s.

87 Cf. *DA* VII, 5, 2, p. 624.

external senses – with the important exception of sight. In general he holds that a sensible object ajoining the relevant organ and the power can in fact be perceived. As such the object can intentionally affect the sense power. In my opinion, this not only gives evidence of the materiality of the Suarezian sensible species but, from a certain point of view, this "elimination of medium", related to Suárez's claim that the medium does not have any "spiritualizing force", can be regarded as an important stone in the mosaic that helped to prepare the way for the elimination of sensible species in early modern philosophy. If a sensible object physically adjoining to a sense organ can be cognized, why could we not get sense perception without a species, i.e., only by means of material affection? Once we admit the possibility of medium-less contact of the power and the object, the question is 'why not suppose this more generally?'. If we did that, taking into account Suárez's "conditional" definition of the intentional species from *Metaphysical disputations* (1597), according to which intentional species are to be posited only if the objects are distant or disproportionate to the cognitive power,[88] we would not have to employ the intentional species in explanation of the (co) principles of the perceptual act at all.

SUMMARY

In the paper the author presents a survey of Francisco Suárez's theory of the lower external senses. The author proceeds in three main stages. In the first, he explains in what sense the external senses of smell, taste and touch can be called "lower" as compared to the senses of sight and hearing. Second, he deals with the issue of the nature and kinds of the proper sensible objects of smell, how they affect the medium, the sense organ, and the question of the organ of olfaction. Third, the same subissues are analyzed in the senses of taste and touch. In this last part, the issues of the (ir)reducibility of the sense of taste to the sense of touch and the number of the senses of touch are also tackled. In the conclusion the author states that one of the most typical features of Suárez's theory is the Jesuit's endorsement of sensible species.

Keywords: Suárez, Aristotle, the lower external senses, sensible species

88 Suárez, F., *Opera omnia*, t. 26. Ed. C. Berton. L. Vivès, Paris 1861, *Metaphysical disputation*, disp. 35, sect. 4, n. 18, p. 464: "… species intelligibilis poni solet, vel ut objectum intelligibile in potentia fiat intelligibile in actu, vel ut objectum quod erat separatum aut distans et improportionatum, conjungatur vel proportionatur potentiae."

Ontology and Experience – Rodrigo de Arriaga and Christoph Haunold on the "Species sensibiles"

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Within the framework of Aristotelian scholastic philosophy in the early modern age and its philosophical penetration of sensory perception, the images of perception (*species sensibiles*) have a twofold function: They explain the stimulation of the sensory organ by a distant object, and they guarantee the objective correctness of sensory perception, since they are immaterial, formal, or representative images of the object.[1] As immaterial and intentional images, they cannot be perceived as such according to the common opinion.[2] At least since William of Occam, however, the necessity of such *species* has been questioned for certain senses or altogether. This discussion enters a new stage in the vicinity of Cartesian debates in the Society of Jesus. Even the prohibition in the thesis "*Nullae dantur species, ne intelligibiles quidem*" by

1 Cf. Sorabij, R., Intentionality and Physiological Processes: Aristotle's Theory of Sense-Perception. In: Nussbaum, M. C. – Rorty, A. O. (eds.), *Essays on Aristotle's "De anima"*. Oxford, Clarendon 1992, p. 195–225; Maier, A., *Ausgehendes Mittelalter. Gesammelte Aufsätze zur Geistesgeschichte des 14. Jahrhunderts*. Vol. 2. Roma, Storia e letteratura 1967, p. 419–451; Park, K., The Organic Soul. In: Schmitt, Ch. (ed.), *The Cambridge History of Renaissance Philosophy*. Cambridge, Cambridge University Press 1988, p. 464–483, here p. 471–472, 481; Castellote Cubells, S., *Die Anthropologie des Suarez. Beiträge zur spanischen Anthropologie des XVI. und XVII. Jahrhunderts*. Freiburg i. Br.–München, Alber 1962, p. 111–118; Clemenson, D. L., *Seventeenth-Century Scholastic Philosophy of Cognition and Descartes' Causal Proof of God's Existence*. Diss. Harvard University. Ann Arbor, University Microfilms 1991, p. 174–176; Leinsle, U. G., *Dilinganae Disputationes. Der Lehrinhalt der gedruckten Disputationen an der Philosophischen Fakultät der Universität Dillingen 1555–1648*. Regensburg, Schnell & Steiner 2006, p. 387–392. – For the translation I thank Mr. Martin Blay, Dipl.-Theol., University of Regensburg.

2 Cf. Castellote Cubells, S., *Die Anthropologie des Suarez*, op. cit., p. 112; Clemenson, D. L., *Seventeenth-Century Scholastic Philosophy of Cognition and Descartes' Causal Proof of God's Existence*, op. cit., p. 175–176. With exception of Julius Caesar Scaliger, *Exotericarum exercitationum Liber XV. Adversus Hieronymum Cardanum*. Frankfurt, Wechel 1576, ex. 298 n. 14, p. 881–882.

general Francesco Picciolomini in 1651 permits a denial of *species sensibiles*, although it does not approve it.[3]

In 1645, Christoph Haunold (1610–1689),[4] a self-confident young professor of philosophy at the Jesuit University of Dillingen and former student of Juan de Lugo (1583–1660) at Rome, who later became a famous theologian at the University of Ingolstadt, starts to intervene in the ongoing debate. In his extensive disputation *Philosophia de anima sensitiva*,[5] he attacks the arguments of his Prague colleague Rodrigo de Arriaga (1592–1667)[6]. In the following, I am going to examine this controversy by referring to Arriaga's *Cursus philosophicus*, which offers the identical text concerning this question from 1632 to 1653,[7] and the revised *Cursus* from 1669.[8] Both authors do not treat the *species* among the particular senses, but in an own chapter, which is Haunold's first chapter and includes lengthy examinations of optic experiments and empirical facts.[9] Therefore, the debate between Arriaga, Haunold, and other authors of the Society of Jesus may serve as an impressive prime example of the relationship between ontology, common sense, and experimental experience. At least, Arriaga and Haunold agree in their assumption of *species* for the visual sense,[10] but not in further points, namely the divisibility and intensification of *species*, their visibility and function, the necessity of *species* for hearing, the perceptibility of location in space by the *sensus communis* and the existence of *species* within the inner sense, which are not derived from perception. According to Arriaga, the *species* is a certain quality brought forth by objects, which contributes to their percep-

3 Pachtler, G. M. (ed.), *Ratio Studiorum et Institutiones Scholasticae Societatis Iesu per Germaniam olim vigentes*, vol. 3. Repr. Osnabrück, Biblio 1968, p. 93; cf. Clemenson, D., Descartes and his Jesuit Contemporaries on Intentional Representation. In: Čemus, P. (ed.), *Bohemia Jesuitica 1556–2006*. Praha, Karolinum 2010, p. 491–496.

4 For Haunold see Boehm, L. et al. (eds.), *Biographisches Lexikon der Ludwig-Maximilians-Universität München. Teil I: Ingolstadt-Landshut 1472–1826*. Berlin, Duncker & Humblot 1998, p.169–170; Leinsle, U. G., *Dilinganae Disputationes*, op. cit., Register.

5 Haunold, Ch., *Philosophia de anima sensitiva disputata pro doctoratu philosophico in celebri et catholica Universitate Diligana*. Dilingen, Typis Academicis 1645 (hereinafter referred to as *Philosophia*).

6 Cf. Sousedík, S., Rodericus de Arriaga: Leben und Werk. In: Saxlová, T. – Sousedík, S. (eds.), *Rodrigo de Arriaga. Philosoph und Theologe. Prag 25.–28. Juni 1996*. Praha, Karolinum 1988, p. 9–18. For his sensation theory: Sousedík, S., La obra filosófica de Rodrigo de Arriaga. *Ibero-Americana Pragensia*, 16, 1951, p. 103–146, here p. 123–126.

7 Arriaga, R., *Cursus philosophicus*. Antwerpen, Moreti 1632; Paris, Durand 1637; Paris, Quesnel 1639; Paris, Piot 1647; Lyon, Prost 1653. Here I use the edition Paris, Durand 1637.

8 Arriaga, R., *Cursus philosophicus, iam noviter maxima ex parte auctus*. Lyon, Huguetan & Barbier 1669 (hereinafter referred to as *Cursus* 1637).

9 Arriaga, R., *Cursus* 1637, De Anima disp. 4, p. 596–630; Haunold, Ch., *Philosophia*, c. 1: De specibus impressis, p. 5–30.

10 Arriaga, R., *Cursus* 1637, De Anima disp. 4 n. 3, p. 596; Haunold, Ch., *Philosophia*, c. 1 a. 1, p. 5–6.

tion instead of the objects themselves.[11] Hence, the senses, which use the *species*, do not directly perceive the objects, but only mediated through these representative qualities.

1. Divisibility and Intensification of *Species*

The function of *species* becomes most obvious in case of the visual sense. Apparently, Arriaga is unimpressed by Johannes Kepler's[12] and Christoph Schreiner's[13] research results and still follows Aristotle, when he assumes the *humor chrystallinus*, the lens, as its organ.[14] In contrast, Haunold follows Schreiner and clearly assumes that the *retina* is the visual organ by pointing to experimental evidence with the help of a telescope (reversal of pictures, visual angle).[15] Arriaga's brief examination of intensification and weakening of *species sensibiles* mostly follows traditional paths and only mentions greater production by the object and luminous intensity as causes.[16] Instead, Haunold, who is well-versed in dioptrics and catoptrics, extensively discusses the divisibility of *species* regarding their representative function and intensity (decrease through greater distance, intensification through reflection and refraction). Several times, he refers to his theses on *de generatione et corruptione*[17] and optic experiments, e.g. with the *camera obscura*, and the *species* are already closely tied up with the quality of reflected or refracted

11 Arriaga, R., *Cursus* 1637, De Anima disp. 4 n. 1, p. 596: Nomine speciei impressae intelligimus in praesenti qualitatem quamdam productam ab obiectis, ut eorum loco ad cognitionem eorundem concurrat.

12 Kepler, J., *Ad Vitellionem paralipomena*. Frankfurt, Marnius 1604; cf. Lindberg, D.C., *Auge und Licht im Mittelalter. Die Entwicklung der Optik von Alkindi bis Kepler*. Transl. M. Althoff. Frankfurt a. Main, Suhrkamp 1987, p. 312–359.

13 Scheiner, Ch., *Oculus, hoc est fundamentum opticum*. Innsbruck, Agricola 1619; cf. Daxecker, F., Christoph Scheiner's Eye studies. *Documenta ophthalmologica,* 81, 1992, p. 27–35; Idem, Further studies by Christoph Scheiner concerning the Optics of the Eye. Ibid., 86, 1994, p. 153–161.

14 Arriaga, R., *Cursus* 1637, De Anima disp. 5 n. 42, p. 653. For the early modern theories of vision see also Koelbing, H. M., Ocular Physiology in the Seventeenth Century and its Acceptance by the Medical Profession. In: Scherz, G. (ed.), *Steno and Brian Research in the Seventeenth Century. Proceedings of the International Historical Symposium on Nicolaus Steno and Brain Research in the Seventeenth Century held in Copenhagen 18–20 August 1965*. Oxford, Pergamon Press 1968, p. 219–224; Koelbing, H. M., *Renaissance der Augenheilkunde 1540–1630*. Bern–Stuttgart, Huber 1967, p. 19–80; Crombie, A. C., The Mechanistic Hypothesis and the Scientific Study of Vision: Some Optical Ideas as Background to the Invention of the Microscope. In: Bradbury, S. – Turner, G. (eds.), *Historical Aspects of Microscopy. Papers read at a One-day Conference held by The Royal Microscopical Society at Oxford, 18 March 1966*. Cambrige, Heffer 1967, p. 3–112.

15 Haunold, Ch., *Philosophia*, c. 2 a. 2, p. 34–37.

16 Arriaga, R., *Cursus* 1637, De Anima disp. 4 n. 207, p. 624.

17 Haunold, Ch., *De Ortu et Interitu Theoremata Physica Mathematicis permixta*. Dillingen, Formis Academicis 1645, Theorema Mathematicum 3, p. 16–20.

beams of light.[18] However, according to Haunold, this intensification of light and *species* is not a qualitative intensification in the proper sense, as in case of warmth and coldness with heterogeneous degrees, but only regarding the intensification of their common effect. This is so, because crossing beams of light spread across their own lines again after their intersection point.[19] These difficulties are increased by the assumption of an atomization of the intensification, so that only all indivisible degrees of intensity together determine the intensity of the *species*. Otherwise, the weakening of the intension could not be explained.[20] If there was only one *indivisibile* of white colour without any intensification in the visual field, it could only bring forth a *species* at the immediately neighbouring point of the surrounding air, but it could not decrease, according to the principle "ubi nulla erit intensio, ibi nulla erit sphaera activitatis".[21] If, in turn, God sustained this unique *indivisibile* in its existence, the *species* would represent this colour indeed, but not clear and without intensity. The smallest change of intensity would change the whole *species* then and produce a new one.[22] In the 1669 edition, Arriaga does not respond to these arguments, but keeps the text from 1632.[23]

2. Visibility of "Species"

Arriaga denies the visibility of *species* together with the *opinio communis* in 1632. They represent the object, but they are not of the same kind, do not terminate the act of seeing, and, thus, are not objects of the visual sense on their own.[24] This applies to the case of seeing one's own face in a mirror as well as to seeing objects through the incidence of light in a *camera obscura* or in a room. In this case, only the shadows of the objects are seen, but not the objects themselves.[25] But even if colours are seen through the incidence of light, e.g. on a paper, this is not brought about by the *species*, but thanks to reflection. Because of their nature, *species* are not suitable to replace the objects themselves, but rather to represent them at the place of reflection[26] – a clear victory of ontology over experiment.

18 Haunold, Ch., *Philosophia*, c. 1 a. 1 n. 20-21, p. 18–19.
19 Ibid., n. 22-23, p. 19–21.
20 Ibid., n. 13-14, p. 14–15.
21 Ibid., n. 16, p. 16.
22 Ibid., n. 17-18, p. 16–17.
23 Arriaga, R., *Cursus* 1669, De Anima disp. 6 sect. 5, p. 826.
24 Arriaga, R., *Cursus* 1637, De Anima disp. 4 n. 120-122, p. 612–613.
25 Ibid., n. 122, p. 613.
26 Ibid., n. 123, p. 613.

For Haunold, the question of the visibility of *species* has newly arisen through Christoph Schreiner's experiments with convex mirrors.[27] The question is, whether the *species*, which have fallen upon it (as *terminatae et ordinatae*), can really count as the object of seeing, or only cause the perception, but cannot be perceived on their own.[28] Haunold affirms the seeing of *species* in the sense that the act of seeing is terminated through it, but not in the sense of seeing external objects.[29] Following Haunold, Arriaga's comparison with a paper is not valid, since there is no reflection on a paper as such, whereas in case of a mirror the shape always appears behind the surface of the mirror and the emergent angle of the reflection is equal to the angle of incidence.[30] A more imperfect reflection on the paper, as assumed by Arriaga,[31] does not solve the problem either, because the *species* arrive at exactly the same final point on the mirror as on the paper.[32] Arriaga's objection that in this case the whole shape represented by the *species* would have to be given at every point of the paper[33] is not valid, since experiments with the *camera obscura* and its reversal of pictures, prove the opposite.[34] Furthermore, Haunold accuses his Prague colleague of a wrong use of language, when he adds that the *species* of red objects is not red itself as an argument against seeing *species*. Therefore, colours, not *species* are seen on the paper.[35] Only a *color intentionalis* and not real colour has to be assumed for the *species*.[36] As elsewhere, Arriaga does not feel prompted to correct his text because of Haunold's criticism in 1669.[37]

3. "Species" of Sound

Concerning the question of a propagation of sound, opinions differ sharply in the seventeenth century between the *species* theory, which assumes a merely intentional dispersion until the hearing organ, and the real spreading of sound, which has been described as wavelike by Albertus Magnus.[38] Arriaga

27 Cf. Scheiner, Ch., *Oculus, hoc est fundamentum opticum*, op. cit., lib. 3 c. 25-26, p. 190–193.
28 Haunold, Ch., *Philosophia*, c. 1 a. 3 n. 30, p. 25.
29 Ibid., n. 31, p. 25–26.
30 Ibid., n. 33-34, p. 27–28.
31 Arriaga, R., *Cursus* 1637, De Anima disp. 4 n. 132, p. 614.
32 Haunold, Ch., *Philosophia*, c. 1 a. 3 n. 35, p. 28.
33 Arriaga, R., *Cursus* 1637, De Anima disp. 4 n. 123, p. 613.
34 Haunold, Ch., *Philosophia*, c. 1 a.3 n. 36, p. 28–29.
35 Arriaga, R., *Cursus* 1637, De Anima disp. 4 n. 125, p. 613.
36 Haunold, Ch., *Philosophia*, c. 1 a. 3 n. 37, p. 29.
37 Arriaga, R., *Cursus* 1669, De Anima disp. 6 sect. 3 subs. 1-3, p. 815–818, identical text 1637, p. 612–615.
38 Cf. Hunt, F. V., *Origins in Acoustics. The Science of Sound from Antiquity to the Age of Newton*. New Haven – London, Yale University Press 1978, p. 60–82; Leinsle, U. G., *Dilinganae Disputationes*, op. cit., p. 398–402.

is among the fervent defenders of *species* for sound perception and tries to support this with new arguments.[39] As in case of seeing, he argues a priori with the absence of the object of perception and the necessity of a transmitter following from it.[40] Parallel to seeing, he wants to provide experiential evidence for the *species* with the reflection of sound in the echo. A real, identical propagation of the produced sound, which he illustrates with the help of the *impetus* theory,[41] is impossible for him, since the little amount of air in front of the mouth is not preserved long enough while uttering noises, until the echo might possibly be heard several times. However, if this air *impetus* produced another one, which moved on further, we would never hear the originally produced sound while listening to music.[42] Furthermore, and this is the most important argument for Arriaga, it could never be perceived then, from which direction the sound came. Much more, it would always only be perceived as something immediate to the ear, especially since the sound here would not represent a sound further away, because both would be two distinct objects.[43] But why then would a deaf man need a funnel-shaped pipe for hearing?[44]

For Haunold, the assumption of *species* faces great empirical difficulties. They would always deceive the sense, since they moved it at a point of time, at which the sound itself had already vanished.[45] Furthermore, they could neither belong to themselves nor to the sound as efficacious centre in their propagation. In the former case, I could not hear the sound at the same time, when something is hit immediately, which is contrary to all experience. In the latter case, they could only spread in a linear or reflected way (as the optic lines). However, in my study, I hear the noise of the floor downstairs, even if the doors are closed. I can hear it more clearly, if the doors are open, but neither in a linear nor in a reflected way.[46] If *species* existed, they would also differ in their sound and they could only be intensified this way. However, while listening to an organ concert, we hear those chords which are played with more keys for a longer time.[47] Moreover, we would have to assume a

39 Arriaga, R., *Cursus* 1637, De Anima disp. 4 sect. 1 subs. 3-4, p. 599–603; Ibid., n. 26, p. 600.
40 Ibid., n. 27, p. 600.
41 Cf. Maier, A., *Die Vorläufer Galileis im 14. Jahrhundert. Studien zur Naturphilosophie der Spätscholastik*. Roma, Storia e letteratura 1949, p. 132–154; Idem, *Zwischen Philosophie und Mechanik. Studien zur Naturphilosophie der Spätscholastik*. Roma, Storia e letteratura 1958. p. 341–373; Wolff, M., *Geschichte der Impetustheorie: Untersuchungen zum Ursprung der klassischen Mechanik*. Frankfurt, Suhrkamp 1978, p. 249–312.
42 Arriaga, R., *Cursus* 1669, De Anima disp. 6 n. 28, p. 600.
43 Ibid., n. 29-30, p. 600.
44 Ibid., n. 30, p. 600–601.
45 Haunold, Ch., *Philosophia*, c. 3 a. 1 n. 2, p. 43–44.
46 Ibid., n. 3, p. 44–45.
47 Ibid., n. 4, p. 45.

linear spreading, but this is not the case, since we hear better, if the wind is suitable and we stand in wind direction or if we turn our ear to somebody, when he is calling us.[48] However, an immediate impingement of sound upon the ear through local motion of the transmitter does even lead into greater difficulties, since at least the particular transmitting piece of air would have to move then and to pass the impulse on the neighbouring piece of air.[49]

Therefore, Haunold assumes an immediate self-spreading of sound without *species*. This self-spreading is not tied up with the local motion of the medium, but depends on the impulse (as *virtus impressa*). This impulse dilutes the immediate transmitter (e.g. air), so that no vacuum arises, solidifies the surrounding air, and propagates itself further on this way. In this process, the dilution of the preceding stage decreases and, so, the impulse vanishes. Therefore, I do not hear the sound any longer, when somebody else hears it in far distance. This may well be illustrated with the example of waves, when a stone is thrown into water. However, in case of sound there are no contrary movements of the air, but different parts of air are respectively diluted and solidified. For such a dilution and solidification of air through different insolation, Haunold refers to Athanasius Kircher's experiments at Rome.[50] For Haunold, this also explains, why sound propagates itself through most solid walls: The more solid an object is, the more impulse can be received by it, as it can be shown by throwing a stone and a feather. The mutual strengthening of sounds also happens through a strengthening of the impulse.[51] In order to measure the distance of sound, one does not have to assume *species*, as Arriaga thinks, especially since they never indicate the distance. Moreover, only the distance defined by a two place *ubicatio* between myself and the sound is necessary here. According to Juan de Lugo, I can also recognize this distance through experience without *species* at the point of time, where it impinges upon the ear canals by distinguishing between clear and hollow sounds.[52]

In 1669, Arriaga responds to the objections against his theory of sound with an especially introduced *subsectio*, although he does not refer to Haunold in particular. Primarily, he deals with the Jesuits Francisco de Oviedo (1602–1651) and Richard Lynch (Lyncaeus, 1610–1676).[53] It is of special impor-

48 Ibid., n. 5, p. 45.
49 Ibid., n. 5, p. 45.
50 Ibid., n. 7-9, p. 47–49; cf. Kircher, A., *Ars magna lucis et umbrae*. Roma, Scheus 1646, lib. 1 pars 3 c. 3, p. 71–72.
51 Haunold, Ch., *Philosophia*, c. 3 a. 1 n. 10, p. 49–50.
52 Ibid., n. 11, p. 50–51; cf. Lugo, J. de, *Disputationes scholasticae et morales; Tractatus de Eucharistia,* disp. 5 n. 88. Paris, Vivès 1869, vol. 3, p. 574.
53 Arriaga, R., *Cursus* 1669, De Anima disp. 6 sect. 1 subs. 5, p. 796–798; Oviedo, F. de, *Cursus Philosophicus*. Lyon, Prost 1640; Lynch, R., *Universa philosophia scholastica*. Lyon, Prost 1638.

tance for our purpose that he repeats the claim of higher probability for the spreading of sound through *species* instead of a linear spreading through the medium, as Oviedo proposes.[54] From his point of view, the argument that *species* do not represent themselves, but the object at the hearing organ, and, therefore, do not deceive anybody, also refutes Haunold. So, I also perceive bell-ringing from the outside in my room, because *species* neither render themselves nor their own location, but that of the produced sound.[55]

4. Perceptibility of Location in Space

Arriaga extensively discusses the perceptibility of *sensibilia communia* (location in space, figure, number, duration, rest, motion), which are perceived by several senses at the same time. It is clear for him that we see, for instance, where a white object or my hand is, although the location in space is not part of the primary visual objects light and colour.[56] In contrast, he rejects distinct *species* for shape, number, motion, and rest, because these properties can be dissolved into the connection and separation of particular *ubicationes* or, in the case of shape, into the negation or privation of superfluous parts, e.g. of a sphere.[57] However, the question remains whether the location in space, which is not a *modus*, but a real distinctive property from the thing and the location itself for Arriaga, is directly perceived with the help of an own *species*.[58] For Arriaga, it is an undoubted experiential fact that we perceive the location of objects in space by seeing, hearing, and other sensual activities, because otherwise we could not distinguish where the corresponding object is. Furthermore, shape and quantity could not be formed by the corresponding *ubicationes*.[59] The *ubicatio* is neither perceived through heterogeneously incident *species* nor formed through intellectual discourse, since the intellect is fundamentally dependent on the senses.[60] This is also the difference from the perception of motion and rest, which is formed by the intellect through particular perceptions of location.[61] Duration is also

54 Arriaga, R., *Cursus* 1669, De Anima disp. 6 n. 36, p. 797.
55 Ibid., n. 37, p. 797.
56 Arriaga, R., *Cursus* 1637, De Anima disp. 4 n. 63-66, p. 604–605.
57 Ibid., n. 67-68, p. 605.
58 Arriaga, R., *Cursus* 1637, Physica disp. 14 sect. 2 subs. 1, p. 372–373; subs. 7., p. 379–381; Metaphysica disp. 5 n. 43, p. 781; cf. Leinsle, U. G., Rodrigo de Arriaga im Streit um modale Entitäten. In: Beneš, J. – Glombíček, P. – Urbánek, V. (eds.), *Bene scripsisti ... . Filosofie od středověku k novověku. Sborník k sedmdesátinám Stanislava Sousedíka*. Praha, Filosofia 2002, p. 161–189, here p. 177.
59 Arriaga, R., *Cursus* 1637, De Anima disp. 4 n. 70-71, p. 605.
60 Ibid., n. 72-73, p. 605–606.
61 Ibid., n. 74, p. 606.

not perceived directly, but only mediated through the *species* of the object, as it, above all, becomes visible in case of sound, which we do not hear at the location of its production, but at the place of its perception, when it has already vanished at the place of its production.[62] However, Arriaga does not bring about a proper proof of the immediate perception of the location in space through an own *species* here.

For Haunold, the location of the object in space is a *modus*[63] and, together with Gabriel Vázquez and his teacher Juan de Lugo and against Arriaga, he categorically denies its formal perceptibility through any sense. Additionally, we would also have to perceive the location of our own eye in space then. Furthermore, it is possible, for instance, that one does not perceive a change of the own location on an entirely closed ship.[64] Hence, when we perceive an object at a place, the phrase "at a place" does not refer to a relation to the object, but to our seeing, to which the location of the object in space does only contribute as a condition, depending on the concrete angle of incidence of the optic lines and the size of the perceived object. This becomes a fact of experience through frequently repeated perception, because then we remember that this has also been the case in former instances – a translation of an Aristotelian element of "experience" into the early modern context indeed.[65]

Haunold confirms his view with the help of the telescope, which e.g. allows us to see objects ten times nearer and bigger. The opponents have to explain this through the refraction of *species* as well. Haunold receives a second confirmation from the perspective painting of his age, in which coloured elements are arranged in a certain way, so that they seem to be nearer or further away depending on the visual angle, whereas the opponents can always only assume the same distance from the eye, but not of the particular elements from each other.[66]

Furthermore, the opponents also concede that the tactile sense does not perceive the *ubicatio,* but the object itself. If another body is moved unto

62 Ibid., n. 75-76, p. 606.

63 Haunold, Ch., *Ius peripateticum ratione subnixum, authoritate firmatum modorum physicorum*. Dillingen, Formis Academicis 1644, n. 38-41, p. 9–10.

64 Haunold, Ch., *Philosophia*, c. 5 n. 1, p. 60; cf. Vázquez, G., *Commentarii et disputationes in Tertiam Sancti Thomae Aquinatis*. Lyon, Cardon 1631, disp. 191 c. 2 n. 15, p. 195–196; Lugo, J. de, *Tractatus de Eucharistia*, op. cit., disp. 5 n. 86-113, p. 573–579.

65 Haunold, Ch., *Philosophia*, c. 5 n. 2, p. 60–61.

66 Ibid., n. 3-4, p. 61–62; for the theory and the effects of the telescope cf. Hamou, Ph., *La mutation du visible. Essai sur la portée épistémologique des instruments d'optique au XVII^e siècle*. Villeneuf d'Ascq, Septentrion 1999, vol. 1, p. 129–133; Kutschmann, W., *Der Naturwissenschaftler und sein Körper. Die Rolle der ‚inneren Natur' in der experimentellen Naturwissenschaft der frühen Neuzeit*. Frankfurt, Suhrkamp 1986, p. 176–184. For the theory for arts cf. Lindberg, D.C., *Auge und Licht im Mittelalter*, op. cit., p. 262–296.

my own body, then I perceive the motion with the tactile sense as well as with the eye. The motion is seen through the particularly different impression in the eye, and then we conclude from our own "experience" again that we have to do it with motion here as in the past. The number is perceived through multiple impressions on the retina, which makes multiple perceptions possible as well.[67] The question why a blind-born man, who receives his eye-sight through divine intervention and sees a paper on the table in front of himself for the first time, exactly grabs at this location, can only be explained with natural instinct, according to Haunold, through which we know that an object is there, where it is effective, corresponding to the angle of incidence of optic lines.[68]

In his revised edition of the *Cursus* from 1669, Arriaga responds to these and similar arguments at length, although he does not mention Haunold directly. Much more, he argues against Haunold's teacher, Juan de Lugo, and the Carmelite friar Franciscus Bonae Spei (François Crespin, 1617–1677).[69] However, Haunold may be found among the *aliqui Recentiores*, who strictly deny a perceptibility of the *ubicatio*. In turn, Arriaga primarily points to the fact that the assumption of *species sensibiles communes* is more widespread among Thomists and Scotists. Despite certain differences, they agree that colour and light are the primary objects of the visual sense, but, in a secondary sense, also the location of the object.[70] Arriaga also adds an *a priori* proof here: Since standing, lying, and being here or there is nothing else than an *ubicatio* and since nobody can deny that he sees an individual (Peter) standing or lying here and there with his own eyes, he, therefore, sees the location in space. The latter formally causes the being here and there etc., as well as I perceive white colour when I see that Peter is white. Arriaga is astonished at his opponents, who do not think about accepting *species* of real *ubicationes* despite this fact.[71]

In order to answer further objections, Arriaga adds a new *subsectio*, in which he briefly summarizes[72] the extensive discussion within the doctrine on the Eucharist.[73] However, if we only disclose the location of an object through the different impulse within the eye, as the unmentioned Descartes thought, animals could never recognize, where an object, e.g. a wolf, is,

67 Haunold, Ch., *Philosophia*, c. 5 n. 5, p. 62.
68 Ibid., n. 6. p. 62–63.
69 Franciscus Bonae Spei (François Crespin), *Commentarii tres in Aristotelis philosophiam.* 3 vols. Bruxelles, Vivien 1652.
70 Arriaga, R., *Cursus* 1669, disp. 6 sect. 1 n. 65-66, p. 801.
71 Ibid., n. 72-73, p. 802–803.
72 Arriaga, R., *Disputationes theologicae in tertiam partem D. Thomae,* tom. 7. Antwerpen, Moreti 1655, disp. 33 n. 5-11, p. 348–351 against Juan de Lugo.
73 Arriaga, R., *Cursus* 1669, disp. 6 sect. 1 subs. 9, p. 803–805.

which has been seen by them, since they are unable to draw conclusions. Much more, I can see, for instance, Peter standing directly right and Paul directly left from me at school.[74] Of course, the following argument shows that Arriaga has not kept touch with developments in optics: If I open my eyes and see the church here, the river there, the houses here, towers there etc., how should I correctly distinguish between so many impulses lying tightly upon each other in my pupil then? For instance, I see the tower always at the same place, although the visual angle is different for a standing person and for a person in a stooped position. Furthermore, immaterial *species* cannot initiate an impulse on the pupil, because otherwise the tactile sense of the pupil itself would have to be equipped with the capability of visual perception, which is not the case with all other parts of the body.[75] Moreover, it is not the intellect or the imagination (*phantasia*) as inner sense, which discloses the location in space from the perception of objects. For then, one could claim that white colour is derived from the perception of the location in space with the same right. However, the location of whiteness in space does not send any *species* to the imagination, but to the eyes. Additionally, in case of a reflexion on flat mirrors, the object is not seen at its own location, but the *species* are also reflected on the surface of the mirror. Furthermore, the authors cannot explain how the objects can send *species* to the imagination and, so, foster the denial of *species*. Moreover, they abolish the intuitive perception of my own self as a human being standing here.[76] As already mentioned above, Arriaga also retains the perception of the location in space for the hearing sense and all other senses. Against Oviedo, he clearly distinguishes between the location of perception and the perception of the location of the object.[77]

For Arriaga, the question remains whether own *species* are necessary for the perception of the location, as proposed by the Scotists, or whether, together with Aquinas and the *Conimbricenses*, the *species* of the object is sufficient,[78] since not even through divine omnipotence an object could be without any location in space. Although the latter option seems to be preferable regarding the principle of economy, Arriaga finds serious difficulties here, because then a *species* with an each time adjusted *modus superadditus*

74 Ibid., n. 77-78, p. 803; cf. Descartes, R., Dioptrique. In: *Oeuvres de Descartes*. Éd. Ch. Adam – P. Tannery, Paris 1897–1913; repr. Paris 1966, vol. 6, p. 88–106; Clasen, U., *Die Sehtheorien von René Descartes und George Berkeley im Spiegel der Geschichte der physiologischen Optik*. Diss. Aachen 1977, p. 79–84. 97–102; Spruit, L., *Species intelligibilis. From Perception to Cognition*, vol. 2. Leiden, Brill 1995, p. 358–365.

75 Arriaga, R., *Cursus* 1669, disp. 6 n. 79, p. 803–804.

76 Ibid., n. 80-84, p. 804.

77 Ibid., n. 86-87, p. 805.

78 Ibid., subs. 10 n. 89, p. 805.

(*ubicatio*) would have to be produced for a moved object. Therefore, Arriaga pleads for a single, indivisible *species* at every place in this case, which is transmitted through the air and leads to an atomisation of the perception of the locality in space. Thus, this *species* represents e.g. white colour and place at the same time and appears as an atomic colour pixel – a concept which has also influenced Arriaga's theory of art.[79] Hence, there is no need of a *modus superadditus* of any kind, especially since that would lead to two *species*. Much more, every *species* is essentially different from the other and, so, also the perception of one pixel from that of the other. If divine omnipotence caused me to see white colour without any location in space, this would abolish the certainty of intuitive perception indeed. However, it does not contain any manifest contradiction for Arriaga and, therefore, has to be accepted as possible for God's omnipotence.[80]

5. "Species" of the Inner Sense

Within Aristotelian tradition, it is undisputed that there also is inner sensual perception apart from the outer senses. However, there are discussions about number and distinction of these inner senses, which were already determined in different ways by Aristotle.[81] According to Suárez, only one singular inner sense with different functions should be assumed.[82] This opinion is also shared by Arriaga[83] and Haunold[84]. Most often, the origin of *species* of the inner sense is explained with *species expressa* of the outer sense: The outer senses pass them on to the inner sense as images, which can be saved in memory and, if necessary, can be remembered, combined to new figures through fantasy (e.g. a golden mountain), or judged in the *aestimatio*.

79 Cf. Knebel, S. K., Die Kunst in der "Barockscholastik". Zur Ontologie der forma artificialis bei Rodrigo de Arriaga SJ (1592–1667). In: Mulsow, M. (ed.), *Spätrenaissance-Philosophie in Deutschland 1570-1650. Entwürfe zwischen Humanismus und Konfessionalisierung, okkulten Traditionen und Schulmetaphysik*. Tübingen, Niemeyer 2009, p. 281–291, here p. 286–287.

80 Arriaga, R., *Cursus* 1669, De Anima disp. 6 sec. 1 n. 90-91, p. 805–806.

81 Cf. Schofield, M., Aristotle on Imagination. In: Nussbaum, M. C. – Rorty, A. O. (eds.), *Essays on Aristotle's "De anima"*, op. cit., p. 249–277; Frede, D., The Cognitive Role of Phantasia in Aristotle. In: Ibid., p. 279–295; Annas, J., Aristotle on Memory and the Self. In: Ibid., p. 297–311.

82 Cf. Leinsle, U. G., *Dilinganae Disputationes*, op. cit., p. 406–409; Castellote Cubells, S., *Die Anthropologie des Suarez*, op. cit., p. 137–140; Lundberg, M., *Jesuitische Anthropologie und Erziehungslehre in der Frühzeit des Ordens (ca. 1540– ca. 1650)*. Uppsala, Almqvist & Wilsell 1966, p. 88–91; Ludwig, J., *Das akausale Zusammenwirken (sympathia) der Seelenvermögen in der Erkenntnislehre des Suarez*. München, Ludwig 1929, p. 40–52; Clemenson, D. L., *Seventeenth-Century Scholastic Philosophy of Cognition and Descartes' Causal Proof of God's Existence*, op. cit., p. 17–22; Rinaldi, T., *Francisco Suarez. Cognitio singularis materialis: De Anima*. Bari, Levante 1988, p. 139–161.

83 Arriaga, R., *Cursus* 1637, De Anima disp. 5 sect. 6, p. 638.

84 Haunold, Ch., *Philosophia*, c. 6 a. 1, p. 64–65.

Arriaga does not only assume *species* of the outer sense in the inner sense (also of the tactile sense and of taste), but also of the location in space.[85] Things are more difficult in case of motion, for which he has not assumed any *species*. However, since also animals clearly recognize motion and shape, but do not have any additional intellectual capabilities, Arriaga has to accept *species* of motion, shape, and negations (e.g. shadows) within the inner sense for animals, for they recognize, where more light or less water is, e.g. when they try to cross a river.[86] Additionally, he assumes *species insensatae* for animals, which they do not receive from the outer senses, e.g. of hostility, when a sheep sees a wolf, or of health with regard to herbs etc. The objection is that this could be derived from the outer senses, e.g. that something appears as nice to see or pleasant to hear. But this deduction does not suffice for Arriaga's analytic method, because he atomises pleasant music as well as nice shape in its perceived parts, for which, again, the privation or negation of superfluous or disturbing parts, e.g. of a too long nose, is necessary. However, precisely this absence of the superfluous is not perceived in the act of seeing, but it also cannot be disclosed by animals. Therefore, such *species insensatae* of the useful and harmful have to be assumed for animals according to Arriaga.[87]

Why is it that animals run away from the shadow of a human being? According to Arriaga, the explanation with black colour and shape is not sufficient, because then animals would have to form *entia rationis*, e.g. of blackness or darkness. How can animals proceed from seeing a shadow to forming the notion "blackness", where shadow is seen as pure ontological nothingness and, thus, cannot be perceived immediately? Otherwise, the ability to perceive the absence of a thing immediately (*carentia*) would have to be ascribed to animals. If a wall is covered with a black cloth from above to the ground, a dog will not try to run through this wall. However, if a piece in the middle or on the ground remains uncovered, he will try it, because he does not presume a solid object here. A bear, who wants to throw stones upon a man, knows whether their size is big or small. However, in a formal sense smallness means the absence of bigness and it is only this smallness, which *formalissime* makes things small. But the animals know this, because a small dog will not fight against a big dog. However, if the animals realize this absence of bigness or objects through the inner sense, from where do they take *species* then? Should the capability of reflection through inner sensual perception be ascribed to animals for that reason,

85 Arriaga, R., *Cursus* 1637, De Anima disp. 4 sect. 1 n. 78, p. 606.
86 Ibid., n. 79, p. 606.
87 Ibid., n. 80-82, p. 606–607; cf. Arriaga, R., *Cursus* 1637, Physica disp. 8 sect. 6 subs. 2, p. 315–316.

so that they recognize negations on this way and e.g. see light here and not there? Indeed, animals formally recognize their own sensual perceptions, e.g. pain at this or that patch. But then discursive capability would have to be ascribed to animals, and, furthermore, they would also have to be able to recognize their own substance, i.e. to have first-person-experiences: I do not see anything here, I have pain etc. Moreover, it remains unexplained how animals can form *species* of negations: Here is nothing, there it is open. Nevertheless, this opinion seems possible for Arriaga, although it remains unclear to him whether animals really perceive their outer acts.[88]

Regarding undeniable facts of experience, the *species insensatae*, which are directly given by God, are the better solution for him: Animals recognize open doors, windows etc., because they only see the corresponding brightness and colour through their senses. But then God gives them the *species insensatae*, through which they are able to receive negative perceptions: Here is no colour, there is no sun under the tree, where the shadow is. Regarding the more extensive recourses of other authors, Arriaga is not especially worried about this recourse to God. However, these *species* are only activated at the occasion of a perception of positive objects. So, a dog, for instance, can compare his own size with that of another dog. However, that a dog runs out through the open door does by no means contain a common insight, e.g. of colours or even nothingness (in the sense of a positive judgment "Nihil est ibi"). That there is no colour here can be seen because of the extension of the coloured object, whereas the perception of the shadow follows from the extension of light, which does not reach any further. Animals recognize that nothing is here, e.g. in case of a crack or a hole, in a similarly unclear way as children, who also do not negate the particular objects or properties yet. According to Arriaga, this is the best available explanation of animal perception.[89]

In 1645, Haunold deals with the insight in *species insensatae*, unperceived objects, and negations within the inner sense, which he regards as impossible, while continuously examining Arriaga's view.[90] If the lamb flees from the wolf as its enemy, this does not happen because of formal insight (in a concept of the enemy), but because of natural antipathy, as it has even been given to the elements by the *Author naturae*. For the very same reason, they eat e.g. herbs, which serve as purgative. Similarly, animals do not have negative insight, e.g. that there is no colour or nothing here, because this would be a formal, discursive insight. If the dog runs out through an open door, this

88 Arriaga, R., *Cursus* 1637, de Anima disp. 5 sect. 5 n. 72-77, p. 639.
89 Ibid., n. 78-83, p. 639–640.
90 Haunold, Ch., *Philosophia*, c. 6 a. 2, p. 66–70.

does not happen, because he formally recognizes the negation of an obstacle, but because he perceives that there is no obstacle (according to Oviedo).[91] Therefore, he also looks for a way out everywhere in a closed room, similar to a bird, when the window is closed. It is only through natural instinct that calves, which are still blind, search for the mother's breast. When animals are startled by a shadow, this is not the case, because they recognize a negation of light here, but because the shadow has a shape, which they naturally fear.[92]

In his 1669 edition, Arriaga extensively deals with new questions concerning his doctrine. First of all, he defends the necessity of real own *species* of the inner sense against Crespin, whereas the latter assumes an equipment with the *species* of all (infinitely) possible things for the inner sense of human beings and animals in order to avoid the continuous production of new *species* by God. Apart from difficulties in Crespin's thesis itself, Arriaga especially sees the danger of a Cartesian denial of *species* of the outer sense as well.[93] Oviedo denies *species* of the inner sense, while assuming that outer sense perceptions have an immediate effect on the inner sense, e.g. pain in the leg on the inner sense in the brain. However, for Arriaga this is doubtful because of the immense size of some animals. Regarding such a comprehensive causal connection, one would also have to assume that the coldness in Norway would let me freeze in Prague. Moreover, the part of the soul in the remotest feather of an eagle would have to contribute something to its visual sense. If it gets lost, this would have an impact on it.[94] Furthermore, the question arises, whether these *species* are immediately derived from the outer objects or whether they are *species* of outer sense perception themselves. When we listen to music, we also perceive this with the inner sense, so that one could assume that *species* of the outer objects are immediately passed on to the inner sense as well. On the other hand, it is clear that e.g. hearing also produces a *species* of this process of hearing and transmits it to the inner sense in the brain, through which we can remember what we have heard. If *species* of the outer object were immediately passed on to the inner sense, the outer senses would be superfluous in principle. Much more, *species* of particular acts of perception have to be assumed by necessity, but the inner sense does not always perceive that as reflected in the act of the

91 Ibid., n. 10, p. 68; cf. Oviedo, Cursus, de anima controv. 4 pt. 5; II, p. 70–71; for Aristotle see Sorabij, R., *Animal Minds and Human Morals. The Origins of the Western Debate*. Ithaca, N. Y., Cornell University Press 1993, p. 12–20; for the medieval debate cf. Köhler, Th. W., *Homo animal nobilissimum. Konturen des spezifisch Menschlichen in der naturphilosophischen Aristoteleskommentierung des dreizehnten Jahrhunderts*. Leiden–Boston, Brill 2014, p. 370–391.

92 Haunold, Ch., *Philosophia*, c. 6 a. 2 n. 11-12, p. 69–70.

93 Arriaga, R., *Cursus* 1669, De Anima disp. 6 sect. 1 n. 92-97, p. 806–807.

94 Ibid., n. 97-101, p. 807.

outer sense. Therefore, both *species* are necessary, those of the outer object and those of the act of perception, but the *species* of the act of perception remains primarily directed towards the insight in the object in the inner sense. The perception itself is only recognized in case of especially intensive impressions.[95] Against Oviedo, Arriaga retains that also *species* of motion are given in the inner sense, because the dog perceives that the hare runs away, even if this motion itself includes negations, because these are recognizable for the dog.[96] However, the objects themselves are not directly recognizable through *species* of the inner sense, but only indirectly. Despite all criticism, to which he does not respond any further, Arriaga retains *species insensatae* as well as the insight in negations by animals here.[97]

SUMMARY

In 1645, Christoph Haunold (1610–1689), a young professor of philosophy at the University of Dillingen, harshly attacks the arguments of his Prague colleague Rodrigo de Arriaga (1592–1667) concerning the *species sensibiles* in his *Philosophia de anima* sensitiva. At least in case of the visual sense, Arriaga and Haunold agree in the assumption of species, but not in further points, namely the divisibility and the intensification of species, their visibility and function, the necessity of species for hearing, the perceptibility of the location in space through the sensus communis and the existence of species within the inner sense, which are not derived from perception. Because of its comprehensive recourse on experience and experiment, this subtle debate becomes an impressive prime example of the relation between ontology, common sense, and experimental experience.

Keywords: species sensibiles, optics, sound, common sense, inner sense

95 Ibid., n. 102-103, p. 807-808.
96 Ibid., n. 102-103, p. 807–808.
97 Ibid., n. 105-110, p. 808–809; disp. 7 sect. 10, p. 847–848 (identical with 1637 disp. 5 sect. 5).

Arriaga (and Hurtado) against the Baroque Mainstream: The Case of Ens rationis

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In this paper, I take up the theory of beings of reason from Rodrigo de Arriaga SJ (1592–1667) and provide some context for preliminary assessment of its significance.[1] In five sections I analyse his views about the nature, the existence, causes, God's relation to, and the division of beings of reason.[2] We will see that in many ways Arriaga's discussion is just derived from the original ideas of Pedro Hurtado de Mendoza SJ (1578–1641), who is assumed to be his philosophy teacher in Valladolid, and who placed the concept of error at

1 Arriaga was born in Logroño, Spain. In 1606 he joined the Jesuits and studied in Salamanca and Valladolid. In 1625 he settled in Prague where he spent the rest of his life. For many years he was the Rector of the Charles-Ferdinand University in Prague. He also published an (almost) complete series of theological textbooks, *Disputationes theologicae* (1643–1655). In Bohemia, as it was shown by Stanislav Sousedík, he was the focal thinker who prompted great local development of philosophy and theology at the time. But he was well-known not only in Bohemia and within scholastic circles but world-wide. "Pierre Bayle calls him 'refined and penetrating', and 'a Genius'." (*The Dictionary Historical and Critical: The Second Edition*. London, Knapton et al. 1734, p. 506; the first French edition was published in 1697). For pioneering work on Arriaga, see Eschweiler, K., Roderigo de Arriaga. *Spanische Forschungen der Görresgesellschaft*, 3, 1931, p. 253–286. For the groundbreaking collective monograph on various aspects of Arriaga's life thought, see Saxlová, T. – Sousedík, S., *Rodrigo de Arriaga († 1667), Philosoph und Theologe.* Praha, Karolinum 1998. (Reviewed by Novotný, D. D., Rodrigo de Arriaga († 1667), Philosoph und Theologe. *Acta Commeniana*, 14, 2000, p. 239–243). Thanks to Bayle and Sousedík, there is a modest but continuous interest in Arriaga, see e.g. Armogathe, Jean-Robert. Dubium Perfectissimum: The Skepticism of the "Subtle Arriaga". In: Maia Neto, J. R. (ed.), *Skepticism in Renaissance and post-Renaissance thought: New interpretations.* Amherst, NY, Humanity Books, 2004, p. 107–121.

2 Arriaga's views on beings of reason did not remain unnoticed in modern scholarship: Kobush, T., *Sein und Sprache: Historische Grundlegung einer Ontologie der Sprache*. Brill, Leiden 1987, p. 296; Kobush, T., Arriagas Lehre vom "Gedankending". In: Saxlová, T. – Sousedík, S., *Rodrigo de Arriaga († 1667)*, op. cit., p. 123–140. Doyle, J., Beings of Reason and Imagination. In: *On the Borders of Being and Knowing: Some Late Scholastic Thoughts on Supertranscendental Being.* Ed. V. M. Salas. Leuven, Leuven University Press 2012, p. 151–167. Millán-Puelles, A., *The Theory of Pure Object*. Transl. J. García-Gomez. Heidelberg, Universitätsverlag C. Winter 1996, p. 788.

the centre of the theory.[3] Arriaga, however, also defends some non-standard views of his own, such as the claim that all human powers (not just the intellect but senses as well), can make beings of reason. In the revised edition of his major work he also adds some interesting polemical passages that indicate the emergence of the reductionist (or we might say eliminativist) approach to beings of reason, according to which they are not distinct from real beings but reducible to them.

Arriaga deals with beings of reason in his *Cursus philosophicus*, a university textbook containing material covering the usual three-year Jesuit philosophical curriculum, i.e. *Summulae*, *Logica*, *Physica*, *De coelo*, *De generatione*, *De anima*, and *Metaphysica* (ethics was taught within moral theology). There are several editions of Arriaga's *Cursus philosophicus.* The first came out in Antwerp in 1632, followed by several editions in Paris and Lyon, and the last, revised and expanded, was published more than thirty years later, shortly after Arriaga's death in Lyon in 1669.[4] Arriaga's *Cursus* is one of the many comprehensive philosophy textbooks published in the Baroque era. The genre seems to be established by Hurtado with his *Universa philosophia*, first published as *Disputationes a summulis ad metaphysicam* in 1615.[5] Many Jesuit and non-Jesuit professors of theology followed the trend and wrote textbooks presenting and defending various nuanced competing views, within the generally acknowledged, although shifting, common ground.[6]

3 In this he went against the classical scholastic theory in which beings of reason played various indispensable positive roles in our cognition of relations and absences. See Novotný, D. D., The Non-Significance of Suárez's Theory of Beings of Reason: A Lesson from Hurtado. In: Novák, L. (ed.), *Suárez's Metaphysics in Its Historical and Systematic Context*. Berlin, Walter de Gruyter, 2014, p. 183–208. Sven K. Knebel tracks Hurtado's construal of beings of reason in terms of errors to Vázquez (*Erkenntnistheoretisches aus dem Nachlass des Jesuitengenerals Tirso Gonzáles de Santalla (1624–1705)*, Amsterdam, Grüner 2011, p. 125 – hereinafter referred to as *Erkenntnistheoretisches*).

4 Arriaga, R., *Cursus philosophicus.* Anverpiae, Balthasaris Moreti 1632; Arriaga, R., *Cursus philosophicus: iam noviter maxima ex parte auctus, et illustratus, et a variis obiectionibus liberatus, necnon a mendis expurgatus.* Lugduni, Ioannis Antonii Huguetan et Guillielmi Barbier 1669. (In the Prolog of the last edition Arriaga mentions "six or seven" preceding editions.)

5 One may also give credit for pioneering this genre to Eustache de Saint-Paul (O.Cist.) (1573–1640) for his *Summa Philosophiae Quadripartita* published in 1609. However, this work and its small octavo volumes is somewhat too modest when compared to the impressive quartos or folios of Hurtado, Arriaga and others. Eustachius also lacks ambition to engage in debates over subtle points with his professional colleagues, which is what the best authors in the "big textbook" genre aspired to do, in spite of their concern for pedagogical brevity, simplicity and "uniformity of doctrine". See also Knebel, S. K., *Erkenntnistheoretisches*, op. cit., p. 50 ff, who considers Arriaga to be the founder of the genre: "Historisch angemessen wäre es charakterisiert als seine freie Variation auf den Philosophiekurs des Rodrigo de Arriaga…; denn dieser bildet die Vorlage."

6 The research of these textbooks has been unfortunately neglected in spite of their being of great historical and perhaps even systematic philosophical interest. Within the pages of these textbooks the dialectics of innovation and conservation unfolded, addictive to its participants,

Beings of reason are systematically treated by Arriaga on two occasions, first briefly in *Logica*[7] and then extensively in *Metaphysica Disputatio 7*. The main discussion is given in the latter, since in his view the being of reason is not the object of logic, as the Thomists hold.[8] The Disputation is structured around the following questions:

Section 1: What is the being of reason?
Section 2: Whether there is the being of reason?
    Subsection 1: There is the being of reason.
    Subsection 2: Solution to the objections.
Section 3: What potencies make the being of reason and how?
    Subsection 1: The being of reason is made by every false act.
    Subsection 2: Which being of reason is made by internal senses?
    Subsection 3: What about the external senses and the simple apprehension?
Section 4: Whether God makes the being of reason?
Section 5: How many [kinds of] the being of reason are there?

Between the editions, Arriaga did not substantially modify his views, although, as I have already said, he added some interesting polemical passages. The structure of the Disputation remained identical in both editions. Only the number of the Disputation changed from 6 in the original to 7 in the revised edition as the original Disputation 4 was divided into two, *On substance* and *On subsistence*. In five sections of this paper I shall mostly follow Arriaga's own arrangement of the text.

with newly discovered sub-topics and ever more complex distinctions constantly emerging as one textbook succeeded another. Although this tradition relies heavily on older scholastic texts and may thus be dismissed as a mere "footnote" one may also see in it the climax of previous scholastic thought. The works of this tradition implement strictly systematic ordering, revel in details and indexing, summarize and arbitrate centuries old debates. Some topics are treated with unsurpassed systematicity and comprehensiveness. Though early modern philosophy revolted against this tradition and attempted to ignore or abandon it, it was not quite possible to do so and its concepts, views and methods left their non-negligible traces. (This, however, does not apply with respect to all topics. There is, for instance, a striking contrast concerning the prominence of the topic of *ens rationis* among the scholastics and disregard of it among the non-scholastics of the time, see Knebel, ibid., p. 79.) For excellent essays on post-medieval scholastic textbook tradition see Blum, P. R., *Studies on Early Modern Aristotelianism*. Leiden, Brill 2012.

7 Arriaga, R., *Cursus philosophicus … expurgatus*, 1669, op. cit., p. 62–64. (*Logica* d. 2, s. 2, n. 17-28).

8 Beings of reason are not the object of logic when understood in the appropriate sense as that which does not have *esse a parte rei* but only *a fictione intellectu*. See Arriaga, ibid. Hurtado deals with the question in a more detailed way in *Universa philosophia* Lugduni, Sumpt. Ludovici Prost 1624, p. 51–57. For the methodological question of the place of beings of reason in metaphysics, see Kobush, T., Arriagas Lehre vom "Gedankending", op. cit., p. 123 ff.

1. Nature: what is the being of reason?

Arriaga opens his discussion of the nature of being of reason in section 1 by distinguishing various meanings of the term *'ens rationis'*, continues with polemics against "the Thomists" and concludes with the definition. Let me in turn deal with these topics.

With respect to the meaning of the term *'ens rationis'* Arriaga distinguishes between the being of reason as the act of the intellect, which is a real being, and as that "which has no real being but is merely contrived (*tantum fictum*) by the intellect", which is not a real being and is the proper topic of the inquiry.[9] Further on, Arriaga also applies the terms "subjective" for the act and "objective" for the object of the act.[10] The two are distinct even when we speak of non-real objects, i.e. beings of reason.[11] In all of these claims Arriaga simply follows Hurtado who, unlike Ockham in his late act-only theory, does not completely abandon act/object distinction.[12]

Arriaga next criticizes "the Thomists" who hold that a being of reason is that which posits nothing intrinsic into the things; we may call this the extrinsic denomination view of beings of reason.[13] From this it would follow that denominations of *being known*, *genus*, *species*, etc. and in fact all extrinsic denominations are beings of reason.[14] Although many recent thinkers, Arriaga points out, disagree with this, they should not complain about the incoherency of the Thomistic view, because if the being of reason taken "strictly" is something real which posits nothing intrinsic into the denominated subject, which is what they seem to hold, then, of course, all extrinsic denominations are beings of reason.[15] But then they are both real and of reason because

9 Arriaga, R., *Cursus philosophicus … expurgatus*, 1669, op. cit., p. 1008 (*Metaphysica* d. 7, s. 1, n. 1).

10 The distinction between subjective/objective can be traced to Scotus, see Novák, L., *Scire Deum esse. Scotův důkaz Boží existence jako vrcholný výkon metafyziky jakožto aristotelské vědy*. Praha, Kalich 2011, p. 102–114.

11 "… solum possunt esse entia rationis obiecta actuum, non vero actus ipsi cognoscentes ipsa obeicta, nec denominationes actibus." Arriaga, R., *Cursus philosophicus … expurgatus*, 1669, op. cit., p. 1009 (d. 7, s. 1, n. 6-7).

12 For Hurtado's adaptation of Ockham's thought see Caruso, E., *Pedro Hurtado de Mendoza e la rinascita del nominalismo nella Scolastica del Seicento*. Firenze, La Nuova Italia 1979, and Heider, D., Pedro Hurtado de Mendoza's (Mis)interpretation of Aquinas. In: Sgarbi, M. (ed.), *Francisco Suárez and his legacy: The impact of Suárezian metaphysics and epistemology on modern philosophy.* Milan, Vita e pensiero 2010.

13 The view was inspired by Aquinas's remark "quod ens rationis dicitur, quod cum in re nihil ponat, et in se non sit ens, formatur tamen seu accipitur ut ens in ratione." Aquinas, T., *Summa Theologiae* I, q. 16, a. 3, ad 2.

14 Ibid., p. 1008 (d. 7, s. 1, n. 1).

15 "Si enim Thomistae per ens rationis praecise intelligant (ut videntur intelligere) id quod licet in se sit reale, nihil tamen ponit intrinsecum in subiecto denominato, fateor, verissime, eos

cognition is something real. For instance, *that I know Peter* is something real and hence also *that Peter is known by me*. Since cognition posits nothing intrinsic into Peter, *being known* is a being of reason, as well as some extrinsic real being.[16] We need another anti-Thomistic argument: Either bite the bullet, and acknowledge that all extrinsic denominations, including e.g. *being to the right of something*, are beings of reason, or give up the claim that a being of reason is that which posits nothing intrinsic into the things.[17] The first horn of the dilemma is completely out of step with *communis sententia*. Moreover, by this doctrine the statement "John is known by me" would make a fiction, whereas "I know John" would not; the two statements, however, differ only verbally and otherwise are identical.[18] It is true, Arriaga continues, that if we consider *being known* as something intrinsic to John, it is a being of reason since we conceive it differently than it is. But when we say "John is known" we do not hereby claim that *being known* is intrinsic to him.[19] So we are left with the second horn of the dilemma, namely to give up the slogan that a being of reason is that which posits nothing intrinsic into the things. Beings of reason are not extrinsic denominations as such. Some other definition must be found.[20]

docere, esse cognitum, genus, speciem, etc. esse entia rationis, neque eis hoc possumus negare, et frustra tunc arguitur." Ibid., p. 1008 (d. 7, s. 1, n. 2).

16 Ibid., p. 1008 (d. 7, s. 1, n. 2).

17 Ibid., p. 1008 (d. 7, s. 1, n. 2-3).

18 "… Ioannem esse a me cognitum, … est idem ac me cognoscere Ioannem, solumque differunt penes voces activam et passivam; … sed me cognoscere Ioannem, est aliquid reale … ergo et Ioannem cognosci a me, erit aliquid reale, licet non intrinsecum Ioanni." Ibid., p. 1008 (d. 7, s. 1, n. 3).

19 "Fateor, si id iudicaretur ut quid intrinsecum Ioanni, tunc esset quid fictum, quia cognosceretur aliter ac est in se, hoc autem non sit eo quod dicam illum esse cognitum, ergo non est quid fictum, ergo neque ens rationis in hoc sensu." Ibid., p. 1008 (d. 7, s. 1, n. 3-4).

20 Arriaga also identifies a somewhat different view according to which in all denominations something fictitious is "admixed." He dismisses this view quickly by appealing to counter-example denominations such as *being created* that do not involve any fiction (*fictum*). Arriaga, R., *Cursus philosophicus … expurgatus*, op. cit., p. 1009 (d. 7, s. 1, n. 6). This mixed view was held by John of St. Thomas OP (1589–1644) who argues that in extrinsic denominations something real and of reason "concurs", see *Cursus philosophicus thomisticus … nunc primum in Germania excusus … et ex eiusdem Magistri doctrina illustratus per Thomam de Sarria*, Sumpt. Constantini Münich, Coloniae Agrippinae, 1638, p. 34 (The doctrine is adopted by Gredt, J., *Elementa philosophiae Aristotelico-thomisticae.* Ed. E. Zenzen. Herder, Barcinone 1969, p. 124). The mixed view of extrinsic denominations seems to correspond to the resultant extrinsic denomination view of beings of reason, according to which they are just the (necessitated) result of extrinsic denominations. See also Novotný, D. D., Rubio and Suárez: A Comparative Study on the Nature of Entia rationis. In: Čemus, P. (ed.), *Bohemia Jesuitica 1556–2006.* Praha, Karolinum 2010, p. 484, and Novotný, D. D., *Ens rationis from Suárez to Caramuel*. New York, Fordham 2013, p. 149–150, incl. notes.

Arriaga's criticism of the Thomists is just a radical simplification of Hurtado's intricate arguments.[21] Who are these Thomists on Arriaga's target? In *Logica* he approvingly adopts the list of Hurtado who gives us the following names:[22] Domingo de Soto OP (1494–1560)[23], Francisco Toledo SJ (1533–1596),[24] Diego Más OP (1553–1608),[25] Antonio Rubio SJ (1548–1615)[26] and "many others who hold this view with" Durand de Saint-Pourçain OP (c. 1275–1334).[27] The selection of names is somewhat idiosyncratic, as well as the label "the Thomists". Some important proponents of the view should be included, such as Pedro da Fonseca SJ (1528–1599)[28], Gabriel Vázquez SJ (1549–1604),[29] and Francisco de Araújo OP (1580–1664).[30] It should also be noted that Arriaga does not distinguish between the views that beings of reason as extrinsic denominations are *real* (probably Durand and others) and that as extrinsic denominations they are *non-real* (probably Vázquez, Araújo and others). The latter thinkers would not subscribe to the reduc-

21 Hurtado, P., *Universa philosophia*, op. cit., p. 51–57 (in Logic) and p. 942–952 (in metaphysics). For Hurtado's argumentation in metaphysics, see briefly Novotný, D. D., The Historical Non-Significance of Suárez's Theory, op. cit., p. 185–188.

22 Hurtado, P., *Universa philosophia*, op. cit., p. 62 (in logic) and p. 942 (in metaphysics).

23 Soto, D., *In Porphyrii Isagogen, Aristotelis Categorias, librosque de Demonstratione Absolutissima Commentaria*. Venetiis, Dominici Guerraei 1587, p. 20–24.

24 Toletus, F., *Commentaria in universam Aristotelis logicam*. In: *Opera omnia philosophica*. Hildesheim, Georg Olms 1985 [[1]1572, Rome], p. 15–18, draws heavily on Soto).

25 Masius, D., *Commentaria in Porphyrium et universam Aristotelis Logicam, una cum quaestionibus, qua a gravissimi viris agitari solent tomi duo*, Coloniae 1617 [[1]1592, Valencia], Sumpt. Conradi Burgenii, p. 40.

26 Ruvius, A., *Commentarii in universam Aristotelis dialecticam, magnam et parvam, una cum dubiis et quaestionibus hac tempestate circa utramque agitari solitis*, Compluti, Ex. Off. Iusti Sanchez Crespo, 1603, p. 266–278. See Novotný, D. D., Rubio and Suárez: A Comparative Study on the Nature of Entia rationis. In: Čemus, P. (ed.), *Bohemia Jesuitica 1556–2006*, op. cit., p. 477–490. Hurtado discusses Rubio's views but confesses that they are obscure to him, *Universa Philosophia*, op. cit., p. 943.

27 Durandus a Sancto Porciano, *Petri Lombardi Sententias Theologicas Commentariorum libri IIII*, Venetiis, Ex Typ. Guerraea, p. 66a (d. 19, q. 5, n. 7).

28 Fonseca, P., *In Metaphysicorum Aristotelis Stagiritae Libros*, vol. 2, Coloniae, Sumpt. Lazari Zetzneri, 1615 [[1]1589, Rome], p. 465–468. He seems to subscribe to the view in section 4 (l. 5, c. 7, q. 6) but the following section 5 takes a different perspective.

29 Vázquez, G., *Commentariorum ac Disputationum in Primam Partem … tomus secundus … editio novissima*, Apud Petrum et Ioannem Belleros, Antwerpiae 1625, p. 32 (d. 115, c. 2, n. 2).

30 Araújo justifies the view by an appeal to Cambridge changes: "experientia constat, multas denominationes advenire subiectis de novo et amoveri ab illis absque illarum mutatione, sed nihil reale adinvenit aut amovetur … ergo dicendum est illas denominationes esse aliquid rationis." Araújo, F., *Commentariorum in Universam Aristotelis Metaphysicam*, Ex. Off. Ioannis Baptistae Varesii, Burgis et Salmanticae, 1617, p. 325. For other aspects of Araújo's theory of beings of reason, see Novotný, D. D., Twenty Years After Suárez. Francisco de Araújo on the Nature, Existence, and Causes of *Entia rationis.* In: Salas, V. (ed.), *Hircocervi and Other Metaphysical Wonders: Essays in Honor of John P. Doyle*. Milwaukee, Marquette University Press 2013. Araújo's work was intended as a response to the Jesuit challenge in metaphysics as his Prolog and Hurtado's reply to it shows. (Hurtado, P., *Universa Philosophia*, op. cit., p. 702–703.)

tionist view that "taken precisely" beings of reason are "real in themselves". (Reductionism, i.e. the view that beings of reason are real beings, will come up again below, in the discussion of self-contradictory beings.[31])

Having rejected the extrinsic denomination view Arriaga concludes that a being of reason is to be defined as "that which has merely objective being in the intellect".[32] This definition, made popular by Suárez, became standard in the Jesuit order, and in 1653 even mandatory, although its interpretation continued to be interpreted in widely different senses.[33] An example of a being of reason that Arriaga gives at this point already indicates that his interpretation draws on Hurtado – "the man is irrational". The irrational man has no being in reality (*a parte rei*) but he is conceived as having, hence he has only objective being in the intellect and is a fictitious being of reason (*ens rationis fictum*).[34]

Further details of Arriaga's conception will emerge further on. But before we go on, let me report here about Arriaga's short polemics against François de Bonne Espérance (Franciscus Bonae Spei) OCD (1617–1677**),** a Belgian Carmelite, that he included in the revised edition of his *Cursus*.[35] Bonne Espérance and his *Commentarii tres in universam Aristotelis philosophiam* published in 1652 seems to be one of Arriaga's favourite opponents.[36] His discussion of beings of reason is brief but somewhat independently-minded. He openly argues that (by now) the well-established definition of a being of reason, as that which is objectively only in the intellect, is flawed. When I assert, for instance, "The identity between the goat and the stag is impossible" the subject, i.e. the identity, exists objectively only in the intellect but still I do not make up anything since I am not thinking that something is otherwise than it is. Hence I am not making a being of reason. It follows

31 In: Novotný, D., *Ens rationis*, op. cit., p. 46–47, I have labeled as "ultrarealist" the view that beings of reason, since they are extrinsic beings, are a sort of real beings; but this label would better be reserved for the view that although beings of reason are irreducible to real beings (or to real extrinsic denominations), they are nevertheless mind-independent.

32 "Ergo ens rationis a nobis solum accipitur in praesenti pro eo, quod habet tantum esse obiective in intellectu, id est, quod tantum habet cognosci." Ibid., p. 1009 (d. 7, s. 1, n. 6-7).

33 Knebel tentatively traces the origin of this definition to the passing remark of Hervaeus Natalis OP (d. 1323) (*On Second Intetions,* Trans. J. P. Doyle, Milwaukee, Marquette 2008, p. 362) and gives a long list of authors who endorsed it before 1653 (*Erkenntnistheoretisches*, op. cit., p. 358). Bartolomeo Mastri OFMConv. (1602–1673) and Bonaventura Belluto OFMConv. (c. 1600–1676) point out that it is „sentencia inter Recentiores receptissima, quibus praeivit Suarez". Mastrius, B., *Disputationes in Organum Aristotelis.* Venetiis, Typ. Marci Ginamni ²1646 [¹1639], p. 298 (d. 3, q. 2, n. 13).

34 Ibid., p. 1009 (d. 7, s. 1, n. 6-7).

35 Arriaga discusses Bonne Espérance first in section 2 but the discussion more appropriately belongs here.

36 Bonae Spei, F., *Commentarii tres in universam Aristotelis philosophiam*. Bruxelle, Apud Franciscum Vivenium 1652, p. 30–32.

that a being of reason should rather be defined as that which is possible but thought of as impossible, or conversely. Some philosophers might frown at this definition, because it contains a disjunction, Arriaga says. But he does not reject it for this reason and it can be easily fixed anyway: "a being of reason is that concerning the possibility of which the intellect errs". Nevertheless, he rejects even this revised definition – because it dissents from the majority opinion.[37] Such a rejection looks surprising since Arriaga does not usually appeal to an authority and here he substantially agrees with Bonne Espérance. Both follow Hurtado in holding that beings of reason are falsehoods, although (as we shall see) Arriaga's view is unrestricted, including possible non-actual items ("Peter is running <he is not>"), whereas Bonne Espérance restricts falsehoods to the modal ones ("Peter is irrational").[38] Thus, the explanation for Arriaga's shallow rejection of Bonne Espérance's definition will probably be extrinsic, namely the official requirement to teach the "objectively only in the intellect" definition.

Arriaga's section 1 remained unchanged between the first and the last edition. As we have seen, at this point his discussion is derived from Hurtado. With respect to the nature of beings of reason, Arriaga joins Hurtado in his subversive revisionist campaign against the Baroque scholastic consensus on beings of reason, but his own contribution to the debate is negligible. As we shall see, more substantial will be his discussion of their existence in the next section.

2. Existence: Whether there are beings of reason?

Arriaga's discussion of the existence of beings of reason opens with the confident claim that it is quite certain that they exist, in spite of "many authors" who completely deny them, such as Francisco Vallés (1524–1592),[39] and of

37 "Bonam-spem … [d]efinit ergo ens rationis, quod, cum sit possibile, concipitur impossibile, vel e contrario, cum sit impossibile in se, concipitur possibile. … posset hoc modo mens eius Authoris sine disiunctione explicari: ens rationis est, circa cuius possibilitatem errat intellectus … Reiicienda ergo est ea definitio, quia … discedit a Communi, cum fere omnes dicant illud esse ens rationis, quod solum habet esse in intellectu" Arriaga, R., *Cursus philosophicus … expurgatus*, 1669, op. cit., p. 1010 (d. 7, s. 2, sb. 1, n 14-15).

38 In our context Bonne Espérance does not mention Arriaga's view about this matter neither approvingly nor disapprovingly. He is well aware of Arriaga's work (as we may read in the Prolog) but his explicitly mentioned opponents with respect to beings of reason include only Thomas Compton Carleton SJ (1592–1666), Francisco Oviedo SJ (1602–1651) and John Punch OFM (c. 1599–1661). In some of his claims he is closer to Hurtado than Arriaga. He argues, for instance, that chimeras, when considered as impossible, are not strictly speaking beings of reason, since we think what is true of them.

39 Vallés was a physician and philosopher who taught at Alcalá. His argumentation against beings of reason can be found in *Controversiarum naturalium ad tyrones pars prima*, Compluti, Andreas

some who think that it "cannot be convincingly shown that they exist and that the view of Vallés is probable enough."[40] Arriaga then sets out to prove the point and to deal with various objections of which the main concerns the possibility of "false acts without fictitious objects". The section also contains two debates, one against Richard Lynch SJ (1610–1676), an Irish student of Hurtado[41], and another against Bonne Espérance, that we have already dealt with. We shall see that whereas his discussion about the nature of beings of reason was rather disappointing, here he deals with the issues, especially in his replies to various objections, with some originality.

Arguments for beings of reason

There are two arguments for the existence of beings of reason that Arriaga presents. The main one, which we might call the falsehood argument, consists in the observation that there are false acts of the intellect. In the first edition he puts it as follows:

> This is how I show [the existence of beings of reason]: First, it is not possible to deny that some acts are false and some are true. Secondly, it is not possible to deny that the false acts are false because their object is not in reality as they affirm it, and the true acts are true because their object is in reality as they affirm. … Thus, some objects are not in reality.[42]

ab Angulo, 1563, p. 18–19 (n. 10). Besides Vallés, closer to home, it would be more appropriate to enlist Hurtado's colleague Valentín de Herice SJ (1572–1636) who taught theology in Valladolid and Salamanca and whom Hurtado calls *synmagister meus* (Scholasticon). Herice argues in favor of: "Secunda sententia negat intellectui hanc virtutem quasi effectricem entis rationis et arbitratur, quidquid respondet ex parte obiecti, distinctumque est ab actu intelletus, esse in se ens reale" (*Quatuor Tractatus in I. Partem S. Thomae*, Pamplonae, Caroli 1624, p. 174). Although Herice's views on beings of reason differ from Hurtado's they both take fallibilism as the point of departure: "cum intellectus humanus confingit ens rationis, id efficit per iudicium falsum." Ibid., p. 175.

40 Ibid., p. 1009 (d. 7, s. 1, n. 7).

41 "Meus etiam quonam in sacra Theologia Magister P. Petrus Hurtado de Mendoza quam magnus fuerit Philosophiae mystes, decies repetitae philosophici cursu editiones testantur: semel ille edidit, iterum atque iterum doctrinae suae splendor vulgavit. Vir certe fuit in inveniendis placitis profundus, in seligendis dexter, in confirmandis, quibus assentiebat, solidus, atque in infirmandi, quibus dissentiebat, acerrimus." Lynceus, R., *Universa philosophia scholastica*, Lugduni, Sumpt. Pilippi Borde 1654, Prologus.

42 "Quod sic ostendo: nam primum negari nequit actus aliquos esse falsos, aliquos esse veros. Secundo negari nequit, actus falsos ideo esse falsos, quia obiectum illorum non est a parte rei, sicut per ipsos affirmatur: veros autem ideo esse veros, quia obiectum eorum ita est, ut per ipsos affirmatur. … Ergo aliqui actus sunt, quorum obiecta non sunt a parte rei." Arriaga, R., *Cursus philosophicus*, 1632, op. cit., p. 884 (d. 6, s. 2, n. 8).

The paragraph was dropped in the revised edition, perhaps as Arriaga realized greater complexity of the debate and the dissent grew; the passage was explicitly criticized by Juan Caramuel y Lobkowitz (O.Cist.) (1606–1682) in 1654.[43] In the revised edition he does not formulate the argument in the same simple and straightforward way, but the point remains. He argues: Let us take, for instance, the statement "the horse is rational". The object of this act is the rational horse. Of course, such a fictitious horse cannot exist (*dari*) really (*a parte rei*), but it is known (*cognoscitur*) by our intellect, it is an object for our intellect and thus it has merely objective being in our intellect. Examples such as these are called "beings of reason" and they clearly occur. If anybody would like to deny this, the dispute would be verbal and one would have to go "against experience, reason and the consensus even of rustics."[44] The falsehood argument is not original. It can be found in Hurtado, even with the same reference to just one opponent, Vallés.[45] We shall be occupied with this argument when we come to objections.

Arriaga's other argument for beings of reason, which might be called ontological, was also taken over, this time from Suárez:[46] to deny beings of reason leads to self-contradiction because the existence of beings of reason is nothing else than knowing or apprehending them, so by the very negating them one apprehends them. Otherwise one would be denying one knows not what, which is ridiculous.[47] The argument seems to be considered sound by most scholastics of the time. As far as I know it was first criticized by Caramuel in 1681.[48]

False acts without fictitious objects?

There are various objections against beings of reason that Arriaga considers, one of which goes against the core of the falsehood argument:

43 *Metalogica disputationes de logicae essentia, proprietatibus et operationibus continens*, Sumpt. J. G. Schonwetteri, Francofurti 1654, p. 71. Caramuel criticises also other aspects of Arriaga's views rather exensively (p. 71–76). He singles him out because: "Eius ingenium magni facio; pollet enim eximio et nihil aliud omnio agit, quam meditari, docere, disputare et scribere. Claret libris impressis, quibus annis multis totus Orbis litterarius applaudit. Philosophicum cursum edidit anno 1632 et in ipso multa valde ingeniosa et rara." Ibid., p. 71.

44 Arriaga, *Cursus philosophicus … expurgatus*, 1669, op. cit., p. 1010 (d. 7, s. 2, sb. 1, n. 15-16).

45 See e.g. Novotný, D., *Ens rationis*, op. cit., p. 115.

46 Ibid., p. 51.

47 Arriaga, R., *Cursus philosophicus … expurgatus*, 1669, op. cit., p. 1010.

48 Caramuel, J., *Leptotatos latine subtilissimus.* Vigevanis, Typ. Episcopalibus 1681, p. 102. See also briefly Novotný, D., *Ens rationis*, op. cit., p. 173–174. Caramuel argued in various other ways against beings of reason already in his earlier works, namely *Rationalis et realis philosophia*, Typ. Evardardi de Witte, Lovanii 1642, p. 76–90 and more extensively in *Metalogica disputationes*, op. cit., p. 44–77.

> You might object that our intellect intentionally connects the true and real rationality, which it knows from other things, with a horse, without conceiving in this act something fictitious. Thus, it is not necessary [to posit] some beings of reason which would correspond to this fiction-making act from the part of the object.[49]

We see that the opponent admits that there are false mental acts, but denies that there are any special fictitious objects corresponding to them. A false act, such as "the horse is rational", does not need any fictitious *irrational horse* as its object; all we need are the real component objects *rationality* and *horse*. Arriaga presents three replies to this objection:

(1) When I say "the horse is rational" I do not predicate of the horse the rationality of (let's say) Peter but the rationality which is neither Peter's, nor Mary's, nor of any other (actual or possible) individual. I predicate some other rationality, similar to the real one, but which is made up.[50]

(2) Even if components of beings of reason were real, their union is definitely not, since it does not exist in reality and hence it is fictitious.[51] To reply that the real unity as such is real because it exists in other things will not do. First, the unity of components of the being of reason is not numerically the same unity as the unity found in real things (and hence we cannot claim that it is real). Secondly, even if we wanted to grant that it is real, it is claimed to be here and now, which is not the case. Hence it is not real but fictitious.[52]

(3) We need to distinguish two senses of intentional unification/identification. In the formal sense, we do not affirm the unity of the two items but we instead take them confusedly, and thus do not distinguish them. This happens, for instance, in case of thinking of universals. Here no being of reason is produced and these mental acts are true, although formally speaking they unite things incapable of being unified. In the objective sense, we explicitly apprehend or affirm the unity of the two

49 "Respondebis primo, intellectum nostrum veram et realem rationalitatem, quam in aliis rebus cognoscit, connectere intentionaliter cum equo, quin per eum actum aliquid fictum concipiat, ergo non est necessarium tale ens rationis, quod correspondeat ex parte obiecti actui fingenti." Arriaga, R., *Cursus philosophicus … expurgatus*, 1669, op. cit., p. 1011 (d. 7, s. 2, sb. 1, n. 17).

50 Ibid., p. 1011 (d. 7, s. 2, sb. 1, n. 17).

51 "Secundo … quia licet extrema sint realia, unio tamen affirmata non est realis, sed ficta … quia licet extrema dentur a parte rei seorsim, non tamen identificata inter se, ergo talis identitas est ficta, ergo est ens rationis." Ibid., p. 1011 (d. 7, s. 2, sb. 1, n.19).

52 Ibid., p. 1011 (d. 7, s. 2, sb. 1, n. 19).

> incompatible things. Here we do affirm a unity and thus our act is false, because there does not exist any such unity. This unity is fictitious and called a being of reason in the proper sense.[53]

In all of these replies Arriaga takes as the point of departure strong nominalistic rejection of universals. (1) There is no rationality as such; in predicating rationality of a horse and of a man I predicate two distinct rationalities. (2) There is no unity as such; the (falsely asserted) unity of rationality with a horse and (truly asserted) unity of rationality with a man are two distinct unities. (3) There are two irreducible kinds of unification; the formal works by confusion and yields universals (i.e. they are not the result of abstraction), whereas the objective works explicitly and yields non-existent fictions. All of these replies leave unmoved those who do not reject universals as Arriaga does. His nominalism also plays pivotal role in the debate with Lynch to which we now turn.[54]

The debate with Lynch

In 1654 Lynch published his *Universa philosophia scholastica*, where he defended reductionist view that beings of reason are "nothing but an aggregate of real entities"[55] Arriaga reports:

> Fr. Lynch … strongly defends the view that the being of reason is nothing more than an aggregate of real entities … and an essentially false (mental) act by which the true identity is applied to them. He works to establish that all parts of some complex are real, while the complex remains fictitious.[56]

53 Ibid., p. 1011 (d. 7, s. 2, sb. 1, n. 19-21).

54 Arriaga's underlying nominalism in this context was noticed by Caramuel, who says that "tota haec Replica nascitur ex quodam gravissimo errore … [in the margin] Arriaga negat omnia universalia, etsi se illa admittere dicat" (*Metalogica*, op. cit., p. 72). For Arriaga's systematic exposition of universals, see Sousedík, S., Arriagas Universalienlehre. In: Saxlová, T. – Sousedík, S., *Rodrigo de Arriaga († 1667)*, op. cit., p. 41–49. Surprisingly, Mastri and Belluto are impressed by Arriaga's defense of fictitious objects with the help of these nominalistic arguments and approvingly refer to him. See Novotný, D., *Ens rationis*, op. cit., p. 141.

55 Lynceus, R., *Universa philosophia*, op. cit., vol. 3, p. 227–237 (l. 4, t. 1).

56 "Pater Lynceus … fortissime defendit ens rationis nihil penitus aliud esse, quam aggregatum ex entibus realibus … et actu reali essentialiter falso, quo identitas vera his extremis applicatur. Est autem totus, ut probet, posse omnes partes alicuius complexi esse reales, et tamen complexum esse fictum." Ibid., p. 1009 (d. 7, s. 2, sb. 1, n. 9). Lynch's formula: "ens rationis, quamvis de eo affirmari possit non esse ens reale, tamen non est, aliquid adaequate distinctum a complexione plurium entium realium, sed potius est aggregatum quoddam per accidens ex extremis realibus, et actu intellectus essentialiter falso: et applicante iis veram, ac realem identitatem, quae tamen inter eis reperiri nequit" Lynceus, R., *Universa philosophia*, op. cit., vol. 3, p. 228. He misascribes his view to Suárez and Hurtado.

Arriaga briefly summarizes several of Lynch's arguments, two of which stand out. First, that to be objectively in the intellect is in fact just to be the act of the intellect itself, which is real.[57] Second, that the identity of (even) incompossible entities precedes the act of the intellect, hence it is (mind-independent) and real.[58] Arriaga is not impressed and claims that he has already dealt with similar objections in the first edition. This does not seem to be quite the case but it is true that he indicated there the distinction between the act and the object, hence undermining the first argument, and affirmed of some entities that they do not have preceding potency, hence undermining the second argument (see further below the second objection). In three points Arriaga "summarizes what he had done in the original edition but what Lynch ignored"[59]:

- First, when we assert that there is a unity between (for instance) the goat and the stag we start with the real unity but since we claim it is where it is not, we make it fictitious.[60]
- Secondly, if according to Lynch the whole has only real parts and it is nothing but the union of all its parts, how come the whole is not real (but impossible)?[61] The very meaning of "The goat-stag is impossible" is unclear as both the act and its object is possible.[62]
- Finally, although the intellect is real it is distinct from its object and so the being of reason (something non-real) can be made by it.[63]

To these three points from the first edition Arriaga adds that the false act must be about some false (fictitious) object otherwise it could not be false.[64] It cannot be about itself, for it is not reflexive (and anyway if it were then it

57 "… quia esse obiective in intellectu dicit formalissime ipsum actum, quo concipitur, qui est ens reale." Arriaga, R., *Cursus philosophicus … expurgatus*, 1669, op. cit., p. 1009 (d. 7, s. 2, sb. 1, n. 8).

58 "Denique, quia identitas hominis et equi, quam nos fingimus, antecedit actum intellectus, ergo est ens reale." Ibid., p. 1009 (d.7, s. 2, sb. 1, n. 8).

59 Ibid., p. 1009-10 (d. 7, s. 2, sb. 1, n. 10).

60 Ibid., p. 1009 (d. 7, s. 2, sb. 1, n. 8-9).

61 Ibid., p. 1009 (d. 7, s. 2, sb. 1, n. 9).

62 "Denique ergo non capio, quid velimus dicere, dum asserimus, Hirco-cervus repugnat, si omnia, quae per illam vocem significamus sunt possibilia, igitur aliquid ibi ex parte obiecti repugnans significo, non autem ipsum actum quo id dico, quia ille est ens reale et realissimum, ac verissimum. … non illius actus obiecta, quia et haec sunt possibilia iuxta hunc Authorem. Quid ergo, quaeso, per illum actum attingo, quod repugnet?" Ibid., p. 1009 (d. 7, s. 2, sb. 1, n. 9-10).

63 "Tertio … intellectum non facere ens rationis, quasi se ipso formaliter … sed habendo pro obiecto aliquid distinctum a se." Ibid., p. 1009-10 (d. 7, s. 2, sb. 1, n. 10).

64 "Primum fuit, quod saltem in existentia eius identitatis in hoc loco debet intervenire obiectum fictum, et …, quod ipse tradit, … ens rationis debere fieri actu falso … Sic argumentor:

would be about some real entity and hence not false but true).[65] So where does its falsity come from?[66] To say that from applying unity where it is not will not do unless one concedes that this unity is fictitious.[67] This unity cannot be real:

> [W]hen I conceive the identity between the goat and the stag, I do not conceive some real identity but rather a fictitious unity, therefore [the false act is about some false fictitious object]. I demonstrate the antecedent clearly, because I do not receive the identity from any real entities in the intellect. [If somebody disagrees] may he, please, tell me from which ones [I would do so]? Not even when I mistakenly make up something, I am so stupid as to judge: the numerically same real identity, which is between, e.g. the animality and the rationality of Peter, is also the numerically same as between the goat and the stag; I know that [what is] numerically one and the same cannot be taken from its real *relata*, which it connects; hence I conceive or make up some *other* unity, which is distinct, and this one I place into the goat-stag.[68]

We see again that Arriaga's defence of the irreducibility of beings of reason to (aggregates) of real beings assumes his nominalistic rejection of universals. What he seems to suggest here is that the identity of the animality and the rationality in Peter is numerically different from the identity of the goat and the stag in the goat-stag. Realists would agree that these identities numerically differ but why shouldn't they? We do not predicate numerically the

ergo iste actus habet aliquid pro obiecto, quod non est, alioquin falsus esse non posset." Ibid., p. 1010 (d. 7, s. 2, sb. 1, n. 10).

65 "Non habet se reflexe, quia supra se non reflectit, et vero si se haberet, esset verus." Ibid., p. 1010 (d. 7, s. 2, sb. 1, n. 11-12)

66 "… non habet pro obiecto equum, quia hic est aliquid a parte rei existens; non hominem, quia et hic existit; non unionem, quia et haec per se est realis. In quo ergo errat hic actus? unde ergo est falsus?" Ibid., p. 1010 (d. 7, s. 2, sb. 1, n. 11-12).

67 "Dices: quia illam unionem applicat equo et homini. Contra: eam applicat dicendo, eam esse inter illa extrema, ergo saltem existentia unionis in eo loco est ficta … ergo necessario debet ex parte obiecti aliquid respondere fictum." Ibid., p. 1010 (d. 7, s. 2, sb. 1, n. 11-12).

68 "… quando concipio identitatem inter hircum et cervum, non concipio ullam identitatem realem, sed aliam fictam, ergo. Probo antecedens manifeste, quia ego non accipio per intellectum identitatem ab ullis entibus realibus. Dicat quaeso mihi, a quibus? neque quando per errorem fingo aliquid, sum tam stupidus, ut iudicem: identitas illa realis eadem numero, quae est inter animalitatem et rationalitatem Petri v.g., … illa eadem numero est inter hircum et cervum, scio enim, non posse illam numero realem abesse a suis extremis realibus, quae connectunt, ergo aliam distinctam concipio seu fingo, et illam pono in hirco-cervo." Ibid., p. 1010 (d. 7, s. 2, sb. 1, n. 11-12).

same predicate of their subjects. On the contrary, predicating the animality of goats and of Peter does not involve numerically but generically the same animality (which is "individualized" within the given goat and Peter). The same holds of the identity that we predicate of humans, i.e. rational-animals, and of goat-stags.

The status of the identity (unity) of elements within self-contradictory beings, i.e. whether it is real or fictitious, and the correlated question of whether the repugnancy between these elements is internal or external, became one of the most controversial questions of late Baroque scholasticism.[69] The debate was usually carried out under the heading "Are there beings of reason distinct from all real (even possible) beings?" John P. Doyle traces the historical background of this question to the two basic late ancient and medieval views on where to place self-contradictory beings such as the goat-stag: Alexander of Aphrodisias (fl. 200 AD) claims that they are beings *per accidens*, i.e. aggregates of real incompatible beings, whereas Averroes (1126–1198) says that they are beings as true or false, i.e. something in the mind.[70] Alexander's view is reductionist, whereas Averroes's anti-reductionist. Arriaga and others represent the heirs of the view that beings of reason (understood narrowly as self-contradictory) are irreducible to and distinct from real beings, whereas Lynch and others, e.g. Tirso Gonzáles de Santalla SJ (1624–1705), represent the heirs of the view that beings of reason are reducible to and ultimately non-distinct from real beings. Growing number of authors joined the camp of reductivists.[71] Writing within the Jesuit tradition toward the end of the nineteenth century, José J. Urráburu SJ (1844–1904) briefly recapitulates the debate and declares reductionism to be the minority view, although "probable enough" and backed up by many

69 The status of the unity and its expression by the copula is closely related to the topics of simple apprehension and judgment. See Knebel, S. K., *Erkenntnistheoretishes*, op. cit. e.g. p. 124–130 for broader context. "Der Streit um die irrealen Gegenstände war also im Kern ein Streit um die Auffassung der Copulafunktion, zunächst im unmöglich wahren Urteil, dann im Urteil überhaupt." Ibid., p. 128.

70 Doyle, J. P., Impossible Objects. In: *On the Borders of Being and Knowing Late Scholastic Theory of Supertranscendental Being*, op. cit., p. 94–126. The mention of the goat-stag occurs in the commentary on *Metaphysics* E, which is considered not to be Alexander's genuine work (*Commentaria in Aristotelem Graeca*, Ed. M. Hayduck, Berlin, Reimer 1891, vol. 1, p. 448). Doyle also briefly considers earlier Aristotelian commentators that anticipate Averroes's view.

71 We might also call them eliminativists since they agreed that there are no beings of reason (in what was agreed to be the narrowest, proper sense of the word). See Novotný, D., *Ens rationis*, op. cit., p. 34–35, 175–179, 249n9.

(Jesuit) authorities.[72] Much of the Baroque debate of this question, due to the intricacy and complexity, remained unpublished in manuscripts.[73]

Other objections

Arriaga considers four other objections against the existence of beings of reason. The last one, concerning the question whether there are possible beings of reason, e.g. "Peter is running <he is not>", is presented but the answer is postponed to the next section (see below).[74]

The first objection, which was added in the revised edition, states that if there were beings of reason a contradiction would follow. For suppose we take the negation of the being of reason. The negation does not exist in reality and hence it is a being of reason. But the negation of something cannot be that something. Hence there are no beings of reason. Many recent thinkers, Arriaga points out, trust this argument a lot.[75] In his reply he distinguishes two meanings of "the negation of the being of reason". First, we may mean the absence of a being of reason. In this sense (given the context) the negation of a being of reason is really "out there" before the activity of the intellect, hence we do not say of this negation that it is a being of reason.[76] Secondly, we may mean by this expression the merely possible being of reason, i.e. the being of reason that is not actual at the moment. Although we do say of this negation that it is a being of reason, we may do so and there is no problem

72 First of all by Juan Ulloa SJ (1639–1723), but also by Herice, Lynch, Antonio Pérez SJ (1599–1649), Martín de Esparza SJ (1606–1689), Pietro Sforza Pallavicino SJ (1607–1667), Gaspar Ribadeneira SJ (1611–1675), Thyrso Gonzales, Giovanni Battista de Benedictis SJ (1641–1706), Giovanni Battista Tolomei SJ (1653–1726), Anton Mayr SJ (1673–1749) and Luis de Losada SJ (1681–1748), in addition to older authors such as Durand, Franciscus Mayronis OFM (c. 1280–1328), and Bernardinus Mirandulanus (1502–1565). As the proponents of the irreducibility view he singles out Georges de Rhodes SJ (1597–1661), Sebastián Izquierdo SJ (1601–1681), Arriaga, Silvestro Mauro SJ (1619–1687) and André Sémery SJ (1630–1717). See Urráburu, J. J. *Ontologia*, Avrial, Madrid 1902, p. 103–108. (First published in Valladolid in 1891). The list is, of course, not exhaustive. For instance, Jan Morawski SJ (1633–1700), a student of Esparza and a reductionist, gives other, little known names in *Totius Philosophiae Principia*, Posnaniae, Typ. Heredum 1666, p. 10. See also another reductionist Paul Aler SJ, *Conclusiones ex universa philosophia circa quaestiones maxime controversas*, Coloniae, 1692, p. 22 (in Metaphysica). The modern entry-point to the study of this debate is Doyle, J. P., Impossible Objects, op. cit. Further extensive references can be found in Knebel, S. K., *Erkenntistheoretisches*, op. cit., p. 368–373. Reductionism has been recently defended by Novák, L., *Scire Deum esse*, op. cit., p. 170–187.

73 This is what Ignacio Francisco Peinado SJ (1633–1696), a defender of the irreducibility, explicitly points out (*Disputationes in Universam Aristotelis Logicam*, Sumpt. Collegii, Compluti 1671, p. 363). Knebel's publication of Tirso Gonzales's manuscripts with a highly complex discussion of this question confirms this (*Erkenntistheoretisches*, op. cit. p. 85–101 and 357–433).

74 Arriaga, R., *Cursus philosophicus … expurgatus*, 1669, op. cit., p. 1012 (d. 7, s. 2, sb. 2, n. 27) .

75 Ibid., p. 1011 (d. 7, s. 2, sb. 2, n. 22).

76 Ibid., p. 1011 (d. 7, s. 2, sb. 2, n. 22).

in it as we may also say of both the actual and the non-actual horse that it is a horse.[77] Either way, there is no reason to reject beings of reason.

The second objection states that the being (*esse*) precedes the being known (*cognosci*) but beings of reason have no such preceding being because for them to be is to be (actually) known. Arriaga replies to the objection by denying the universal truth of the claim that the being precedes the being known, and points out that besides beings of reason we have also reflexive acts, the being of which does not precede their being known.[78]

The third objection: suppose that the false act, e.g. "The horse is rational" is about the fictitious unity. Since the act is truly about it, it is true, which is a contradiction. Hence the false act cannot be about the fictitious unity. It can only be about the real unity, which is, however, missing in reality, thereby making the act false. There is no fictitious unity corresponding to the false act.[79] Arriaga offers three replies:

- The first seems to complain that the objection is incoherent because it admits the existence of the fictitious unity, which is then denied. (This reply, if I understand it correctly, is quite bad since it could be applied against all indirect arguments.)[80]
- In his second reply Arriaga denies that the (false) act about the fictitious unity would be true: the fictitious unity is brought about only by the act itself and it wasn't there before it. Since this act is not reflexive but concerns what was before it, it is false since there was indeed no unity, fictitious nor real.[81]
- In his third, perhaps crucial reply, Arriaga again denies that the (false) act about the fictitious unity would be true. For the act is false not because there is no real unity, but because there is the fictitious unity instead of

77 "Secundo, respondetur, id quod tetigit Bona Spes negationem entis rationis esse solum ens rationis possibile, non actuale, ens vero rationis esse actuale … non esse illud quod est ipsa negatio, sed aliud distinctum." Ibid., p. 1011 (d. 7, s. 2, sb. 2, n. 22).

78 Ibid., p. 1012 (d. 7, s. 2, sb. 2, n. 23). For Mastri's and Belluto's discussion of the question, see Novotný, D., *Ens rationis*, op. cit., p. 142–146.

79 Arriaga, R., *Cursus philosophicus … expurgatus*, 1669, op. cit., p. 1012 (d. 7, s. 2, sb. 2, n. 24).

80 "Hoc argumentum nonnullis facessit magnum negotium, sed immerito: primo enim involvit implicantiam in terminis, dicunt enim ex una parte, non dari talem unionem fictam, aliunde autem addunt, quod si ea affirmetur per illum actum, actus esset verus, quia datur talis unio ficta, ergo iam admittis unionem fictam, alioquin licet affirmaret actus, non esset verus, quia non daretur quod affirmat." Ibid., p. 1012 (d. 7, s. 2, sb. 2, n. 24).

81 "Deinde, licet actus affirmaret dari unionem fictam, adhuc non esset verus, quia illa unio ficta datur formaliter per ipsum actum, qui non est supra se reflexivus; ante actum autem non datur talis unio ficta, ergo esset falsus." Ibid., p. 1012 (d. 7, s. 2, sb. 2, n. 24).

> the real one, i.e. something is otherwise than it is claimed to be, which is a being of reason.[82]

As we have seen, Arriaga deals with the existence of beings of reason in a detailed way. What is most controversial about them is their alleged complete distinction from real being, i.e. the question that has to do with their nature. In defending the anti-reductionist view Arriaga seems to proceed with an originality for which he was well known, going in his argumentation beyond Hurtado. Some of the issues concerning the nature of beings of reason will also pop up in the next section.

3. Causes: Which human powers make beings of reason?

There is a universal agreement, Arriaga claims, that beings of reason are made by intellective acts in which something is falsely thought as possible or impossible:

> I hold that … a being of reason can be made up by the intellect … through the acts in which possible things are thought of as impossible or conversely. On this everybody agrees for obvious reasons since the object of such acts does not have other being than that of being known, thus it will be a being of reason.[83]

The controversy is whether all false intellective acts and whether internal senses, external senses, the simple apprehension, the lower appetite and the will make beings of reason. As we shall see, departing from Hurtado's views, Arriaga gives affirmative answer to all of these. In subsection 1 he deals with the false acts, in subsection 2 with internal senses, in subsection 3 with external senses and the rest.[84] However, before looking at the particular faculties involved in the production of beings of reason, let me

82 Ibid., p. 1012 (d. 7, s. 2, sb. 2, n. 25-6). In this paragraph Arriaga also points out to the irreducibility of "falsity experience": "… dicere falsam esse veram et veram dicere esse falsam. Quid autem sit hoc dicere, respondeo esse ipsam essentiam actus intellectu, cognitam experientia actuum falsorum, quae non potest ulterius explicari; sicut non potest ulterius explicari, quid sit cognoscere albedinem …" Ibid., p. 1012 (d. 7, s. 2, sb. 2, n. 26).

83 Ibid., p. 1012 (d. 7, s. 2, sb. 2, n. 27).

84 He also briefly discusses the question whether angels make beings of reason. The answer is why not: since it is possible for them to sin, which is worse, and it is possible for them to make errorss, i.e. beings of reason. Ibid., p. 1015 (d. 7, s. 2, sb. 3, n. 45).

briefly summarize Arriaga's main claims concerning the general features of this production.[85]

- When we speak of "making" (*facere*) or "making up" (*fingere*) of beings of reason, something similar to the real efficient cause, which is involved in producing real beings, is meant.[86]
- The resulting object, the being of reason, is to be distinguished from the act that causes it since it is impossible, whereas the act is something real and possible.[87]
- We cannot say more about the "fictitious being" of beings of reason. It is, as we would say today, a "primitive notion".[88]
- The being of reason is made sometimes because of the perfection of the intellect (in judgments such as "The rational horse is impossible") and other times because of its imperfection (when we make mistakes).[89]

Arriaga does not deal with these issues in depth and we thus turn our attention to the ones more central to him.

False intellective acts

Do all false acts of the intellect, even the contingent ones, such as "Peter is running <he is not>", make up beings of reason? Since it is possible for Peter to run even when he is not, it was the standard scholastic view of the time to deny that.[90] In Arriaga's view, however, the whole disagreement about this question is verbal. We may either call a being of reason that which does not have any actual or potential being outside of the intellect (*extra intellectum*); in this case *Peter's running*, while he is not running, would not be a being of reason since it has the potential being. But we may also call a being of reason that which insofar as it is cognized does not have other being than the one from the intellect (*quod prout cognoscitur non habet aliud esse quam per intellectum*). In this case, even though *Peter's running* is possible,

85 Arriaga discusses this out of place at the end of section 5 dealing with the division of beings of reason.

86 Ibid., p. 1017 (d. 7, s. 5, n. 58).

87 "… illud autem eo modo quo est, distinguitur ab ipso actu, qui est quid possibile et reale, licet eius obiectum sit impossibile." Ibid., p. 1017 (d. 7, s. 5, n. 58).

88 "Rogabis: quid ergo est illud distinctum esse obiecti? Respondeo, nihil reale, sed precise est homo fictus, equus fictus, etc. quod non potest amplius declarari, nec est quaerenda aliqua entitas in eo quod est purum nihil." Ibid., p. 1017 (d. 7, s. 5, n. 58).

89 "Circa modum quo fit ens rationis … si fiat per fictionem, oriri id ex imperfectione et limitatione potentiae, quae potest falli, iudicando illud esse cum vere non sit. Si autem fit per actus veros, ut fit a Deo, provenit ex virtute intellectus, qui suis actibus potest ad ea quae non sunt ferri, tanquam ad ea quae sunt." Ibid., p. 1017 d. 7, s. 5, n. 58).

90 Ibid., p. 1012 (d. 7, s. 3, sb. 1, n. 28).

we think of it as actual and as actual it is only in the intellect. Hence it is a being of reason.[91] Arriaga clearly reveals his sympathy for the latter view. In the revised edition he complains of "wild disputes" concerning this question, and of attacks against the view taken by him and Hurtado.[92] One of the consequences of this view is that there are two genera of beings of reason, namely the possible, e.g. Peter (an actually nonexisting individual affirmed as existing), and impossible, e.g. a rational horse.[93] Arriaga repeats the point further below, when dealing with the division of beings of reason.

Internal and external senses

Beings of reason, as the very name suggests, are traditionally considered to be the product of the intellect only, not of senses. Hurtado upheld this doctrine because senses do not judge something to be true or false and therefore cannot make it. Arriaga, however, does not find this reason convincing. In his view not just the intellect but also internal and even external senses can make mistakes, and therefore beings of reason, although he admits that truth and the falsity is not found in them in the strict sense of the word.[94] But our imagination makes up chimeras[95] and our sight presents large things, such as the Sun or the stars, much smaller than they are. These are mistakes and beings of reason.[96] In defending the view that senses can err and are capable of making beings of reason, Arriaga explicitly departs from the opposite view of Hurtado who claims that senses cannot affirm or deny something but can only reach "accidentia sensibilia" and thus are incapable of making beings of reason.[97] Strangely, Arriaga enlists Suárez as an ally, although he did not hold the same view. In fact he explicitly denied that senses are capable of making beings of reason.[98] From the view that senses

91 Ibid., p. 1012 (d. 7, s. 3, sb. 1, n. 28).

92 "Unde mirandum est nonnullos postea tam ferio de hac questione egisse et sententiam meam ac Hurtadi graviter reiecisse, cum (ut olim dixi) explicatis terminis omnes debeamus necessario convenire." Ibid., p. 1012 (d. 7, s. 3, sb. 1, n. 28) For Hurtado, see e.g. Novotný, D., *Ens rationis*, op. cit., p. 132–133. The debate of this question was still alive at the beginning of the eighteenth century with Antonio Cordeyro SJ (1640–1722) defending the view of Hurtado and Arriaga, *Cursus philosophicus conimbricensis.* Ulyssipone, Deslandensiana 1704, p. 72–74, (t. 1, d. 3, q. 2, a. 2, n. 325-32).

93 Arriaga, R., *Cursus philosophicus … expurgatus*, 1669, op. cit., p. 1013 (d. 7, s. 3, sb. 1, n. 29).

94 "Ex his colligo, etiam per actus sensus interni, immo et externi, posse fieri ens rationis: nam hi actus possunt falli, licet non in eo rigore, quo actus iudicii, ut dixi in Logica." Ibid., p. 1013 (d. 7, s. 3, sb. 1, n. 31).

95 Arriaga thinks of chimeras as individuals. Ibid., p. 1014 (d. 7, s. 3, sb. 3, n. 42).

96 Ibid., p. 1014 (d. 7, s. 3, sb. 3, n. 35 and 38).

97 Ibid., p. 1013 (d. 7, s. 3, sb. 1, n. 31).

98 Ibid., p. 1013 (d. 7, s. 3, sb. 1, n. 31). Suárez only reluctantly acknowledges causal contribution of human imagination: "Dicendum est enim neque in sensibus, neque in voluntate aut appetitu formari aut esse aliquo modo propria entia rationis [*Disputationes metaphysicae*, d. 54, s. 2,

make beings of reason Arriaga draws the conclusion that even animals can make them, e.g. when a sheep mistakenly thinks that there is a wolf. (Arriaga defends this undoubtedly provocative thesis at some length, adding a reply to John Punch and Francisco Oviedo in the revised edition).[99]

The simple apprehension

In Arriaga's view the simple apprehension makes beings of reason as well[100]. Those who disagree, he points out, do so because they think that beings of reason require conceiving the two as the one, and that the simple apprehension is incapable of doing this. But this argumentation is mistaken since what counts is not whether we express something by one or two terms, but whether the terms are joined by the copula. For instance, in the complex expression "Peter's book" the terms "Peter" and "book" are not joined by "is", which means that the object of this expression is grasped by our simple apprehension.[101] And even simple essences can be expressed by two or more terms, e.g. "the rational animal", and that does not make them complex. Hence even if we were not able to express beings of reason by simple terms, they could be made by the simple apprehension.[102]

Appetites and the will

The common argument against the view that the will and the lower appetite make beings of reason states that these faculties already presuppose the being of reason which is made up by the intellect. Arriaga does not find this argument convincing and argues that even though appetites may tend to some apparent good (*bonum apparens*) based on the previous activity of the intellect that made the *primary* being of reason, they form their own being of reason, *secondarily*. It is, of course, awkward to call this item "a being of reason" – it would be more appropriate to speak of "beings of appetite" – but

n. 17]. … Ab hac tamen generali regula excipi potest imaginatio humana, quae interdum fingit quaedam entia, quae revera nusquam sunt, vel etiam esse non possunt." [Ibid., d. 54, s. 2, n. 18.]

99 "nam brutum, v.g. ovis, non solum apprehendit lupum ut sic … sed illum apprehendit in tali loco … ergo apprehendit unionem talis loci cum lupo, hoc autem est [vel potest esse] falsum, ergo facit ens rationis. … Veritas haec mihi tam videtur certa, ut non possim nec de illa dubitare." Arriaga, R., *Cursus philosophicus … expurgatus*, 1669, op. cit., p. 1013 (d. 7, s. 3, sb. 2, n. 32) Added paragraps in the revised edition are n. 32-34.

100 For Hurtado's views, see e.g. Novotný, D., *Ens rationis*, op. cit., p. 118. Hurtado denies the capability of the simple apprehension to make up beings of reason for the same reason he denies that of senses, namely that there is no truth or falsity in them.

101 Arriaga, R., *Cursus philosophicus … expurgatus*, 1669, op. cit., p. 1015 (d. 7, sb. 3, n. 40-41).

102 Ibid., p. 1015 (d. 7, sb. 3, n. 43-44).

this problem and the entire question is only verbal and of minor importance, Arriaga states.[103]

Arriaga's views about the causes of beings of reason are remarkable for his emphasis on creativity of all human powers. The previous scholastic tradition employed the term "being of reason" for something special and in the context of contemporary debates about nonexisting objects quite parochial. For Suárez, for instance, a being of reason was an impossible intentional object, for Hurtado a false proposition judged to be true, for Caramuel a self-contradictory expression. Only for Arriaga is a being of reason simply any nonexistent object that we might sense or think of. For him, unlike for Suárez or Hurtado, it was just a small step to formulate a contemporary form of the issue of nonexisting and fictitious objects, persons and worlds.[104] Unfortunately, Arriaga did not take the step. Nevertheless, his section on the causes of beings of reason still seems to stand out as an original contribution within the scholastic context of the time.[105]

4. God: Does he know beings of reason?

The question whether God knows beings of reason is divided by Arriaga into two, namely, whether he knows them *indirectly* and whether *in themselves*.

Does God know beings of reason indirectly? Arriaga first reports that the view denying that God knows beings of reason as made by us is ascribed by Hurtado to Vázquez.[106] Like Hurtado, he confesses difficulties understanding

103 "An autem fiat ens rationis per actum appetitus et voluntatis … est quaestio de voce … [p. 1015; d. 7, sb. 3, n. 46] … licet ens rationis non fiat primo a voluntate … fit tamen quasi secundo, sicut iudicium facit suo modo ens rationis, licet etiam supponatur factum ab apprehensione." Ibid., p. 1015 (d. 7, sb. 3, n. 46).

104 His view approximates what is called today „creationism" or „artifactualism" according to which all fictional objects are „created" by their authors. Other scholastic authors – by limiting beings of reason to self-contradictory, impossible objects – seem to assume what is called today „possibilism" according to which the usual, contradiction-free fictional objects are possible (and creatable by God). For a brief overview of the contemporary debate, see Kroon, F. and Voltolini, A., Fiction. In: *The Stanford Encyclopedia of Philosophy (Fall 2011 Edition)*, Ed. E. Zalta. URL = <http://plato.stanford.edu/archives/fall2011/entries/fiction/>. It is important to note, however, that the modern concept of literary fiction, which seems (as a concept) to emerge in the nineteenth century, is quite different from the scholastic concept of fiction. One of the main characteristics of fiction in the modern sense is that the question of truth or falsity in the real world does not even arise. We do not think that authors writing fiction produce truths or falsehoods about the real world, they do not even *intend* to do so. See Rescher, N., *Imagining Irreality: A Study of Unreal Possibilities.* Chicago, Open Court 2003, p. 239–256.

105 For other Baroque views on the role of the imagination in the production of beings of reason, see Doyle, J. P., Beings of Reason and Imagination. In: *On On the Borders of Being and Knowing Late Scholastic Theory of Supertranscendental Being*, op. cit., p. 151–166.

106 Arriaga's reference to Hurtado's textbook shows that he worked with the first edition from 1615, and not the revised one from 1624. Hurtado's views on this question, however, did not

how this view can be defended since, if God knows everything, including all human acts, some of which concern chimeras, then God knows them.[107] This does not imply that he makes them up. Although God conceives what is not, i.e. beings of reason, he does not affirm their existence. Hence he does not make them up but rather destroys them.[108] For in order to make something up it is not sufficient just to think of something impossible. It is also necessary to affirm its existence.[109]

Does God know beings of reason in themselves? Arriaga's answer is affirmative again. God knows, for instance, that the "rational horse is impossible" and this he knows independently of humans.[110] Hence he knows beings of reason in themselves. This straightforward answer, however, seems to suggest that God is involved in some suspicious activity of making things up (*fingere*). Hence Arriaga emphasizes that one needs to distinguish two meanings of "to make a being of reason": in the sense of *fingere* (which presumably amounts to making a mistake) and in the sense of *dare esse cognitum*. It is the former, not the latter sense in which God makes beings of reason.[111] In this sense even we can make beings of reason without being incriminated in making errors.[112]

In the revised edition Arriaga places at the beginning of the section a brief criticism of Bonne Espérance. According to him, God not just knows but makes beings of reason, for instance by thinking "The fourth person of the Trinity is impossible" or "The view 'God does not exist' is false." Since thinking of the fourth person of the Trinity or of non-existent God is to make a being of reason, God is making beings of reason. Although Arriaga

change. See Novotný, D., *Ens rationis*, op. cit., p. 120–122. For Vázquez see his *Commentariorum ac Disputationum,* op. cit., p. 58 (d. 118, c. 4).

107 Arriaga, R., *Cursus philosophicus … expurgatus*, 1669, op. cit., p. 1016 (d. 7, s. 4, n. 48-50).

108 "Deus ergo, licet mente concipiat id quod non est, sive entia rationis, non tamen de eo affirmat esse, sed potius negat, unde non fingit sed destruit figmentum hominis." Ibid., p. 1016 (d. 7, s. 4, n. 51).

109 Ibid., p. 1016 (d7s4n51). Did Arriaga forget that in his view there are also possible beings of reason? He might say that in some sense even these are impossible when we include spacio-temporal specifications. For instance, *Peter's running*, while he is walking, is impossible *here and now*, although as such it is possible, cf. ibid., p. 1011 (d. 7, s. 2, n. 19).

110 Ibid., p. 1016 (d. 7, s. 4, n. 52).

111 "Haec est quaestio de sola voce, de significatione scilicet verbi facere ens rationis; si enim facere dicatur idem quod fingere, certum est, a Deo non fieri …: at si facere nihil aliud sonet quam dare illi esse cognitum, certum est a Deo fieri. … nam dare esse obiective, nihil est aliud, quam dare illi cognosci." Ibid., p. 1017 (d. 7, s. 4, n. 55).

112 See n. 87. This is another claim from Arriaga that opens up modern perspectives on fictitious objects (see n. 102). We would not say of Gandalf that he is an error created by Tolkien. It is more plausible to say that Tolkien first gave him *esse cognitum* (and then elaborated his description in many texts he wrote). Fictions are not real but they do not *purport* to be, hence they are not errors.

agrees with this claim, he does not want to allow its being expressed by the statement "God makes beings of reason", because in its usual meaning the statement would imply that God makes false acts.[113]

In this section, unlike the previous, Arriaga's arguments are derived mostly from Hurtado – apart from a brief and shallow criticism of Bonne Espérance. His merely second-hand reference to Vázquez's text indicates that he did want to spend much time on this topic.[114]

5. Division: How many kinds of beings of reason are there?

Concerning the traditional division of beings of reason into the negation, the privation and the relation, Arriaga openly declares that it is insufficient because it excludes impossible chimeras and possible (mistaken) non-existents such as "non-existent running affirmed as existing" (*cursus non existens affirmatus existens*).[115] It is better to divide beings of reason into the impossible (chimerical), and the possible.[116] Both are then subdivided into as many *genera* as there are real beings, in fact even more as some genera can be made up.[117] Negations and privations as they are in reality are not beings of reason.[118] The rejection of the traditional division is perhaps a somewhat bold step against *sententia communis*. Neither Suárez nor Hurtado take it, although both are uncomfortable with the division. There is, however,

113 Ibid., p. 1016 (d. 7, s. 4, n. 48).

114 Arriaga briefly returns to the question in his *Disputationes theologicae*, now pointing out to some interpretative difficulties with what Vázquez says ("dubie loquitur") and discussing some interesting examples of beings of reason that God knows independently of humans, such as "Ens rationis est aliquid fictum ab intellectu repugnans existere" and "Si equus esset homo, esset rationalis." Referring to the debate from *Cursus philosophicus* he says that "fuseque reieci aliquas Patris Vázquez solutiones". (*Disputationum theologicarum in Primam Partem … Tomi duo, editio novissima caeteris correctior*, Sumpt. Laurentii Anisson, Lugduni, p. 191–192). This is an overstatement not just with respect to what Arriaga says of Vázquez. The entire section is rather short and disappointing. We may contrast Arriaga's few paragraphs, for instance, with the long and subtle discussion of the Peruvian Ildefonso de Peñafiel SJ (1594–1657), *Theologia scholastica naturalis … editio nova, tomus secundus,* Sumpt. Joannis Antonii Huguetan, Lugduni 1678, p. 37–78. For Peñafiel, see Pretell García, M., La filosofía de Idefonso de Peñafiel. In *La complicada historia del pensamiento filosófico peruano, siglos XVII y XVIII.* Ed. J. C. Ballón Vargas. Ediciones del Vicerrectorado Académico de la UNMSM, Lima 2011, p. 525–572.

115 Ibid., p. 1017 (d. 7, s. 5, n. 57).

116 "Melius ergo primo potest dividi in ens rationis impossibile, seu chimaericum, ut v.g. equus rationalis, homo hinnibilis, alius Deus ab hoc, etc. et in ens rationis possibile, ut cursus Petri non existens, affirmatus tamen existens." Ibid., p. 1017 (d. 7, s. 5, n. 57).

117 Ibid., p. 1017 (d. 7, s. 5, n. 57).

118 Adverte, negationem et privationem esse entia rationis, quando per modum formae iudicantur, alias vero sunt ante intellectum … de quo fusius in Physica. Ibid., p. 1017 (d. 7, s. 5, n. 58).

nothing original nor creative in revising the division in light of previous considerations.

Conclusion

As with other great Baroque authors the significance of Arriaga's theory of beings of reason is hard to assess as we need to take into consideration the complex web of explicit or implicit intertextual references. It seems clear at this point that although he tacitly presupposes the conceptual and methodological background created by Suárez, it is clearly Hurtado's work that he develops. However, he is by no means his slavish follower but introduces some important modifications whenever he can. His most interesting contribution probably concerns the broadening of the concept of beings of reason, in that they are items made by the simple apprehension, not just by false judgments (contra Hurtado), and they can be imagined or perceived both by internal and external senses (contra everybody else). He also engages in various disputes, especially with Lynch and Bonne Espérance. The debate with Lynch concerning the irreducibility of beings of reason to real beings was considered of such importance that Caramuel carefully analyses it twelve years later in his *Leptotatos*. Arriaga's other distinctive views and arguments were discussed by later scholastics, but seem to have found hardly any followers.

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SUMMARY
In 1632 Rodrigo de Arriaga, an important Baroque scholastic thinker, published a textbook in philosophy, of which the last revised and extended edition was published in 1669. Arriaga develops in it a peculiar theory of beings of reason, drawing on Pedro Hurtado de Mendoza, according to which beings of reason are that which is expressed by false judgments. It is a theory quite different from the classical theories held by Francisco Suárez, the Thomists and the majority of Scotists on the one hand, and reductive theories held by Richard Lynch and a growing number of later Baroque authors on the other. In this paper I analyse Arriaga's theory and deal with the topics of nature, existence, causes, and division of beings of reason.

Keywords: Rodrigo de Arriaga, beings of reason, Richard Lynch, François de Bonne Espérance (Franciscus Bonae Spei)

Other Scholastics

Was Duns Scotus a Voluntarist? Juan Caramuel Lobkowitz against the Bratislava Franciscans

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Professor Stanislav Sousedík's work was a lighthouse during my studies on early-modern scholasticism for two reasons. First, as an erudite historian of the Baroque "Czechoslovak" scholastic tradition (if I may use this anachronism, since my paper will deal with debates taking place in Prague and Bratislava), he contributed to a necessary challenge to what we could call the "Munich agreement" on the history of philosophy, which claims that modernity was the sole result of a combination of British empiricism and French rationalism culminating in German idealism. Second, Professor Sousedík was an outstanding medievalist, who promoted the study of the work of John Duns Scotus and the Scotist tradition in the difficult times of triumphant "dialectical materialism", teaching in the so-called "slippers university".[1] I would like to honour today his lifelong work with a modest study on an unknown episode of Central European philosophy and theology, featuring two of Professor Sousedík's favourite protagonists: the Spanish-born and long-time Prague-resident Cistercian Juan Caramuel Lobkowitz (1606–1682), and the early-modern Franciscan Scotist tradition.

We know Caramuel and the Franciscans have always enjoyed a cordial relationship. *Schola Scoti numerosior est omnibus*, claimed Caramuel with his usual sense of exaggeration,[2] but with the purpose of defending the validity of their outlook with the old Augustinian argument that the multitude can't be wrong. If so many theologians were Scotists, why then should

1 On this episode, see Blum, P. R., An Interview with Stanislav Sousedík on the Czech Republic before and after Charta 77. *Intellectual News* 15, 2005, No. 1, p. 8.

2 Caramuel, J., *Theologia intentionalis* II, c. 3, disp. 10, § 1264. Lyons, Ph. Borde, L. Arnaud, P. Borde, G. Barbier 1664, p. 237. On this often-quoted passage, see Bąk, F., Schola Scoti numerosior est omnibus aliis sumptis. *Franciscan Studies* 16, 1956, p. 144–165.

we disagree? During the decade he spent in Prague (from 1647 to 1655),[3] Caramuel seems to have enjoyed a sustained intellectual exchange with the Franciscans, regularly attending disputations and seeking their advice and doctrinal support for his own positions. However, his prime correspondents were not the "Bohemian" Franciscans of the Monastery of Our Lady of the Snow, which would produce a number of outstanding Scotist scholastics during the second half of the seventeenth century,[4] but the very active Irish exile community of the College of the Immaculate Conception (founded 1629).[5] The reason for this "Irish" connection is easy to explain: most of the

3 Stanislav Sousedík was also one of the first to document Caramuel's years in Prague: Sousedík, S., Jan Caramuel, opat emauzský (1606–1682). *Acta Universitatis Carolinae Pragensis* 9, 1968, p. 115–138. Other studies on the Prague years include Catalano, A., Juan Caramuel Lobkowitz (1606–1682) e la riconquista delle coscienze in Boemia. *Römische Historische Mitteilungen* 44, 2002, p. 339–392; Sullivan, H. W., Fray Juan Caramuel y Lobkowitz, O.Cist.: The Prague Years, 1647–1659. In: *Corónente tus hazañas. Studies in Honor of John Jay Allen*. Ed. M.J. McGrath. Newark, Del., Juan de la Cuesta 2005, p. 339–374, and a summary in Dvořák, P. – Schmutz, J., Caramuel in Prague: the Intellectual Roots of *Mitteleuropa*. In: *Juan Caramuel Lobkowitz (1606–1682), the Last Scholastic Polymath*. Ed. P. Dvořák – J. Schmutz. Praha, Filosofia 2008, p. 11–17. On Caramuel's life and work, see a general summary with most of the older bibliography in Schmutz, J., Juan Caramuel Lobkowitz (1606–1682). In: *Centuriae latinae II. Cent une figures humanistes de la Renaissance aux Lumières. À la mémoire de Marie-Madeleine de La Garanderie*. Ed. C. Nativel. Geneva, Droz 2006, p. 189–202, to be complemented by Serrai, A., *Phoenix Europae. Juan Caramuel y Lobkowitz in prospettiva bibliografica*. Milan, Sylvestre Bonnard 2005. The most complete biographies are published in: Pastine, D., *Juan Caramuel. Probabilismo ed Enciclopedia*. Florence, La Nuova Italia 1975; Velarde Lombraña, J., *Juan Caramuel. Vida y obra*. Oviedo, Pentalfa 1989, with some new elements in Fernández-Santos Ortiz-Iribas, J., *Juan Caramuel y la probable arquitectura*. Madrid, Centro de Estudios Europa Hispánica 2014.

4 See Sousedík, S., *Filosofie v českých zemích mezi středověkem a osvícenstvím*. Praha, Vyšehrad 1997, p. 216–226, mentioning important figures such as Vilém Antonín Brouček (*Domus sapientiae Doctoris Subtilis Ioannis Duns Scoti*, Prague, A. Kastner 1663), Amandus Hermann (*Sol triplex*, Sulzbach, M. & J. Fr. Endter 1676) and Bernhard Sannig (*Schola theologica scotistarum*, 4 vols, Prague, D. Michalek & J. B. Goliasch 1675–1681; *Philosophia Scotistarum*, 3 vols, Prague, J. N. Hampel 1684–1685).

5 On the intellectual tradition of the Irish college in Prague, see the recent synthesis by Pařez, J. – Kuchařová, H., *The Irish Franciscans in Prague, 1629–1786*. Transl. J. Stoddart. Praha, Karolinum 2015 [1st Czech edn, 2001]; Pařez, J., The Irish Franciscans in Seventeenth- and Eighteenth-Century Prague. In: *Irish migrants in Europe after Kinsale, 1602–1820*. Ed. T. O'Connor – M. A. Lyons. Dublin, Four Courts Press 2003, p. 104–117; Kuchařová, H., Teaching Philosophy and Theology in Prague at the Time of Caramuel's Stay and His Contacts with Prague Tertiary Institutions. In: *Juan Caramuel Lobkowitz (1602–1682), the Last Scholastic Polymath*, op. cit., p. 317–327. Older studies include the archival material uncovered by Jennings, B., Irish Franciscans in Prague. *Studies. An Irish Quarterly Review* 28, 1939, p. 210–222; Id., Documents of the Irish College at Prague I, *Archivium Hibernicum* 9, 1942, p. 173–294; Millett, B., *The Irish Franciscans, 1651–1665*. Rome, Gregorian University Press 1964, p. 134–165; Robinson-Hammerstein, H. (ed.), *Migrating Scholars. Lines of Contact between Ireland and Bohemia*. Dublin, Navicula Publications 1998. On the Irish college network in continental Europe, see an excellent summary by O'Connor, T., La solidarité contre-réformée: les réseaux de collèges irlandais dans l'Europe catholique, 1578–1793. In: *Étudiants de l'exil. Migrations internationales et universités refuges (XVIe–XXe siècles)*. Ed. P. Ferté & C. Barrera. Toulouse, Presses Universitaires du Mirail 2009, p. 71–80 (both with extensive bibliographies), as well as numerous studies in O'Connor, T. (ed.), *The Irish in*

Irish theologians of the college were old acquaintances, whom Caramuel had met years earlier during his time in Louvain, where he resided from 1631 to 1643. The Prague college was itself a direct foundation from Saint Anthony's College (founded 1607),[6] and several Louvain-trained theologians ended up teaching in Vienna, Prague and other Central European conventual colleges. As a keen observer and participant of scholastic disputes all over Europe, Caramuel often carefully documents philosophical and theological conclusions held by these Irish Franciscans, which would otherwise have remained unknown, since very little of this academic material was printed.[7]

The seventeenth-century Franciscans had developed a strong philosophical and theological tradition centred on the work of John Duns Scotus.[8] This prompted the various branches of the Franciscan family (mainly the Observants and Conventuals) to publish a number of philosophy and theology courses for each province, as well as a complete new edition of the works of Duns Scotus in Rome, under the direction of Luke Wadding (1588–1657), another Irish acquaintance of Caramuel, who always praised his enterprise and called him one of the "stars" (*stellae*) of his time.[9] This was all done with

Europe, 1580–1815. Dublin, Four Courts Press 2001; O'Connor, T. – Lyons, M. A. (eds.), *Irish Communities in Early Modern Europe*. Dublin, Four Courts Press 2006.

6 On Saint Anthony's College, Br. Jennings, Irish Students in the University of Louvain. In: *Measgra I gcuimhne Mhichíl Uí Chléirigh. Miscellany of historical and linguistic studies in honour of Brother Michael Ó Cléirigh, chief of the Four Masters, 1643–1943*. Ed. S. O'Brien. Dublin, Assisi Press 1944, p. 74–97; Giblin, C. (ed.), *Liber Lovaniensis. A Collection of Irish Franciscan Documents, 1629–1717*. Dublin, Clonmore & Reynolds 1956; Jennings, Br. (ed.), *Louvain Papers, 1606–1827*. Dublin, Stationery Off. for the Irish Manuscripts Commission 1968; Conlon, P., *St. Anthony's College of the Irish Franciscans at Louvain, 1607–1977*. Dublin, Assisi Press 1977.

7 Outside of the printed works discussed here, most manuscript lecture notes from both Prague and Louvain have been lost. A precious testimony remain the printed thesis sheets defended in Louvain: see Fennessy, I., Canon E. Reussen's List of Irish Franciscan Theses in Louvain, 1620–1738. *Collectanea Hibernica* 48, 2006, p. 21–66.

8 On Scotist school formation, see Schmutz, J., L'héritage des Subtils. L'héritage des Subtils. Cartographie du scotisme du XVIIe siècle. *Les Etudes philosophiques* 1, 2002, p. 51–81, which contains most of the older and regional bibliography. For the specifically Bohemian tradition, see Sousedík, S., *Jan Duns Scotus, doctor subtilis a jeho čeští žáci*. Praha, Vyšehrad 1989. Other recent monographs on the early-modern Scotist school formation include Forlivesi, M., *Scotistarum princeps. Bartolomeo Mastri (1602–1673) e il suo tempo*. Padua, Centro Studi Antoniani 2002; Id., The "ratio studiorum" of the Conventual Franciscans in the Baroque Age and the Cultural-Political Background to the Scotist Philosophy "cursus" of Bartolomeo Mastri and Bonaventura Belluto. *Noctua* 2, 2015, p. 253–384; and Andersen, C. A., *Metaphysik im Barockscotismus. Untersuchungen zum Metaphysikwerk des Bartholomaeus Mastrius. Mit Dokumentation der Metaphysik in der scotistischen Tradition ca. 1620–1750*. Amsterdam–Philadelphia, John Benjamins Publishing Co. 2016, with an extensive bibliography.

9 See for instance Caramuel, *Metalogica. Disputationes de logicae essentia, proprietatibus et operationibus*, liber 2, § 158. Frankfurt/M., J. G. Schönwetter 1654, p. 65b: "Duo erant in orbe litterario admiratione digna, alterum Opera Scoti nunquam magnifice fuisse impresa, alterum ad ejus mentem nullum prodiisse cursum, sed evulgatas fuisse a varias Philosophiae partes. Sed nostro aevo utrumque foeliciter praestitum, nam & P. Lucas Wadingus editionem Scoti pulch-

a strong hermeneutical programme. The project was to recover the true meaning of John Duns Scotus" doctrine, against fourteenth- and fifteenth-century Franciscans who often proved very free in their interpretation.[10] This has again been remarkably shown by Professor Sousedík in his study on the "true doctrine" of Duns Scotus on the relationship between God and the possibles.[11] He identified two tendencies in the interpretation of some vexed passages of *Ord.* I, dist. 35–36: an "essentialist" one, claiming that essences and possibles are independent from God and "anterior" even to his divine knowledge, and a more theocentric reading, arguing that the divine mind has a constitutive function in the emergence of these essences. In what follows, we shall see that a similar disagreement divided the early-modern Scotists about the relationship between God and the fundamental principles of morality, as expressed in the Decalogue: are all precepts of the Decalogue dependent upon God's will, who freely imposes them to men, or on the contrary, do these precepts express some form of morality that is independent of God's will – even to such an extent that if there was no God or if God had not spoken, they would still be valid?

Voluntarism and Intellectualism in Early-Modern Scholasticism

This opposition has gone into the history as an opposition between "voluntarism" and "intellectualism", as for instance Jerome Schneewind summarized it in his influential genealogy of early-modern moral thought: for voluntarists, "God created morality and imposed it upon us by an arbitrary fiat of

ram et opulentam exornavit, curavitque edi Lugduni ann. 1639 et P. Joannes Poncius (uterque Hibernus) cursum integrum edidit ad mentem Scoti'. Luke Wadding is also listed among the 139 *viri maximi, domini et amici optimi* at the beginning of Caramuel's *Theologia moralis fundamentalis*, Rome, I. de Lazaris 1656 (hereinafter TMF 1656), vol. I, p. 14. Caramuel considered these 139 men to be the intellectual "stars" (*stellae*) of his time.

10 This point has been well seen by Honnefelder, L., Scotus und der Scotismus. Ein Beitrag zur Bedeutung der Schulbildung in der mittelalterlichen Philosophie. In: *Philosopy and Learning in the Middle Ages*. Ed. M. J. F. M. Hoenen – J. H. J. Schneider – G. Wieland. Leiden, Brill 1995, p. 255 in particular. The institutional documents sustaining this seventeenth-century Scotist "revival" are briefly presented and translated in Schmutz, J., Les normes théologiques de l'enseignement philosophique dans le catholicisme romain moderne (1500–1650), In: *Philosophie et théologie à l'époque moderne*. Ed. J.-C. Bardout. Paris, Éd. Du Cerf 2010, p. 140–142; Roest, B., *Franciscan Learning, Preaching and Mission c. 1220–1650*. Leiden–Boston, Brill 2015, ch. 6 ("Franciscan School Networks").

11 See Sousedík, S., Der Streit um den wahren Sinn der scotischen Possibilienlehre. In: *John Duns Scotus. Metaphysics and Ethics*. Ed. L. Honnefelder – R. Wood – M. Dreyer. Leiden, Brill 1996, p. 191–204. The topic has since then been treated extensively by Hoffmann, T., *Creatura intellecta. Die Ideen und Possibilien bei Duns Scotus mit Ausblick auf Franz von Mayronis, Poncius und Mastrius*. Münster, Aschendorff 2002, p. 263–304; Andersen, C. A., *Metaphysik im Barockscotismus*, op. cit., p. 257–268.

his will"; for intellectualists, God did not "create morality. When he gives us moral commandments, his will is guided by his intellect's knowledge of eternal standards".[12] It was during the Prague years that Caramuel seems to have been chiefly concerned with these issues, since it was during that time that he sent the first edition of his *Theologia moralis fundamentalis* to the printer (Schönwetter in Frankfurt),[13] with a very warm *censura* by an Irish Franciscan from Prague, Bernardine Clancy, who thereby gave strong Scotist support for Caramuel's often innovative positions.[14] He addresses this question in a chapter on divine authority and jurisdiction in a form that has been classic since the early days of thirteenth century scholasticism: are

12 Schneewind, J. B., *The Invention of Autonomy*. Cambridge, Cambridge University Press 1998, p. 8–9. "Intellectualism" is sometimes also called "realism". Schneewind then presents a well informed summary of the debate according to the "standard" historiography, Ibid., ch. 2 ("Natural Law: From Intellectualism to Voluntarism"), p. 16–36. For another good summary of a debate which has now become topical in textbooks, see Haldane, J., Voluntarism and Realism in Medieval Ethics. *Journal of Medical Ethics* 15, 1989, p. 39–44; Irwin, T., *The Development of Ethics. A Historical and Critical Study*. Vol. 1. Oxford, Oxford University Press 2007, § 256, p. 466–468, for the terminology.

13 The *Theologia moralis fundamentalis* went into at least four editions: Frankfurt, J. G. Schönwetter 1652 (hereinafter TMF 1652), TMF 1656, Lyons, L. Anisson – J.-B. Devenet 1657 (hereinafter TMF 1657). It was then complemented by two other volumes entitled *Theologia intentionalis* and *Theologia praeinternationalis* (Lyons, Ph. Borde – L. Arnaud, P. Borde – G. Barbier 1664), and the whole series was reprinted in a definitive four-volume set in Lyons, Ph. Borde – L. Arnaud, P. Borde – G. Barbier 1675 (hereinafter TMF 1675), with some changes. One can also consider his *Theologia moralis ad prima eaque clarissima principia reducta* (Louvain, P. Zangrius 1645; hereinafter TMPPR 1645) as a first "beta" version, but Caramuel does not count it as a proper edition in his own catalogue of his works. The editions were all targetted in a way or another by attempts or real censorships: as early as 1654, an assessor for the Congregation of the Index excerpted twenty propositions as objectionable, which prompted the second 1656 edition. See Ceyssens, L., Autour de Caramuel. *Bulletin de l'Institut historique belge de Rome* 33, 1961, p. 403–404. Several individual refutations also appeared, such as Martínez de Prado, J., *Observationes circa theologiam fundamentalem D. D. Ioannis Caramuel*. Alcalá, s.n. 1656; and Crespí de Borja, L., *Quaestiones selectae morales, in quibus nouae aliquae doctrinae Reverend. Patris Domini Ioannis Caramuelis confutantur*. Lyons, L. Anisson – J.-B. Devenet 1658, with a first censorship dating back to 1656.

14 Clancy, B., Censura (College of the Immaculate Conception, Prague, 1 July 1651). In: Caramuel, J., *Theologia moralis fundamentalis*. Frankfurt/M., J. G. Schönwetter 1652. Clancy had been trained in Louvain and defended his thesis in theology there, in 1639, under the presidency of John Colgan (ca. 1592–1658), an acclaimed Irish hagiographer historian who was also convinced that John Duns Scotus was actually Irish (see his *Tractatus de Vita, Patria, Scriptis Johannis Scoti, Doctoris Subtilis*, Antwerp, J. M. Parijs 1655) and became later himself commissary for the Prague college. Clancy became lecturer of theology in Vienna and in Prague (some of his manuscript lectures have been kept at Prague UL, Ms. 330), as well as guardian of the Prague convent (1647). His name appears regularly in several documents related to the college: see Millett, *The Irish Franciscans,* op. cit., p. 47, 149, 156–157, 159–162, 164, *passim*, and Pařez, J. – Kuchařová, H., *The Irish Franciscans in Prague*, op. cit., p. 7–9, 51, 67–72, 74, 77. Caramuel clearly often sought advice and support from Clancy, who was also held in high esteem by Ernst-Adalbert von Harrach (1598–1667), the powerful archbishop of counter-reformation Prague who wanted him as a teacher for his newly established seminary.

certain human actions – such as murder, lying and adultery – evil because they are forbidden, or are they forbidden because they are evil (*an actiones humanae, quae malae dicuntur, prohibeantur, quia malae, an vero sint malae quia prohibitae*)?[15] Considering that we admit that God is the "physical" creator of all things, he must also be the "moral" creator.[16] Divine *dominium* has thus two faces: a physical and a moral one, according to a dichotomy that is pervasive in all of Caramuel's works.[17] But does that entail that *all* morality would cease to exist if God, possibly or impossibly, had chosen not to make any prohibitions, or if God did not exist? The hypothesis of a non-existing God or of a "silent God", who would not have revealed the Decalogue, has a long history in medieval theology, and has been widely used among fourteenth century authors, in particular Gregory of Rimini,[18] in order to support the consistency and autarchy of natural law against divine commands.[19]

15 TMF 1656, § 549, I, p. 181; TMF 1657, I, p. 145. This was a common way of putting the question: Caramuel's own master in Alcalá, the Cistercian Pedro de Lorca, calls it an *axioma theologorum* (*In Iam-IIae*, disp. 10, p. 32), and Francisco de Oviedo a *commune proloquium Patrum & Theologorum* (*In Iam-IIae*, tract. 4, contr. 4, punct. 1, § 3, Lyons, P. Prost – Ph. Borde – L. Arnaud 1646, p. 315a). For a contemporary Scotist formulation, see for instance Punch, J. (Poncius), *Commentarii theologici in III Sententiarum*, dist. 37, q. un., § 43. Paris, S. Piget 1661, p. 536b: "An omne malum sit ideo malum, quia prohibitum?". The formula itself was common already in the thirteenth century: see William of Auxerre, *Summa aurea* II, tract. 11, c. 3, q. 5, ed. J. Ribailler, Paris – Grottaferrata, 1982, vol. II/1, p. 347–348, who refers it to Augustine (usually *De libero arbitrio* I, 3; PL 32, 1224): "… distingueret Augustinus quedam mala esse quia prohibita, et quedam prohibita quia mala"; Thomas Aquinas, *ST* IIa-IIae, q. 57, a. 2; Ia-IIae, q. 71, a. 6: "Sed non omnia praecepta sunt mala quia prohibita, sed quaedam sunt prohibita quia mala". For the early history of this alternative, see O. Lottin, "Les éléments de la moralité des actes dans les écoles avant saint Thomas", *Revue néo-scolastique de philosophie* 93, 1922, p. 25–65 (p. 38 for William of Auxerre's formulations). For a history of the Biblical examples and a first historical sketch of late medieval solutions, see Hedwig, K., Das Isaak-Opfer. Über den Status des Naturgesetzes bei Thomas von Aquin, Duns Scotus und Ockham. In: *Mensch und Natur im Mittelalter*. Ed. A. Zimmermann – A. Speer. Berlin, W. de Gruyter 1992, p. 645–661, and the excellent monograph by Mandrella, I., *Das Isaak-Opfer. Historisch-systematische Untersuchung zu Rationalität und Wandelbarkeit des Naturrechts in der mittealterlichen Lehre vom natürlichen Gesetz.* Münster, Aschendorff 2002, to which we shall regularly refer.

16 TMF 1656, § 541, I, p. 180: "Deus est physicus rerum creatarum omnium Dominus: est & moralis".

17 And finally clearly expressed in his late *Pandoxion physico-ethicon.* Campagna, ex officina episcopali 1668; hereinafter PPE 1668. On the relationship between physical and moral reasonings in Caramuel, see Schmutz, J., Caramuel on Naturalistic Fallacy. In: *Juan Caramuel Lobkowitz (1606–1682). The Last Scholastic Polymath,* op. cit., p. 45–69.

18 Gregory of Rimini was often quoted in that context by the early-modern scholastics: see for instance Fr. de Vitoria, *Relectiones theologicae XII*. Lyons, J. Boyer 1557, p. 373; and a good presentation in Zumel, F., *Commentaria in Iam-IIae*, q. 71, a. 6. Salamanca, J. Fernández 1594, p. 185b; Lugo, J. de, *Disputationes scholasticae de incarnatione dominica*, disp. 5, s. 5, § 79. Lyons, J. Prost 1633, p. 87a.

19 It is thus not an invention of Hugo Grotius (*De iure belli ac pacis*, Prol., § 11), who famously used the hypothesis to ascertain the universal validity of natural law. Standard studies on the history of the hypothesis include Saint-Leger, J., *The "etiamsi daremus" of Hugo Grotius*. Rome, Pontifi-

But a radical voluntarist would certainly draw the opposite and "nihilistic" conclusion of Dimitri in Dostoevsky's *The Brothers Karamazov* (1879–1880):[20] if no God existed, then everything would just be permitted.

But has such a radical position ever really been held by any medieval theologian? Some obviously believed that John Duns Scotus held such an "unmitigated" voluntarism,[21] In the second (Roman) edition of his *Moral Theology* (1656), Caramuel carefully reports an important debate held in 1655 at the Franciscan convent of Bratislava.[22] The city was then the capital of the Kingdom of Hungary (its Hungarian name *Poszony*, is mirrored in Caramuel's Latin use of *Posonium*), which was a part of the greater Habsburg empire. Caramuel was obviously traveling with the court of Emperor Ferdinand III of Habsburg (r. 1637–1657),[23] who celebrated the General Assembly of the Empire in Bratislava. Caramuel describes the whole assembly that had gathered to enjoy a scholastic dispute: the archbishop of Gran (*Esztergom*), primate of Hungary,[24] no less than eight bishops, speakers from Spain and Venice, as well as several princes. The Bratislava friars seem to have immediately caused some uproar by defending clearly that God is able to will positively the fact that man should hate him.[25] The *odium Dei* had become a very

cio Ateneo Angelicum 1962; Crowe, M. B., The "Impious Hypothesis": A Paradox in Hugo Grotius? *Tijdschrift voor Filosofie* 38, 1976, p. 379–410; Haggenmacher, P., *Grotius et la doctrine de la guerre juste*. Paris, Presses Universitaires de France 1983, p. 462–529; Mandrella, I., Die Autarkie des mittelalterlichen Naturrechts als Vernunftrecht: Gregor von Rimini und das *etiamsi Deus non daretur*-Argument. In: *Herbst des Mittelalters? Fragen zur Bewertung des 14. und 15. Jahrhunderts*. Ed. J. A. Aertsen – M. Pickavé. Berlin–New York, W. de Gruyter 2004, p. 265–276. They all largely focus on the late medieval context and not on the complex early-modern scholastic treatment of the subject, to which we hope to dedicate a further study.

20 Cf. Part IV, book 11, ch. 4: "If God did not exist (…) would everything be permitted?"

21 To use the expression by T. Williams, "The Unmitigated Scotus", *Archiv für Geschichte der Philosophie* 80, 1998, No. 2, p. 162–181, who advocates, among contemporary interpreters, a strongly "voluntaristic" reading of Duns Scotus' moral theology. For an "intellectualist" criticism of this position, see Wolter, A. B., The Unshredded Scotus. *American Catholic Philosophical Quarterly* 77, 2003, No. 3, p. 315–356; Ingham, M. B., The Foundations of a Science of *Praxis*. In: Ingham. M. B. – Dreyer, M., *The Philosophical Vision of John Duns Scotus*. Washington, D.C., The Catholic University of America Press 2004, p. 132–138.

22 In what follows, I will commit the anachronism of naming the city Bratislava, although this now familiar name has been used only since 1919 and the rise of Slovak nationalism. In Caramuel's time, it was common to use the German (Pressburg) or Hungarian forms (Poszony).

23 We know Caramuel enjoyed a strong patronage from the emperor Ferdinand III during the Prague years, and he bore the title of "imperial advisor". See Ceyssens, L., Autour de Caramuel, op. cit., p. 346–347.

24 The archbishop in those years must have been György Lippay, count of Zombor (1600–1666, archbishop since 1645). On the history of the archbishopric in those years, see Tusor, P., *Purpura Pannonica. The Cardinalitial See of Gran of Strigonium and Its Antecedents in the Seventeenth Century*. Budapest–Rome, Pázmány Péter Katolikus Egyetem Egyháztörténeti Kutatócsoport 2005.

25 TMF 1656, § 555, vol. I, p. 184: "Interim sententiam hanc duram et absonam vidi nonnunquam propugnari. Et praecipue Possonii in Hungaria anno 1655 mens. Aprili (…): ibi audivimus *odium*

standard "limit case" in late medieval theology to discuss the positive or non-positive character of natural law:[26] as opposed to the most important theological virtue, namely charity as love of God, the hate of God usually stands as the paramount case of sinning. Therefore, if the precept of loving God is only "voluntary" and "positive", then an almighty God should be able change the precept into its contradictory and ask to be hated. But whether such a claim can indeed be traced back to Scotus is not evident: Scotus did indeed discuss the *odium Dei* on several occasions, but gave a rather mitigated answer about its possibility. Although he admitted that the human will was free *not* to love God, by not turning its attention to him,[27] he rejected the possibility of being actively "negatively willed" (*nolitum*), i.e. positively rejected by a will otherwise in full knowledge of the divine nature.[28] Most early-modern Scotists and other scholastics therefore admitted that it was rather a later Franciscan achievement,[29] due to theologians such as William of Ockham (1285–1347) and Andrew of Novocastro (fl. 1352–1358), and that their position was later popularized by Peter of Ailly (1351–1420).[30] Their position amounts to what

Dei posse praecipi a Deo, nimirum a Patribus Franciscanis, qui in suo monasterio hanc disputationem habebant".

26 See the testimony by Almain, J., *Moralia*, ch. 15 ("An peccatum sit peccatum quia prohibitum"). Ed. D. Cranston. Paris, A. Girault 1526, f. 139r, who says about the *odium Dei* that "it was common to treat it in schools" (*quae solet communiter tractari in schola*).

27 Cf. Ioannes Duns Scotus, *Ord.* I, dist. 1, pa. 2, q. 2, § 149 (ed. Vaticana II, p. 100).

28 See in particular Ioannes Duns Scotus, *Ord.* II, dist. 43, q. 1, § 5 (ed. Wadding, vol. VI/2, p. 1069): "… quia actus charitatis ut dilectio Dei est actus perfectissimus conversivus ad Deum, si haberet oppositum, scilicet odium Dei, hoc esset maximum peccatum. Sed non credo quod talis actus charitatis habeat oppositum actum contrarium; quia Deus non potest odiri ab aliqua voluntate". On the hate of God in Scotus, see Pizzo, G., Malitia e *odium Dei* nella dottrina della volontà di Giovanni Duns Scoto. *Rivista di filosofia neo-scolastica* 81, 1989, No. 3, p. 393–415; Alliney, G., Velle malum ex pura libertate: Duns Scoto e la banalità del male. *Etica & Politica* (Trieste) 2 (2002) [online journal]. For an example of how the case became topical in the fourteenth century, see Henninger, M. G., Henry of Harclay on the Will's Ability to Hate God. *The Modern Schoolman* 86, 2008–2009, No. 1–2, p. 161–180. Harclay's writings were not, however, accessible during early-modern scholasticism.

29 For an Irish Scotist's rejection of the same view, see Punch, *In III Sent.*, dist. 37, q. un., § 6, p. 529a-b: "… contra Ochamum, qui putat quod nihil posset esse malum absque voluntate prohibitiva Dei, hancque voluntatem esse liberam Deo, sic ut posset eam non habere, et consequenter ut posset fieri quod nulla prorsus actio esset mala." Ibid., § 43, p. 536b.

30 Usually refering to some well-known passage in Ockham, *Rep.* II, q. 15 (ed. G. Gál – R. Wood, OTh V, p. 352), on the hate of God, theft, adultery, etc. that can become meritorious if God orders them; *Ord.* I, dist. 41, q. un. (ed. Etzkorn & Kelley, OTh IV, p. 610): "Sed eo ipso quod voluntas divina hoc vult, ratio recta dictat quod est volendum". Other key passages include *Rep.* IV, q. 16 (ed. G. Gál & R. Wood, OTh VII, p. 352): "… omnis voluntas potest se conformare praecepto divino. Sed Deus potest praecipere quod voluntas creata odiat eum, igitur voluntas creata potest hoc facere." For typical passages reducing morality to obligation, see *Reportatio* II, q. 15 (OTh V, p. 353): "Bonitas moralis et malitia connotant, quod agens obligatur ad illud actum vel eius oppositum"; *Rep.* II, q. 3–4, (OTh V, p. 59): "Malum nihil aliud est quam facere aliquid ad cuius oppositum faciendum aliquis obligatur." For Andrew of Newcastle, most of the

we call today an ethics of "divine command",[31] which could be summarized by the three following claims:

(a) natural law is the direct effect of God's will, and this extends to the totality of the precepts of the Decalogue;
(b) these precepts can therefore be changed or dispensed from at will by the lawgiver, i.e. God, who can for instance command to be hated, as the Bratislava friars maintain and as Ockham effectively states in one very disputed proposition;[32]
(c) moral life is chiefly defined by the concept of obedience: to be good is to obey to the precepts, to be evil is to disobey.

Whether such a characterization is faithful to the thought of these authors cannot be discussed here, especially since a number of recent historians have tried to dispel the image of the late-medieval *Willkürgott* as a historical fantasy resting on some deep misunderstandings.[33] However, the picture of "nominalism" as a mixture of voluntarist theology and "authoritarian" conceptions of moral obligation was already well in place in the sixteenth century scholastic presentations, since Francisco de Vitoria (1486–1546)

relevant texts have been gathered by Idziak, J. M., *Andrew of Neufchateau, OFM. Questions on an Ethics of Divine Commands*. Notre Dame, University of Notre Dame Press 1997; and analyzed by Kennedy, L. A., Andrew of Novo Castro, OFM, and the Moral Law. *Franciscan Studies* 48, 1988, p. 28–39; Petrus de Alliaco, *In I Sent.*, q. 14, a. 3. Lyons, 1500, f. v7rb. The whole doctrine has been also summarized for the Parisian context by Almain, *Moralia*, ch. 15 ("An peccatum sit peccatum quia prohibitum"), who provides a direct link with the Spanish authors of the next generation.

31 These arguments have been ressuscitated in contemporary ethics by the influential American philosopher Philipp Quinn (1940–2004), in his book *Divine Commands and Moral Requirements*. Oxford, Clarendon Press 1978; Id., The Primacy of God's Will in Christian Ethics. *Philosophical Perspectives* 6, 1992, p. 493–513.

32 See in particular *Rep.* IV, q. 16 (OTh VII, p. 352): "Odire Deum potest esse actus rectus in via, puta si praecipiatur a Deo, igitur in patria". This text was one of the articles later condemned at Avignon and by John Lutterell: see J. Koch, "Neue Aktenstücke zu dem gegen Wilhelm Ockham in Avignon geführten Prozeß", in: Id., *Kleine Schriften.* Rome, Storia e Letteratura 1973, vol. II, p. 319. Early-modern scholastics did not, however, seem to have been aware of the history of the condemnation.

33 See in particular Hübener, W., Die Nominalismus-Legende. Über das Missverhältnis zwischen Dichtung und Wahrheit in der Deutung der Wirkungsgeschichte des Ockhamismus. In: *Spiegel und Gleichnis. Festschrift für Jacob Taubes.* Ed. N. W. Bolz – W. Hübener. Würzburg, Königshausen – Neumann 1984, p. 87–111. Some older German and more recent English-language studies on Ockham's ethics have attempted to moderate the classical "voluntarist" interpretation, in particular Wood, R., Göttliches Gebot und Gutheit Gottes nach Wilhelm von Ockham. *Philosophisches Jahrbuch* 101, 1994, p. 38–54; Osborne, Th. J., Ockham as a Divine-Command Theorist. *Religious Studies* 41, 2005, p. 1–22; Eardley, P., Conscience and the Foundations of Morality in Ockham's Metaethics. *Recherches en philosophie et théologie médiévales* 80, 2013, No. 1, p. 77–108. See a good summary of in Mandrella, I, *Das Isaak-Opfer*, op. cit., p. 166–170.

and Francisco Suárez (1548–1617),[34] and twentieth-century historiography has largely embraced this four-century old narrative without much critical distance.[35] But what is historically striking is that such "scandalous" positions,[36] if we can believe Caramuel's testimony, were *effectively* held by Franciscans in Central Europe: in a later edition, he adds that he heard them defended not only in Bratislava, but also in Vienna and in Prague.[37]

34 Suárez' historical references in his *De legibus* (1612), II, c. 6, § 4 (in *Opera omnia*, Paris, Vivès 1856, vol. V, p. 105) have become one of the most quoted passages in the history of legal and moral philosophy for all those in need of a useful medieval summary. For recent examples, see Schneewind, J. B., *The Invention of Autonomy*, op. cit., p. 59 ff.; T. Irwin, *The Development of thics. A Historical and Critical Study*, vol. II: *From Suárez to Rousseau.* Oxford, Oxford University Press 2008, § 425, p. 3 ff. This historical presentation was already well entrenched in the middle of the sixteenth century in Spain, as Francisco de Vitoria's lectures testify: Vitoria, F. de, *De legibus* (1533–1534), q. 100, a. 8. Ed. J. Stüben. Stuttgart – Bad Cannstatt, Frommann-Holzboog 2010, p. 106–108; Bartolomé de Medina, *Expositio in primam-secundae Angelici Doctoris*, q. 100, a. 8. Salamanca, M. Gast 1582 [¹1577], p. 916b: "Ocham in secundo q. 19 tenet, nihil adeo esse perversum & iniquum quin dispensatione divina possit fieri licitum, atque laudabile, etiam odium Dei"; Vázquez, G., *Commentariorum ac disputationum in primam secundae D. Thomae tomus secundus*, q. 100, a. 8, § 1–3. Alcalá, J. Sánchez Crespo 1605, p. 376. Caramuel quotes the same doctrinal references already in the first 1645 version of his *Theologia moralis* (see TM 1645, § 1188–1189, p. 298) and in a later edition: *Theologia praeintentionalis*, lib. II, disp. 6 ("Utrum Deus possit dispensare in praeceptis Decalogis?"), § 1161, p. 255a: "Okamus *in II dist. 19 ad 3 dub.*, cui subscribit Petrus de Aliaco *In I, dist. 14* et Andreas de Novocastro *In I, dist. 48, q. 1, a. 1*, affirmant primo, posse Deum abrogare omnia Decalogi praecepta; quod, si faceret, possent licite homines omnia facere, quae nunc mala censentur, et sunt. Tunc nullus mereretur, neque demereretur; quia nullus impletet aut emeraret legem praeceptivam. Addunt secundo, posse Deum praecipere hominicida, furta, mendacia, et alia, quae hodie inhibet…". For a Jesuit statement contemporary to Caramuel's *Theologia moralis*, see P. Sforza Pallavicino, *Disputationes in primam secundae*, disp. 9, q. 1, a. 2, § 2. Lyons, L. Arnaud & Cl. Rigaud 1653, p. 251b: "Suppono enim falsam esse sententiam quorumdam nominalium, qui omnia referunt in liberum arbitrium Dei; ita ut aeque potuerit Deus praecipere odium Dei et prohibere actum charitatis, et sic facere ut odium Dei esset bonum et charitas mala".

35 The line from Ockham to Peter of Ailly remains the backbone of classical presentations such as Oakley, F., Medieval Theories of Natural Law: William of Ockham and the Significance of the Voluntarist Tradition. *Natural Law Forum* 6, 1961, p. 65–83; Id., *The Political Thought of Pierre d'Ailly. The Voluntarist Tradition.* New Haven, Yale University Press 1964; Muralt, A. de, Kant, le dernier occamien. Une nouvelle définition de la philosophie moderne. *Revue de métaphysique et de morale* 80, 1975, No. 1, p. 32–53, as well as in most of the work of the French historian of legal philosophy Michel Villey (1914–1988). For another influential presentation of Ockham as radical divine command theorist, see Feinberg, J. S., *The Many Faces of Evil. Theological Systems and the Problem of Evil*. Wheaton, Ill., Crossway 2004, p. 37–41 ("William of Ockham's Theonomous Position"). For a duly horrified neo-Thomist presentation of Ockham's views, see Pinckaers, S.-T.,*The Sources of Christian Ethics*. Transl. M. Th. Noble. Edinburgh, T&T Clark 1995, p. 241–253.

36 See Kobusch, T., Analogie im Reich der Freiheit? Ein Skandal der spätscholastischen Philosophie und die kritische Antwort der Neuzeit. In: *Herbst des Mittelalters? Fragen zur Bewertung des 14. und 15. Jahrhunderts*, op. cit., p. 251–264.

37 *Theologia intentionalis*, lib. II, disp. 6 ("Utrum Deus possit dispensare in praeceptis Decalogis?"), § 1161, p. 255a: (…) quod licet durum videri debeat, nihilominus vidi Viennae in Austria, Pragae in Bohemia, Possonii in Hungaria in disputatione publica doctissime a Patribus Franciscanis defendi. Tertio, putant Deum posse interdicere contritionem, voti satisfactiones, festa,

As often in his work, Caramuel presents his own doctrine after a lengthy discussion of the Thomistic and Scotistic positions on what constitutes the sinful character of human acts, taking care not to present these schools as holding a uniform doctrine. Let us look briefly at his presentation, which actually challenges a number of standard assumption we have about "intellectualist Thomists" and "voluntarist Scotists".

Thomist Voluntarism

The Thomists are usually presented as the representatives of an "intellectualist" conception of natural law: God's law is eternal because it expresses God's own rational essence, which is itself eternal. Since at least Augustine, it was common to distinguish between two sets of rules in the Decalogue, the First (precepts 1 to 3) and the Second Table (precepts 4 to 10).[38] Aquinas argued that all precepts contain the intention of God as legislator: the precepts of the First Table as the final and common good (God is loveable), and the precepts of the Second Table as the order of justice that has to be kept among men. What gives these rules their moral character of goodness is thus not a divine command, but their orientation towards final and common goodness, reflected in the essence of God. The first principles of human practical reason therefore do not need a divine command to be put into practice and seek their end; the divine law is only justified as a reminder of what men, through the practice of right reason and prudence, would have discovered by themselves if their intelligence had not been obscured by sin. If there is a divine law, then it must express the perfect achievement of practical reason, and as such, it cannot be dispensed from.[39] Aquinas had there-

pietatem, castitatem, veritatem, fidelitatem, et alias virtutes quascumque, quae respiciunt Deum, aut proximum in singulari."

38 Since Augustine (e.g. *Sermo* 278, § 6), the precepts of the First Table commonly included those directly directed towards God, whereas those of the Second Table refer to the duties towards men.

39 The key texts are Thomas Aquinas, *Summa theologiae* IIa-IIae, q. 100, a. 1 (on the relationship between moral precepts and natural law); a. 8 (on the question of dispensation): "Praecepta autem Decalogi continent ipsam intentionem legislatoris, scilicet Dei. Nam praecepta primae tabulae, quae ordinant ad Deum, continent ipsum ordinem ad bonum commune et finale, quod Deus est; praecepta autem secundae tabulae continent ipsum ordinem iustitiae inter homines observandae, ut scilicet nulli fiat indebitum, et cuilibet reddatur debitum; secundum hanc enim rationem sunt intelligenda praecepta Decalogi. Et ideo praecepta Decalogi sunt omnino indispensabilia." These texts have given rise to an intimidating amount of literature. In the early-modern period, the strongest anti-dispensation claim was certainly made by the Jesuit Gabriel Vázquez, who claimed "piously" interpreting Aquinas on this (see *In Iam-IIae*, q. 100, disp. 179, c. 2, § 12, p. 379a: "Mihi vero multo probabilior semper visa est sententia eorum, qui universe affirmant, nullum praeceptum naturale Decalogi posse a Deo dispensatione relaxari") – a piety in interpretation sarcastically rejected by the voluntarist Scotist Filippo Fabri,

fore argued that the Decalogue is absolutely *indispensable*, which means that there cannot be any modification nor exception.[40]

These passages have given rise to a huge literature in twentieth-century Thomistic natural law theory, and Caramuel himself was already aware that his contemporary sixteenth- and seventeenth-century Thomists disagreed on their correct interpretation. Caramuel actually presents two different interpretations of Aquinas' argument, a "soft" or intellectualist version, and a "hard" or more voluntarist one, without however giving specific names of theologians holding them. In what follows, I will attempt to identify these two competing interpretations of Aquinas.

The first opinion is what he calls the common opinion of today's Thomists (*hanc hodie plurimi Thomistae defendunt*): sins against both the First and the Second Table of the Decalogue are actually sins even *before* and *independently* of a divine decree, or in the impossible case of the non-existence of God. This is a classical case of "intellectualism": some acts are evil not because they go against God's free will, but because they actually go against reason or rational nature that recognizes them as sinful. Caramuel does not mention any specific author, but one can certainly recognize a position defended by the Salamanca Dominican Bartolomé de Medina (1528–1580),[41] often rebuked for his excessive rationalism or "Ciceronianism" by later Thomists. It was also championed by the key figure of the Jesuit school of Alcalá, namely Gabriel Vázquez (1549–1604). Whereas his famous contemporary Francisco Suárez (1548–1617) held fast – at least in his often-quoted *De legibus* (1612) – to the Augustinian theory linking the sin to the infraction against a superior law,[42]

Disputationes theologicae complectentes materiam de poenitentia, de peccato, de purgatorio, de suffragiis, de indulgentiis, q. 1, disp. 1, § p. 102. Venice, M. Ginnami 1623, p. 17a: "… nititur <Vazquez> eum <scil. Thomam> reducere in suam sententiam, pie, ut inquit, eum interpretando. Sed D. Thomas illam pietatem & interpretationem non admitteret."

40 The concept of *dispensatio* was inherited from canon law, and commonly designates the capacity for an authority – human or divine – to create exceptions to general rules. On the prehistory of the concept of dispensation in canon law, see the old but still useful study by Stiegler, M. A., *Dispensation. Dispensationswesen und Dispensationsrecht im Kirchenrecht geschichtlich dargestellt*. Mainz, Fr. Kirchheim 1901; and for later periods, also Brys, J., *De dispensatione in iure canonico, praesertim apud decretistas et decretalistas usque ad medium saeculum decimum quartum*. Bruges & Wetteren, Ch. Beyaert 1925; and a useful synthesis in Kuttner, S., *Harmony from Dissonance. An Interpretation of Medieval Canon Law*. Latrobe, Pa., Archabbey Press 1960, p. 55–67.

41 See Medina, *In Iam-IIae*, q. 19, a. 4, p. 299b: "Nam sunt aliqui actus, qui licet nulla lex esset, imo si per impossibile Deus non esset, mali sunt ex sua natura, ut mendacium."

42 See Fr. Suárez, *De legibus* II, c. 5, § 8–9 (*Opera* V, p. 101–102), where he criticizes Vázquez's idea that natural law precedes the divine intellect. On this debate, see the extensive literature in the note 43 below. Suárez' definite position remains difficult to assess, since in his posthumously published lectures (1628) on the *Ia-IIae*, he defends a position much closer to Vázquez's intellectualism in favor of the existence of intrinsically evil acts.

Vázquez had argued in a very resolute way in favour of an intellectualist position: whatever is evil is intrinsically evil and must be recognized as such by the human mind, without any explicit reference to God.[43] One generation later, following mainly the propositions of Vázquez, the reference to God in the definition of malice was increasingly obliterated. Juan de Lugo (1583–1660), the most influential of all Jesuit theologians in those decades, argued that the definition of sin does *not* include, according to Thomas Aquinas, any specific reference to divine commands or prohibitions.[44] Following such

43 Cf. Vázquez, *Commentariorum ac disputationum in primam-secundae S. Thomae. Tomus primus*, disp. 73, c. 5, § 17. Venice, E. Deuchino 1608 [¹1599, Alcalá], p. 408; Ibid., disp. 97, c. 3, § 6, p. 545: "Mihi semper placuit communis sententia, quae docet non omne peccatum eo esse peccatum, quia lege, aliquave prohibitione imperante vetitum sit, sed quia suapte natura malum sit homini". In the later Jesuit school, Vázquez is usually seen as the strongest moral realist, either praised or attacked for that very reason: see for instance already Salas, J. de, *Disputationes in primam-secundae*, tract. 13, disp. 2, s. 4, § 52. Barcelona, S. Mateuad 1609, p. 338a; Oviedo, Fr. de, *Tractatus theologici, scholastici et morales respondentes primae secundae D. Thomae*, tract. 4, contr. 4, punct. 2, § 20. Lyons, L. Arnaud & Cl. Rigaud 1646, p. 318b, quite closely follows Vázquez' rationalism: "Demum non multum & forsan nihil in re discedit haec sententia <mihi> a sententia P. Vazquez"; Sforza Pallavicino, *In Iam-IIae*, disp. 9, q. 1, a. 5, n. 1, p. 263a: "Prima sententia est Gabrielis Vasquez et multorum quos ipse sequitur et qui ipsum sequuntur, quod nimirum ita habeatur honestas atque inhonestas in obiectis per conformitatem vel difformitatem cum natura rationali, ut etiam sublato Deo intelligatur haec integra remanere; atque adeo, ut sine ulla cognitione Dei possit non solum peccatum veniale sed mortale. Fundamentum est quia in lege naturali ideo res sunt graviter prohibitae quia graviter malae, et dignae gravi prohibitione et aversatione; ergo antecedenter ad huiusmodi prohibitionem et legem habent malitiam graviter odibilem et quae possit graviter inhonestare amorem ipsarum"; Rhodes, G. de, *Disputationum theologiae scholasticae tomus prior in quo Deus, Angelus, Homo sex tractatibus explicantur ad primam et vtramque secundam partem Summae Theologicae Sancti Thomae*, tr. 4, disp. 1, q. 1, s. 1, vol. I. Lyons, Cl. Prost 1661, p. 389b: "Ea quae sunt essentialiter mala non ideo sunt mala quia recta ratio iudicat, sed ideo recta est ratio quae iudicat illa esse mala quia sunt vere mala". For a typical attack on Vázquez in the Alcalá academic environment, see Montesinos, L. de, *Commentaria in primam secundae Divi Thomae*, disp. 6, q. 1. Alcalá, J. Gracián de Antisco 1621, p. 145a: "Impugnatur solutio P. Vazquez: nihilominus tamen hoc difficile apparet, quod peccatum non habet aliquam disconvenientiam respectu Dei aut beatorum". This aspect of Gabriel Vázquez' thought has been often studied, especially in comparison to the sometimes more "voluntarist" Suárez. The bibliography is huge and often repetitive: see Garssen, H. von, *Die Naturrechtslehre bei Gabriel Vázquez*. Göttingen, PhD Dissertation 1951; Vereecke, L., *Conscience morale et loi humaine selon Gabriel Vázquez*. Paris–Tournai, Desclée & Cie 1957; Sánchez de la Torre, Á., La divergencia en la fundamentación de la moralidad en los PP. Francisco Suárez y Gabriel Vázquez. In: *Thomistica morum principia*. Ed. Ch. Boyer. Rome, Officium Libri Catholici 1960, p. 169–177; Specht, R., Zur Kontroverse von Suárez und Vázquez über den Grund der Verbindlichkeit des Naturrechts. *Archiv für Rechts- und Sozialgeschichte* 45, 1969, p. 235–255; Galparsoro Zurutuza, J. M., *Die vernunftbegabte Natur. Norm des Sittlichen und Grund der Sollensforderung. Systematische Untersuchung der Naturrechtslehre Gabriel Vázquez's.* Bonn, PhD Dissertation 1972; Mandrella, I., *Das Isaak-Opfer*, op. cit., p. 218–233; Cruz Cruz, J., The Formal Fundament of Natural Law in the Golden Age: The Case of Vázquez and Suárez. In: *Contemporary Perspectives on Natural Law*. Ed. A. M. González. Aldershot, Ashgate 2008, p. 43–65.

44 For a critical discussion of what *aversio Dei* means in Thomas Aquinas (heralded by all those who defend the implicit and necessary link between sin and hating God), see in Lugo, *De incarnatione*, disp. 5, s. 5, § 79, p. 89a: "Dicunt S. Thomam nomine *aversionis a Deo* intelligere

an interpretation, the precept of the *odium Dei* becomes an impossibility, because it goes against the dictates of right reason which always is seeking the good: God being just another name for goodness, it follows that even in the absence of any divine prohibition, the hate of God would be evil, because it would be irrational to hate something good.[45]

Caramuel mentions also a second, more "voluntarist" interpretation of Aquinas. Some Thomists argue that there is actually no sin in the *theological* sense independently of a divine prohibition, thereby establishing a stronger link between divine or eternal law and natural law. God's law being eternal, since the very first moment of the use of human reason, the precept of charity is already present and valid, and any moral mistake is thus a deviation from what the divine will has urged us to do. Again, Caramuel does not give any names for this interpretation, which might puzzle a number of today's interpreters of Aquinas' natural law doctrine, who take care to argue that the existence of God or his commands are "neither a relevant concept nor a necessary condition for Aquinas' account of natural law".[46] This is a position

aversionem formalem, vel aversionem etiam virtualem, qualem haberet etiam furtum factum cum ignorantia invicibili offensae Dei: nam eo ipso quod quis vult violare legem naturae, vult virtualiter violare legem Dei, cuius vicaria est lex naturae. Sed haec interpretatio manifeste convincitur falsa ex verbis S. Thomae, quibus dicit furtum, vel homicidium sine aversione a Deo adhuc fore malum, non tamen peccatum mortale: dicit enim *quamvis adhuc esset illa actio inordinata, non esset peccatum mortale*." A parallel debate took place among the Scotists. See for instance Francisco Felix, *Tractatus de peccatis*, c. 1, diff. 3, § 3, in Id., *Tentativae Complutensis tomus posterior* (Alcalá, M. Fernández 1645), p. 298a, who maintains that all sins do not entail such an *aversio*, against earlier Scotists. For a criticism of earlier Scotists as well as of Lugo's position, see the arguments of the voluntarist Scotist Tomás Llamazares, *Quaestiones sive Disputationes theologicae, scholasticae, dogmaticae et morales ad mentem Scoti e variis theologiae tractatibus selectae*. Lyons, Fl. Anisson 1679, p. 313a: "… circa hoc singulariter opinatus est P. Lugo de Incarnatione, disp. 5, s. 5…"

45 Medina, *In Iam-IIae*, q. 71, a. 6, p. 638a: "… odium Dei & blasphemia sunt peccata et offensa Dei etiam seclusa fidei notitia: id namque cognoscitur ex lumine rationis humanae"; G. Vázquez, *Commentariorum ac disputationum in primam partem S. Thomae. Tomus secundus*, disp. 97, c. 3, § 6. Alcalá, J. Gracián 1598, p. 545b: "Nam sicut ex se non ex voluntate aut intellectu Dei, essentiae rerum non implicant contradictionem, (…), ita etiam odium Dei et periurium ex se non ex intellectu aut voluntate Dei disconvenientia sunt homini: ergo non omnia ideo sunt peccata, quia prohibita…"; this seemed also Suárez' conclusion in his posthumously published lectures on the *Iam-IIae: De bonitate et malitia*, disp. 7, s. 1, § 7, in: *Tractatus quinque theologici*, ed. B. Alvares. Lyons, J. Cardon 1628, p. 270; and a good summary in Oviedo, *In Iam-IIae*, tr. 4, contr. 4, punct. 1, § 4, p. 316a: "quis autem neget, ait Doctus Vazquez, potuisse Deum tale praeceptum non insinuare creaturae rationali, sed illam relinquere tantum ratione luminis instructam, quod sufficiens esset, ut odium Dei malum appareret, & peccatum committeret, qui illud contraheret."

46 Lisska, A., *Aquinas's Natural Law Theory. An Analytic Reconstruction*. Oxford, Clarendon Press 1996, p. 120, to give just one example of a contemporary attempt of stripping Aquinas' theory of natural law of divine foundations. On this debate, see a good summary in Eberl, J. T., The Necessity of *lex aeterna* in Aquinas's Account of *lex naturalis*. In: *Lex und Ius. Beiträge zur Begründung des Rechts in der Philosophie des Mittelalters und der frühen Neuzeit*. Ed. A. Fido-

quite similar to that of Medina, who had effectively rejected the principle of the derivation of all rules of human reason from God.[47] But a great number of Thomists would adopt a more clearly Augustinian reading, according to which every type of fault (*culpa*) comes from the fact that our will does not obey to God's law, so that all transgressions of natural law constitute sins in the theological sense and should be treated as such. This interpretation gained momentum during the seventeenth century, and among its most vocal representatives, we find Caramuel's own teacher in Alcalá, the Spanish Cistercian Pedro de Lorca (1561–1612), who argued that it was Thomas, and not Scotus, who should actually be considered as a "positivist" according to which *quidquid est malum, ideo esse, quia aliqua lege prohibetur*.[48] It also had supporters among the Jesuits, for instance in the brilliant commentary by Juan de Salas (1553–1612), who endorses a very positivistic definition of the sin.[49] One of the most radical exponents of that position was probably Juan Alfonso Curiel († 1609), a secular master of Salamanca, later edited by the Benedictines, who did not shy away from explaining Aquinas in Ockhamistic terms.[50]

ra – M. Lutz-Bachmann – A. Wagner. Stuttgart–Bad Cannstatt, Frommann-Holzboog 2010, p. 147–174.

47 Medina, *In Iam-IIae*, q. 71, a. 6, p. 638b: "Illa probatio qua suadetur omne peccatum esse contra Deum, quia regula humanae rationis derivatur a Deo, invalida est: nam etiam derivatur a Deo cognitio sensitiva, et non omne quod contrariatur cognitioni sensitivae est contra Deum, ut caecitas, surditas." Medina's naturalism was often attacked by later Dominicans, in particular Álvarez, D., *Disputationes theologicae in Primam Secundae Sancti Thomae*, disp. 130, § 4. Trani, C. Vitale 1617, p. 383b: "Haec sententia sufficienter manet impugnata…"

48 See Lorca, P. de, *Commentaria et disputationes in primam secundae Divi Thomae. Tomus alter*, disp. 10. Alcalá, J. Gracián 1609, p. 33b; Ibid., p. 34a: "Dico ergo primo, quaecunque sunt bona, vel mala, ideo talia sunt, quia dispositum est lege aeterna Dei"; Ibid., p. 35b: "Dico secundo: omne quod peccatum, & malum natura sua est, ideo est tale quia lege naturali est prohibitum, & non e converso, ideo contra legem quia malum". The theocentric reading of Lorca was often highlighted by later commentators, such as the Scotists Felix, *De peccatis*, c. 1, diff. 2, § 6, p. 295b; Llamazares, *Quaestiones*, p. 304. As Francisco Felix rightly notes, Lorca also holds a similarly theocentric conception of the origin of possibility: "naturae rerum, vel possibilitas creaturarum non est ens a se, nam solus Deus est ens a se; ergo pendent ex Deo; ergo quod odium Dei sit malum, pendet ex iudicio Dei."

49 Salas, *In Iam-IIae*, tract. 13, disp. 2, s. 4, § 53, p. 338b: "Communis veraque opinio est, malitia peccati actualis consistere in contrarietate ad legem". See also a good discussion in J. A. Curiel, *Lecturae seu quaestiones in D. Thomae primam secundae*, q. 71, dub. 2 ("Utrum omnes actus humani, qui sunt peccata, ideo sint peccata, quia sunt aliqua lege prohibiti; an vero aliquai secundum suam naturam & seclusa omni prohibitione sint peccata?"). Antwerp, J. van Keerbergen 1621 [¹1618], p. 301b–303a.

50 Curiel, *In Iam-IIae*, q. 71, a. 6, p. 303a: "… absolute probavimus non posse reperiri peccatum, sine ordine ad legem", with a clear rejection of Medina's, Vázquez's and even Scotus' positions on the *odium Dei*: "Decipi eos, qui dicunt, quod in casu quo nulla esset lex neque creata, neque divina, odium Dei esset peccatum & non esset peccatum (…). Neque concedendum est, quod tunc odium Dei averteret a Deo moraliter, quia solum averteret naturaliter. (…)." The inference from irrationality (*contra rationem*) to atheism (*contra Deum*) defended by Curiel is highlighted

The establishment of a closer link between sin and divine willing in the Thomistic school can also be traced back to a more Augustinian reading of Aquinas, promoted by a certain number of Dominicans following mainly Domingo de Soto (1495–1560) in his own acclaimed (and very scholastic) commentary on Romans (1550).[51] All these authors take seriously the fact that the famous definition of sin taken from Augustine's *Contra Faustum* contained this explicit reference to God's law: *Peccatum est dictum, factum vel concupitum contra legem Dei aeternam*.[52] The evangelic source could to be found in Saint Paul's famous formula *ubi non est lex, nec praevaricatio* (*Rom.* 4, 15), which also closely linked the knowledge of the (divine) law with sin. They embedded this positivistic or prescriptivist definition of sin into the more general metaphysical framework present in Aquinas' discussion, such as the articulation between eternal law, natural law and human law, and the underlying doctrine of participation: an aversion from the rule of reason entails immediately an aversion from God, with whom man has to be united by reason.[53] Hence, if we say sins are against reason, we should not forget that reason itself is an image of God or an expression of the *lex Dei*.[54] We should therefore not be misled in the interpretation of a famous distinction of the *Summa,* on which early-modern commentators have written

by Oviedo, *In Iam-IIae*, tr. 4, contr. 4, punct. 1, § 8, p. 316b: "Totam doctrinam superius traditam expresse docuit Curiel (…), ubi asseruit omne peccatum eo ipso est contra rectam rationem esse contra legem aeternam Dei…"

51 Soto, D. de, *In epistolam ad Romanos.* Antwerp, Steels 1550, p. 130a: "Dubitatio hinc, quamvis exigua, resultat, quod prima peccati radix non exinde innascitur quod sit contra legem, sed quod contra venimus voluntatis superioris, cui parere tenemur"; Ibid., p. 130b: "Sed quoniam lex omnis, tam naturalis quam scripta, index & linea est voluntatis Dei, ideo praevaricationem legis delictum censet <Paulus>, voluntati Dei adversum, dignum proinde illius irae, quam comminatur lex." Globally, for an excellent presentation of the pre–1600 stand of the dispute, see Zumel, *In Iam-IIae*, q. 71, a. 6, disp. 10: "Utrum nulla existente lege, posset esse peccatum?", p. 182–189, where most of the earlier sixteenth-century authorities are discussed. See also Álvarez, *In Iam-IIae*, disp. 130, § 7, p. 384a, who clearly attacks the Vazquezians. For a glimpse of the historical development encompassing Domingo de Soto, Domingo Báñez, John of Saint-Thomas, Jean-Baptiste Gonet and Charles-René Billuart in: Blic, J. de, Vie morale et connaissance de Dieu. *Revue de philosophie,* 1931, p. 581–610 (p. 604–608 in particular for the texts). This also explains why in later decades, the Dominicans will side with Arnauld in a common fight against the Jesuit notion of philosophical sin at the end of the seventeenth century: see for instance the pamphlet by Serry, J.-H., *Les véritables sentiments des Jésuites touchant le péché philosophique.* Cologne, N. Schouten 1690. In the twentieth century, this theory found its climax in the controversial commentary of the Jesuit (and cardinal) Louis Billot (1846–1931), who defended the position that atheists cannot have any moral values.

52 Augustinus, *Contra Faustum* XXII, c. 27 (PL 42, 418).

53 Cf. Thomas Aquinas, *Ia-IIae*, q. 73, a. 7, ad 3: "… ex aversione a regula rationis, statim sequi aversionem a Deo, cui debet homo per rationem coniungi".

54 Salas, *In Iam-IIae*, tract. 13, disp. 2, s. 4, § 71, p. 344a: "omne obiectum aliquo modo est contra legem Dei, quia est contra rationem, quae revera est lex Dei, & est contra dictamen, quo Deus iudicat, non esse faciendum, sed fugiendum."

hundreds of pages of contradictory commentaries, because the issue was the possibility of defining morality without any reference to God ("theologians consider sin chiefly as an offense against God; and moral philosophers as something contrary to reason"[55]). Although this text has sometimes been used – including by Caramuel himself and several Jesuits – to argue in favour the existence of a pre-divine conception of morality, many seventeenth century Thomists recalled that the context of Aquinas's reply was precisely to rule out the possibility of such a purely "philosophical" sin: human actions are only closely related to human reason (*propinque et homogene*), but the *prima regula* is the eternal law, *quae est quasi ratio Dei*. In a typical fashion, Aquinas therefore says that the *material* aspect of sin is to act against reason, but the *formal* aspect – namely the aspects that confer to an evil act the *ratio* or *forma* of a sin – is its offense against eternal law, and thus divine law.[56]

Hence, according to this Augustinian reading of Thomas Aquinas, there is no such thing as a purely moral evil, totally anterior to God's command. It is impossible to argue, as Vázquez and the intellectualists do, that *even if there is no God*, there would be moral evil or sins.[57] There would certainly be some form of natural disharmony (*disconvenientia*), but not a sin in the proper sense of the word. The reason, however, is not the contingency of God's commands (as some Scotists defend, and Caramuel himself), but because God's command is in itself eternal and obedience is required from

55 Thomas Aquinas, *Summa theologiae* Ia-IIae, q. 71, a. 6, ad 5: "Ad quintum dicendum quod a theologis consideratur peccatum praecipue secundum quod est offensa contra Deum, a philosopho autem morali, secundum quod contrariatur rationi. Et ideo Augustinus convenientius definit peccatum ex hoc quod est contra legem aeternam, quam ex hoc quod est contra rationem, praecipue cum per legem aeternam regulemur in multis quae excedunt rationem humanam, sicut in his quae sunt fidei."; this text has been the object of numerous commentaries, and will later be often quoted as a Thomistic proof for the thesis of the *peccatum philosophicum*. In Salamanca, Vitoria admitted "wondering" how someone could offend a God whom he/she does not know, arguing hence for the possibility of natural morality. See Vitoria, *Relectiones*, p. 368: "Item, S. Thomas dicit (…) peccatum quidem a philosophis consideratur ut est contra rationem, sed a theologo ut est offensa Dei. Mirabile autem videtur, quod quis offendat Deum quem neque cognoscit neque tenetur cognoscere"; discussed also by Salas, *In Iam-IIae*, tract. 13, disp. 2, § 51, p. 338a–338b. On the historical context of the text, see the seminal study by O. Lottin, Le problème de la moralité intrinsèque d'Abélard à saint Thomas d'Aquin. *Revue thomiste* 39, 1934, p. 477–512.

56 Cf. Thomas Aquinas, *ST* Ia-IIae, q. 71, a. 6, corp.: "Et ideo Augustinus in definitione peccati posuit duo, unum quod pertinet ad substantiam actus humani, quod est quasi materiale in peccato, cum dixit, dictum vel factum vel concupitum; aliud autem quod pertinet ad rationem mali, quod est quasi formale in peccato, cum dixit, contra legem aeternam". See the vivid commentary in Salas, *In Iam-IIae*, tract. 13, disp. 2, s. 4, § 56, p. 336b: "… nam D. Thomas tantum dicit, nihil esse malum, nisi quia prohibitum saltem iure naturae, quod primario existit in lege aeterna, secundario vero in ratione nostra."

57 See Álvarez, *In Iam-IIae*, disp. 130, § 7, p. 384a: "Notandum tamen esse aliquos ex recentioribus discipulis S. Thomae quibus non placet haec sententia. Dicunt enim, quod si non existente legae aeterna, homicidium est malum naturale, etiam debet esse malum morale & peccatum."

the very first instant of reason: every act that contradicts the dictate of right reason is, for that very reason, a sin, since it goes again natural and eternal law.[58] And in the last case, if the hate of God (*odium Dei*) is prohibited even in the impossible situation of the divine word not having spoken about it, there would be a contradiction between this command and the divine essence of which the divine law is only an expression. God being essentially defined as good, truthful and just, we cannot find any rationality in a precept asking us to hate him, to lie or to commit unjust acts. In such cases of apparently purely "moral evil" (*malitia morali*), we must always "pre-understand" (*praeintelligere*) a prohibition linked to the fact that they contradict the divine essence, as the Salamanca Mercederian Francisco Zumel (1540–1607) puts it.[59]

Scotistic Intellectualism

The Bratislava debate shows that the Scotists seem to have been equally divided about the role played by the divine will in the definition of sin. Even if it is hard to find statements as harsh as those reported by Caramuel, many early-modern Scotists seem indeed to have defended a strongly voluntarist interpretation of morality, arguing that if there is no law, then there is no sin.[60] The Scotists seemed at first glance to embrace a positivistic conception of sin, arguing that there is no sin in the absence of a divine prohibition, and most of them strongly reacted against the naturalism or the intellectualism

58 Álvarez, *In Iam-IIae*, disp. 130, § 8, p. 384a: "Unde quidquid est contra dictamen rationis naturalis est contra legem naturalem & aeternam, ac per consequens est peccatum".

59 Cf. Zumel, *In Iam-IIae*, q. 71, a. 6, disp. 10, p. 185b: "Odium Dei, adulterium, homicidium, mendacium & alia huiusmodi intrinsece mala, illa quidem simpliciter loquendo, seclusa prohibitione legis aeternae, sunt mala malitia naturali. (….). Et probatur primo: quoniam seclusa per intellectum tali prohibitione, haec mala dicunt oppositionem cum divinis attributis, nempe cum Dei bonitate, veritate & iustitia, & ob id necessario displicent ipsi Deo: ergo ut praeintelliguntur prohibitioni, sunt intrinsece mala."; also Álvarez, *In Iam-IIae*, disp. 130, § 6, p. 384a, uses the argument of the contradiction with divine attributes. This is much more theocentric argument than that proposed earlier by Medina, *In Iam-IIae*, q. 71, a. 6, p. 638a: "… odium Dei & blasphemia sunt peccata et offensa Dei etiam seclusa fidei notitia: id namque cognoscitur ex lumine rationis humanae".

60 For a good discussion among Scotists, see Herrera, F. de, *Disputationes theologicae et commentaria in secundum librum Sententiarum Doctoris Subtilis Scoti, a. 28 usque ad 42 inclusive, in quibus tota materia de peccatis actualibus disputatur*, disp. 29, q. 4 ("Utrum si nulla esset lex, aliquod esset peccatum"). Salamanca, A. Renaut 1600, p. 96b–102b; Fabri, *Disputationes*, dist. 14, c. 6 ("Quod est peccatum omne eo est peccatum, quia est contra legem Dei"), p. 16a–21a; Volpi, A. (Montepilosius), *Sacrae theologiae summa Ioannis Duns Scoti*, vol. VI. Naples, L. Scoriggio e.a. 1635, disp. 127, a. 2 ("An circumscripta lege esset peccatum"), p. 181b–184b; B. Mastri da Meldola, *Disputationes in secundum Sententiarum*, disp. 6, q. 3 ("An de ratione peccati sit esse contra legem, vel a lege prohibitum"). Venice, ex Typographia Balleoniana 1719 [¹1659], p. 329a–335b; Llamazares, *Quaestiones*, q. 16 ("Quid sit peccatum et qualiter a lege dependent?", p. 295a–317b.

of the Jesuit Gabriel Vázquez – who had actually enrolled Duns Scotus as an authority for his own reading.[61] The clearest and strongest exponent of a radically voluntarist reading of Duns Scotus was Filippo Fabri (*Faber*, 1564–1630), the major representative of the famous Paduan Franciscan school at the beginning of the seventeenth century, and who is commonly seen as following the "nominalist" theology.[62] He attempted, *pace* the Thomists and the intellectualist Jesuits such as Vázquez, to defend that even a precept of the First Table, such as the prohibition of the hate of God, is valid only positively, because of divine prohibition.[63] He based his determination by giving a maximal extension to God's will and to God's power: everything that does not relate to God himself is purely contingent, and God cannot be determined by anything outside of him.[64] Therefore, even the rules of practical reason such as those teaching that *God must be loved as good and just* must depend on this contingent divine willing, because if it was not case, then God would be determined by something exterior to himself – which would contradict the general principle that he cannot be determined by anything.[65] It would thus be wrong to admit that there is some form of truth such as *odium Dei est malum* that would be independent of God.

How popular was such a strongly voluntarist account? Filippo Fabri's interpretation is regularly quoted by later Scotists, but always criticized

61 See Vázquez, *In Iam-IIae*, disp. 97, c. 3, § 6, p. 545b; Curiel also presented Scotus as holding an intellectualist position: *in Iam-IIae*, q. 71, a. 6, p. 302b. This attempt is criticized as *frustrum* by Sannig, precisely because they claim that the prohibition of the *odium Dei* is "rational" and not purely positive: see *Tractatus VIII de peccatis*, dist. 1, q. 2, § 3, in: Id., *Schola theologica Scotistarum*, vol. II. Prague, per Ioannem Mattis Factorem 1681, p. 398b: "… tenent (…) odium, blasphemiam & mendacium seclusa omni lege esse peccata suapte natura."

62 Mastri, *In II Sententiarum*, disp. 6, q. 3, § 66, p. 329a: "… sequitur ex nostris Faber…"

63 Fabri, *Disputationes*, disp. 1, q. 1, § 102, p. 17a: "Ego igitur (…) ostendere enitar hanc assertionem: *Omne peccatum, ideo esse peccatum, quia est prohibitum; & nullum esse peccatum nisi sit prohibitum.* Quod sic hos ostendero de odio Dei, quod videtur ex natura sua peccatum, non autem, quia sit actu prohibitum, de aliis nulla erit dubitatio. Hoc autem ex principiis doctrinae Scoti facillime declaro & probo". An explicit rejection can be found in Punch, *In III Sent.*, dist. 37, § 44–66, p. 536b–541a.

64 Fabri, *Disputationes*, disp. 1, q. 1, § 103, p. 17b: "Est ergo verissimum, quod voluntas divina nihil extra se vult necessario, sed omnia contingenter, & quod a nulla extra se regulatur & dirigitur in suis volitionibus, sed ipsa est prima regula, & omnis regula ab ipsa pendet; & ideo quidquid est bonum, est bonum quia volitum ab ea; & quidquid est malum, est malum, quia ab ea prohibitum.

65 Ibid.: "Vel voluntas divina necessario illi assentiret, & illud vellet, vel esset in libera potestate eius illam veritatem velle, vel non velle: si sic, ergo voluntas divina determinaretur necessario ab aliquo extra se, nec vel et illud contingenter, sed necessario; hoc autem est falsum, & contra axioma praedictum [namely that God wills everything contingently]. Praeterea, sequeretur, quod voluntas divina non esset primum efficiens, & quod omnia penderent ab ipsa, quod est falsum". A similar case will be made by Llamazares, *Quaestiones*, p. 309a: "… siquidem eo ipso quod est aliquid extra Deum, qui est prima regula & prima causa, implicat quod sit prima regula & prima causa."

for its excessive voluntarism. Although he was eager to follow the Scotistic doctrine of theological sin as fully positive, Caramuel also did not believe that this was the last word in the correct interpretation of Duns Scotus. Early-modern Scotists followed usually two strategies to put a distance between Scotus and the nominalist doctrine: the most standard procedure was to recall that according the Subtle Doctor, not *all* the Decalogue was dispensable, but only the precepts of the Second Table. But there was also a more innovative method, which I believe inspired in particular Caramuel: it consisted in arguing that even if we admitted the positivity of the Decalogue, there would remain another level of morality. Let us quickly examine these two argumentative strategies.

The first most classical position was illustrated by a 1643 Louvain debate, which Caramuel carefully resuscitates as a refutation of the 1655 Bratislava debate. This debate was held during the Provincial chapter called by Pierre Marchant (1585–1661),[66] himself an excellent and highly regarded Scotist theologian, and Irish as well as Flemish and Walloon Franciscans were present. Their conclusion is carefully reported by Caramuel. First they affirm generally that natural law is an act of the divine will, and that in the absence of God, there would be no sin (clearly an apparently positivistic and voluntarist statement), but then they contend that within this realm of natural law, we must distinguish between two types of matters, one absolutely necessary (and contrary to rational creatures) and one which is contingent. God can dispense only from the second, but the first is absolutely indispensable (*a nulla dispensabilis*).[67] This conclusion was a crisp summary of Scotus' classical distinction between the precepts of the First and the Second table of the Law: and Caramuel recalls that the first with the negative precepts are *necessary*, they have directly God as object, and their observance derives from self evident principles known to every intellect and God cannot dispense from

66 The conclusions of this general chapter are already discussed by Caramuel, TR 1645, § 1192 ff., p. 299 ff.; then TMF 1656, § 567, vol. I, p. 185. On Pierre Marchant, see Dirks, S., *Histoire littéraire et bibliographique des Frères Mineurs*. Antwerp, Typographie Van Os-De Wolf 1886, p. 215–228; Ceyssens, L., Pierre Marchant OFM. Son attitude devant le jansénisme. *Franciscana* 20, 1965, p. 26–65 (repr. in his *Jansenistica minora*, vol. IX, Mechelen, Imprimerie Saint-François 1966, n° 74). See also numerous documents of his activity as commissary general, to the superiors of the Irish Province and the superiors of Saint Anthony's College, published in Giblin, C. (ed.), *Liber Lovaniensis*, op. cit., p. 9, 13, 20, 25, 31–33, 208.

67 Quoted by Caramuel, TMF 1656, § 567, I, p. 185: "Thesis XX: Naturalis (lex) non est ipsa Natura, sed actus divinae voluntatis, quo per impossibile sublato nullum restat peccatum contra legem Naturae. Aliqua (naturae lex) complectitur materiam absolute necessariam, aut contrariam creaturae rationali, alia non item, haec a Deo solo, a nullo illa dispensabilis." For another Scotist vindication of the distinction between both tables and the reference to most contemporaries, see Felix, *De peccatis*, c. 1, diff. 2, § 4, p. 293a.

them[68] – a conclusion directly opposed to the voluntarism of Fabri and the nominalists. When Scotus says that these principles are self-evident (*per se nota*), this does not mean that all men do explicitly know and respect them, but that they are self-evident at least for God himself: God's own perfect intellect knows that it is good and necessary to love himself, and humanity can be instructed in this through the Revelation of Scripture. In a strictly deductive way, Scotus concludes that if God is God, then he is the only one who needs to be loved,[69] and the object of God's charity is in the last end also the object of human charity. Concerning the Second Table, with the positive precepts, the solution advocated by Scotus is different: these principles cannot be deduced from the first self-evident principles and God's self-knowledge, neither do they directly refer to our ultimate end.[70] God does not need, for instance, to be loved on a specific day, nor does our relationship towards others, such as our parents or our neighbours, necessarily imply an act of love towards God. Therefore, the Second Table containing the positive precepts is the expression of a contingent will, and God can dispense from these precepts.

68 Ioannes Duns Scotus, *In III Sent.*, dist. 37, q. 1, § 16–17 (ed. Vaticana, vol. X, p. 279): "Dico quod aliqua possunt dici esse de lege naturae dupliciter: uno modo tanquam prima principia practica nota ex terminis, vel conclusiones necessario sequentes ex eis. Et haec dicuntur esse strictissime de lege naturae. (…) In talibus non potest esse dispensatio." These passages have of course been much commented on in the Scotist literature, stressing in particular the difference between his view on dispensation from that of Aquinas (who also stressed a difference between the first and second tables of the Decalogue). Among the older valuable studies, see Rohmer, J., *La finalité morale chez les théologiens de saint Augustin à Jean Duns Scot*. Paris, Vrin 1939, p. 294–309; Stratenwerth, G., *Die Naturrechtslehre des Johannes Duns Scotus*. Göttingen, Vandenhoeck & Ruprecht 1951, p. 73 ff.; Prentice, R. M., The Contingent Element Governing the Natural Law on the Last Seven Precepts of the Decalogue According to Duns Scotus. *Antonianum* 42, 1967, p. 259–272 (a literal and complete commentary); Hedwig, K., Das Isaak-Opfer, op. cit., p. 651–655 in particular; Parisoli, L., *La philosophie normative de Jean Duns Scot*. Rome, Istituto Storico dei Cappuccini 2001), p. 68–75; Mandrella, I., *Das Isaak-Opfer*, op. cit., p. 132–150. For an English translation of the relevant passages, see A.B. Wolter, *Duns Scotus on Will and Morality*. Washington, D.C., The Catholic University of America Press 1997, p. 198–207.

69 Ibid., § 20 (ed. Vaticana X, p. 280–281): "…illa sunt de lege naturae, stricte sumendo legem naturae, quia necessario sequitur "si est Deus, est amandus ut Deus solus", similiter sequitur quod "nihil aliud est colendum ut Deus, nec Deo est irreverentia facienda". Et per consequens in istis non poterit Deus dispensare, ut aliquis possit facere oppositum huius vel illius prohibiti".

70 Ibid., § 18 (ed. Vaticana X, p. 280): "Et non est sic, loquendo universaliter de omnibus praeceptis secundae tabulae, quia de ratione eorum quae ibi praecipiuntur vel prohibentur, non sunt principia practica simpliciter necessaria, nec conclusiones simpliciter necessariae; Non enim est necessaria bonitas, in iis quae ibi praecipiuntur, ad bonitatem finis ultimi (…)"; Ibid., § 25 (ed. Vaticana X, p. 283): "Alio modo dicuntur aliqua esse de lege naturae, quia multum consona illi legi, licet non necessario consequantur ex primis principiis practicis, quae nota sunt ex terminis et omni intellectui necessario nota. Et hoc modo certum est omnia praecepta – etiam secundae tabulae – esse de lege naturae, quia eorum rectitudo valde consonat primis principiis practicis necessario notis."

This distinction between both Tables explains why even some Thomists presented the Scotists as an *opinio media inter extremas*, as Francisco de Vitoria wrote in his commentary on the *De legibus*:[71] namely some "median" position between the extremes of voluntarism (usually referred to William of Ockham and Peter of Ailly) and absolute intellectualism, according to which all precepts are immutable, basing on the idea that the two first precepts are necessary (indispensable) whereas the others are contingent (dispensable). The radically voluntarist Scotists miss this essential distinction between the *ad intra* and the *ad extra*, which explains why the entire Decalogue cannot be made contingent: *Scotistarum opinio non consona Scoti*, "the Scotists are not faithful to Scotus', said for instance the Neapolitan Conventual Angelo Volpi (*Montepilosius*, † 1647), another defendant of a more intellectualist reading of Duns Scotus,[72] who argued that the *odium Dei* was fundamentally a rational impossibility.[73]

One specific Scotist theologian, often criticized for his innovative positions, seemed to have gone even further in his interpretation of the relationship between God's will and morality, namely John Punch (*Poncius*, 1599–1661),[74] the Cork-born and Louvain-educated Scotist, whose commentaries were part of Wadding's new edition of the *Opera omnia* of Scotus (1639), and whom Caramuel also often praised. Punch took particular care in

71 Vitoria, *De legibus*, q. 100, a. 8 ("Utrum praecepta decalogi sunt dispensabilia"), ed. J. Stüben, p. 106; Mastri, *In II Sententiarum*, disp. 6, q. 3, § 66, p. 329a, calls it also a "via media".

72 Volpi, *Summa*, disp. 127, a. 3, p. 183b: "Scotus (…) solum contingentium extra, non necessariorum asserit divinam voluntatem primam regulam", and in the margin: "Scotistarum opinio non Scoto consona." Another intellectualist conclusion is held by Herrera, *In II Sent.*, disp. 29, q. 4, p. 100b: "Etiamsi nulla esset lex praeceptiva odium Dei, adulterium, & homicidium, & quaecunque illa, quae intrinsece mala nuncupantur, essent mala malitia naturali & contraria contrarietate naturali cum recta ratione & cum lege aeterna in intellectu divino existente."

73 Volpi, *Summa*, disp. 127, a. 2, § 8, p. 183a: "… hoc peccatum odii ideo est a Deo prohibitum, quia naturaliter malum, hoc est contra legem naturam ex terminis notam."

74 On Punch (also called Ponce in older literature), who did his novitiate and theological studies at Saint Anthony's (Louvain) before teaching in Rome and Paris, the classical reference article remains Grajewski, M., John Ponce, Franciscan Scotist of the Seventeenth Century. *Franciscan Studies* 6, 1946, p. 54–92, and his innovative metaphysical positions have been well studied recently by numerous scholars. See in particular Forlivesi, M. "Ut ex etymologia nominis patet": The Nature and Object of Metaphysics According to John Punch. In: *Hircocervi and Other Metaphysical Wonders. Essays in Honor of John P. Doyle*. Ed. V. Salas. Milwaukee, Marquette University Press 2013, p. 121–155; Andersen, C. A., *Metaphysik im Barockscotismus*, op. cit. There seems, however, to be a recurrent confusion about his date of death: most scholars give 1672–1673, following probably Cleary, G., *Father Luke Wadding and St Isidore's College*. Rome, Tipografia del Senato del G. Bardi 1925, p. 86, as well as Grajewski, but he seems clearly to have died as early as 26 May 1661 at the Paris convent, where he was buried in the cloister, as can be established in the necrology (based on the Archives Nationales, Paris, series LL 1508-LL 1527A), published by Poulenc, J., Deux registres de religieux décédés au grand couvent de Paris au XVII^{e} siècle. *Archivum Franciscanum Historicum* 59, 1966, No. 3–4, p. 323–384 (p. 344 for Punch).

refuting the "Ockhamist-Scotist" reading of Filippo Fabri,[75] and defended the following thesis: even if God *had not ordered anything*, a certain number of things would still be evil. His contemporary Bartolomeo Mastri (1602–1673) still recoiled from such a naturalistic statement, like many other Scotists who believed that the *etiamsi daremus* argument was inconclusive: since if there was no God nor law, then there would indeed be no command and thus all acts would be in the last resort indifferent.[76] But just as he defends a very essentialist position on the origin of the possibility of things, Punch defends here a very anti-voluntaristic conception of natural law as the one from which, independently of any ordering (*iussio*), an action has a good or evil character, if such an action was posited.[77] The famous Augustinian definition of sin, he says, is partial: certainly something can have its sinful character from the divine prohibition, "but that does not exclude that something could be a sin for another reason".[78] As a result, the concept of *sin* must be distinguished in accordance with this double source of evil: there are indeed sins that depend directly on the positive will and commands of God, but also sins that get their sinful character from another source.[79] We will see that this is an important step towards the widening of the concept of sin, since many authors both in the Thomistic and the Scotistic tradition were reluctant to talk of these *mala* explicitly in terms of sin, speaking just of "natural evil" or "natural malice", as opposed to true sinfulness, linked to divine prohibition.[80] Punch is among those who, like Caramuel, use the expression *peccatum* for

75 See Punch, *In III Sent.*, dist. 37, q. un., § 44, p. 536b: "… in impugnatione huius Authoris <scil. Faber> aliquantulum est immorandum". Fabri's position is also carefully debunked by Mastri, *In II Sent.*, disp. 6 ("De peccatis"), a. 3, § 87–93, p. 332a–335b.

76 Mastri, *In II Sent.*, disp. 6, § 93, p. 335a: "… in eo casu omnis actus esset indifferens & ut talis apprehendetur ratione, ideoque in genere moris nullum esset peccatum."

77 Punch, *In III Sent.*, dist. 37, q. un., § 8, p. 529b: "… per legem naturalem intelligimus illam a qua per se primo independenter ab omni iussione habet aliqua actio esse bona, vel mala, si detur aliquid tale."

78 Ibid., § 17, p. 531b: "… sed hinc non sequitur quod aliquid non sit peccatum formaliter ex alio capite, quam ex eo quod prohibeatur a Deo".

79 Ibid., § 55, p. 539a: "… inde non sequitur quod <Deus> possit facere aliqua peccata non esse peccata, nisi quae peccata praecise habent esse talia ab ordinatione eius: sic autem non se habent omnia, quae sunt peccata."

80 In the generation of Vitoria and Soto, it was still unclear, Soto speaking for instance of the possibility of a *peccatum naturale* (see the text in note 124 below). Later voluntarist Scotists such as Llamazares clearly rejected this possibility of speaking of such evil acts in terms of *peccata*: Llamazares, *Quaestiones*, p. 309b: "Si nulla esset lex nec divina nec humana, mendacium non fore malum morale nec peccatum, esse tamen malum naturale"; Sannig, *De peccatis*, dist. 1, q. 2, § 6, p. 399a: "Itaque praefati actus <scil. odium Dei, blasphemia & mendacium> essent quidem mali naturaliter & physice, non tamen moraliter; adeoque non esset peccata proprie dicta, quae per defectum ad legem dicuntur".

both the natural and the positive forms of moral evil, by arguing for the fact that sins are not as such related to divine prohibitions.[81]

Punch's own solution of the foundation of morality is radically anti-voluntaristic, although he refuses Vazquezian rationalism (natural law as rational nature) and Thomistic intellectualism (natural law as an act of the divine intellect).[82] His own solution consisted in admitting a realm of "objective propositions" expressing the harmony or disharmony of human actions with the rational nature they have in themselves, independently of any divine or human positive law.[83] Against Fabri in particular, he recalls that there are "thousands of truths" (*mille veritates*) that are totally independent of the divine will, and that we should not overstate our understanding of the dependency of the world on the divine will: this extends only to the *existence* of things, but not to their essence. For as regards the essences of things, or the moral qualification of acts, even if the will of God did not exist, their moral character would be unchanged (*si per impossibile non esset, adhuc essent tales*).[84] This conclusion, probably dominant among seventeenth-century Scotists, is precisely how we should respond to the hate of God discussed by the Bratislava Franciscans as well as by Fabri. To Fabri, who maintained that such a proposition as *God is not to be hated (Deus non est odio prosequendo*) was not *per se nota*, i.e. evidently knowable from its terms, Punch objects that an analysis of the proposition can precisely lead us to acknowledge it as evident. It must be analysed in the way that *Deus* should be replaced for instance by *Bonum*, and then it would immediately amount to a contradiction in terms (*the good is hated*) and fall, therefore,

81 Punch, *In III Sent.*, dist. 37, q. un., § 7, p. 529b: "Sequitur quod posset committi absque iussione Dei non solum actio mala, sed peccaminosa, culpabilis, offensiva Dei, et digna morte aeterna."

82 Punch's anti-voluntaristic (and anti-Suárezian) conception of divine law as a "law without a law-maker" is also well perceived by Pink, Th., Reason and Obligation in Suárez. In: *The Philosophy of Francisco Suárez.* Ed. B. Hill – H. Lagerlund. Oxford, Oxford University Press 2012, p. 188–190.

83 Ibid., § 29, p. 533b.

84 Ibid., § 51, p. 538a: "Nam evidens est quod mille veritates sint, quae non dependeant a voluntate divina, nam hae veritates: *Omne totum est maius sua parte, omnis homo est rationalis & risibilis, calor est accidens connaturale ignis, frigus aquae, sicut duo & duo faciunt quatuor, ita quatuor & quatuor faciunt octo.* Haec, inquam, veritates & infinitae aliae similes nullo modo dependent a voluntate divina, quae non potest facere, ut non sint tales, & si per impossibile non esset, adhuc essent tales: ergo ex eo quod aliquae veritates non dependeant a voluntate divina, non sequitur, quin voluntas divina sit prima causa, a qua omnia dependent in vero sensu, in quo id asserendum est; is autem sensus est, non quod omnis veritas complexa, sive practica, sive speculativa ab ipsa dependeat, ut omnes tenet; sed quod nulla res possit existere realiter a parte rei independenter ab ipsa". For another Scotist use of the *etiamsi-daremus* argument, see Felix, *De peccatis*, c. 1, diff. 2, § 8, p. 295b: "etiamsi Deus non prohiberet libere mendacium, aut odium Dei, aut etiamsi non iudicaret ista esse mala, adhuc ista mala & peccata essent, quia essent contra naturam rationalem." Felix seems here getting close to Vázquez, whose influence in the Alcalá environment seems to have gone well beyond Jesuit ranks.

under the non-will-dependent propositions. The argument of divine omnipotence, even *de potentia absoluta*, cannot be extended to such propositions that are evident in themselves and God cannot change them.[85]

These very intellectualist or naturalistic conclusions went obviously too far for many other seventeenth-century Scotists. The last word of Mastri's position was a rebuttal of such a naturalistic option, and a clear statement linking obligation (morality) to divine commands. Equally, the Spanish Observant Tomás Llamazares († ca. 1690) fiercely opposed John Punch on this issue, denying him even the right to speak in the name of Scotus and accusing him of siding with the Jesuits.[86] Many later Bohemian Scotists also tended to defend a stronger voluntaristic and positivistic interpretation of divine law, such as for instance Bernard Sannig (1637–1704), who also took care to criticize the excessive naturalism or intellectualism of the Jesuits.[87] Sannig refrained, however, from claiming the possibility of legitimate and meritorious *odium Dei*: he admitted only that such hate would be "naturally" evil, but could not be qualified in "moral" terms (*naturaliter & physice, non tamen moraliter*).[88] For Caramuel at least, it is clear the correct understanding of Scotus was an alliance between two things: first a positive conception of the sins linked to the Decalogue (only the offence to God turns these acts into sins in the properly theological sense), and second the possibility of discovering a more fundamental order of morality *anterior* and *independent* of it. Caramuel expresses this by distinguishing between the *lex theologica* and the *lex philosophica*. He was also eager to get an "official" approval for his own reading of Scotus, submitting his propositions to his old Irish Franciscan acquaintances from Louvain, now residing in Prague: Bernardine Clancy, Daniel Bruoder and Anthony O'Donnell (*Donnillus*), who issued a *Censura theologorum Pragensium* on 15 July 1650, carefully reprinted in the 1656 edition of Caramuel's *Theologia moralis*.[89]

85 Ibid., § 56, p. 539a-b. For other earlier Scotistic rejection of the possibility of the *odium Dei*, see Herrera, *In II Sent.*, disp. 29, q. 4, p. 101a; Felix, *De peccatis*, c. 1, diff. 2, § 4, p. 293b.

86 Llamazares, *Quaestiones*, q. 16, § 4, p. 298a: "… cum nostro Poncio in utroque suo Cursu Philosophico & Theologico, cuius sententia est (nec memini Scoti) formale peccati consistere in ipso actu libero entitative sumpto tendente in obiectum prohibitum cognitum ut tale." He argues that Punch's solution is not really different from that of a Jesuit such as Francisco de Oviedo (quoted above).

87 Sannig, B., *De peccatis*, p. 400: "… quodvis peccatum theologicum includit rationem iniustitiae rigorosae in Deum, ratione cuius nascitur obligatio in peccatore ad satisfaciendum Deo pro illata iniuria. Ita communis Scotistarum & RR. contra Lugon. <i.e. Juan de Lugo>, Vazquez, etc."

88 Ibid., p. 399; see also Llamazares, *Quaestiones*, p. 309b, quoted above.

89 TMF 1656, § 569, I, p. 188.

Caramuel's Cistercian Anti-Voluntarism

When it comes to expressing his own position, Caramuel starts by admitting that on this specific issue of the foundation of morality, he will be "siding with the Scotist", whatever "veneration" he may have for Thomas Aquinas.[90] But by Scotists, he did not understand the radical Bratislava friars, but rather the tradition of those who maintained a limit to the extension of divine commands. In his later *Pandoxion* (1668), Caramuel seemed to have changed his strategy, and argued that his own solution was a synthesis of the major scholastic schools of thought, i.e. the Thomists, Scotists and Nominalists – at least how he presented them, namely "theocentric" Thomists, Scotists and Nominalists.[91] Two points of the Scotist doctrine were convincing to him: first, the idea of a general dispensability of most of the precepts of the Decalogue, at least those of the Second Table; second, the idea that the *theological* definition of sin clearly includes a relationship to divine commands – to such an extent that in the case of the non-existence of God, all sins would effectively cease to be sins: *si per impossibile, nullum esset a deo latum praeceptum, nullum fore theologicum peccatum*. Caramuel seems to have defended this positivistic conclusion throughout his career in different forms.[92] But that does not mean, claims Caramuel, the end of morality, as the Bratislava friars and the most radical Nominalists seemed to admit: such a position is *dura et absona*, and Caramuel reports that he took himself care to refute it (*oppugnavi et ego*).[93]

In his *Moral Theology*, Caramuel admitted that a certain number of laws can be considered as purely "voluntary", and that God or any other legitimate superior power can dispense men from their observation. But there is

90 TMF 1656, § 566, I, p. 185: "Istae conclusiones Scoto & Scholae Patrum Franciscanorum correspondent"; TMF 1657, § 1645, p. 469: "Omnia mala, quia prohibita, et non prohibita, quia mala fiunt (…) At Ego, quia S. Thomam veneror, et tametsi in hac parte libentius assentior Scoto, et existimem peccata theologica non fore in mundo, si lex Dei non esset; non enim malitia theologica, quae est in fornicatione, est illi essentialis et intrinseca." Caramuel's "Scotism" on this issue was often observed: see for instance Franciscus a Bona Spei, *Noctua belgica (…) ad Aquilam Germanicam Reverendissimi ac Eximii Domini D. Caramuelis*. Louvain, C. Coenesteen 1657, dub. 5 ("Unde actus malus morales sumant suam moralitatem"), n.p.: "Dom. Caramuel, authoritatibus Scotistarum non temnendis… "

91 PPE 1668, § 301, II, p. 117: "… harum trium Scholarum Authores in hoc convenir omnes, quod asserant, si per impossibile, nullum esset a Deo latum praeceptum, nullum fore Theologicum peccatum: differre autem, quod Thomistae asserant totum Decalogum esse legem latam a Deo necessario; Nominales esse totum Decalogum legem liberam; & Scotistas interesse dicentes primum & secundum Tabulae praecepta, qua negativa sunt, esse necessaria: qua positiva vero libera, & caetera negative et positive sumantur, esse libera."

92 TMF 1656, § 541, I, p. 180: "… si Deus per possibile vel impossibile ab ea prohibitione abstineat, vel semel latam relaxet, non erit ille actus peccatum theologicum"; PPE 1668, p. 118–119.

93 TMF 1656, § 559, I, p. 184.

a number of precepts that even God cannot opt out of, among which we find the precept of the love of God implicitly contained in the first commandment, which means that God cannot, as the Bratislava friars claim, command men to hate him. This would give rise to what he calls an "intentional" opposition between what is asked from men (to hate God) and their object (the love of God which compels men to fulfil his commands).[94] Caramuel is clear in limiting logically God's power: not even *de potentia absoluta* can I love Peter through an act of hate, since this would entail such an opposition.[95] Hence man cannot both be asked to obey God (which would imply a form of *approval*) and to hate him (which includes *disapproval*); equally God cannot even lie, since this would amount to an intentional opposition between his essence (truth) and action (lying).[96]

Although he claims that this conclusion is faithful to Scotus, Caramuel also regularly invoked the authority of Bernard of Clairvaux († 1153), the founding father of the Cistercian order to which he originally belonged and to whom he had dedicated several writings, in particular his *Theologia regularis* (1646, with revised versions in 1651, 1655 and 1665).[97] Bernard had written during an age of revival of ancient natural law theories promoted by canon lawyers,[98] and he devoted an entire treatise to the issue of divine precepts and the conditions of their dispensation. Bernard, just like Caramuel, was particularly interested in the dispensation of *monastic* rules as laid out in the founding rule of Saint Benedict. Caramuel must have renewed his interest in this topic when he "switched" rather informally his own religious affiliation in Prague, from Cistercian to Benedictine, in order to rule the venerable Emmaus monastery (now known as Klášter na Slovanech) he had been endowed with by the emperor Ferdinand III.[99] Drawing upon

94 Cf. TMF 1656, § 545, I, p. 181, where Caramuel distinguished between "real" and "intentional" opposition: a real opposition (*oppositio realis*) is the opposition between two contradictory acts of the same object (for instance love and hate), whereas an intentional opposition (*oppositio intentionalis*) is the opposition between an act and its object (for instance hating something loveable).

95 TMF 1656, § 546, I, p. 181: "non enim possibile est, etiam de potentia absoluta, ut per odii destestationis actum ego amem Petrum".

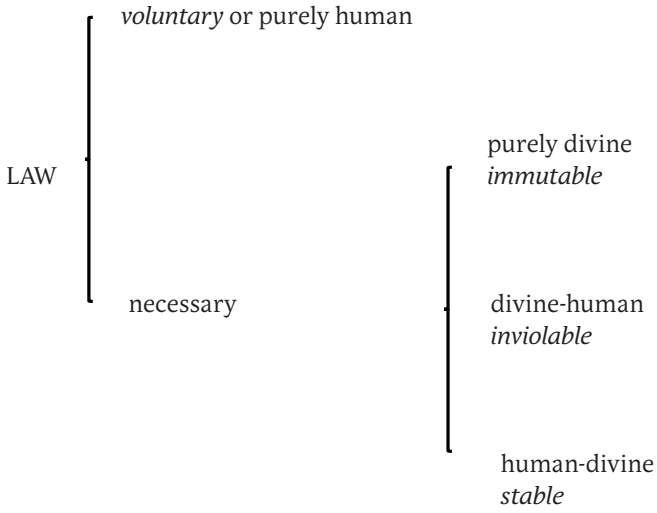
96 TMF 1656, § 547, I, p. 181.

97 On the importance of this Cistercian and Benedictine tradition for Caramuel, see U.G. Leinsle, "Probabilismus im Kloster. Caramuels *Theologia regularis*", in: *Juan Caramuel Lobkowitz (1606–1682). The Last Scholastic Polymath*, op. cit., pp. 99–116; and J.-R. Armogathe, "Caramuel, a Cistercian Casuist", Ibid., p. 117–128.

98 For an overview of twelfth-century natural law theories as promoted by the canonists, see Weigand, R., *Die Naturrechtslehre der Legisten und Dekretisten von Irnerius bis Accursius und von Gratian bis Johannes Teutonicus*. Munich, Max Hueber 1967; and a good synthesis can also be found in Mandrella, I., *Das Isaak-Opfer*, op. cit., p. 39–55.

99 Apparently much to the discontent of the Benedictine monks who did not welcome a Cistercian abbott: see Albareda, A. M., La Congregació benedictina de Montserrat a l'Austria i a la

the distinctions and the vocabulary used by Bernard in his *De praecepto et dispensatione* (ca. 1141–1145),[100] Caramuel draws the following graph in his *Theologia regularis*, which enlightens his discussion of different types of divine law outlined in the *Theologia moralis*:[101]



Law is divided into two main branches: *voluntary* or human law, and *necessary* or divine law. The first one is purely positive, and rules all things that are not otherwise compulsory (i.e. through divine law). The second one is divided into three branches, each one with a qualification of its modal status, drawn from the texts of Bernard of Clairvaux: i) *purely divine*, which corresponds to the first table of the Decalogue and which is called here *incommutablis*; ii) *divine-human*, which corresponds to the second table of the Deca-

Bohèmia (segles XVII-XVIII). *Analecta Montserratensia* 5, 1922, p. 119–120, 240–245; Ceyssens, L. Autour de Caramuel, op. cit., p. 346–347; Sousedík, S., Jan Caramuel, opat emauzský (1606–1682), op. cit.

100 Bernardus Claravallensis (Bernard of Clairvaux), *De praecepto et dispensatione*, II, 4, in: *Bernardi Opera*. Ed. J. Leclercq – H. M. Rochais. Turnhout, Brepols 1963, vol. III, p. 256. These texts have been analyzed by Lottin, O., *Le droit naturel chez saint Thomas et ses prédécesseurs*. Bruges, Ch. Beyaert 2nd edn, 1931, p. 31–32; Pizzorni, R., *Il diritto naturale dalle origine a S. Tommaso d'Aquino*. Bologna, Edizioni Studio Domenicano 3rd edn, 2000, p. 351–354; Mandrella, I., *Das Isaak-Opfer*, op. cit., p. 48–49.

101 Caramuel, *Basis theologiae regularis. Editio secunda*. Venice, apud Iuntas & Ioannem Iacobum Hertz 1651, p. 40 (hereinafter BTR 1651).

logue and which is said to be *inviolable*; iii) *human-divine*, which corresponds to a type of religious law which is issued by men but on the basis of divine authority, such as the monastic rule, and which is said to be *stable*.

Three levels of dispensation are associated to these three types of law. For the first, no dispensation is possible. For the second, only God can dispense from them. For the third level, legitimate representatives (*vicariis*) of God (such as ecclesiastical authorities, bishops, etc.) can issue dispensations.

The essential distinction lies thus between the first and the second types of divine law, which perfectly embraces the Scotist distinction between the two Tables, and Caramuel was happy to acknowledge that Scotus did nothing else than subscribe to Bernard's doctrine (*D. Bernardo Scotus omni subscribit*).[102] The first one remains absolutely necessary, and even God cannot alter nor modify it – "I do not believe" (*crediturus non sum*), says Caramuel against the Bratislava friars in his 1656 *Theologia moralis*, that God can oblige to what is forbidden in the First Table of the Law.[103] This means that there is no dispensability, and that the *odium Dei* is consequently a sin, even if God did not exist or had not spoken.[104] Just as he cannot change the rules of geometry, God cannot change the content of this law: *quia Deus non potest immutare rerum definitiones & essentias*.[105] The adjective used, *incommutabilis*, had itself a long tradition in the Patristic tradition – Augustine used it to qualify the eternal character of *rationes* in the divine mind.[106] The Second Table remains contingent to God, and there is no obstacle to the divine will deciding freely to change these commands.[107] The names given by Caramuel to these two first levels of divine law vary: in his *Theologia regularis*, he stays with the Bernardine vocabulary that goes back to twelfth century canon law, where indeed such a distinction between two types of precepts was very common.[108] In the *Theologia moralis*, the vocabulary used by Caramuel is

102 PPE 1668, § 301, II, p. 117.

103 TMF 1656, § 563, I, p. 184: "… posse enim praecipere quae in prima interdicuntur, crediturus non sum."

104 TMF 1675, § 562, p. 147: "Nostra sententia: non tulit Deus legem realem aeternam philosophicam: non legem intentionalem aeternam philosophicam, non legem moralem philosophicam, adeoque in illis non potest dispensare. Patet, quia in ipsis reperiuntur necessitates essentiales et ex natura rei." Later, he gives the example of hate of God that would, even if there was no Decalogue, remain an "essential sin": TMF 1675, § 565, p. 148.

105 BTR 1651, p. 47: "Non potest Deus facere, quod vel carentia bonitatis debita physice, non sit malitia physice; vel quod carentia bonitatis debitae moraliter, non sit malitia moraliter. Patet; quia Deus non potest immutare rerum definitiones et essentias, & nos malitiam non nisi per bonitatis carentiam definimus"; TMF 1656, § 562, p. 184.

106 See for instance Augustine, *De Trinitate* VI, 10, 11 (PL 42, 931).

107 BTR 1651, p. 47: "Actiones illae, quae in tabula secunda inhibentur, si considerentur abstractae ab omni Divino praecepto, non intelligentur opponi Deo moraliter".

108 See for instance also Ivo of Chartres (Ivo Carnotensis), who distinguished in his *Prologus in decretum* (PL 161, 50AB; ed. B. C. Brasington, Münster, LIT 2004, p. 120–121) between mutable

modernized, and he speaks of a "real" and "intentional" eternal philosophical law" (*lex realis aeterna philosophica, lex intentionalis aeterna philosophica*) as opposed to a "theological law" (*lex theologica*); he also opposes "philosophical moral law" (*lex moralis philosophica*) to "theological moral law" (*lex moralis theologica*).[109] In his latest treatment of the question, the *Pandoxion* (1668) composed during his bishopric in Campagna, he goes one step further by arguing that the entire Decalogue is actually part of the *lex theologica*, but he keeps opposing it to a pre-divine law, called *lex essentialis*. This law, just as the laws of geometry, is based on the connexion of essential predicates which correspond to logical rules:[110] just as two contradictories cannot be true, a paradoxical injunction such as *hating something good* is not acceptable as commandment. This is why Caramuel believed that beyond the classically admitted *theologia moralis*, a *logica moralis* was a desirable discipline to be developed, and to which he devoted many efforts in his later years when he was bishop in Campagna and Vigevano.[111]

A new source of the "Philosophical Sin" debate

In his discussion, Caramuel made regular use of an expression that would soon become very controversial. Since moral malice, prior to divine command and prohibited by the so-called *lex philosophica* or *ius essentialis*, can also be called sin (*peccatum*), one can speak of *peccata philosophica*, "philosophical sins", that qualify acts such as lying, ingratitude and inconstancy, which would be "indecent" even if God had not called them such, or if God did not exist – an hypothesis Caramuel welcomed as early as in the first Louvain version of his *Moral Theology*.[112] Speaking of *peccata philosophica*, as Caramuel notes, was apparently controversial in his age, as many did not accept

(*mobiles*) and immutable (*immobiles*) laws. This text was highlighted in the good synthesis of the mutability of laws by Klinkenberg, H. M., Die Theorie der Veränderbarkeit des Rechts im frühen und hohen Mittelalter. In: *Lex et sacramentum im Mittelalter*. Ed. P. Wilpert. Berlin, W. de Gruyter 1969, p. 157–188 (p. 179–180).

109 TMF 1656, § 562–564, I, p. 184–185.

110 PPE 1668, § 302, II, p. 118b: "Hinc patet Ius naturale seu Decalogum, non esse omnium primum, sed ante illud esse Ius essentiale in connexione praedicatorum essentialium consistens, & a praecepto (Divino aut humano) independens. Est autem Essentiale Ius, quaedam lex, hominum conscientias obligans ex natura rei, quam Deus non potest collere, nec mutare, nec dispensatione remittere…" These conclusions would then be integrated in the last edition of the TMF 1675, II, § 1582, p. 548a. The importance of these passages has been rightly stressed by Velarde Lombraña, *Juan Caramuel*, p. 35.

111 The *Logicae moralis seu virtualis prodomus* was published in the second part of his *Pandoxion* (1668), with an independent pagination. He clearly claims, in the *occasio scribendi* (§ 1), that it goes back to his days in Louvain and to his subsequent debates with the Thomist and Scotist schools.

112 See TMPPR 1645, p. 324–325.

their possibility.[113] As we have seen above, a number of Scotists and Thomists maintained that we can only speak of *sins* in the proper sense when there is a divine law. In the absence of such divine law, we can only speak of some "natural" or "physical" malice without any specifically moral character. But Caramuel argues that just as we can speak of *peccata theologica* when there is a divine law, we must be able to speak of *peccata philosophica* when we speak about this "philosophical" law which is anterior to God's decrees and shared by all men. And although we not do seem to find the exact expression *peccatum philosophicum* in the Scotist debates reported by Caramuel, we do find it already in the theological commentaries of Punch, and among earlier "essentialist" Scotists, such as Volpi. The Neapolitan uses it regularly in its adverbial form (speaking of *peccatum philosophice*),[114] and even claims, in a clear case of retrospective wishful thinking, that it can be found in the *Quodlibeta* of Duns Scotus.[115]

This apparently purely textual finding contradicts a broad consensus in today's historiography, which claims that the concept of "philosophical sin" has been invented only several decades later, in the 1680s, and that it was foremost a "Jesuit invention", a commonplace continuously repeated from Antoine Arnauld (1612–1694) to Diderot's (1713–1784) *Encyclopédie*.[116] The concept of "philosophical sin" received indeed universal attention when it was publicly spelled out and condemned by the Roman censors under the Pontificate of Alexander VIII (Pietro Vito Ottoboni, pope 1689–1691), by a decree of the 24 August 1690:[117] "a moral or philosophical sin is a human act that goes

113 TMF 1656, § 547, I, p. 181.

114 Volpi, *Summa*, disp. 127, a. 2, § 7, p. 183a: "Si per impossibile non esset Deus, nec aliqua lex divina prohibens malum, & possibilis creatus intellectus recte dictans de operabilibus, existere peccatum philosophice contra rectam rationem." This adverbial form is also often used by Mastri, *In II Sent.*, disp. 6, q. 3, a. 1, § 67, p. 329, *passim*.

115 Volpi, *Summa*, disp. 127, a. 3, § 1, p. 184b; see also Llamazares, *Quaestiones*, p. 307: "Habes hos terminos, *Philosophice* & *Theologice*, apud Scotum, *Quodl.* 18, § 17, & D. Thomam, q. 71, a. 6 ad quintum)". This was obviously a retrospective projection on the text of Scotus: in the Wadding edition accessible to early-modern commentators, Scotus opposes only *vices* "physice loquendo" to *sins* "theologice loquendo" (*Quodl.* 18, ed. Wadding, vol. XII, p. 489).

116 It was discussed as an "invention jésuite", in Diderot, D., Jésuite. In: *Encyclopédie, ou dictionnaire raisonné des sciences, des arts et des métiers*. Neuchâtel, S. Faulche & Compagnie 1765, vol. VIII, p. 512–516.

117 See *DS* n° 2291. For contemporary editions, see Plessis d'Argentré, Ch. du, *Collectio iudiciorum*, t. IIIb, p. 265 ff.; Viva, D., *Damnatae theses ab Alexandro VII, Innocentio XI et Alexandro VIII necnon Janseni*, pars IIIa, *Editio nona*. Padua, G. Manfrè 1720, p. 341. The text is also easily accessible in *Dictionnaire de théologie catholique*, vol. XII. Paris, Letouzey & Ané 1933, col. 256: "Peccatum philosophicum seu morale est actus humanus disconveniens naturae rationali et rectae rationi; theologicum vero et mortale est transgressio libera divinae legis. Philosophicum, quantumvis grave, in illo qui Deum ignorat vel de Deo actu non cogitat, est grave peccatum sed non est offensa Dei neque peccatum mortale dissolvens amicitiam Dei neque aeterna poena." The proposition is qualified as "scandalosam, temerariam, piarum aurium offensivam

against rational nature and right reason, whereas theological and mortal sin is a transgression of the divine law". Then comes its moral qualification: "Philosophical sin, how terrible it may be, is a terrible sin (*grave peccatum*) in the heart of men ignorant of God or not thinking actively about God, but it is not a mortal sin that dissolves the friendship between God and man and will not entail eternal damnation". Such a definition and proposition is called *scandalosam, temerariam, piarum aurium offensivam et erroneam*. We have to understand this condemnation as an aftermath of the "anti-probabilist" and "anti-laxist" turn, which had been promoted by the Roman papacy since the days of Alexander VII – Caramuel's old acquaintance Fabio Chigi (1599–1667), the former legate in Cologne who condemned some "laxist" proposition in 1665–1666 – and especially Innocent XI, whose bull *Sanctissimus Dominus* condemned 65 propositions in March 1679, including some of Caramuel's.[118] And although Alexander VIII would himself condemn a set of 31 Jansenist propositions later in December 1690, the August condemnation of the *peccatum philosophicam* was greatly cheered by the rigorist Jansenist party as well as by a number of Dominicans sympathetic to their cause, such as Jacques-Hyacinthe Serry (1659–1738).[119] The French "secular" theologian Arnauld, from his exile in Brussels, had denounced "philosophical sin" as a

et erroneam, et uti talem damnandam et prohibendam esse, sicuti damnat et prohibet ita ut quicumque illam docuerit, etc." The topic really evolved into a major issue among all authors of the beginning of the eighteenth century: Pierre Bayle and Leibniz dedicated important passages to it. See the texts in Leibniz, G. W., *Textes inédits d'après les manuscrits de la Bibliothèque provinciale de Hanovre*. Ed. G. Grua, vol. I. Paris, Presses Universitaires de France 1948, p. 235–240, who quotes the text of the condemnation (p. 239–240; now in Ak. VI 4 C, p. 2690–2700), with a partial English translation in "The Philosophical Sin Controversy". In: *The Art of Controversies*. Transl. & ed. M. Dascal, with the collaboration of Q. Racionero – A. Cardoso. Dordrecht, Kluwer 2006, p. 305–308. Leibniz quoted explicitly the Dijon thesis (p. 2690–2691): "Peccatum philosophicum seu morale est actus humanus disconveniens naturae rationali et rectae rationi, theologicum vero mortale est transgressio libera divinae legis. Philosophicum quantumvis grave est in illo qui Deum vel ignorat vel de Deo actu non cogitat, est gravum peccatum, sed non est offensa Dei, neque peccatum mortale, dissolvens amicitiam Dei, neque aeterna poena dignum".

118 The standard reference work with all the documentation leading up to the 1690 climax remains Döllinger. J. J. I. von – Reusch, Fr. H., *Geschichte der Moralstreitigkeiten in der römisch-katholischen Kirche seit dem 16. Jahrhundert*. Nördlingen, Beck 1889; see also Ceyssens, L., Van de veroordeling der 65 lakse proposities in 1679 naar de veroordeling van de 31 rigoristische proposities in 1690. In: *Miscellanea moralia in honorem Eximii Domini Arthur Janssen*, vol. I. Louvain, Nauwelaerts 1948, p. 77–109; Quantin, J.-L., Le rigorisme: sur le basculement de la théologie morale catholique au XVII[e] siècle. *Revue d'Histoire de l'Eglise de France* 89, 2003, p. 23–43; and more recently, an impressive reconstruction of this debate by Gay, J.-P., *Morales en conflit. Théologie et polémique au Grand Siècle (1640–1700)*. Paris, Éd. du Cerf 2011, with a very complete bibliography of most histories of early-modern moral theology.

119 Anon. [J.-H. Serry], *Les véritables sentiments des Jésuites touchant le péché philosophique* (Cologne, 1690). On these Dominican-Jansenist alliances, see De Franceschi, S. H., *La Puissance et la Gloire. L'orthodoxie thomiste au péril du jansénisme (1663–1724)*. Paris, Nolin 2011.

"new heresy" consisting of defining moral life without reference to God, in a vibrant volume published one year earlier (1689).[120]

The debate about "philosophical sin" has rightly been considered as one of the most significant moments of the early-modern "secularization" of theological concepts: as Marcelo Dascal puts it, "far from concerning a marginal issue, the philosophical sin controversy touches the core of theological-political intelligibility – the question being not only whether there can be moral rectitude outside of Christianity, but also whether a strictly philosophical ethics is possible".[121] If atheists are capable of committing "philosophical sins", then they can also be virtuous without directing explicitely their moral life towards the Christian God. The problem of the "virtuous atheist", dear to Pierre Bayle (1647–1706) and to other figures of the pre-Enlightenment, finds its entire conceptual framework in this doctrinal controversy. It was thus important to reconstruct its exact origin, and all prominent historians of the concept of *peccatum philosophicum*, in particular Thomas Deman (1899–1954), Lucien Ceyssens (1902–2001), Hugues Beylard (1904–1987) as well as more recently Jean-Pascal Gay (2011),[122] have relied on late seventeenth-century discussions and institutional documents and concluded that the invention of *peccatum philosophicum* was linked to a thesis defended by a rather obscure French Jesuit, François Musnier (1642–1711), in the very provincial college of Dijon in 1686. The controversial thesis claimed indeed that a sin is theological when it offends God, and philosophical when it offends right reason, and that it was quite ordinary for man to violate moral law without in the same time offending God. However, by focusing their attention on the institutional documents and not on the content of academic

120 Arnauld, A., *Nouvelle hérésie dans la morale, dénoncée au pape et aux evesques, aux princes et aux magistrats*. Cologne, N. Schouten 1689. Arnauld certainly gave a broader audience to the debate outside scholastic circles, but it is exagerated to speak of an "invention of philosophical sin by Arnauld' (Gay, J.-P., *Morales en conflit*, op. cit., p. 317). As I have laboured to show in this study, the intra-scholastic debate about different types of sinning made the concept controversial already several decades earlier.

121 Dascal, M. (ed.), *G. W. Leibniz, The Art of Controversies*, op. cit., p. 305.

122 The standard article on philosophical sin is Deman, Th., Péché. IX. Le péché philosophique. In: *Dictionnaire de théologie catholique*, vol. XII. Paris, Letouzey & Ané 1933, col. 255–273; Beylard, H., Le péché philosophique. *Nouvelle revue théologique* 57, 1935, p. 591–616, 673–698. See also Scholz, F., *Benedikt Stattler und die Grundzüge seiner Sittlichkeitslehre unter besonderer Berücksichtigung der Doktrin von der philosophischen Sünde*. Freiburg im Breisgau, Herder 1957; Ceyssens, L., Autour du péché philosophique. *Augustiniana* 14, 1964, p. 378–425 (repr. in Id., *Jansenisca Minora*, vol. IX, Mechelen, Imprimerie Saint-François 1966, n° 71, p. 1–50) and Gay, J.-P., *Morales en conflit*, o.p., p. 318–334. Older studies include Reusch, F. H., *Der Index der verbotenen Bücher. Ein Beitrag zur Kirchen- und Literaturgeschichte*, vol. II/1. Bonn, Cohen 1885, p. 536–539; and the insightful and forgotten article by the famous American civic reformer and historian of the Inquisition Henry Charles Lea (1825–1909), Philosophical Sin. *International Journal of Ethics* 5, 1895, No. 3, p. 324–339.

lectures and textbooks, all these historians overlooked the fact that not only the concept but also the expression *peccatum philosophicum* is in reality much older. Arnauld himself was certainly right when he claimed that the doctrine was the result of a general trend in contemporary theology going back to the sixteenth-century developments on natural law and the thesis of "invincible ignorance", defended very often in order to account for the morality of pagans or American natives: they are ignorant of God, but nevertheless commit sins because they have cruel rituals.[123] The French Jesuit Georges de Rhodes (1597–1661) – often credited as a direct inspiration for the teacher of the Dijon thesis – clearly argued this point, claiming that the "offense of those who ignore God or divine prohibition is a moral sin, but not an offense towards God, i.e. a mortal sin".[124]

The exact vocabulary of *peccatum philosophicum* emerged when the classical scholastic technique of distinction was applied to the notion of malice. Domingo de Soto, in his famous commentary to the Epistle to the Romans, had already clearly spoken of a *peccatum naturale* that does not have the true character of "fault" (*culpa*) if we were to admit that no God existed or that he had not spoken.[125] And as we have seen above, all early modern scholastics, when commenting on Aquinas' distinction between the "theological" and the "philosophical" treatment of sin (*In Iam-IIae*, q. 71, a. 6), developed some form of distinction between malice against reason and malice against God. Lugo for instance distinguished the sin's *gravitas theologica* from its *gravitas moralis*,[126] and identifies a form of *malitia contra rationem* or *malum*

123 Arnauld, *Nouvelle hérésie*, p. 9–10. Arnauld refered in particular to the work by the Liège-based English Jesuit Anthony Terill (1623–1676) and to his *Regula morum sive tractatus bipartitus de sufficienti ad conscientiam rite formandam regula in quo usus cuiusvis opinionis practice probabilis convincitur esse licitus*. Liège, J. M. Hovius 1677.

124 Rhodes, *Theologia scholastica*, tract. 4, q. 1, sect. 1, vol. I, p. 390: "Peccatum morale in iis qui Deum vel omnino ignorant, vel non actu considerant, vere nihilominus peccatum est grave, sed nullo tamen modo est Dei offensa, neque peccatum mortale dissolvens Dei amicitiam, neque dignum aeterna poena". On Rhodes as an inspirer, see already Mabillon, J., Letter 213 to Ludovico Sergardi. Paris, 12 March 1690. In: *Correspondance inédite de Mabillon et Montfaucon avec l'Italie*. Ed. M. Valéry. Paris, Jules Labitte 1846, p. 230: "Nondum vulgata est responsio ad retractationem peccati philosophici, cuius dotrina expressis terminis traditur a Patre Georgio de Rhodes, qui auctores eiusdem sententiae laudat de Lugo, Ponink [*sic*, obviously De Coninck], Lessium et Henriquez". Since the days of Mabillon, the reference to Rhodes and Lugo has been continuously repeated by historiography, especially by H. Beylard, "Le péché philosophique", op. cit., p. 676–677.

125 Soto, *In epistolam ad Romanos*, p. 130a: "Si enim per impossibile (ut impietas absit & blasphemia verbo) nullus esset nobis superior neque Deus quidem, qui iure creationis subditum habet humanum genus & nihilominus suapte natura rationis vi polleret, certe facere contra, quam ratio dictat, licet peccatum quidem esset naturale, rationem tamen verae culpae nullam haberet."

126 Cf. Lugo, *De Incarnatione*, disp. 5, s. 5, § 74, p. 88a.

moraliter.[127] Equally, Rodrigo de Arriaga (1592–1667), the famous Spanish-born Jesuit from Prague and another acquaintance of Caramuel, commented on the text of Thomas Aquinas in his treatise on human acts (1644) by using an expression very reminiscent of Caramuel's, speaking of the *peccatum philosophice sumptum*[128] in order to describe evil acts without any reference to divine prohibitions. Pietro Sforza Pallavicino (1607–1677), with whom Caramuel entertained a close relationship during his Roman years, aptly summarized all these debates, and noted that probably even Suárez and especially Juan de Lugo had promoted a distinction between two types of sin, the *peccatum grave philosophice* and the *peccatum grave theologice*, depending on the level of ignorance of God of those who committed them.[129] In the second part of the century, the expression *peccatum philosophicum* was commonly used in theses defended in the Jesuit College of Louvain,[130] and a local distinguished Scotist such as Willem Herincx (1621–1678) was certainly thinking of them when he recorded the "novelty" of the expression, in his own treatment of the question whether the *aversio Dei* is implicitly or not contained in every form of sin. He writes: "sins that are committed against the dictate of right reason, independently of any reference to divine

127 Cf. Lugo, *De Incarnatione*, disp. 5, s. 5, § 72, p. 87a.

128 Arriaga, R., *Disputationes theologicae in primam-secundae D. Thomae tomus primus, sive universi Cursus theologici tomus tertius, qui continet tractatus de actibus humanis, de passionibus animae, de habitibus et virtutibus, de vitiis et peccatis*. Antwerp, ex officina Plantiniana 1644, disp. 19 ("Unde sumatur obiecti moralitas"), § 56–57, p. 216–217: "Secunda pars nostrae sententiae sit: etiam sine lege aeterna Dei potest intelligi actio mala moralis seu peccatum philosophice sumptum". This passage had already been highlighted by the Louvain Jesuit's collection of sources on the *peccatum philosophicum*: *Philosophistae, sive excerpta pauca ex multis libris, thesibus, dictatis theologicis, in quibus scandalosa et erronea philosophismi doctrina nuper damnata, per centum et amplius annos a theologis Societatis Jesu tradita ac per omnes fere Europeae provincias longe lateque disseminata.* S.l., s.n. <Louvain> 1691, p. 8. They started their collection with excerpts from Juan de Lugo.

129 Sforza Pallavicino, *In Iam-IIae,* disp. 9, q. 1, a. 5, § 1, p. 263a: "Franciscus Suarius et Cardinalis de Lugo putarunt sine cognitione Dei fore tantummodo peccatum veniale quod vocant aliquando *grave peccatum philosophice* quia est graviter contra naturam rationalem, sed non *grave theologice*, quia non privat hominem gratia et amicitia divina, et hoc peccatum dicunt remansurum si Deus non esset"; Rhodes, *Theologia scholastica*, tract. 4, disp. 1, q. 1, s. 1, p. 388a–389b opposes the *peccatum moralis* and the *peccati consideratio quae dicitur theologica.*

130 This evolution is again well documented in the *Philosophistae*-volume published by the Louvain Jesuits (see note 127 above). Besides the adverbial forms *peccatum philosophice sumptum*, the first explicit occurrences of the syntagma *peccatum philosophicum* seems to appear in the theological tractates of the French Jesuit Jean Martinon (1586–1662), *Disputatio de peccatis*, in Id., *Disputationes theologicae quatuor tomis distinctae quibus universa theologia scholastica clare, breviter et accurate explicatur. Opus posthumum*, disp. 15, s. 1, § 8. Paris, S. Cramoisy 1663, p. 190b: "Superest tantum observare, dupliciter hanc diffomitatem <actus cum obiecto> spectari posse. Primo, quatenus repugnat naturae rationali, ut tali, et sic dicitur peccatum philosophicum, quia sub ea ratione consideratur a philosophis moralibus. (…) Secundo, prout repugnat legi Dei pro suo iure exigentis oppositum, & sic dicitur offensa Dei, vel iniuria, & peccatum theologicum". Cf. *Philosophistae*, p. 8.

law, are called by some authors (*a quibusdam*) philosophical sins; hereby they wish to signify that theological sin or sin in its theological aspect must be drawn from its reference to divine law".[131]

It is always hard and risky to issue a precisely dated birth certificate to scholastic concepts. But we have discovered that the Scotists had used very similar expressions as early as in the 1630s, and that is was very probably under the influence of these Franciscan – and not specifically Jesuit – debates that Juan Caramuel Lobkowitz systematically used the expression of *peccatum philosophicum* as opposed to the *peccatum theologicum*[132] in his *Moral Theology*. Although the Jesuits, especially those of the Vazquezian school, were famous for holding very intellectualist views of malice and sin, they were probably not the creators of the exact notion of *peccatum philosophicum*. To emerge, it needed a stronger opposition between what is necessary and what is contingent, as expressed in the dualism between the precepts of the First and the Second Table of the Law discussed at length by the early-modern Scotists. From that point of view, the Jansenists were certainly justified in heralding "Caramuel and his friends the Jesuits" in one their numerous satires against philosophical sin,[133] but we have to remember that Caramuel claims to have developed his own theory by taking his inspiration from John Duns Scotus.

131 Herincx, W., *Summae theologicae et moralis (…) pars secunda*, disp. 5, § 4. Antwerp, P. Bellère 1660, p. 138b: "Peccata vero, quae omni lege divina seclusa committerentur contra dictamen rationis naturalis dictantis ea esse mala, appellantur a quibusdam peccata philosophica; per quod significare hi volunt, peccatum theologicum seu prout est theologicae et christinae considerationis desumendum per ordinem ad legem Dei, juxta ea quae a nobis sunt dicta". He certainly thought of Louvain Jesuits, who indeed used the term, which appears often in theses defended in Louvain in the 1670s, by Antonius a Burgundia (1670) and Ignatius Jonghe (1671). Cf. *Philosophistae*, p. 22–23. Herincx was obviously part of these "Jesuitist" Scotists, as he strongly opposed the Jansenists when he became bishop. No wonder he was also accused of being *thomizans* by later Bohemian Scotists, such as Sannig, *Tractatus VII de actibus humanis*, dist. 3, q. 4, § 2, p. 364a: "ex nostris Herincx, nimium in hoc thomizans…" The expression *peccatum philosophicum* is then widely used by the Scotists: see for instance Sannig, *De peccatis*, p. 395a.

132 TMF 1657, § 540, p. 143; § 547, p. 144: "Venio ad malitiam moralem quam vocamus peccatum: sed quia est duplex, philosophica et theologica, oportet duo genera peccatorum admittere toto coelo diversa: aliud enim est peccare philosophice, et aliud theologice"; TMF 1657, § 548, p. 145: "Et hic obiter noto contra aliquos, qui philosophicas malitias non admittunt, peccata philosophica cognosci et exponi a D. Thoma I-II, q. 71, a. 6, ad 5".

133 "Poème anonyme sur le péché philosophique et le laxisme" (*Nouvelles ecclésiastiques*, 1690, f. 278), quoted by Gay, *Morales en conflit*, op. cit., p. 890: "Ce sont là les âmes bénites / dont l'École des Jésuites / et leur amy Caramuel / doivent un jour peupler le ciel".

Conclusion

Perhaps the most enduring commonplace in histories of moral philosophy lies in the assumption that the passage from the "medieval" to the "modern age" amounts to a shift from "established conceptions of morality as obedience" to new "emerging conceptions of morality as self-governance", as for instance Jerome B. Schneewind has expressed it. On this view, "on the older conception, morality is to be understood most deeply as one aspect of the obedience we owe to God":[134] pre-modern subjects were supposedly unable to see what morality requires and therefore needed commands, threats and rewards. And since the clergy was the main holder of authority, the development of a philosophy socially independent from the Church would be needed in order to arrive at this new celebrated "realm of autonomy" proper to modernity.

Caramuel and other Baroque clergymen would certainly have smiled at their portrayal as fearful, authority-loving pre-modern subjects. Certainly, as most of the Scotists and the Thomists of his age, Caramuel defended a certain form of theological positivism, arguing that theological sins cannot be conceived independently of their divine prohibition. But that was not the end of the story. What interested Caramuel was the *reason* why we obey divine commands – or those, more down to earth, of our abbot in the monastery. If we obey God, it is foremost because what he is commanding is something we actually believe right or just *independently* of God's will. It follows that besides divine obligation, we have to admit "deeper obligation that constrains men *ex natura rei*, and which does not depend on the divine precept and the divine will".[135] Caramuel, the Scotists and the Jesuits were all perfectly conscious of the fact that positive divine law regulated only a small part of our moral life – mainly our exterior actions, but not the rules of morality eternally accessible to our conscience. Only some very radical and marginal friars, as the Bratislava Franciscans, defended a fully voluntaristic and positivistic understanding of the divine law, according to which we would not be able to find moral orientation if God had not imposed his commands on us.

But what contradicts the standard narrative on the history of moral philosophy even more is, that in stressing the autonomy of natural law and

134 Schneewind, J. B., *The Invention of Autonomy*, op. cit., p. 4.

135 PPE 1668, § 302, p. 118b: "Frustra dicimus Decalogi praecepta obligare, nisi praesupponatur obligatio obediendi Deo: nam, vel haec est ante omne Divinum praeceptum, vel non est. Si non sit, nemo habebit obligationem obediendii Deo, cum leges pronuntiet. Si sit, datur quaedam gravis obligatio, obstringens homines ex natura rei, quae a praecepto & voluntate divina non dependet."

human moral reasoning, those scholastics in no way believed themselves to be specifically "modern", but understood themselves as defending the authority of their medieval models. This is very clear among the Scotists and the Thomists, who use the classical scholastic method of *pie interpretari* to grasp the authentic sense of the sometimes intricate texts of the Subtle and the Angelic Doctors. It is even more striking in the case of Caramuel, who clearly presents his own doctrine as the reaping of seeds sown during the twelfth century, "the great period of reflections about *ius divinum* (divine law) and the *ius naturale* (natural law)", as one prominent historian puts it.[136] They believed progress was to be achieved by looking backward, not forward.

SUMMARY

In histories of medieval ethics, Thomists are usually portrayed as intellectualists and Scotists as voluntarists. The typically voluntarist linking of the morality of acts with an obligation towards a superior law is also often seen as the major influence exerted by late medieval ethics on early-modern natural law theories. The present article will challenge this standard narrative by presenting the early-modern scholastic debate on the constitutive characters of sin (*peccatum*), as it was proposed by the Spanish Cistercian Juan Caramuel Lobkowitz (1606–1682). It will reveal that most Thomists advocated in reality a very voluntarist and theocentric definition of sin, whereas many Scotists on the contrary defended a very intellectualist approach. Caramuel and some early-modern Scotists thereby played an important role in the development of a non-theological definition of sin, the *peccatum philosophicum*, which represents a major moment in the development of a strictly philosophical ethics during modernity.

Keywords: scotism, baroque scholasticism, natural law, voluntarism, secularization, history of ethics

136 Iogna-Prat, D., *Order and Exclusion*. Transl. Gr. R. Edwards. Ithaca, NY, Cornell University Press 2002, p. 20.

Augustin Erath's reconciliation of Thomist and Molinist Doctrines on Grace and Free Human Action[1]

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The controversy between Thomism and Molinism on matters of divine knowledge and causation in relation to human freedom is by far the most important intellectual struggle of early modern scholasticism.[2] It has essentially the character of applied logic, which makes it available to modern analytical reconstruction. Much can be learnt from the debate even from a systematic point of view thus enriching contemporary debates on free will and determinism.

Inspired by the Cistercian Juan Caramuel y Lobkowitz (1606–1682), who at one stage of his thinking on the Thomist-Molinist controversy advocated a thesis according to which the differences between the two positions are merely verbal and not substantial, the German Augustinian canon regular Augustin Erath (1648–1719) attempts to resolve the contradictions between

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2 As for primary sources on the controversy, see Domingo Báñez, *Comentarios inéditos a la prima secundae de Santo Tomás, Tomo III: De gratia Dei (qq. 109–114)*. Ed. V. Beltrán de Heredia. Salamanca, Consejo Superior de Investigaciones Cientificas 1948 (1599–1600). See also a concise synopsis of Báñez's mature position in the appendix to the latter edition, "Tractatus de vera et legitima concordia liberi arbitrii creati cum auxiliis gratiae Dei efficaciter moventis humanam voluntatem" (1600), p. 351–420. Luis de Molina, *Liberi arbitrii cum gratiae donis, divina praescientia, providentia, praedestinatione et reprobatione concordia: Editionem criticam*. Ed. I. Rabeneck. Oña, Collegium Maximum Societatis Jesu; Madrid, Societatis Editorialis "Sapientia" 1953 (1588). Throughout the paper "Thomism" refers to the classical predeterminationist stance employing the so-called physical promotion.

For the best current introduction to the topic and the abundant up-to-date literature se Matava, R. J., *Divine Causality and Human Free Choice: Domingo Báñez, Physical Premotion and the Controversy de Auxiliis Revisited*. Leiden – Boston, Brill 2016.

Thomist and Molinist views on the relationship of grace and free human action.[3] In his massive tome (over 600 pages) *Conciliatio Praedeterminationis Physicae, seu Decreti Divini intrinsece efficacis cum Scientia Media, directiva Decreti Divini extrinsece efficacis, Seu Unio Theologica…* he systematically surveys both opposing views and takes a Thomist perspective on the matters, defending predetermination for instance.[4] Our account shall be based on Tractatus III, Membrum I, Puncti II, III, and IV.[5]

In what follows we offer a partial interpretative systematic reconstruction of Erath's attempt to reconcile Thomist and Molinist claims in relation to divine grace and human action. We shall focus on the relation of grace to action, and the different understandings of that relation in Thomism and Molinism.[6] This seems to be a key difference implied by the other differences between the competing accounts identified by Erath. First we shall outline the key differences between the respective theories which Erath's reconciliation attempts to harmonize. Second, we explain Erath's key distinction in predication concerning grace on which the reconciliation is based. Third, we offer three different interpretations of the distinction between the concrete predication of the Thomist and the abstract predication of the Molinist. All three interpretations will initially be found wanting. Fourth, the second interpretation (Interpretation 2) will be revisited and qualified.

3 Dvořák, P., Caramuel's Middle Way between Molinism and Thomism on Future Contingents. *Un'altra modernità. Juan Caramuel Lobkowitz (1606–1682): enciclopedia e probabilismo*. Ed. D. Sabaino, P. C. Pissavino. Pisa, Edizioni ETS 2012, p. 85–96.

4 Augustin Erath, *Conciliatio Praedeterminationis Physicae, seu Decreti Divini intrinsece efficacis cum Scientia Media, directiva Decreti Divini extrinsece efficacis, Seu Unio Theologica, In qua difficultates de Divina Scientia simplicis intelligentiae, Media, et Visionis: Item de Decretis Dei extrinsece vel intrinsece efficacibus seu praedeterminantibus, inter Thomistas et Recentiores hactenus Controversae, ad exploratam mentem utriusque sententiae Authorum, imprimis in utramque partem ex aequo disputantur, et demum demonstrative conciliantur*. Augustae Vindelicorum, Kroniger 1689. For Caramuelian inspiration see the preface "Benevole Lector". Erath's attempt at resolution and his interesting text have been pointed out to me by the independent researcher Patricio Shaw.

5 Augustin Erath, *Unio Theologica*, Tractatus III, Membrum I "Assertiones Positivae Recentiorum et Thomistarum Conciliantur". Punctum II begins from p. 449, Punctum III on p. 453, Punctum IV starts on p. 464, Point V on p. 484. Punctum or Point II lays out contradictory pairs of statements of both competing accounts (12 in total). Point III resolves the first two pairs; Points IV and V each resolve five inconsistent pairs of statements. Since the book is freely available through *Google Books*, the text shall not be cited *in extenso*. This is also on account of the limits on length set by the journal.

6 All parties agree that (actual) grace is necessary for the so-called salutary action, i.e. action leading to the supernatural end of man – the salvation of the subject who performs it. Most of what shall be said in the paper would fit also human action in general and the so-called divine predetermination (which Erath accepts with the Thomists). However, since Erath narrows down the focus on grace, we shall follow his lead and speak about (actual) grace in relation to salutary action.

The concluding reflection evaluates Erath's attempt at reconciliation as ultimately unsuccessful, yet useful in other respects.

Grace and Action

The matter at issue concerns two entities and their relationships: divine decree concerning a particular salutary action of a human subject in time, the action in time itself, and, finally, the question of their logical, ontological and, more specifically, causal relationships.

1) "God wills that Peter does *A* at t_1"

2) "Peter does *A* at t_1"

Since the discussion typically focuses on volitions rather than just any actions whatever, let us reflect this fact in the following statements:

3) "God wills that Peter wills *A* at t_1"

4) "Peter wills *A* at t_1"

According to the Thomist, God causally determines the active potency of Peter's will to will *A* at t_1. This means that, under this divine causal influence, Peter's will necessarily causes its volition of *A* at t_1.[7] In case of salutary human actions the divine volition or decree is realized through a special entity of grace (*auxilium*). The Thomist maintains that grace (for Peter to will *A* at t_1) is intrinsically efficient and thus essentially connected to its terminus, a particular action: Peter's willing *A* at t_1. The Molinist on the other hand regards this connection as accidental because the efficiency is extrinsic, it depends on whether the human cause (Peter) actually causes the action (wills *A* at t_1). Thus grace does not causally determine the action but the action itself determines whether the grace is efficient or not. Grace enables the action as its necessary condition only. The efficient causal determination of the effect, Peter's willing *A* at t_1, comes solely from Peter's will.

So it appears that the Thomist and Molinist accounts offer mutually incompatible statements: "the grace is essentially related to its terminus (action)" versus "the grace is accidentally related to its terminus (action)"; "the grace is intrinsically efficient" versus "the grace is extrinsically efficient"; "the causal

7 Notice that Peter's will still remains a genuine cause of its act, of willing *A* at t_1, albeit a subordinate one and necessarily causing its effect, the particular volition.

determination of the action comes from God through grace (as well as from the agent)" versus "the causal determination of the action comes from the agent". We shall concentrate predominately on the first pair of inconsistent statements, as this pair is implied by the remaining pairs.

Erath's Resolution Based on the Distinction in Predication

Now let us focus on Augustine Erath's resolution of the contradictory pronouncements.[8] A contradiction arises when the same predicate is being at once affirmed and denied of the same thing(s). From this characterization it immediately follows that there are two ways of resolving a contradiction in the sense of showing it to be merely apparent. One way of resolving a contradiction is by showing that what is being affirmed and denied does not concern the same thing(s). The other way is to show that what is being affirmed and denied at the same time is not the same predicate. In resolving the contradiction arising from the contrary statements on grace and human action from the Thomist and the Molinist, Erath uses the former strategy. It is based on a key difference concerning two ways to consider the entity of the divine decree. Let us say we have a decree which makes the statement

3) "God wills that Peter wills *A* at t_1"

true. The decree can be considered as such (in abstract or fundamentally in Erath's terminology) without taking note of its terminus. This is to understand the decree as a mere volition without reference to the specific temporal action of Peter, i.e. Peter's willing *A* at t_1. Considered in such a light, the decree can be combined with Peter's action or with the lack thereof.

Now one might object that the product of such a consideration, the volition without a specific terminus, is merely a logical entity, a universal concept whose universal content is, *qua* universal, incapable of being realized in reality. The latter contains only specific volitions determined by specific termini (e.g. Peter's willing *A* at t_1). In a similar way one could form the universal concept of animality which as particular cannot exist in reality without *some* specific difference. Animality existing in reality within a definite individual is always accompanied by some specific difference: the difference *rational* or some other (non-rational) animal difference, for instance that which differentiates cats from all other animals.

But what is more, a *particular* animality (existing in e.g. human individual) cannot be accompanied by difference other than that which actu-

8 See Punctum III, p. 453 ff.

ally determines it. If one could, *per impossibile*, isolate a *particular* animality from its difference *rational*, one could never combine it with another difference, for example that constitutive of cats. To put it differently, there is no possible world in which animality, existing within a particular individual in one world, is combined with another specific difference to form a different individual of a different animal species. Now comes the argument by analogy: just as a particular animality apart from its specific difference cannot be considered to be part of the real world, so too a particular volition cannot exist apart from its specific terminus.[9] In other words, when we consider divine decree without its specific terminus, we do not consider anything real, but only a general concept, that of divine volition.

So, in a nutshell, if the decree is to be part of the real world it cannot be separated from its *specific* terminus (not just *some* terminus or other). This is what the objector maintains. Regarding it as inseparable from the terminus of a definite type is the second way of considering the divine decree distinguished by Erath: it is seen as concrete and taken reduplicatively, that is, *qua* its terminus, the specific temporal action. In other words, for the objector the decree is essentially connected to the terminus: Not only is there no possible world containing the particular decree without *any* specific terminus, but there is no possible world in which there is the decree with any specific terminus *other* than that to which it actually refers.

To state Erath's position succinctly: he accepts the former (the decree must have *a* terminus), but denies the latter (it does not have to have *the* terminus). The key point for Erath is that even in the first way of considering the divine decree, i.e. in abstraction from the terminus, the decree can be something real. The hypothetical objector is wrong in denying that. Rather than resembling an essential composition of a (particularized) generic feature combined with a specific *differentia*, there is a better analogy to view the relationship of the decree to its terminus: the decree is like a particular substance with some metaphysical accident attached to it which also happens to be a logical accident, that is, a contingent feature of the substance.[10] For instance, a wall which is painted white is constituted by the

9 We are denying that some particular animality, e.g. that of Peter, can be combined with a specific difference other than "being rational". What we say has no bearing on the question whether this particular animality can be combined with the difference "being rational" which is to be found in some different individual of the same species, e.g. Paul. We are not even assuming that the question is genuine and thus has an answer. The question seems to be genuine when one considers the analogue to a particular animality represented by a particular volition. Can an individual volition be related to a numerically different terminus, another token of the same type of action belonging to Peter? The answer seems "no". Luckily, we do not have to resolve the issue here.

10 Punctum III, p. 459–460.

wall and its whiteness. While under the description "white wall" the wall can never be but white (there is no possible world in which a white wall is not white), the wall as such can be considered without the specific colour: There is a possible world in which the wall has a different colour than that it actually has. Obviously, the particular wall cannot be considered without any specific colour in the sense of not having any colour at all. The referent under the expression "white wall" is concrete and reduplicative (the wall *qua* white), that without any specific colour is fundamental and abstract. It is clear by now that "abstract" in Erath's use within the particular context of the debate does not imply "universal", neither does it mean "without any form", but can be rendered as "without the form",[11] whether this be an accident or a terminus.

For Erath then, in the same way as the wall is white in the actual world and, say, green in some other possible world, there can be a particular divine volition in reality (in the actual world) combined with a specific terminus (Peter's willing *A*) and, in some other possible world, *the very same* particular volition can be combined with a different specific terminus; namely, the contrary one (Peter's not willing *A*).[12]

Now Erath acknowledges that the relationship between the divine decree (divine volition) and the terminus, Peter's willing at a definite time, is not contingent to the same extent as the colour of the wall is contingent or accidental to the wall as such.[13] To spell the difference out, let us use the language of possible worlds again. We need to add a temporal dimension to possible worlds: From now on each world contains a temporal extension consisting of ordered time instants. The decree-terminus conjunction stays constant in the temporal dimension, i.e. from time to time within a world, but changes in the dimension of possible worlds, from world to world. Within any possible world there is no time in which a particular volition existing in the world is not accompanied by its specific terminus. But the very same volition may refer to different specific termini in different worlds. So unlike the white wall which can change its colour over time, the divine decree is essentially

11 "Form" is taken very broadly here to cover also a relation to a terminus.

12 We are speaking about the real terminus here, not only the intentional one. In human affairs one can distinguish Peter's willing that Tom comes home (intentional terminus) and Tom's coming home (real terminus). The former can occur without the latter. In contrast, on Erath's terms, a divine volition can be characterized by the relationship to a specific intentional terminus in some possible world only if there is the real correlate of the terminus. One and the same divine volition can be the volition that A be the case (intentional terminus) in one world (*A* is the case in that world) and the volition that B be the case (intentional terminus) in another (B is the case in that world).

13 Punctum III, p. 460, § 1220, § 1221.

connected to its terminus in that it cannot change its terminus over time. "Essentially" here means "temporally necessarily".

Although Erath does not say so, we might add that the view that the decree can in reality be detached from its terminus gains support from the common teaching on divine simplicity and immutability, a position accepted by the Thomist. Because God is metaphysically simple, the decree is identical with God. If the decree were undetachable from its terminus, God would change in modal contexts: God can will various mutually exclusive things. In a possible world in which God wills something different from what he wills in the actual world a different decree would be identical with God compared to the decree in the actual world. The solution is to say that there is just one decree and the termini might differ. Consequently, the relation of the decree to its terminus is only rational, not real.

Now we are in a position to appreciate how the distinction according to which a divine decree can be taken in abstract and in concrete resolves the contradiction between the doctrines of Thomists and Molinists. Recall that the Thomist maintains that grace is intrinsically efficient and thus essentially connected to its terminus, a particular action; the Molinist on the other hand regards this connection as accidental because the efficiency is extrinsic, depending on whether the human cause actually causes the action which is the terminus of the decree.

One can bring the substantial aspects of the difference out rather crudely by considering two statements,[14] "There is a grace for *S* to perform *A*" and "*S* performs *A*", and the "being implied by" relationship of the latter to the former. Is there such a relationship? The Thomist says "yes", the Molinist "no". For the Thomist, grace is essentially related to action: "There is a grace for *S* to perform *A*" necessarily implies "*S* performs *A*". In other words, necessarily, the occurrence of grace is a sufficient condition for the performance of the action. Or, what comes to the same thing, any possible world containing the specific grace contains the action as well. The Molinist denies this. For him it is possible that the antecedent be true, but the consequent false. This means that there can be graces which are not effective by themselves (i.e. intrinsically). Such graces are not followed in reality by the action. Therefore, in the Molinist doctrine, grace is only accidentally related to its action. On the other hand both the Molinist as well as the Thomist would accept the reverse implication as necessary. For both schools of thought, necessarily,

14 The consideration is crude or in a sense approximate because we are effecting a reduction of the intricate causal relationships between *x* and *y* to a mere co-occurrence of *x* and *y*. This seems justified as Erath himself uses essentially the same reduction strategy explicating "*x* applies *y* to causing *z*" in terms of co-occurrence of *x* and *y* causing *z*, see Punctum IV, p. 467, § 1244.

grace is a necessary condition of action. This is to say that without grace there could be no action.

If one regards the occurrence of divine grace as merely an outward manifestation of the divine decree, the latter being internal to God, as Erath does, then it is possible to resolve the contradiction between the two positions in the following way: There is no contradiction, because contradictory predicates are not being predicated of the same thing. These contradictory predicates are "being essentially connected to the specific terminus" and "being accidentally connected to the specific terminus". While the Thomist predicates of grace (divine decree) taken in concrete, the Molinist attribution concerns grace in the abstract. Both statements are then true: divine grace essentially implies the action when considered in concrete, but it is related to action only accidentally when taken in abstract.[15]

How are we to understand this? We shall introduce several interpretations. In doing so we will follow some false leads, ultimately settling on an interpretation which is the most faithful to Erath's project of reconciliation.

Interpretation 1

Recall that the issue of contention was the necessary implication:

It is necessarily the case that "There is a grace for *S* to perform *A*" implies "*S* performs *A*".

The Thomist regards it true, the Molinist false. Now Erath could be interpreted as saying the following: The implication is necessary in the temporal sense and only in this sense. This is the sense of necessity sufficient to express the Thomist position and not excessively strong for the Molinist to accept too. Consequently, The Thomist is right in regarding the connection of grace and action essential, but wrong in interpreting "essential" as "broadly logically necessary".[16] The true meaning of "essential" as applied to the conjunction of grace and action is "temporally necessary". The Molinist is right in regarding the connection of grace and action accidental, i.e. "broadly logically contingent". However, "accidental" cannot mean "temporally contingent", changeable.[17] So the conjunction of grace and action is at once essential as well as accidental.

15 see Punctum III, p. 455–456, especially § 1205.

16 Throughout the paper I use Plantinga's well-known notion of broadly logical modality, see Plantinga, A., *The Nature of Necessity*. Oxford, Oxford University Press 1974, p. 2.

17 This means that the implication "If there is a grace for *S* to perform *A*, then *S* performs *A*" cannot change its truth-value over time. In any possible world it is either true in every time-instant

On Erath's view, the Thomist predicates in concrete, correctly maintaining the essential nature of the connection between grace and action. The concrete predication of grace could be brought out by the following statement:

(C1) For any world, either for every time instant if there is a grace for *S* to perform *A*, then *S* performs *A*, or for every time instant it is not the case that if there is a grace for *S* to perform *A*, then *S* performs *A*.

A note of clarification: In saying that *S* performs *A*, we assume that the performance of *A* takes place at a definite time-interval. This is something different from saying that the statement about *A*'s being performed is true at some time instant (or every time instant for that matter). The statement C1 excludes temporal contingency (changeability of truth value in time) of the implication "if there is a grace for *S* to perform *A*, then *S* performs *A*". It states that in any world it is either temporally necessary, or temporally impossible. It does not change its truth value (true or false) in time. What would it mean for the implication "if there is a grace for *S* to perform *A*, then *S* performs *A*" or its negation to change its truth value in some world? It would mean that there is a time instant at which the consequent is true in that world and a time instant at which it is false while the antecedent is true at both instants. The sole purpose of C1 is to exclude this scenario as possible. Hence, the unchangeability of truth value is broadly logically necessary (see "For any world…"). In contrast, the implication "for any *t*, if *x* is a wall, then *x* is white" is not broadly logically necessarily true: at one instant "*x* is a wall" and "*x* is white" are both true, at another the latter statement is false.

On the other hand the Molinist predicates in the abstract, correctly affirming the accidental status of the grace-action connection. This means that she affirms that the implication at stake is broadly logically contingent rather than necessary. In other words she denies the following statement:

(A1) For any world, if there is a grace for *S* to perform *A*, then *S* performs *A*.

Since there can be worlds in which the antecedent is true, and the consequent false, the statement is false.

Although having some basis in Erath's writing, the interpretation just expounded has serious flaws. As it is denied that the implication "if there is a grace for *S* to perform *A*, then *S* performs *A*" is broadly logically necessary,

or false in every time-instant. The falsity option is allowed by the implication not being broadly logically necessary on this interpretation.

the interpretation seems to uphold the position of the Molinist and denies that standardly attributed to the Thomist for whom the decree (grace) is a logical sufficient condition for the action. Thus it does not grant both parties their truth. Also, the interpretation does not seem to take seriously that the dichotomy between concrete and abstract predication is based on the way the decree (grace) is considered – with or without the terminus.

Interpretation 2

Let us try another interpretation based on the two distinct considerations of the divine decree. Take the sentence

"The white wall is white".

In the concrete reading it is true in every world if it makes a statement in that world at all. It has the following tautological sense: "the wall, which is white, is white". With this meaning, it is clearly true in every world in which "the wall which is white" refers. Since white walls are not necessary beings, there are worlds in which "white wall" does not refer, and no statement is made by the sentence. In contrast, the abstract reading might be true or false: "the wall, which is white in the actual world *w*, is white". Supposing it makes a statement (the particular wall exists in the actual world as white and it also exists in the world in which the statement is evaluated), it might be true or false depending on the colour of the wall in the world in which the statement is made.

Let us bring the white wall sentence example closer to our implication above by converting the two readings of the sentence into implications:[18]

For any *x*, if *x* is the white wall, then it is white.

For any *x*, if *x* is the white wall in the actual world *w*, then it is white.

It is clear that the former statement is broadly logically necessarily true while the latter is contingent in the same sense. A thing, which could be characterized as the only white wall in the universe of discourse, in a particular world, is white in that world. In contrast, a thing which is the only white wall in the universe of discourse within the actual world, may turn out to have some

18 We might or might not preserve the referential status of "the white wall". In other words, we could symbolize the sentence "$\forall x\, \exists y\, ((x = y \wedge Fy \wedge \forall z\, (Fz \rightarrow z = y)) \rightarrow Gx)$" or "$\forall x\, ((Fx \wedge \forall y\, (Fy \rightarrow y = x)) \rightarrow G\, x)$". The same, *mutatis mutandis*, applies to the second statement.

different colour in some of the non-actual worlds. In such a case, the antecedent is true, but the consequent false.[19]

Now let us consider the parallel statements:

(C2) For any *x*, if *x* is the grace for *S* to perform *A*, then *S* performs *A*

(A2) For any *x*, if *x* is the grace for *S* to perform *A* in the actual world *w*, then *S* performs *A*

Both statements speak of grace. Let "*x*" be a variable ranging over graces. The former statement (C2) expresses the reading in concrete and is broadly logically necessarily true according to Erath. Any grace, specified in some possible world by a particular terminus, implies that the terminus exists in that world. This is true on account of unimpedable divine will. In contrast, the latter statement (A2) is not broadly logically necessary, but broadly logically contingent. A grace, specified by a terminus in the actual world *w* (or, more generally, in a world w_1) does not imply the existence of the terminus in some other world w_2. So, according to Erath, in characterizing grace as essentially connected to the action, the Thomist speaks of grace in the sense C2. In contrast, the Molinist upholds the sense A2: grace is accidentally connected to its terminus.

Notice that in order for the distinction to be useful, i.e. for the statements to have different modal status, "the grace for *S* to perform *A*" must be a non-rigid designator.[20] This means that any *x*, any grace in principle, could play the role of being the grace for *S* to perform *A*. What if the designator were rigid? In that case "the grace for *S* to perform *A*" would refer to one particular grace being numerically identical in every world in which this grace exists. If this were so, then the implication would be broadly logically necessary also in the latter, abstract sense (if it is logically necessary in the concrete sense as Erath seems to hold).[21] The two readings now become:

19 In case there is no *x* in the world of evaluation which would be the white wall in the actual world, then the antecedent is false (we are assuming a non-referential reading of "the white wall") and so the implication as such is true regardless of the truth-value of the consequent.

20 The expression "rigid designator" originates with S. Kripke (Kripke, S., Identity and Necessity. In: *Identity and Individuation*. Ed. M. K. Munitz. New York, New York University Press 1971, p. 135–164; Kripke, S., *Naming and Necessity*. Cambridge, Mass., Harvard University Press 1980). For introduction to the distinction between rigid and non-rigid designation and related literature see Joseph LaPorte, "Rigid Designators", *The Stanford Encyclopedia of Philosophy* (Spring 2016 Edition). Ed. Edward N. Zalta, URL = <http://plato.stanford.edu/archives/spr2016/entries/rigid-designators/>.

21 The expression "the grace for S to perform A" would logically behave as "H_2O" in Kripke's theory of meaning of natural kind terms. "If there exists the grace for S to perform A, then S performs A" would be broadly logically necessary as "if this is H_2O, it contains oxygen".

Concrete
If there exists the grace for *S* to perform *A*, then *S* performs *A*

Abstract
If there exists an entity *g* which is numerically identical to the entity, existing in the actual world *w*, which is the grace for *S* to perform *A*, then *S* performs *A*

Thanks to the rigidity of "the grace for *S* to perform *A*", the entity *g* named by the expression (existing in some world) which is identical to the grace for *S* to perform *A* in the actual world is the grace for *S* to perform *A*. Since divine graces (as divine will) are unimpedable in their effectivity in Erath's thought, *S* performs *A* in any world containing *g*.

Using current semantic distinction between rigid and non-rigid designator, Erath's thesis that grace in relation to its terminus does not resemble particular animality combined with some specific difference but rather a white wall which could be non-white, might be stated in the following way: "the grace for *S* to perform *A*" is non-rigid, so the abstract reading "if there is an entity which is the grace for *S* to perform *A* in the actual world *w*, then *S* performs *A*" amounts to a broadly logically contingent statement.

There is a pretty convincing reason for Erath's thesis that "the grace for *S* to perform *A*" cannot be rigid in the form of *reductio ad absurdum*: Erath maintains that graces for subjects to perform actions are necessarily equivalent to divine decrees for the same. Then there is the implication of divine simplicity discussed above: divine decrees as divine volitions are necessarily identical with God himself. But God is a broadly logically necessary being. Therefore graces are ultimately necessary entities too (existing in every world). Assume that "the grace for *S* to perform *A*" is rigid, then, as graces are necessary entities, "the grace for *S* to perform *A*" is strongly rigid. This means that the grace for *S* to perform *A* exists in every world and thus *S* performs *A* in every world. But this is manifestly false. So the assumption must be denied, "the grace for *S* to perform *A*" is non-rigid: graces are necessary entities, but they do not play the role of being the grace for *S* to perform *A* in every world.[22]

22 The conclusion that graces (taken fundamentally) are broadly logically necessary entities seems to follow from Erath's treating grace on a par with divine decree (as necessarily equivalent). This could ultimately constitute *a reductio ad absurdum* for Erath's position as such (in case there cannot be created, causally active broadly logically necessary entities on Erath's ontological framework). However, we shall not pursue this line of thought further.

Now let us ask whether Erath's solution is genuine in the sense of being faithful to both positions to be reconciled. The answer seems to be negative. The Molinist position appears to be seriously misrepresented here. For it seems that the Molinist cannot agree that the implication read in the concrete sense is broadly logically necessary. It does not solve his problem to say that the same grace as that which makes *S* do *A* could be combined with *S* not doing *A if* it plays the role of being the grace for *S not* to perform *A*. That is, the contingency of the abstract reading does not appear to be enough. What seems to be needed is contingency also in the concrete sense: the same grace as that which makes *S* do *A* may be combined with *S* not doing *A even when* it plays the role of being the grace for *S* to perform *A*. The Molinist allows there to be the possibility of "there is the grace for *S* to perform *A*" to be true and "*S* performs *A*" false. So, contrary to what Erath assumes, the Molinist predication of grace being accidentally related to the terminus does not appear to primarily concern the predication in abstract, but that in concrete (in the sense which "concrete" is given in Interpretation 2). Interpretation 3 will attempt to pursue this line of thought and devise a different interpretation of the concrete predication.

Interpretation 3

Even though I think Interpretation 2 comes close to what Erath has in mind (and we shall explore the question whether Molinism really gets misrepresented in Interpretation 2 below), perhaps one could stretch Erath's words and devise an interpretation which would solve the aforementioned Molinist requirement.

We know that according to Erath, the Thomist makes grace the subject of concrete predication and the Molinist the subject of abstract predication. The abstract sense of predication expresses that the connection of action to grace is accidental (contingent). So, it seems that if the Molinist view is to be represented correctly, the denial of necessity must involve the implication

For any *x*, if *x* is the grace for *S* to perform *A*, then *S* performs *A*.

Recall that this very implication expressed the concrete sense of Interpretation 2, affirming the implication's broad logical necessity, but the abstract sense of Interpretation 1, denying its broad logically necessary status. Thus, once again, we return to Interpretation 1. In contrast to Interpretation 1, however, we must devise a different reading of the concrete sense; a reading more in line with the two contrastive considerations of decree (grace) lying behind the distinction in predication. Only by achieving this, the new inter-

pretation (let us call it Interpretation 3) could constitute a genuine advance over Interpretation 1 on which it is based. Let us embark on this task.

The kernel of Erath's solution consists in the distinction between the two senses of predication, the claim that while the Thomist predicates of grace in the concrete, the Molinist does so in the abstract, and the accompanying modal status: The concrete predication should be necessary in some sense and the contrastive abstract predication ought to be contingent in the *same* sense.[23] I suggest that the sense in which we use the modals is broad logical modality. While the concrete sense is broadly logically necessary, the abstract sense is broadly logically contingent. On the present interpretation, through the concrete sense the Thomist points to the rather trivial necessary fact that *utilized* graces imply the actions towards which they are intended (and not others). This might be the analogue to the trivial observation that a particular white wall is white (and not of some different colour). The expression "for *S* to perform *A*" in "The grace for *S* to perform *A*" refers to the function the grace essentially (i.e. broadly logically necessarily) has without implying that the function is necessarily realized. The grace with its essential function might or might not be utilized by the subject. Thus Interpretation 3 assumes that a particular grace, offered by God for the performance of a certain task, might be utilized or not. So what we need to express (as the concrete sense of the present Interpretation 3) is this essential relationship of grace to a particular action, not that the action necessarily takes place given the grace (the latter being the concrete sense of Interpretation 2 *prima facie* at odds with Molinism). We might do that by saying that, broadly logically necessarily, given the grace and any action of the subject (at the required time), it is the action for which the grace is given and not another:

For any *x* and any *Y*, if *x* is the grace for *S* to perform *A* and if *S* performs *Y*, then $Y = A$.[24]

23 This was not the case in Interpretation 1. The abstract reading was contingent in the broadly logical sense, the concrete understanding was necessary in the temporal sense.

24 One might wonder whether the saying "utilized graces imply their actions" is correctly represented by the claim stating that given grace for a specific action and any action performed at the time, it is the specific action which is performed. More precisely, is "utilized grace" correctly represented here? Perhaps it would be more accurate to represent the idea by the trivial implicative statement that given the grace and the specific action, there is the specific action. "Utilized grace" as represented here means "grace which is accompanied by an action" which turns out to be the specific action of the grace.

This interpretation of the concrete sense divorces intentional terminus from the real one: there could be a grace to perform *A* (intentional terminus) in some world without *A* being performed (real terminus). Thus it does not match Erath's position.

While "*A*" is a constant, "*Y*" is a variable ranging over actions.[25]
Recall that Interpretation 2 seemed to have misrepresented Molinism in order to resolve the contradiction between the two doctrines. Now it looks as though Interpretation 3 in turn misrepresents Thomism (as did Interpretation 1). Is it not essential for Thomism to regard the statement that grace implies its action as broadly logically necessarily true? In other words, is Thomism ultimately not theological compatibilism in which eternal divine decree or divine grace serve as a *sufficient* condition for human action in time? It looks as though we have reached an impasse here because it seems that a necessary condition for any successful reconciliation of two or more positions (i.e. showing that their inconsistency is only apparent) is a faithful representation of these positions. So if Erath's reconciliation has to have at least some value the only way out appears to be to show that, contrary to first appearance, one of the interpretations does after all represent the two competing theories (that of the Thomist and the Molinist) correctly. It will turn out that Interpretation 2 not only can accommodate the essence of Thomism (its being theological compatibilism), but also, rather surprisingly, to some degree the essence of Molinism.

Logical and Ontological Conditions

First, let us focus on the reversed implication: an action implies its grace. As it has been already stated at the outset, the grace for *S* to perform *A* is a necessary condition for *S*'s performing *A*. The following implication is broadly logically necessary:

If *S* performs *A*, then there is the grace for *S* to perform *A*.

This view, shared by both the Thomist and the Molinist, does not seem to be too controversial. So there are two types of worlds on Interpretation 2:

(i) those that contain the grace and its action,
(ii) those that contain neither the grace, nor its action.

Interpretations 1 and 3 also recognize:

(iii) those that contain only the grace but not its action,

25 In order to avoid ambiguity, one should index actions relative to time and assume for simplicity's sake that only one action can be performed at a time: For any *x* and any *Y*, if *x* is the grace for *S* to perform *A* at *t* and if *S* performs *Y* at *t*, then $Y = A$

because in these interpretations the implication "if there is the grace for *S* to perform *A*, then *S* performs *A*" is broadly logically contingent.

What the aforementioned non-controversial reversed implication excludes is a fourth category of worlds:

(iv) those that contain only action but not grace for it.

Now we have considered three interpretations of Erath's attempted reconciliation. It seems that Interpretation 2 favoring Thomism is closest to Erath's intentions. Is there any way to reconcile Molinism with interpretation 2 without giving up Thomism's central tenet, i.e. the broad logical necessity of "if there is the grace for *S* to perform *A*, then *S* performs *A*"?[26] When one adds to this implication the reversed necessary implication just discussed, one can see that from the logical point of view "there is the grace for *S* to perform *A*" and "*S* performs *A*" are strictly equivalent. Thus the following are all broadly logically necessarily true on Interpretation 2:

If there is the grace for *S* to perform *A*, then *S* performs *A*.
If *S* performs *A*, then there is the grace for *S* to perform *A*.
There is the grace for *S* to perform *A* if and only if *S* performs *A*.

When one takes the controversial

If there is the grace for *S* to perform *A*, then *S* performs *A*

from the logical point of view, not only is "there is the grace for *S* to perform *A*" a sufficient condition of "*S* performs *A*", but also "*S* performs" is a necessary condition of "there is the grace for *S* to perform *A*". And, given the reversed implication,

If *S* performs *A*, then there is the grace for *S* to perform *A*.

not only is "there is the grace for *S* to perform *A*" a logical necessary condition for "*S* performs *A*", but the latter is also a sufficient condition for "there is the grace for *S* to perform *A*".

Now what is true from the point of view of logic might not be true from the ontological grounding point of view where an important distinction is to be made. While logical conditions involve relationships between truth-

26 In the following my interpretation is based on Punctum IV, p. 468 ff.

values, ontological conditions express dependence in being: the being of *x* is sufficient or necessary for the being of *y*. Take, for instance, the implication expressing the causal relationship between heat and boiling water (here the particular ontological grounding relationship is efficient causation): "if there is a specific degree of heat in close proximity to water, then the water boils". It seems reasonable to say that from the ontological point of view a specific degree of heat is a sufficient condition of boiling water.

Now anyone acquainted with the analysis of causation in terms of necessary and sufficient conditions knows that there are well-known problems here. First, it seems impossible to identify or isolate the sufficient condition from a vast number of causal factors contributing to the being of the effect in some way. Apart from the heat, there is the fact that nothing impedes the causal action, that the physical laws are as they are, that there exist other things such as the source of the heat, air, the container holding the water, etc. It seems that the sufficient condition has to be identified with the potentially infinite aggregate of all these factors, the entire state of the universe prior to and at the time of the action. Another problem is whether any of these factors are really necessary for the being of the effect? It might not be clear whether a different set of existing factors, natural, preternatural or supernatural, could lead to the same effect, the boiling.[27] Many effects, say setting a fire on some occasion, could be undoubtedly brought about in various different ways.

The first problem can be dealt with in the following way: what we commonly call a cause is some important non-redundant factor within the set of causal factors which tips the scale as it were: when added to the set of other factors assumed to be present, whatever these might be (we are not required to identify all of them), the effect ensues, so the entire set becomes causally sufficient for the effect. While the set as such is the sufficient cause *sensu stricto*, the factor at stake is a cause sufficient in the circumstances in question, *ceteris-paribus*-sufficient cause. So the specific degree of heat is a sufficient cause in this "other things being equal" sense.

The second problem can be solved by distinguishing the type of effect and the effect as a singular event. While it is true that a particular kind of effect can be brought about in various ways, this is not true of a singular event. Here the causal factors are genuinely necessary.

In contrast to logical relationships above, the boiling water is definitely not a necessary condition for there to be the particular heat. In other words, the existence of the heat does not depend on the existence of the boiling

27 For instance, if air pressure were reduced, the degree of heat necessary for boiling would change.

water but what does depend on it is the existence of the heat *actually acting as a cause*. If the boiling water did not exist, the heat would not be a cause. So while the logical sufficient condition has its ontological counterpart in our example, the logical necessary condition does not straightforwardly translate into ontological necessary condition.

A similar thing happens in the reversed implication: "if some water boils, then there is a specific degree of heat in close proximity to the water". Here it is the logical sufficient condition which lacks its ontological counterpart: the cause (heat) is clearly necessary for the effect (boiling water), the being of the effect, however, is definitely not something on which the existence of the cause sufficiently depends. It depends on the effect in its being a cause, but not in existing *per se*.

The point of the preceding causal example is to show that logical conditions might not be automatically taken as ontological ones. In particular we are interested in the case in which a logical sufficient condition is not sufficient from the ontological point of view. I claim that this is the real point of contention between the Thomist and the Molinist in relation to the implication at stake

If there is the grace for *S* to perform *A*, then *S* performs *A*.

Say *S* is a particular will and *A* its volition. While the Thomist takes the antecedent "there is the grace for *S* to perform *A*" to be a condition both logically as well as ontologically sufficient, the Molinist does not. The Molinist denies that the logical sufficient condition (that there is the grace for *S* to perform *A*) has any ontological counterpart because her understanding of freedom is more robust than that of the Thomist. As is well known, the Molinist's understanding of freedom is libertarian: any sufficient causal antecedent excludes freedom because it takes away the ability to do otherwise in the very same circumstances, which is a *sine qua non* for the libertarian notion of freedom. If the antecedent were also an ontological sufficient condition, then the resultant action *A* would not be free for the Molinist.

Now, as in the heat-boiling water example, what we mean by the term "sufficient condition" is a *ceteris-paribus*-sufficient cause. The circumstances in question which stay the same, *positis omnibus requisitis ad agendum*,[28]

28 The common definition of freedom is the following: "… illud agens liberum dicitur quod positis omnibus requisitis ad agendum potest agere et non agere aut ita agere unum ut contrarium etiam agere possit". Molina, L. de, *Liberi arbitrii cum gratiae donis, divina praescientia, providentia, praedestinatione et reprobatione concordia: Editionem criticam*, op. cit., I, d. 2, § 3 (14). "That agent is called free which, with all requisites for acting supplied, is able to act and not act, or so to act for one thing that he is able to also act for the contrary thing."

include the readiness of the will for action, the absence of impediments, etc. For the Thomist the introduction of the grace makes the will produce the volition *A*, so the arrival of the grace for *S* to perform *A* brings about the effect, namely that the will issues the act *A*. Thus the grace is a cause sufficient in the circumstances in question. This is what it means for the grace to be intrinsically efficacious. In contrast, for the Molinist the inclusion of the grace is not sufficient in this way. What is required beside grace is the will's *voluntary* cooperation with or assent to the grace. It is this cooperation which renders the grace efficacious.[29]

For the Thomist the antecedent (that there is the grace for *S* to perform *A*) is a logical sufficient condition precisely because there is the underlying ontological relationship: the antecedent is an ontological sufficient condition in the sense specified. What is more, the grace is given only if the other necessary requirements for *S*'s action are already in place.[30] The fact that the grace is given implies that there are these requirements and, consequently, the former also implies that the action takes place.

29 The upshot is that while for the Thomist the requisites for acting (*positis omnibus requisitis ad agendum*) in the definition of freedom do not include grace, they do contain grace for the Molinist. For the Molinist the *ceteris-paribus*-sufficient cause in these extended circumstances (including grace) is the human will assenting to grace; what I call *voluntary* cooperation. This is not some particular act of the will prior to the effect (the will's issuing a volition *A*), but the fact that the will self-initiates its own movement even though the movement itself cannot be carried out without the assistance of grace. It is like assisting my son unable to walk on his own to go for a toy. I hold him but it is he who determines and in a sense initiates the movement and does the walking. I know in advance where he wishes to go (what toy he wishes to take) and help him achieve this. It is altogether different thing when I "use" my son to fetch a toy I have chosen. He cooperates in the sense that he does not resist, does the walking, reaching and grabbing. The effect is the same in both cases – my son walking for a toy. Yet the manner is different. That there is this self-initiation, externally undetermined self-movement of the will, implies that there exists the fact of how the will would act in the particular circumstances which is entirely independent of the divine will.

Note that Molina and Báñez argue over the *adequate cause* for the volition. For Báñez this adequate cause does not exclude other causes (human will). This is because he understands adequate cause as a *ceteris-paribus*-sufficient cause where the circumstances include the action of the human will. In contrast, for Molina the adequate cause excludes other causes because for him it is the strict sufficient cause, not the *ceteris-paribus*-sufficient cause. This, I claim, is the source of disagreement over whether the grace is an adequate cause. See Matava, R. J., *Divine Causality and Human Free Choice: Domingo Báñez, Physical Premotion and the Controversy de Auxiliis Revisited*, op.cit., p. 175 ff.

30 This means that the necessary requirements for action are also necessary conditions of there to be grace. It is debatable whether besides being necessary for grace in the logical sense, they are also necessary in the ontological sense. It does not seem so. What we can say is that the grace implies that there are the other requirements, because these are necessary for the occurrence of grace at least in the logical sense. By the symmetry of logical conditions, the grace is therefore logically sufficient for the requirements to be present. It does not cause these other requirements, so it is definitely not ontologically sufficient for them.

Not only does the Thomist accept the truth of the implication, but he regards it as broadly logically necessary. This is because the ontological relationship is perceived as existent in all possible worlds on account of the unimpedability of the divine will. In other words, the antecedent is an ontological sufficient condition of the consequent in the specified sense in every possible world. There is no world in which there is the grace but the action does not follow.

How does it arise that the Molinist can accept the same implication (also in its broadly logically necessary status) and deny the underlying ontological relationship between grace and action? The answer is that the Molinist regards the implication as true based on a different ontological relationship.

Let us explore the Molinist stance a bit more. First of all, let us observe that there is a difference between "the grace for *S* to perform *A*" in which the phrase "for *S* to perform *A*" signifies an intentional terminus and the grace is not necessarily efficacious, and the same description in which the phrase "for *S* to perform *A*" signifies a relationship to the terminus as actual (real terminus). The latter denotes grace which is *de facto* efficacious and serves as a co-cause of the action. Consequently, one can make the following distinction

(I1) If there is the grace for *S* to perform *A* (intentional), then *S* performs *A*.

(I2) If there is the grace for *S* to perform *A* (real), then *S* performs *A*.

Now I assume that which graces with intentional termini there might be (say in the particular circumstances *C*) is determined by what people would do in those circumstances. In other words, whether God gives a particular grace in *C* (e.g. for *S* to perform *A*) depends on a particular possible future event (*futuribile*), e.g. that *S* would perform *A* in *C*, known by God by his middle knowledge prior to any divine decision about which graces will be given. Therefore, the occurrence of the grace for *S* to perform *A* (intentional) is (at least logically) necessarily conditioned on whether *S* would perform *A* if placed within the particular circumstances of the action *C*:

(I3) If there is the grace for *S* to perform *A* (intentional), then *S* would perform *A* (*futuribile*).

The assumption that graces with intentional termini (e.g. for *S* to perform *A*) are given only if the particular action would take place (e.g. *S* would perform *A*) can be defended by a kind of economy consideration founded on divine nature: God does not do things in vain, hence he does not give graces which are not cooperated with. This assumption rules out merely sufficient graces

in the following sense: merely sufficient graces (e.g. for *S* to perform *A* in *C* when *S* would not perform *A* in *C*) are never given in *C*, but there are sufficient graces in the counterfactual sense: say *S* would fail to do *A* in *C*, so it is not the case that God gives the grace for *S* to perform *A* in *C*. However, if it were the case that *S* would do *A* in *C*, then God would give *S* the grace to do *A* in *C*.

It also seems reasonable to assume, based on the same economy principle as above and the infallible divine middle knowledge, that as in Thomism "there is the grace for *S* to perform *A* (intentional)" implies that the other requirements for action are met. In other words, we take it that the grace arrives only if the remaining necessary conditions for the action are or will be met.[31]

So when a particular grace is given in *C* and all other requirements for action are or will be met too (namely, there exists *S* in *C*, the action of *S* will not be inhibited, there is going to be the voluntary cooperation on the part of the human will etc.), then

(I1) If there is the grace for *S* to perform *A* (intentional), then *S* performs *A*.

Given the assumption above, this implication is broadly logically necessarily true in Molinism as it is in Thomism. The principle of economy (God does not do anything in vain) stems from the divine nature and hence is true in every possible world. Thus in any world, in which God gives the grace for *S* to perform *S* (intentional), the action follows. However, as we already know, the antecedent, that there is grace for *S* to perform *A*, is not ontologically *sufficient* for there to be the respective action *(ceteris paribus*). Moreover, *S*'s actual performing of *A* in *C* does not seem to be an ontological *necessary* condition for there to be the grace for *S* to perform *A* (intentional) either. However, *S*'s performing *A is* a necessary condition for there being the grace for *S* to perform *A* (real) as *de facto* efficacious. Similarly, recall that boiling water is a necessary condition for the particular degree of heat to be a cause of boiling in the water, not for the existence of the heat as such. This last point is perfectly acceptable for the Thomist too: *S*'s performing *A* is ontological *sine qua non* for the grace to be efficacious in the sense of causing the action. So

(I2) If there is the grace for *S* to perform *A* (real), then *S* performs *A*.

31 One of the conditions implied (logically necessary conditions) is the condition that the will *is going to* voluntarily cooperate with the grace (as known by the divine middle knowledge and the free knowledge of that which will be realized). The realization of the condition, however, comes conceptually only after the grace is given.

is broadly logically necessary in both opposing views on conceptual grounds: Nothing can be dubbed a cause of some effect if the effect does not occur.

The fact that even the Molinist could accept the broadly logically necessary truth of

If there is the grace for *S* to perform *A*, then *S* performs *A*[32]

means that she too can exclude the existence of grace worlds without the corresponding action listed under option (iii) above (contrary to Interpretations 1 and 3).[33] It appears that it is not essential for Molinism to uphold the possibility of these. What is essential to Molinism as opposed to Thomism on the other hand is the denial that the truth of the aforementioned implicative statement (in the sense (I1)) implies that the grace for *S* to perform *A* is an ontological sufficient condition (in the *ceteris paribus* sense) of *S* performing *A*. In other words, the occurrence of the grace is *not* ontologically sufficient for *S* to perform *A*.

Conclusion

So we have seen that Interpretation 2 does succeed in reconciling the Thomist and the Molinist. I maintain that this interpretation correctly reconstructs, using contemporary philosophical and logical tools and jargon, what Erath had in mind. Contrary to what has been stated at the end of the section expounding Interpretation 2, the Molinist need not get misrepresented by Interpretation 2 as we have just shown. She can accept the controversial implication. However, the reconciliation does not go deep enough, remaining on the surface as it were. As I tried to show in the final part, deeper down there are profound differences in ontological relationships between grace and its corresponding action in both theories. This is because Erath evades these by treating causal relationship (application) as a mere juxtaposition of grace and the corresponding action, focusing merely on modal and temporal variation in the juxtaposition.[34] The precise ontological relationships between grace and action, seriously different in both theories, are abstracted from. Erath's focus makes them invisible. In contrast, our treatment has uncovered

32 Also in the sense (I1).

33 Recall that both Interpretation 1 and 3 denied the implication under consideration, thus allowing the existence of possible worlds at which there could be the grace but not the consequent action.

34 Punctum IV, p. 467, § 1244; also p. 469, § 1247: "Nam si το *a solo Deo determinari et applicari* nihil aliud significet, quam voluntatem nostram accipere decretum Divinum vel auxilium, habens annexam futuritionem vel existentiam exercitii liberi, seu actus nostrae voluntatis…"

them. One can see that the proposed reconciliation has brought out similarities in the theories, enabled one to see common ground which perhaps was not appreciated before, but definitely has not resolved the differences and the contrary nature of claims between these theories. It is hard to imagine that this can ever be achieved.

SUMMARY

The paper interprets and reconstructs (using contemporary analytical tools) an interesting attempt at the reconciliation of two competing doctrines on divine causation (grace) and free will, Thomism and Molinism. The reconciliation comes from Augustin Erath, a largely unknown early modern scholastic theologian. It is based on an important distinction in predication concerning the divine decree (or divine grace): concrete and abstract. This distinction is supposed to resolve contradictory statements in both competing theories. The idea is that the proponents of the aforementioned controversies do not contradict each other as each party uses a different type of predication concerning grace in relation to free human action. Three possible interpretations are laid out. The reconciliation attempt is ultimately found wanting.

Keywords: free will, divine action, divine causation, grace

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