

## DE IMMACULATA CONCEPTIONE BEATAE VIRGINIS<sup>1</sup>

Circa distinctionem tertiam quaero utrum beata Virgo concepta in peccato originali.

### [Argumenta Pro and Contra]

Quod sic:

In Adam, "omnes peccaverunt," Rom. 5—non nisi quia fuerunt in eo secundum rationem seminalem; ita fuit in eo beata Virgo; ergo etc.

Item, Damascenus, cap. 4 et 8:<sup>2</sup> "Spiritus sanctus purgavit eam," "purgatio" non est nisi a peccato, igitur habuit peccatum; non actuale, ergo etc..

Praeterea, Augustinus *De fide ad Petrum* cap.1 et 33:<sup>3</sup> "Firmissime tene et nullatenus dubites, omnem hominem qui per concubitum viri et mulieris concipitur, cum peccato originali nasci,"—et ponitur auctoritas libro II distinctione 30,<sup>4</sup> illo capitulo "Sed quod originale peccatum"; sed beata Virgo, etc.

Item, idem super illud Ioannis, *Ecce agnus Dei*" etc.: "Solus innocens, qui sic non venit," scilicet, secundum communem propagationem.<sup>5</sup>

Item, Leo Papa in sermone *De nativitate Domini*:<sup>6</sup> "Sicut a reatu nullum liberum reperit, ita liberandis omnibus venit," ergo etc.

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<sup>1</sup>*Ordinatio* III, dist. 3, q. 1 (from the text edited by C. Balic, O.F.M. in *IOANNES Duns Scotus Doctor Immaculatae Conceptionis* [Romae, 1954], pp. 3-21).

<sup>2</sup>St. John Damascene, *De fide orthodoxa* III, c. 2 (PG 94, 986).

<sup>3</sup>Fulgentius, *De fide ad Petrum*, c. 26 (PL 65, 701; CCL 91A, 753). At the time of Scotus this work was thought to be that of St. Augustine.

<sup>4</sup>*Magistri Petri Lombardi Sententiae in IV Libris Distinctae* tom. I (Grottaferrata/Romae: Editiones Collegii S. Bonaventurae Ad Claras Aquas, 1971), 499: "Peccatum itaque originale culpa est, quam omnes concupiscentialiter concepti trahunt. Unde in *Ecclesiasticis dogmatibus* scriptum est: 'Firmissime tene et nullatenus dubites omnem hominem,'" etc.

<sup>5</sup>Augustine, *In Ioannem*, tract. IV c. 1, n. 10 (PL 35, 1410).

<sup>6</sup>Leo Papa, *Sermo* 21, *In nativitate Domini nostri Iesu Christi* I, c. 1 (PL 54, 191).

## THE IMMACULATE CONCEPTION OF THE BLESSED VIRGIN

Regarding the third distinction I ask: Was the Blessed Virgin conceived in original sin?

### [Arguments Pro and Con]

That she was:

In Adam, "all sinned," Romans 5:12;— it was only because they were in Adam according to a seminal reason.<sup>1</sup> Therefore, the Blessed Virgin was in Adam according to a seminal reason.

Also, Damascene, chs. 4 and 8: "The Holy Spirit purified her;" But only from sin is there any purification; therefore, she had sin; not actual, therefore, [original sin].

Furthermore, Augustine in *De fide ad Petrum*, chs. 1 & 33: "Hold most firmly and never doubt that every human who is conceived by the mating of a man and a woman, is born with original sin,"—and this authority is cited in Bk. II, dist. 30. The Blessed Virgin, however, [was conceived in this way].<sup>2</sup>

Also, the same [Augustine] in commenting on that text of John, "Behold the Lamb of God" says: "He alone is innocent who did not come in this way," i.e., by way of common propagation.

Also, Pope Leo in his sermon "On the Nativity of the Lord" says "Just as he found no one free of sin, so he came to liberate all." Therefore etc.

Item, Hieronymus super illud Psalmi:<sup>7</sup> *Et de manu canis unicum meam videtur idem dicere.*

Item, *De consecratione*, distinctione 3, cap. 1, (ibi “Nativitas”),<sup>8</sup> et in glossa.<sup>9</sup>

Praeterea, Bernardus de conceptu eius dicit, quod fuit in peccato originale concepta.<sup>10</sup>

Item, Anselmus, II *Cur Deus Homo* cap. 16.<sup>11</sup>

Item, hoc idem vult Bernardus in quadam epistola, et probat quod non fuit sanctificata ante conceptum—patet,—nec in conceptu, quia ibi fuit libido.<sup>12</sup>

Contra:

Augustinus *De natura et gratia*, circa medium,—et ponitur in littera cap. 2:<sup>13</sup> “Cum de peccatis agitur, de Maria nullam volo habere

<sup>7</sup>Ps. 21:21 in *Breviarium in Psalmos*. (Migne includes this anonymous commentary among the works of Jerome. PL 26, 935).

<sup>8</sup>*Corpus Iuris Canonici*, Pars prior: *Decretum Magistri Gratiani*, Pars tertia De consecratione, dist. 3, c. 1 (Lipsiae: Bernhard Tauchnitz, 1879), col. 1353.

<sup>9</sup>*Decretum Gratiani* (Venetiis, 1528), fol. 614: “Nativitas. De festo Conceptionis nihil dicitur, quia celebrandum non est, sicut in multis regionibus fit, et maxime in Anglia; et haec est ratio, quia in peccatis concepta fuit sicut et ceteri sancti, except unica persona Christi.” In margine additur: “Virgo beata non fuit in originali concepta, quidquid dicat glossa.”

<sup>10</sup>Bernard, *In Assump. b. Mariae Virginis, Sermo 2*, n. 8 (PL 183, 420): “cum omnimodis constet, ab originali contagio sola gratia mundatum esse Mariam.”—Cf. B. Hänsler, *Die Marienlehre des hl. Bernhard* (Regensburg, 1917, p. 6).

<sup>11</sup>*Cur Deus homo?* II, c. 16 in *S. Anselmi Opera omnia*, (ed. F. S. Schmitt. vol. II, p. 116: “Nam licet ipsa hominis eiusdem conceptio munda sit et absque carnalis delectationis peccato, virgo tamen ipsa unde assumptus est, ‘in iniquitibus’ concepta est, ‘et in peccatis concepit’ eam ‘mater’ eius, et cum originalis peccato nata est, quoniam et ipsa in Adam peccavit, ‘in quo omnes peccaverunt.’

<sup>12</sup>Bernard, *Epist. 174*, n. 7 (PL 182, 335-336).

<sup>13</sup>Augustine, *De nat. et gratia* c. 36, n. 42 (PL 44; 267); Lombard, *Sententiae III*, dist. 3, c. 2 (Ad Claras Aquas, 1916 II, p. 559).

Also, Jerome, commenting on that line from the Psalm: “From the grip of the dog rescue my lonely soul,” seems to say the same.

Also, in *De consecratione*, distinction 3, c. 1, look at the gloss there about “Nativitas.”<sup>3</sup> [“Nothing is said about the feast of the Conception, because it must not be celebrated as it has come to be celebrated in many regions and especially in England; and this is the reason; because in sin she was conceived like the rest of the saints, the person of Christ being the sole exception.”]

Furthermore, Bernard says of her conception, that she was conceived in original sin.

Also, Anselm, in Bk. II of *Cur Deus Homo*, ch. 16.<sup>4</sup>

Also, Bernard desires to make the same point in one of his letters,<sup>5</sup> and he proves that she was not sanctified before conception, as is evident, but neither was she sanctified in the act of conception, because there was carnal pleasure there.<sup>6</sup>

On the contrary:

Augustine in *De natura et gratia*, around the middle, has the remark cited in ch. 2 of the text: “In my mind there is no question of sin in regard to Mary,” and Anselm in *De conceptu virginali*, ch. 18: “It was fitting that

quaestionem." Et Anselmus *De conceptu virginali* cap. 18:<sup>14</sup> "decurt ut ea puritate Virgo niteret, qua maior sub Deo nequit intelligi"; posset autem intelligi "pura innocentia" sub Deo, qualis fuit in Christo; ergo etc.

[Corpus Questionis]

[I. OPINIO COMMUNIS CRISI SUBICITUR]

A. Duo argumenta quod Maria concepta fuit in peccato originali]

Dicitur communiter—quod sic, propter auctoritates assumptas, et propter rationes a duobus mediis, quorum unum est ex excellentia Filii sui: ipse enim—ut redemptor universalis—omnibus ianuam aperuit; sed si beata Maria non contraxisset originale non indignisset redemptore, nec ipse sibi ianuam aperisset, quia non fuisset sibi clausa; non enim clauditur nisi propter peccatum et maxime originale.

Secundum medium est ex his quae apparent in beata Virgine: ipsa enim fuit propagata communi lege, et per consequens corpus eius fuit propagatum et formatum de semine infecto, et ita eadem ratio infectionis erat in corpore eius quae etiam in corpore alterius originaliter propagati; et cum ex corpore infecto inficiatur anima, eadem ratio infectionis erat in anima eius quae et in animabus aliorum communiter propagatorum. Similiter, ipsa habet paenas communes naturae humanae—ut sitim, famem, et huiusmodi, quae infliguntur nobis propter peccatum originale,—et istae non erant voluntarie assumptae, quia non erat redemptrix vel imperatrix nostra, quia tunc Filius eius non fuisset "redemptor omnium generalis"; igitur erant sibi inflictae a Deo, et non iniuste; ergo propter peccatum, et ita ipsa non erat innocens.

[B. Contra Primum Argumentum]

Contra primam rationem arguitur ex excellentia Filii sui, in quantum redemptor, reconciliator et mediator fuit, quod ipsa non contraxit peccatum originale.

<sup>14</sup>*De conceptu virginali et de originali peccato*, c. 18 in *S. Anselmi Opera omnia*, (ed. F. S. Schmitt. vol. II, p. 159).

the Virgin be beautified with a purity than which a greater cannot be conceived, except for God's." However, one could conceive of a state of "pure innocence" under God such as was present in [the human soul] of Christ; therefore, etc.

[Body of the Question]

[I. Critique of the Common Opinion]

A. Two arguments that Mary was conceived in original sin]

It is commonly claimed that she was [conceived in original sin] because of the authorities [Rom. 5: "In Adam all sinned..." John Damascene, Augustine, Pope Leo, St. Jerome, St. Bernard] and for two reasons, of which one is the excellence of her Son; for he as universal redeemer opened the door to all. But if the Blessed Mary had not contracted original sin she would not have needed a redeemer, nor would he have opened the door to her, because for her it would not have been closed; for it is only closed because of sin, especially original sin.

And the second is based on what we see of the Bl. Virgin. For her procreation was typical and commonplace, and hence her body was begotten and formed from infected seed, and thus the same reason for infection was present in her body as in the body of any other begotten in original sin, and since the soul is infected from the infected body, the same basis for infection was there in her soul as in the souls of others propagated in this commonplace way. She also shared the punishments common to human nature, such as thirst, hunger, and the like, which are inflicted upon us because of original sin; and she did not take these upon herself voluntarily [as did Christ], since she was not our redemptrix or our empress, because then her son would not have been "the general redeemer of all." Therefore, these were inflicted by God and not unjustly; hence it was because of sin, and so she was not innocent.

[B. Refutation of the First Argument]

Against the first reason, it is argued that it was precisely because of the excellence of her son, as redeemer, reconciliator, and mediator that she did not contract original sin:

Perfectissimus enim mediator perfectissimum actum habet mediandi possibilem respectu alicuius personae pro qua mediatur, —ergo Christus habuit perfectissimum gradum mediandi possibilem respectu alicuius personae respectu cuius erat mediator; respectu nullius personae habuit excellentiorem gradum quam respectu Mariae; ergo etc. Sed hoc non esset nisi meruisset eam praeservare a peccato originali,—probatio, tripliciter: primo per comparisonem ad Deum cui reconciliat, secundo per comparisonem ad malum a quo liberat, tertio per comparisonem ad obligationem personae quam reconciliaverat.

Ad videndum primam probationem pono exemplum, consonum exemplo Anselmi II *Cur Deus Homo* cap. 16.<sup>15</sup>

Aliquis offendens regem iniuriatur ei in tantum ut omni filio naturali eius rex offendatur, et offensus eum exheredet, etc.; ista offensa statuitur non remittenda nisi offeratur regi ab aliquo innocente aliquod obsequium magis placans et gratum quam peccatum fuit offensivum. Aliquis offert obsequium ita gratum, et reconciliat filios regi ut non exheredentur, tamen cuilibet nato rex offenditur, licet postea offensam remittat, propter merita mediatoris. Sed si ille mediator posset summe et perfectissime placare regem, praeveniret eum respectu alicuius filii ne ei offenderetur,—hoc enim magis esset quam si rex offensam habitam contra talem, ei iam remittat; neque hoc est impossibile, cum offensa haec non sit ex culpa propria, sed ex alio contracta.

Ex isto exemplo arguitur sic: nullus summe sive perfectissime placat aliquem pro offensa alicuius contrahenda nisi possit praevenire ne illi offendatur, nam si iam offensum placat ut remittat, non perfectissime placat; sed—in proposito—Deus non offenditur animae propter motum interiorem in ipso Deo sed tantum propter culpam in ipsa anima; ergo Christus non perfectissime placat Trinitatem pro culpa contrahenda a filiis

<sup>15</sup>Ibid., p. 118.

For a most perfect mediator has a most perfect act of mediation possible with respect to some person for whom he intercedes,—therefore, Christ had the most perfect degree of mediation possible in regard to some person with respect to whom he was mediator; but with respect to no person did he have a more excellent degree than as regards Mary; therefore etc. But this would only be because he merited to preserve her from original sin.

The triple proof for this is based on a comparison, first, to God to whom she is reconciled; second, to the evil from which she was liberated; third, to the obligation he owes the person whom he reconciled.

To illustrate the first proof I give an example like that of Anselm in Bk. II of *Cur Deus Homo*, ch. 16.<sup>7</sup>

Someone offending a king so injures him that the king is offended by each of the offender's natural children, and he disinherits everyone who offends him, etc. This offense, it is legally established, is not to be remitted unless some innocent person offers the king some placation that is more pleasing and gracious than the sin was offensive. Someone does offer the king such pleasing service and so reconciles the children to the king to the extent that they are not disinherited. Nevertheless, the king is still offended with everyone at birth, although afterwards their offense is remitted because of the merits of the mediator. But if this mediator could please the king most perfectly and in the highest degree, he would prevent him from being offended with respect to some child—for this would be something more than if the king only remitted the offense he already had against such. Neither is this impossible, since this offense is not the child's own, but was contracted through another.

From this example it is argued thus: no one pleases someone most perfectly and in the highest degree for an offense that someone contracts unless he could prevent that person from offending to begin with, for if he appeases only for an offense already incurred, he does not appease or placate most perfectly; but—in the case at hand—God is not offended with the soul because of something it inflicts upon God himself but only because of a fault existing in the soul itself; therefore, Christ does not placate the Trinity most perfectly for the fault contracted by the children of Adam unless he does prevent someone from possessing such a fault,—

Adae, si non praevenerit ut alicui Trinitas non offendatur et nisi anima alicuius filii Adae non habeat culpam talem,—et per consequens aliqua anima alicuius filii Adae non habet culpam talem, vel possibile est quod non habeat culpam.

Ex secunda via arguitur dupliciter,—primo, quia perfectissimus mediator meretur amotionem omnis paenae ab eo quem reconciliat; sed culpa originalis est maior paena quam ipsa carentia visionis divinae, sicut declaratum fuit distinctione 36 secundi libri<sup>16</sup> quia peccatum est maxime paena naturae intellectualis inter omnes paenas eius; igitur si Christus perfectissime reconciliavit nos Deo, istam paenam gravissimam meruit ab aliquo auferre,—sed non nisi a matre, ergo etc.—Confirmatur istud per exemplum, quia si filio Adae esset maxime paena regem contra eum offendi, nullus eum perfectissime reconciliaret nisi auferret ab eo, non tantum exheredationem, sed etiam esse inimicum regis, etc.

Ex eadem via arguitur secundo sic: Christus immediatius videtur fuisse reparator et reconciliator noster a peccato originali quam ab actuali, quia necessitas incarnationis et passionis Christi assignatur communiter ex peccato originali; sed supponitur communiter quod ipse fuit ita perfectus mediator alicuius personae—puta Mariae—quod eam praeservavit ab omni peccato actuali: ergo similiter a peccato originali.

Ex tertia via arguo sic: persona reconciliata non summe obligatur mediatori nisi summum bonum ab ipso habeat quod potest per mediatorem haberi; sed innocentia ista, aut preservatio a culpa contracta vel contrahenda, potest haberi per mediatorem; ergo nulla persona summe tenebitur Christo ut mediatori si nullam praeservavit a peccato originali.

and as a consequence there is a soul of some child of Adam that does not have such a fault, or at least it is possible that some soul does not have it.

From the second aspect [i.e. as regard the evil from which one is saved] there is a twofold argument: first, because a more perfect mediator merits the removal of all punishment from the person whom he reconciles; but original sin is a greater punishment than the loss of divine vision, as we declared in dist. 36 of Bk. II, since sin is the greatest punishment an intellectual nature can suffer; therefore if Christ has reconciled us most perfectly to God, he has merited that this most grave punishment itself be taken from someone—but only in regard to his mother; therefore etc. And the example confirms this, for if the greatest punishment for a child of Adam is the fact that the king was offended by him, then no one would be perfectly reconciled unless it was not only his disinheritance that was taken from him, but also the fact that he was ever an enemy of the king; etc.

The second argument on this same score runs as follows: It seems ✓ Christ's reparation and reconciliation concerned original sin even more immediately or directly than it did actual sin, since the need for the incarnation and passion of Christ is commonly ascribed to original sin. It is commonly assumed, however, that he was so perfect a mediator for some person—say Mary—that he preserved her from all actual sin. Why then should perfect mediation not be from original sin as well? ↵

Under the third aspect [i.e. from what person reconciled owes the mediator] I argue in this way: a person reconciled is not obligated to the mediator in the highest way unless he or she has received from him the

<sup>16</sup>Duns Scotus, *Ordinatio* II, d. 36, q. un. & d. 37, q. 2 (Vivès ed., XIII, 347, 390-92).

Et si dicas quod aequaliter tenetur persona cui remittitur peccatum quantum persona quae praeservatur a peccato, propter illud Luc. 7—*Cui magis dimittitur, magis diligit*,—quaere ibi responsionem Augustini, quod omnia non-commissa sunt dimissa ac si essent commissa;<sup>17</sup> immo excellentius beneficium est praeservare a malo quam permittere incidere in malum et ab eo postea liberare. Videtur etiam quod cum Christus multa animabus meruit gratiam et gloriam, et pro his sunt Christo debitores ut mediatori, quaere nulla anima erit ei debitor pro innocentia, et quare, cum omnes angeli beati sint innocentes, nulla humana anima erit innocens in patria nisi sola anima Christi?

## [C. Contra Secundum Argumentum]

Secunda ratio, quae accepta fuit ex his quae apparent in Maria, non videtur concludere. Quod enim arguitur primo de infectione carnis, propter seminationem, non arguit—secundum viam Anselmi “de peccato originali,”<sup>18</sup> quae tacta fuit distinctione 30 secundi.<sup>19</sup> Aut dato quod sic contrahatur peccatum originale communiter, cum illa infectio carnis “manens post baptismum” non est necessaria causa quare maneat peccatum originale in anima, sed ipsa manente peccatum originale deletur propter gratiam collatam ibi: ita posset Deus eam in primo instanti conceptionis Virginis, dando tunc gratiam delere, ne esset causa necessaria infectionis animae, sed gratia tolleretur culpam in anima.

Aliud, de passionibus Mariae, non concludit. Potest enim mediator reconciliare aliquem ut auferantur ab eo poenae sibi inutiles et relinquatur in poenis sibi utilibus; culpa originalis non fuit utilis Mariae—poenae temporales fuerunt utiles, quia in eis meruit; ergo etc.

<sup>17</sup>Augustine, *Sermo 99*, c. 6 (PL 38, 598); *De sancta virginitate*, c. 40, n. 41 (PL 40, 420).

<sup>18</sup>*De conceptu virginali et de originali peccato*. c. 3 and 7 (ed. F. S. Schmitt. vol. II, pp. 142-143, 147-149).

<sup>19</sup>Duns Scotus, *Ordinatio II*, d. 30, q. 2 (Vivès ed., XIII, 293).

highest good that the mediator can give; but this innocence or preservation from the fault that is or should be contracted can be achieved through a mediator; therefore no person is obligated in the highest degree to Christ as mediator unless he or she has been preserved from original sin.

And if you say that a person whose sin is remitted is just as much bound as one who is preserved from sin, on the basis of that text from Luke 7, 47: “One loves more to whom more is forgiven,”—look to Augustine’s answer there that sins not committed are dismissed as if they were committed. Indeed it is a more excellent benefit to preserve one from evil than to permit one to fall into it and then free such. Also it seems that since Christ has merited grace and glory for many souls, and these are debtors to Christ as their mediator, why should no soul be indebted to him for its innocence, and why, since all the angels are innocent, should no human soul in heaven be innocent except the soul of Christ?

## [C. Refutation of the Second Argument]

Inconclusive also seems the second reason based on what we see in Mary [namely, (1) the fact that she was conceived from infected seed; (2) and she suffered pain, thirst, hunger, etc.]. For the first reason that her flesh was infected because of semination does not hold good according to Anselm’s explanation of original sin<sup>8</sup> presented in dist. 30 of Bk. II. Or, even if one were to admit that original sin is commonly contracted in this way, inasmuch as this infection of the flesh still remains after baptism, it is obviously not the necessary reason why original sin remains in the soul. But this infected flesh still remains once original sin is deleted because of the grace given [to the soul when it is joined to the infected flesh]; thus God could delete original sin in the first instance of the Virgin’s conception simply by giving grace at that moment, so that the infected flesh would not necessarily cause infection of her soul; but grace would take away any guilt in the soul.

The other, about the sufferings of Mary does not prove their conclusion. For a mediator could reconcile someone in such a way as to take from him the useless pains and leave him those sufferings that were useful. Original sin was not useful to Mary, the temporal pains were useful, because through them she merited; therefore, etc.

[II.—AD QUAESTIONEM]

Ad quaestionem dico quod Deus potuit facere ut ipsa numquam fuisset in peccato originali,—potuit etiam fecisse ut tantum in uno instanti fuisset in peccato et in ultimo instanti temporis illius purgaretur.

Primum declaro, quia gratia aequivalet iustitiae originali quantum ad acceptationem divinam, ut propter hanc animae habenti gratiam non insit peccatum originale; potuit Deus in primo instanti illius animae infundere sibi gratiam tantam quantum alii animae in circumcissione vel baptismo; igitur in primo instanti animae non habuisset peccatum originale, sicut nec habuisset postea quando fuisset persona baptizata. Et si infectio carnis fuit ibi in primo instanti non fuit necessario causa infectionis animae, sicut nec post baptismum, quando manet—secundum multos—et infectio animae non manet; aut potuit caro mundari ante infusionem animae, ut in illo instanti non esset infecta.

Secundum patet, quia agens naturale potest incipere agere in instanti, ita quod in illo instanti fuerit in “esse” quieto sub uno contrario et in tempore habito est sub forma contraria in “feri”; sed quaecumque agens naturale potest agere, Deus potest agere; ergo potest in tempore habito alicui instanti causare gratiam.

Hoc etiam confirmatur, quia quando anima est in peccato, potest per potentiam divinam esse in gratia; sed in tempore illo quo fuit concepta potuit esse in peccato, et per te fuisset; ergo similiter, potuit esse in gratia, nec necesse fuit tunc quod fuisset in gratia in primo instanti illius temporis, sicut nec de mutatione et motu.

Praeterea, si in primo instanti creasset gratiam, posset ibi poni tertium membrum, et posset in tempore habito non conservare eam.

[II.—To the Question]

To the question I say that God could have brought it about that [1] she was never in original sin, or [2] she was in sin for only an instant,<sup>9</sup> or [3] she was in sin for some period of time and at the last instant of that time was purged of it.

[Re 1] I declare the first to be possible, because grace is equivalent to original justice so far as divine acceptance goes, so that because of this grace there is no original sin in the soul that possesses it. God could have at the very first instant infused into this soul grace to such a degree as was given to other souls at the time of circumcision<sup>10</sup> or of baptism; therefore in the first instant the soul would not have original sin, just as a baptized person would also not have it afterwards. And if the infection of the flesh was there in the first instant, it was not the necessary cause of the infection of the soul, just as neither after baptism when—according to many—the infection of the flesh remains whereas that of the soul does not; or God could have cleansed the flesh before infusing the soul, so that in that instant it was not infected.

[Re 2] The second possibility is evident,<sup>11</sup> because a natural agent could begin to act in an instant, so that in that instant [just before it begins to act] it would be in a state of rest under one contrary and for the time spent in acting it would be under a contrary form in a state of becoming or flux; but God can act whenever a natural agent can act: therefore at some instant he could cause grace to exist for a stretch of time.

This is confirmed<sup>12</sup> also because, if the soul is in sin for some interval of time, by divine grace it could rather have been in a state of grace during that interval; but from the time when it was conceived it could be in sin, and according to you it was; therefore it could likewise be in grace, and if it were, it was not necessary that it was in grace at the first instant of that time just it was not necessary concerning mutation and motion.

Furthermore, if in the first instant [God] had created grace, then one could posit the third alternative,<sup>13</sup> and he could have failed to conserve it during the time that ensued.

Tertium est manifestum.

Quod autem horum trium quae ostensa sunt possibilis esse, factum sit, Deus novit,—sed si auctoritati Ecclesiae vel auctoritati Scripturae non repugnet, videtur probabile quod excellentius est, attribuere Mariae.

Contra secundum istorum membrorum instatur dupliciter:

Primo sic: quidquid Deus immediate agit circa creaturam, agit in instanti, quia —VIII *Physicorum*<sup>20</sup>—virtus infinita agit in instanti, quia virtus finita et infinita non possunt agere in aequali mensura; ergo non potest post instans culpae in tempore habito iustificare animam per gratiam.

Praeterea, aut illa iustificatio esset motus, vel mutatio?—Non mutatio, quia non esset in instanti. Non motus, quia non esset successio secundum partes “mobilis,” scilicet animae, quia ipsa est indivisibilis, —neque secundum partes formae, scilicet gratiae,—neque secundum media inter extrema: non enim est medium inter privative opposita circa aptum natum, sicut nec absolute inter contradictoria,—nec alterum istorum secundum partes acquirebatur vel amittebatur,—neque subiectum est divisibile.

Ad primam instantiam dico quod si Deus in aliquo instanti alicuius temporis voluntarie agit, non necessario oportet eum expectare tempus ut in instanti determinato illius temporis agat, sed potest agere in tempore in cuius primo instanti non agit. Verum est igitur quod Deus potest agere in instanti quidquid immediate agit, sed non est necesse ipsum agere in instanti.

<sup>20</sup>Aristotle, *Physica* VIII, c. 10 266b 4-5.

<sup>21</sup>Cf. Aristotle, *Physica* V, c. 3, 227a 9.

[Re 3] The third possibility is manifest.<sup>14</sup>

[Scotus' personal position] But which of these three possibilities is factually the case, God knows—but if the authority of the Church or the authority of Scripture does not contradict such, *it seems probable that what is more excellent should be attributed to Mary.*<sup>15</sup>

[Objections re 2] Against the second of these alternatives there is a twofold objection:

First in this way: every action God does with respect to a creature he does in an instant, for—according to *Physics* VIII—infinite power acts in an instant. Since, a finite and an infinite power cannot act in equal measure; therefore, [God] cannot after an instant of guilt, justify a soul during the stretch of time that follows.<sup>16</sup>

Furthermore, that justification would be either a motion or a mutation.<sup>17</sup> Now it is not a mutation since it would not occur in an instant. Neither is it a movement, for as a succession of movable parts, this would involve something mobile. Now this cannot be: [1] the soul, for that is indivisible; [2] or a form in the soul, namely, grace; [3] or something midway between these extremes, because between privative opposites, namely what the soul is suited by nature to receive on the one hand and its privation on the other, there is nothing in-between, any more than there is between absolute contradictories; [4] or parts acquired or lost in either one of these [i.e., the soul or its grace], since as a subject neither is divisible.<sup>18</sup>

[Answer to the objections] To the first objection, I say that if God acted voluntarily at some instant during some span of time, he would not have to wait for an interval of time before he could act at some determinate instant, but he could act in time without having acted at the first instant of that time-period. Hence, it is true that God could act in an instant as regards anything he did immediately, but it is not necessary that he act instantaneously.<sup>19</sup>

Ad secundum dico quod stricte loquendo—sicut Philosophus<sup>21</sup> loquitur de motu et mutatione—ista justificatio-passio nec est motus nec mutatio, sed aliquid habens de utroque,—hoc habens de mutatione quod ut forma simplex et indivisibilis inest subiecto, hoc de tempore et motu quod in nulla mensura indivisibili inest sed in tempore, et in hoc deficit a mutatione; deficit autem a motu, quia non est fluxus secundum partes formae et “mobilis” vel secundum media inter extrema, quia hic nulla sunt media, sicut probatum est.

Exemplum huius est: mobile transit a forma sub qua fuit in ultimo instanti quietis, ita quod post illud instans est continua deperditio illius formae secundum partes eius et continua acquisitio formae oppositae; si in illo toto tempore inesset forma opposita, cum non successive acquirerentur partes eius esset simile in proposito, quia tunc illius formae acquisitio nec esset motus nec mutatio, sicut nec modo transitus ab immutatione ad motum est mutatio vel motus.

Sed quare passio causata ab agente naturali est mutatio vel motus, et non ista?—Respondeo, quia agens naturale si potest subito inducere formam, inducit per mutationem, et si non potest, necesse est ut agat in tempore et ita per motum, et ita movendo; Deus autem etsi possit inducere formam in instanti, tamen si non induceret in instanti, potest inducere totam in tempore ita quod non partes ante partes: posse enim agere in tempore non est imperfectionis in agente licet necessitas agendi in tempore sit imperfectio.

#### [Ad Argumenta Contra]

[Ad auctoritates]:

Si autem teneatur pars negativa quaestionis, ad omnes auctoritates in contrariam partem respondetur quod quilibet filius Adae naturalis, est debitor iustitiae originalis, et ex demerito Adae caret ea, et ideo omnis talis habet unde contrahat peccatum originale. Sed si alicui in primo instanti creationis animae detur gratia, ille numquam careret iustitia originali,—

To the second,<sup>20</sup> I say that strictly speaking—in the sense the Philosopher uses the terms “motion” and “mutation”—this passive-justification is neither a movement nor a mutation, but it is something having characteristics of both.—It resembles a mutation inasmuch as it exists as a simple indivisible form in its subject, and it shares with time and movement the fact that it does not exist in some indivisible measure of duration but, unlike a mutation, it takes place in time; but it also is unlike a motion, which is a process or state of flux involving parts of a mobile form; neither are there any intermediate stages between two extremes, because there is nothing in between as the objection proved.

Consider this example: the mobile passes from the form under which it existed at the last moment it was at rest, so that once that instant is past, there is a continuous loss of that form according to its parts and a continuous acquisition of the opposite form.<sup>21</sup> But if during that whole time it was under that opposite form, since it was not successively acquiring parts of it, it would resemble what we are proposing. For then the acquisition of that form will be neither a motion nor a mutation, just as now the transition from an unchanged rest-state to one of motion is in itself neither a mutation nor motion.

But why is the reception of the action of a natural agent either a mutation or a motion, and not this? I reply: if a natural agent can induce a form suddenly, it does so as a mutation, and if it cannot do it suddenly, it is necessary that it act in time, and thus through motion, and so it induces its form by moving [i.e., by changing the patient only gradually]. But God, although he could induce the form in an instant, nevertheless, if he would not induce it for only an instant, he could for a span of time induce the form as a whole and not just one part before the other; for to be able to act in time is not an imperfection in an agent, although it is an imperfection if the agent of necessity has to act in time.

#### [To the Arguments to the Contrary]

[To the authorities]

But if one holds the answer to the question is negative, the reply to give to all the authorities to the contrary is that every child of Adam begotten in a natural way is a debtor to original justice and lacks it because of Adam's demerit. Therefore every such descendent begotten in a natural way has a basis for contracting original sin. But if someone in the first instance of creation of the soul were given grace, that person would never

hoc tamen non est ex se sed merito alterius, si propter meritum alterius confertur sibi gratia; ergo quantum est ex se quilibet haberet peccatum originale nisi alius praeveniret, mediando. Et ita exponendae sunt auctoritates quia “omnes naturaliter propagati ab Adam sunt peccatores,” hoc ex modo quo habent naturam ab Adam, habent unde careant iustitia debita nisi eis aliunde conferatur; sed sicut posset post ultimum instans conferri gratia, ita posset in primo instanti.

[Ad primam rationem]

Per idem patet ad rationes factas pro prima opinione, quia Maria maxime indigisset Christo ut redemptore; ipsa enim contraxisset originale peccatum ex ratione propagationis communis nisi fuisset praevenita per gratiam mediatoris,—et sicut alii indiguerunt Christo ut per eius meritum remitteretur eis peccatum iam contractum, ita illa magis indiguit mediatore praeveniente peccatum, ne esset aliquando ab ipsa contrahendum et ne ipsa contraheret.

[Instantia et responsio] Et si arguatur contra hoc, quod ipsa naturaliter prius fuit filia Adae quam habuit gratiam, quia prius fuit persona quam habuit gratiam—in illo igitur priori tenebatur ad iustitiam originalem, quia naturalis filia Adae, et non habuit eam—ergo in illo priori contraxit originale,—respondeo: dico quod quando opposita comparantur ad idem secundum ordinem naturae, non simul ambo insunt, sed tantum alterum inest; reliquum—quod dicitur “prius natura”—non inest (quia in eodem instanti oppositum non inest), sed dicitur “prius natura” quia tunc inesset, quantum est ex parte sui, nisi aliud—extrinsecum—impediret. Ita si materiam comparo ad formam et privationem, prius naturaliter est materia non habens formam quam habens; non quod in illo instanti in quo habet formam, realiter non habeat eam, quia tunc contradictoria essent simul vera, sed tunc materia (quantum est ex se, dimissa sibi) non habent formam si alius habens non daret. Similiter, subiectum est prius naturaliter utroque opposito, quia prius naturaliter est unumquodque illud quod est in se quam sit vel non sit illud quod est in alio,—et ita materia non solum privata prius est naturaliter quam formata, sed prius est in se naturaliter

lack original justice,—and nevertheless this is not something the person has of itself, but only by merit of another, if it was because of another’s merit that grace was conferred on this person. Therefore, everyone on their own would have original sin unless another prevented it by way of mediation. And in this way the authorities are explained because “all who are the natural progeny of Adam are sinners,” i.e., from the manner in which they get their nature from Adam they have no reason to possess the justice they should have had, unless it is given to them in another way. But just as grace could be conferred afterwards, so it could be given at the first instant [the soul was created].

[To the first reason] This same explanation answers the arguments given for the first opinion, because Mary most of all needed Christ as a redeemer; for she would have contracted original sin by reason of her common birthright were she not prevented by the grace of her mediator,—and just as others would have had a need for Christ that through his merits the sin they had already contracted be remitted, so she had an even greater need of a mediator lest she would need to contract it at sometime, and to prevent her from contracting it.

[Objection and Reply]<sup>22</sup> And if one argues against this, that naturally<sup>23</sup> she was first a child of Adam before she was a child of grace, because she was first a person before she had grace, and in that prior instant, therefore, she ought to have had original justice, since she was by nature a daughter of Adam, and yet she did not have it; hence in that [natural] priority she contracted original sin,<sup>24</sup>—I reply: I say that when opposites are compared to the same thing according to the order of nature, they are not both present simultaneously, but only one of them is there; the other—which is said to be prior by nature—is not present (because in the same instant the opposite cannot be present), but it is said to be “prior by nature” because then it would be present so far as its part is concerned unless something extrinsic prevented it. So if I compare matter to form and privation, matter not having form is naturally prior to having form.<sup>25</sup> Not that in that instant in which it has form, it really would not have it, because then contradictories would be simultaneously true.<sup>26</sup> Rather at that instant matter (so far as itself is concerned being without it) has no form, if another having it does not give it form. Similarly, a subject is first of all naturally prior to both opposites, because everything is naturally prior in regard to what it is in itself than in regard to what it is in another. And so matter as deprived of form is not only prior to being formed, but in itself

quam privata vel formata; nec tamen sequitur quod ipsa aliquando sit in se ita quod nec sit sub privatione nec sub forma, quia hoc modo non est nisi quod eius propria ratio et quidditativa—quod dicitur “prius”—neutrum istorum essentialiter includit.

Ita in proposito. Dico quod natura anima praecedit naturaliter iustitiam originalem seu gratiam aequivalentem et carentiam iustitiae debitaе, et etiam in illa natura naturaliter praecedit carentia illa iustitiae originalis illam scilicet iustitiam, quia quantum est ex subiecto, quod est prius naturaliter utroque opposito, privatio inesset naturaliter prius ipsa forma; tamen non oportet animam aliquando esse sub neutro extremo opposito, neque prius esse sub privatione quam sub opposito.

Quando ergo arguitur quod “prius naturaliter fuit filia Adae quam iustificata,” concedo quod illam naturam in primo instanti naturae sic conceptam consequeretur esse filiam Adae et non habere gratiam in illo instanti naturae, sed non sequitur “ergo in illo instanti naturae fuit privata,” loquendo de omnino primo instanti, quia secundum illam primitatem naturae ita naturaliter praecessit privationem iustitiae sicut ipsam iustitiam; sed tantum potest hic inferri quod “de ratione naturae est quod est naturaliter fundamentum filiationis Adae,” nec in ea ut sic includitur iustitia, nec eius carentia, quod concedo.

Sed si obicias de alio modo prioritatis naturae, quod ipsa est naturaliter prius carens ea quam habens eam,—quia hoc inest sibi a causa intrinseca,—dico quod hoc “prius natura” numquam inest naturaliter, sed tantum inesset si causa extrinseca non impediret et poneret oppositum eius inesse: sicut si in primo instanti naturae materia informaretur, privatio, quae alias inesset materiae naturaliter, numquam ei inesset.

Et si arguatur “non est iusta in primo instanti naturae, ergo in illo instanti non-iusta,” ex II *Peribermeneias*,<sup>22</sup>—dico quod consequentia non valet in praedicatis compositis, “non est album lignum, ergo non-album lignum”; ita hic, “non est iusta in primo instanti, igitur est non-iusta in primo instanti,”—quia “non est iusta in primo instanti” sensus est: non est

<sup>22</sup>Aristotle, *De interpretatione*, c. 10 19b 27-29.

it is prior naturally to both being deprived of form or having form. But neither does it follow that it is *at some time* existing in itself in such a way as to be neither under form or its privation. For it is in this way [i.e., without either] only in the sense that its proper definition or quiddity<sup>27</sup>—which is said to be prior—includes neither of these essentially.

And so it is in the case at hand. I say that by nature the soul precedes naturally original justice or its equivalent grace and the lack of justice that should be there, and also in that nature this lack of justice naturally precedes the other, viz. justice, because so far as it is from the subject, which is prior naturally to both opposites, privation would naturally be prior to having that form; however it is not necessary that at some time the soul be under neither of the opposite extremes, nor need it be under privation before it is under its opposite.

When it is argued that “a daughter of Adam was naturally prior to a justified one,” I concede that her nature thought of in this way [i.e. as justified] in the first instance of nature follows her being a daughter of Adam and not having grace in that instant of nature, but it does not follow “therefore, in that instant of nature it was deprived,” speaking of that very first instant. For according to that primacy of nature it naturally precedes the privation of justice just as it [i.e., “being a daughter of Adam”] precedes justice itself. But all one can infer here is that “under the aspect of nature there is a natural basis for being a child of Adam.” And under that aspect there is neither justice nor lack of it, which I concede.

And if you object to the other way [we spoke] of a priority of nature, that the lack of justice is naturally prior to having it,—because this lack is present to it from an intrinsic cause,—I say that this [lack that is] “prior by nature” is never in it naturally.<sup>28</sup> It would have been there, however, if the extrinsic cause did not prevent it and cause its opposite to be there. It is like this. If matter was informed in the first instance of nature,<sup>29</sup> then the privation, which otherwise would be naturally present in the matter, never would never be there.

And if you argue: “She is not just in that first instant of nature, therefore she is not-just,”—I say that, according to Bk. II *On Interpretation*,<sup>30</sup> the inference is invalid where the predicate is composite, [e.g.] “This is not white wood, therefore it is not-white wood.” So also here, “She is not just in the first instant, therefore she is not-just in the first instant.”—For “She is not just in the first instance” means that she is not just in the first instant of nature so far as she herself is concerned, not that she is unjust in the first instant so far as she herself is concerned; therefore “She is unjust

iusta in primo instanti naturae quantum est ex ratione sui; ergo "est non-iusta in primo instanti ex ratione sui" non sequitur, quia neutrum istorum essentialiter includit.

Et si arguas "in primo instanti naturae intelligitur non-iusta,"—dico quod non, quia non intelligitur "iusta," et "abstrahentium non est mendacium," II *Physicorum*,<sup>23</sup>—quia non omnis non intelligens hoc, intelligit non-hoc.

[Ad secundam rationem] Ad aliud, de apertione ianuae,—patet quod ianua fuit sibi aperta per meritum passionis Christi, praevisae et acceptatae specialiter in ordine ad hanc personam, ut propter illam passionem numquam huic personae inesset peccatum et ita nec aliquid propter quod ianua clauderetur, cum tamen sibi ex origine competeret unde ianua sibi clauderetur, sicut aliis.

Et si dicas "igitur si fuisset mortua ante passionem Filii sui, fuisset beata,"—dici potest quod sancti patres, in limbo, purgati fuerunt a peccato originali—et tamen clausa fuit ianua, usque ad solutionem paenae debitae. Ita enim determinaverat Deus quod licet acceptaverat passionem Christi praevisam ad remittendum culpam originalem, omni credenti et credituro illam passionem, non tamen remittebat paenam illi peccato debitam—scilicet carentiam visionis—propter passionem praevisam, sed propter ipsam praesentialiter exhibitam; et ideo sicut illis patribus non patuit ianua, quousque passio Christi fuit exhibita, ita probabile est quod nec beatae Virgini.

[Ad Bernardum specialiter] Ad argumentum Bernardi potest responderi quod in instanti conceptionis naturarum fuisset sanctificatio, non a culpa quae tunc infuit, sed a culpa quae tunc infuisset nisi gratia illi animae tunc fuisset infusa.

Et si arguatur quod ibi fuit libido, falsum est de conceptione naturarum, licet posset concedi fuisse in conceptione et commixtione seminum; et dato quod in conceptione seminum fuisset creatio animae, non fuisset aliquod inconueniens gratiam tunc fuisse infusam animae propter quam anima non contraxisset aliquam infectionem a carne vel corpore, cum libidine seminato: sicut enim post primum instans baptismi potuit remanere

in the first instant so far as she herself is concerned" does not follow, because [what she is of herself in the first instance] includes neither of these essentially.

And if you argue "in the first instance of nature *not-just* is at least understood" I say that this is not so, because neither is *just* understood, and "of abstractions there is no lie,"<sup>31</sup> according to Bk. II of the *Physics*,—"for not every one not thinking "this" is thinking "not-this."

[To the second reason] To the other about the opening of the door—it is evident that the door was open to her through the merits of Christ that were foreseen and accepted in a special way for this person, so that because of his passion this person was never in a state of sin and hence there was no reason why the door was closed, although, by reason of her origin, it would have been closed to her just as it was to others.

And if you say that "therefore, if she had died before the passion of her son took place, she would have been beatified" [i.e., she would have gone to heaven instead of limbo],—it can be said that the holy fathers in limbo<sup>32</sup> were purged of original sin—and nevertheless the door was closed to them until the punishment due was paid. For thus God determined that although he had accepted the foreseen passion of Christ to remit original sin of all who believed and would believe in that passion, nevertheless he only remitted the punishment due to that sin—but without the [beatific] vision—for the sake of the passion he foresaw, since it was exhibited as present; and therefore just as to those fathers the door was not open until the passion of Christ was exhibited, so it is probable that neither was it opened to the blessed Virgin.

[To Bernard's argument in particular] To the argument of Bernard it can be replied that in the instance of the conception of nature there was sanctification, not from guilt which then was present there, but from the guilt that would have been there if grace were not infused into the soul at that moment.

And if one argues that there was concupiscence present, this is false as regards the conception of natures,<sup>33</sup> although it could be conceded in regard to the conception and the mixing of the seeds; and granting that in the conception of seeds the soul would have been created,<sup>34</sup> it would not have been incongruous that grace would have then been infused in the soul, and for that reason the soul would not have contracted any infection from the body or flesh conceived with carnal pleasure. For just as after the

<sup>23</sup>Aristotle, *Physica* II, c. 2 193b 35.

infectio carnis—contracta per propagationem—cum gratia in anima mundata, ita potest esse in primo instanti, si Deus creavit tunc gratiam in anima Mariae.

first moment of baptism some infection of the flesh contracted through propagation has been able to remain together with grace in the purified soul, so this could happen in the first moment, if God then had created grace in the soul of Mary.

## Endnotes: Question Two, The Text in Translation

<sup>1</sup> A reference to Augustine's theory of seminal reasons, i.e., matter contains active powers that explain the subsequent forms that are educed from matter in the course of time. Scotus discusses this theory, which he rejects, in his *Metaphysics*, Bk. 7, q. 12 (Vivès ed. VII, 394-402) and in his several commentaries on the *Sentences*, Bk. II, d. 18, q. 1. Insofar as human seed or semen was believed to contain the form of the offspring, "to be in Adam according to a seminal reason," is equivalent to saying Mary was of the seed of Adam.

<sup>2</sup> This work of Fulgence of Ruspe (d. 533) was written as a defense of the true faith, for a certain Peter going on pilgrimage to the schismatic East. Fulgence was thoroughly saturated with the ideas and way of thinking of Augustine, to whom Scotus attributes the work. It reflects especially the saint's theory of original sin referred to in note 10 of the Introduction.

<sup>3</sup> The canonical reference is to the *Decrees of Gratian*, Part III, dist. 3, c.1 where Gratian lists the various feasts to be celebrated during the year according to the Council of Lyons, among which is "Nativitas S. Mariae."

<sup>4</sup> *Anselm of Canterbury*, trans. by J. Hopkins and H. Richardson (Toronto and New York: Edwin Mellen Press, 1976) Vol. III, p. 119: "For although the conception of this man was clean and free from the sin of carnal delight, nevertheless the virgin from whom He was assumed was conceived in iniquities, and her mother conceived her in sins; and this virgin was born with original sin, since she sinned in Adam in whom all have sinned."—Cf. *S. Anselmi Opera omnia*, (ed. F. S. Schmitt. v. II, p.122).

<sup>5</sup> We have referred to Bernard of Clairvaux's *Epistola 174* (PL 182, 332-36) in our Introduction.

<sup>6</sup> See the Introduction, notes 12-14.

<sup>7</sup> *Anselm of Canterbury*, trans. J. Hopkins and H. Richardson, Vol. III, *Cur Deus Homo* II, ch. 16, pp. 120: "There is a king against whom all the inhabitants of one of his cities—except one sole inhabitant, who is nevertheless of their race—so sinned that none of them is able to perform that [meritorious work] in virtue of which he would escape condemnation to death. But this inhabitant who alone is innocent has such great favor with the king that he is able—and has such great love for the guilty ones that he is willing—to bring about reconciliation for all who will trust in his plan. He will reconcile them by means of a service which will be especially pleasing to the king; and he will do this on the day determined in accord with the king's will. Now, not all who are to be reconciled are able to be present on that day. Therefore, because of the magnitude of this service, the king grants absolution from all past guilt to all those who either before or after that day acknowledge their desire both to obtain pardon on the basis of the work done on that day and to assent to the agreement then contracted. And [the king grants that] if they sin again after this pardon, they will be pardoned anew through the efficacy of this agreement, provided they are willing to make an

acceptable satisfaction and thereafter to mend their ways. Nevertheless, [all of this occurs] in such a way that no one may enter his palace until after the execution of the service on the basis of which his guilt is pardoned."

<sup>8</sup> *Anselm of Canterbury*, trans. J. Hopkins and H. Richardson, Vol. III, *The Virgin Conception and Original Sin*, pp. 146-147: "Chapter Three: Sin is present only in the rational will...Now, if while remaining sinless Adam and Eve had begotten offspring, justice would not and could not have been in the seed prior to the seed's having been formed into a living human being. Therefore, if the seed of a human being cannot admit of justice before becoming a human being, then the seed cannot be subject to original sin before becoming a human being...Every sin is injustice, and original sin is a sin in an unqualified sense...it follows that original sin is also injustice...If injustice is nothing other than the absence of required justice (for injustice is seen to be only in a nature which does not have justice when it ought to), then assuredly original sin is included within the definition of 'injustice.'...Since injustice can be present only where there ought to be justice, original sin—which is injustice—is present only in a rational nature...If justice is uprightness of will kept for its own sake, then justice can be present only in a will. Therefore, injustice can be only in a will for the absence of justice is called injustice only where justice ought to be." —*Ibid.*, pp. 152-53: "Chapter Seven: How the seed of man is said to be unclean and to be conceived in sins, even though there is no sin in it. From the things already said it is now clear, I believe, that sin and injustice...are present only in a rational will, and that no being except a will is properly called unjust. Hence, an alternative seems to follow: Either from the very moment of his conception an infant has a rational soul (without which he cannot have a rational will), or else at the moment of his conception he has no original sin. But no human intellect accepts the view that an infant has a rational soul from the moment of his conception. For [from this view] it would follow that whenever—even at the very moment of reception—the human seed which was received perished before attaining a human form, the [alleged] human soul in this seed would be condemned, since it would not be reconciled through Christ—a consequence which is utterly absurd. Thus this half of the alternative must be completely excluded. But if an infant does not have sin from the moment of his conception, then why does Job inquire of God: 'Who can make him clean who was conceived from unclean seed?'...Often something not the case is asserted by Divine Scripture to be the case simply because its future occurrence is certain...When Adam sinned, we all sinned in him—not because at that time we ourselves who did not yet exist sinned, but because we were going to exist from Adam and because at the time of his sin there was produced the necessity that we would sin when we existed, since 'through one man's disobedience many were made to be sinners' [Rom. 5:19]. We can understand in a similar manner [the statement] that a man is conceived from unclean seed and in iniquities and sins—i.e., not in the sense that in the seed there is iniquity or sin or uncleanness of sin, but in the sense that from the seed and from the conception from which a man begins to exist he receives the necessity that when he comes to possess a rational soul, he will have the uncleanness-of-sin, which is nothing other than sin and iniquity. For even if an infant be begotten by a corrupt concupiscence, there is no more fault in the seed than there is in the spittle or the blood should someone malevolently expectorate or malevolently shed some of his own blood. For what is at fault is not the spittle or the blood but the evil will. Therefore, it is clear both how there is no sin in infants from the moment of their conceptions." *ibid.*, pp. 152-53.

<sup>9</sup> All the great scholastics, beginning with Alexander of Hales, the great Parisian Master of Theology (d. 1245) who reorganized the university theology after the great strike of 1229-31, held that Mary was not born with original sin. He first raised the famous "sanctification question" ("*Quaeritur de sanctificatione, ratione eius quod dicitur in I Jeremiah 1:5: Antequam exires de vulva, sanctificavi te.*") that not only established the technical meaning of

"sanctification" for medieval theologians but would focus attention specifically on the problem of Mary's sanctification for over half a century. John of LaRochelle's (d. 1245) special question on this subject was not only incorporated almost verbatim in the *Summa fratris Alexandri*, but inspired similar questions on the sanctification of the Blessed Virgin by subsequent theologians, including St. Bonaventure and St. Thomas Aquinas. On the early history of this doctrinal development see my article, "Doctrine of the Immaculate Conception in the Early Franciscan School," *Studia Mariana* 9, (1954), pp. 40-69. As Aquinas noted (see Introduction, notes 16 and 29) no one knew the precise time that intervened between animation and sanctification. Hence the question they raised in regard to Mary was "When?" Henry of Ghent tried to shorten the time to an absolute minimum. Scotus' second possibility is his reinterpretation of Henry of Ghent's theory. It came to be generally accepted as the best and most reverent interpretation one could give to the common opinion for those who could not accept Scotus' own view that the first was more probable. See the Introduction, note 49.

<sup>10</sup> Circumcision in the Old Testament played a role similar to baptism. Though the scholastics all agreed that it removed original sin, they disagreed to what extent it conferred grace. Alexander of Hales, for example, had argued that the sacraments of the New Testament effect what they symbolize and confer grace, whereas those of the Old Testament like circumcision only remove sin. ("*Sacramenta Veteris Legis non efficiunt quod figurant, quia quantum in se est, non conferebant gratiam, licet amoveret culpam aliquod illorum sicut circumcisio.*" *Quaestio de sanctificatione*. Cod. Vat. 782, fol. 62a). Scotus insisted it also conferred grace: "*Hoc teneo quod non est possibile de potentia ordinata, culpam originalem, nec aliquam aliam mortalem dimitti sine infusione gratiae.*" Cf. Scotus *Ordinatio* IV, dist. 1, q. 6, n. 9 (ed. Vivès, 16, 220).

<sup>11</sup> In the earlier *Lectura completa* Scotus puts it this way: "But the second is also possible, namely, that it is only for one instant that she was in original sin and for the time she had she was in grace. And if one understands the Ghentian in this way, his opinion is good, so that at the instant of conception she was in sin and a daughter of ire, and in the whole time span was subject to grace, because this situation is often evident in creatures. For if something comes to rest at some time, it rests at the end point of that time, and in the whole time that follows it is under a state contrary and opposed [to end point of rest], nor is there any "first" of the motion, but always as long as [a thing] is moved, it exists as something acquiring a form; therefore this situation is possible here with respect to God acting, namely that the Blessed Virgin in an instant is under guilt and in the time that follows is under grace and that there is no first state of being in grace, but there is an end point to guilt." Cf. Balic, *op. cit.*, p. 92. Scotus' analysis here is based on Aristotle's physical explanation of motion and the time-continuum in such a way as to avoid the paradoxes of Zeno and the Eleatics. See the following note.

<sup>12</sup> The *Lectura completa* puts the confirmation this way: "Also, in the whole time period had after the first instant of conception it could have been under sin; but for the amount of time something can be under one opposite, it could by divine power be under the contrary opposite, on the grounds that it is suited by nature to have that contrary opposite and it is not repugnant to it, namely, to the soul. In this way, therefore, the first instant of conception could have been the beginning of the time it was under grace, and nevertheless in that instant it could have been under sin." (*editio citata*, p. 92) This again is based on Aristotle's philosophical analysis of what happens when an object begins to move after being at rest; as long as anything is in motion, it is in time, since he defines time as just this: "the number of motion in respect of 'before' and 'after.'" (*Physica* IV, c. 11 219b 1) Hence, he concludes: "Time is not movement, but only movement in so far as it admits of enumeration." (*Ibid.* 2)

What Scotus is saying equivalently is that if Mary's soul was in a state of sin only for the instant at which it was infused into the body, technically speaking that instant is not "in time" and if after that instant in sin a change takes place, namely, her sanctification, then at no time was she in a state of sin. An instant is not, philosophically speaking, "in time" for motion requires more than a non-durational point; a period or span of some duration is needed. As Aristotle explains: "Just as motion is a perpetual succession, so also is time." (*Ibid.* 9) The "now" that measures time is in the mind, but the time and the motion that is measured is objective. (*Ibid.* c. 11) This too was Henry's point, for he too wanted to say with Aristotle that Mary's sanctification, or better her stay in grace, was a span of time that had no distinct starting point. His mistake, according to Scotus was to assert that the contrary states of sin and grace overlap or coexist in the same instant. Scotus avoids the contradiction, since he does not affirm it was possible to be at the same instant to be in a state of sin and of grace, but only that it is possible to be in a state of sin for an instant and for every other subsequent instant of time in a state of grace. This, he points out in criticizing Henry, is what Aristotle actually meant when he claimed there is a last point of rest but no first point in motion. Historically, as medievalists well know, this also led to his idea that time could have no beginning and therefore left the scholastics with the problem of how to reconcile his theory of the continuity of time with their interpretation of the biblical account of the temporal creation of the world.

<sup>13</sup> Scotus seems to be saying that even if Mary was given grace at the first instant of conception, it is logically possible that she did not remain in that sinless state forever and therefore, one could postulate the third possibility, namely, that she was in sin for some period of time and at the last instant of that time was purged of it. Though no one that I know of assumed Mary ever lost grace through deliberate mortal sin, some of the early fathers of the Church like St. John Chrysostom, believed that Mary might have sinned venially, e.g., by her impatience with Christ for remaining behind in the Temple when his parents returned to Nazareth.

<sup>14</sup> As he puts it in the *Lectura completa*, this third possibility obviously entails no contradiction, since it is the state in which we all find ourselves. "Quantum ad tertium articulum, quod scilicet per tempus potuit fuisse in originali peccato, patet, nam hoc non includit contradictionem, sicut nos sumus per tempus in originali peccato et post in gratia." (*edit. cit.*, p. 95)

<sup>15</sup> This is sometimes referred to as Scotus' "Marian Principle" and it corresponds to his Christological Principle: "In extolling Christ, I prefer to praise him too much than fail by defect, if through ignorance I must fall into either excess" (*Ordinatio* III, dist. 13, qq. 1-4; cf. my article "John Duns Scotus on the Primacy and Personality of Christ," *Franciscan Christology* [St. Bonaventure, N.Y.: Franciscan Institute, 1980], p. 163).

<sup>16</sup> In the earlier *Lectura completa* Scotus puts the first objection this way: "To the contrary: God only acts on a creature in an instant, because—according to Bk. VIII of the *Physics*—infinite power acts in an instant; for a finite and an infinite power cannot act in equal measure. If therefore God created grace in the soul, and not at the first instant of conception, therefore it was in another instant; but inasmuch as between these instants there is a time span, it could not have been under sin for only one instant." (*edit. cit.*, p. 95)

<sup>17</sup> Motion is a temporal process; mutation a sudden or instantaneous change.

<sup>18</sup> In the *Lectura completa* Scotus presented this in the form of two distinct objections. He combined them into one when he revised the earlier version for his *Ordinatio*. The *Lectura completa* version reads this way: "Further, privative opposites are contradictorily opposed as regards something suited by nature to have them. Therefore, whenever, in a subject apt to

have it, a form ought to be induced opposed to the privation which exists, if the subject itself is indivisible and the form also indivisible, then the form is induced abruptly and instantaneously, since there is no reason then for a successive induction of the form; for all succession in the induction of a form is either because of a divisible subject or a divisible medium—as in the case of local motion,—or a form induced in a divisible way, as is the case when a habit is generated in the soul through a succession of acts; but in the case at hand we have none of these situations; therefore it seems necessary that the form be induced all at once and then it follows that for a time, [and not just for an instant before the induction, the soul] was in a state of sin.—Also grace is induced either by way of motion or by way of a mutation. Not through motion, as is evident; therefore through a mutation and so in an instant, and then the same thing follows as before." (*ed. cit.*, pp. 92-93)

<sup>19</sup> The *Lectura completa* answers the first objection in this way: "I reply to these [objections] that God could act in regard to a creature either in an instant or over a time period, and this second case either immediately or through the mediation of a secondary cause. Therefore, just as when God acts together with a creature and a secondary cause, he acts in time if the creature acts in time, so he can also act by himself over a period of time, since he acts freely; hence he can adjust his power to an instant or to time, as he does when he acts while a secondary cause is acting. Just as he supports the power of the secondary agent in time or in an instant, according to the condition of such a secondary agent, so on his own he can act in the whole of some small period of time, when there is something he can act on. Otherwise if one would have to have been temporally conceived in sin, God would have had to wait for some passage of time before he could infuse grace in the soul,—the opposite of which seems true. For from the fact that the soul was able to receive grace, God could have given it for the whole span of time, because God can act for any extent of time as long as on the part of the creature there is something he can act on. And on this score the answer to the first objection is clear, that he creates grace in the time had in the first instant of conception." (*ed. cit.*, p. 93)

<sup>20</sup> The *Lectura completa* answers the two corresponding objections (cf. note 18) in this way: "To the second we must say it is like this. Grace and guilt are immediate as regards the soul, so much so that at no time or instant is the soul in neither state, but—according to the law established by God—it is necessarily in one state or the other. And still so far as the intervening time-continuum is concerned, they are not immediately opposed, for if you designate some indivisible point at which grace is in the soul, there will be an intermediate span of time between that designated instant and the first instant of conception. Then during that intervening time it [i.e., the soul] has been in grace, but in the first instant of that time it has been in sin. Or it is like this. Between *to-be-fire* and *not-to-be-air* there is no midpoint in which the subject of generation [i.e., the air in the process of becoming fire] is under neither term of the generation. Nevertheless, whatever you point to as indivisible between its *not-being-the-air-that-perished* and its *being-fire* will turn out to be a mean continuum, namely time. And so it is here. But this [i.e., interval in the state of grace] is not the sort of medium that is required for motion, namely, a divisibility of subject or form [for neither the soul nor the grace it has is divisible]. And from this, then, it follows that grace is induced *in time* and not *in an instant*. But what is said about succession being so and so [i.e., "for all succession in the induction of a form is either because of a divisible subject or a divisible medium—as in the case of local motion,—or a form induced in a divisible way," cf. *supra* note 18] is true, but in a different manner, since in our case the reason for succession, [namely,] that grace is induced in time, is not the divisibility of the subject or the form, but it stems from the first instant in which God begins to gratify the soul, in which instant only it is presumed to have been in sin and under the power of God, who has the ability to act either in time or in an instant.—To the third when it is argued either it is induced through motion

or through a mutation,<sup>7</sup> I say that it is not induced through motion, since motion is successive by reason of the divisibility of its subject, its form, or its medium; neither is it induced through mutation which has to do with something indivisible; hence, if motion or mutation are taken in a strict sense, [justification] is induced through neither. But from this angle, it does resemble a mutation, because the transit from one opposite to the other is immediate, inasmuch as each involves the negation of the opposite extreme, because there is nothing in between the first instant and the time period that follows.—Also whoever wants to, could avoid the whole difficulty here, by holding, namely, that only for an instant of time was she in sin and that created grace would have existed in an state of eviternity which coexists with the whole flow of time from that first instant, because every permanent thing which is suited to remain in existence is measured by eviternity, and then that instant of guilt is followed immediately by stretch of eviternity measuring the existence of the grace which coexists with the whole time span—and then the production of grace is a mutation, not indeed as indivisible motion but in the sense that a creation is a mutation.” (*ed. cit.*, pp. 93-95)

<sup>21</sup> In other words, the new form acquired through motion comes into existence only gradually or step by step and hence “according to its parts” successively.

<sup>22</sup> In this final version or *Ordinatio* of his commentary on the *Sentences* Scotus no longer makes any reference to Henry or his controversial theory that he discussed at length in his Paris lectures. After all, he is writing his *Ordinatio* for posterity and a decade after the historic dispute took place. What is important to discuss—and it surfaces here as an objection to his solution to the authorities marshalled in favor of the common opinion that Mary had to contract original sin, at least for a moment—is the philosophical distinction on which Henry tried to base his highly controversial theory, namely that one can make a *distinction of nature regarding the first moment* of Mary’s animation and/or existence in grace, and that in that first instant of existence (according to some sort of conceptual priority [see the following note]) there was her *need for a redeemer*. This after all was the theological stumbling block to accepting the possibility of her being conceived immaculately. Scotus shows this need for a redeemer does not logically entail original sin (as Henry thought) but only a natural tendency or disposition towards that sin, as it were, in virtue of her being of “the seed of Adam.”

<sup>23</sup> “Naturally first” is contrasted here with temporal priority. Logic, as philosophers point out, is essentially atemporal, since the principle of contradiction fundamental to logic only forbids that one assert and deny something simultaneously, for there is nothing contradictory about opposite attributes being true of the same subject at different periods of time. But within the same instant of time, and hence simultaneously, it is still possible to establish conceptual priority and posteriority. The existence of a thought logically entails the existence of a thinker, but a thinker can exist without actually thinking. Put in abstract terms, if A entails B, but B does not entail A, then A is prior by nature to B, even though A and B may exist simultaneously.

<sup>24</sup> The objector seems intent or resurrecting the ghost of Henry to haunt Scotus. Henry, we recall from the Introduction, tried to distinguish two signs of nature within one single instant of time, in the prior sign Mary contracted original sin; in the posterior sign of nature, she was sanctified and remained in that state for the rest of her life. The objector wants to argue Scotus is making the same philosophical mistake Henry of Ghent did, for he wants to make her indebted to Christ and hence in need of redemption at the same instant of time she is pre-redeemed and in a state of grace. If in the prior instant of nature she needed Christ even more than others, as Scotus maintains, then—if we accept Anselm’s definition of original sin, as Scotus does—in that prior sign of nature there was an “absence of justice that is due.” (Cf. note 8 *supra*). This, claims the quibbler, is just another way of saying she was in a state of original sin. In his reply Scotus will show the logical difference between his interpre-

tation and what Henry tried to hold.

<sup>25</sup> Aristotle analyzes all change philosophically in terms of three principles, *matter* (or the subject undergoing change), the *form* (which it receives as the result of the change) and *privation* (which is the absence of that form just prior to the change). Form and privation are the two contrary states that cannot coexist in actuality. Matter can have either one or the other, and hence is obviously not identical with either, and more to the point, it is not identical with privation. But matter is naturally prior to privation by reason of the definition of natural priority in note 23 *supra*.

<sup>26</sup> In this and in the statements that follow Scotus clarifies the distinction between real priority and priority by nature specifically with regard to matter, form, and privation. By definition, matter as such is neither matter with form nor matter deprived of form, but it is simply matter by nature. Hence, one can speak of it being “without form” by nature. On the other hand, if it really exists it must exist in some state or other. As real states, form and its absence (i.e. privation of form) are contradictorily opposed. Hence it has to be either with form or without form. If it is without form, this is not the “without form” matter is by nature.

<sup>27</sup> “Quiddity” is the philosophical term to indicate what is essential about anything; it is an answer to the question “Quid est?” i.e., What is it? in the most basic or definitional sense.

<sup>28</sup> “Naturally” here means “really” or in the factual sense of what actually happened.

<sup>29</sup> One might expect Scotus to say “in the first instant of *time*” rather than in the first instance of *nature*.” But he, or the objector, as is clear from what follows, apparently wants to move the argument one step further to a deeper level. What he and any contemporary theologian with an Aristotelian background may have had in the back of their mind, is that the “matter” of the celestial spheres was incapable of change; in other words, it had but one substantial form and had it *by nature*. What is peculiar about such celestial matter is that it is not indifferent to the form it has in precisely the same way terrestrial matter is indifferent to having any particular form (viz., of one of the four elements, earth, water, air and fire). Hence the matter of the celestial spheres it is never by nature “without form” and subject to substantial change in the way terrestrial matter would be. The point Scotus wants to make to the objector is that he would have no grounds to say “celestial matter is without form by nature.” Neither then does he have any reason for arguing “Mary’s soul in the prior instant of nature was without justice, therefore she was in original sin.” The argument is particularly forceful for Scotus, since unlike Aristotle or many other scholastics, he does not believe celestial and terrestrial matter are essentially different. Hence, celestial matter is just as distinct by nature from its form as terrestrial matter would be; nevertheless, according to the factual way God created the universe, it will never by anything short of a miracle be by nature in a state deprived of its form.

<sup>30</sup> In the logical treatise “On Interpretation” (19b 27-29) Aristotle makes the point that “Man is not just” is not logically equivalent to “Man is not-just.” For “Man is not just” is opposed to “Man is just” only its contrary, whereas “Man is not-just” is the contradiction of “Man is just.” It seems the Latin text not well punctuated, since it creates the impression it is the objector and not Scotus who is referring to Aristotle.

<sup>31</sup> Aristotle makes the point that both the physicist and the mathematician consider nature. The physicist treats of nature as mobile, or as a principle of motion and rest. The mathematician abstracts from motion and motion and treats of it in terms of static forms. Abstraction or separation in thought is not the same as denying or falsifying what is the case. This came to be quoted in the form of the maxim “An abstraction is not a lie.”

<sup>32</sup> This “limbo of the Fathers” as it came to be called, was the designation theologians used for the abode of those dead who did not merit hell but could not enter heaven before Christ’s redemptive death. The term “limbo” itself is neither biblical nor patristic, but of Teutonic origin, and means literally “hem or border.” In the popular mind, it was regarded as a place of natural happiness “on the outskirts” of heaven, as it were, where the good who died before Christ awaited his redemptive death and ascent into heaven, thus “opening the door” to them as well. The article of the Apostles Creed “he descended into hell” was meant somehow to express this encounter of Christ with these “holy souls” before he “rose from the dead” and “ascended into heaven.” If Mary never incurred original sin, Scotus’ objector is arguing, then unlike these “holy fathers,” she would have had no reason to be sent to limbo rather than entering heaven directly.

<sup>33</sup> That is when the soul was infused and a complete human nature was present. Presumably according to the biological conceptions of the time, this “*conceptio hominis*” occurs sometime after “*conceptio seminis*,” as St. Anselm noted. Henry of Ghent narrows it down precisely to 35 days; see the Introduction, especially notes 21–26. Scotus is using Henry’s terminology here.

<sup>34</sup> Scotus argues that even if the conception of the seed (the fusion of the male and female gametes) and the conception of the human being (or animation by a rational soul) coincide, there is still no need to assume the soul would be infected as Bernard, following Augustine’s theory of the transmission of original sin, assumed.

## QUESTION THREE

### THE MARRIAGE BETWEEN MARY AND JOSEPH