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Free Will and Moral Evil: John Duns Scotus's Theory

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In this paper¹ I present John Duns Scotus's analyses concerning the relationship between the will, freedom and moral evil. I focus mainly on the question of whether the created will can sin in order to commit evil and how acts of the will committed *ex malitia* can be understood. I also present Scotus's analyses regard-

ing the genus of freedom (freedom in general) and the species of freedom (absolute and limited freedom) and discuss the issue of the concurrence of the will of God and the created will in a morally evil act of the created will. I also point to the some links between Scotus's ethics and his moral theology.

1. Moral evil and sin

Since Scotus deals with the issues of moral evil in a theological context, it is understandable that he uses theological language and the category of sin. He defines "sin" as a theological term, referring to both God's law and moral

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rightness. In line with the antecedent tradition, he perceives sin as a privation (privatio) - yet it is not the absence of goodness in the agent which consists in sin's being something harmful to the agent (Alexander of Hales, William of Auxerre), or in the absence of grace (Thomas Aquinas), or the destruction of an acquired virtue (Bonaventure)2. According to Scotus, sin is a kind of corruption (corruptio) which is not supposed to be understood in terms of a change of being into non-being, but as a formal corruption. This kind of privation occurs when a positive quality is formally corrupted3. For in medieval terminology, privative terms do not describe pure negation but the absence of something a thing should have - for instance, blindness is the privation of sight, as according to nature, a thing that is blind should have the power of sight. Scotus defines sin as the privation of actual moral rightness which ought to exist4. A free will ought to act in conformity with a higher principle,

that is, with divine command; thus, if it does not conform with it, it is lacking in actual justice it ought to have justice that ought to be present. This kind of privation, as far as it concerns a deficient act of will, is a formally actual sin5. Both in his ethics and moral theology Scotus presents a coherent vision of evil (sin) as an act of will lacking in actual moral rightness it ought to have. From the point of view of ethics, an evil act lacks in justice which it ought to have; from the point of view of moral theology, such an act does not conform with the rule of justice received from God's commands. In his description of a deficient act of will, Scotus refers to the terminology developed by Saint Augustine. According to the bishop of Hippo, the will that commits evil is a "deficient" cause (causa deficiens) and not "efficient" cause (causa efficiens), because what results from such an action is not really an effect (effectio), for an effect has a positive dimension, but a defect (defectio)⁶. According to Augustine,

² "Ponitur quod illius boni in quo est, quia illi nocet, – sicut argutum est per Augustinum De civitate XII cap. 6; alio modo ponitur quod boni supernaturalis – scilicet gratiae – peccatum est privatio; aut tertio modo, quod est corruptio habituum acquisitorum" (*Ord.* II, d. 34–37, q. 4, n. 35). Fragments of Scotus's text are quoted after the following edition: Doctoris Subtilis et Mariani, Joannis Duns Scoti, *Ordinatio* II, d. 4–44 (*Opera omnia*, vol. 8), eds. B. Hechich, B. Huculak, J. Percan, S. Ruiz de Loizaga, C. Saco Alarcon, Citta del Vaticano: Typis Vaticanis 2001.

³ "Sed non intelligo de corruptione quae est mutatio ab esse ad non-esse [...], sed intelligo corruptionem formaliter, sicut privatio dicitur formaliter corruptio sui habitus" (*Ord.* II, d. 34–37, q. 4, n. 46).

^{4 &}quot;[P]eccatum est corruptio rectitudinis [...] non autem naturalis, nec cuiuscumque habitualis, sed moralis actualis [...] quae deberet inesse" (Ord. II, d. 34–37, q. 4, n. 46).

⁵ "Voluntas enim libera debitrix est ut omnem actum suum eliciat conformiter regulae superiori, videlicet secundum praeceptum divinum; et ideo quando agit difformiter ab ista regula, caret iustitia actuali debita (hoc est, iustitiā quae deberet inesse actui et non inest): haec carentia, in quantum est actus voluntatis deficientis [...] est formaliter peccatum actuale" (*Ord.* II, d. 34–37, q. 4, n. 47).

⁶ Š. Aureli Augustini Opera Omnia, De civitate Dei, XII, 7, https://www.augustinus.it/latino/cdd/index2.htm (27.09.2019).

moral evil is not a being, and so the will that commits an evil act is not acting in the proper sense, because it is a will that turns away from goodness.

2. The cause of moral evil

According to Augustine, evil is the absence of being, which is why asking about the ultimate reason of this absence is nonsensical. First and foremost, Augustine emphasizes that explaining evil, and thus sin, would be tantamount to seeking the cause of non-being – to trying to see darkness or hear silence, as Augustine metaphorically puts it7. Raising the issue of the original sin of the angels and asking why evil is possible, he pointed to the contingent nature of creation which is created ex nihilo, and thus to the metaphysical condition of the ability to commit evil. The condition of the ability to commit evil is the contingency of the created will (the fact that it was created ex nihilo) - an accidental being can commit moral evil precisely because it is accidental. This means that God cannot commit evil, because He is not a contingent being. This is why Augustine emphasizes that "the nature of God can never, nowhere, nowise be defective, and that natures made of nothing can"8. Creating will from nothing is, however, only a necessary condition of the ability to commit evil, and not a sufficient condition for the downfall of the will⁹; for not every contingent being falls – good angels, for example, do not.

Scotus also takes note of this, stating that the ability to act deficiently, that is, the ability to turn towards nothingness, is a consequence of the fact that every created will is made from nothing. He adds that being able to act deficiently in a specific way, that is, to sin, is a property of a given individual nature and a consequence of the fact that a given special nature can be the principle of producing opposites, that is, both righteous acts and deficient acts¹⁰. Scotus thus finds the cause of evil in the very will of each created and rational nature, and more precisely – in its freedom. In this he therefore agrees with Saint Anselm of Canterbury, who sought the cause of evil in the will itself – the angel freely wanted what it ought to not have wanted. When Anselm asks what is the ultimate cause of the angels' sin, he answers that it was their own will. "So why then did he will to sin?", asks the student of Anselm. "For no reason other than that he so willed (non nisi quia voluit)".

⁷ Ibidem, XII, 7.

⁸ Ibidem, XII, 8.

⁹ J. Torchia, Creation, Finitude, and the Mutable Will: Augustine on the Origin of Moral Evil, "Irish Theological Quarterly" 2006, no. 71, p. 61.

[&]quot;Et si obiciatur quod voluntas semper deficit in quantum est ex nihilo, non per aliquid positivum in ea, – respondeo: esse defectibile, id est esse vertibile in nihil, consequitur omnem creaturam, quia est ex nihilo; sed esse sic defectibile, scilicet peccando, est proprium huic naturae, et consequitur eam ratione qua haec natura specifica, quae potest esse principium oppositorum (agendo scilicet et deficiendo)" (*Ord.* II, d. 44, q. un., n. 7).

Anselm emphasizes that the will was its own efficient cause and effect¹¹.

It seems, however, that pointing to freedom as the cause of evil can pose a certain difficulty – for freedom understood as the power of acting and not acting, that is, of opposites, is also a characteristic property of the will of God. In what sense can we therefore talk about freedom as the cause of evil? The will of God is, after all, free, but it does not have the ability to commit evil or to sin.

Scotus realizes this difficulty, and in order to solve it he refers to Anselm's considerations concerning the definition of freedom as the ability to sin and the concept of absolute perfection. Scotus treats freedom in the absolute sense as an absolute perfection. Anselm discusses the concept of an absolute perfection in Monologion, stating that it is a perfection whose existence is better than non-existence12. Freedom as an absolute perfection can be found in God, while limited freedom (libertas limitata) can be attributed to the rational creation, and this freedom does not just have the character of an absolute perfection. Limited

freedom, however, can also be considered in the aspect of its formal essence, that is, without this limitation. In this sense, it is not a limited perfection, but an absolute perfection. Scotus compares freedom and wisdom - wisdom is an absolute perfection and its essence understood in absolute terms exists in us despite the fact that it exists with a limitation. Our wisdom, therefore, contains two states, one of which is an absolute perfection, and the other is not, even though it contains an absolute perfection. Similarly, according to Scotus, we can say that our will contains freedom, which is an absolute perfection, but with a limitation, which is not an absolute perfection. The ability to sin cannot be attributed to freedom understood as an absolute perfection, and neither is this perfection the nearest foundation for ordering the will towards the actual deficient act. In the second sense, in turn, the ability to sin can be attributed to freedom with limitation¹³. This is how, according to Scotus, we should understand the fragment in which Anselm says that the ability to sin does not be-

Anselm of Canterbury, De casu diaboli (The Fall of the Devil) [in:] Complete Philosophical and Theological Treatises of Anselm Canterbury, trans. J. Hopkins, H. Richardson, The Arthur J. Banning Press: Minneapolis 2000, ch. 27, p. 260.

¹² Cf. "Nevertheless not-wise is not unqualifiedly better than wise. Indeed, whatever is not-wise is, insofar as it is not wise, unqualifiedly inferior to what is wise; for whatever is not wise would be better if it were wise" (*idem*, *Monologion* [in:] *Complete Philosophical...*, ch. 15, p. 25).

^{13 &}quot;Ad Anselmum dico quod 'libertas absolute' est perfectio simpliciter; unde formaliter ponitur in Deo, secundum eundem. Libertas in nobis est limitata; potest tamen considerari secundum rationem eius formalem, sine illa limitatione, – et tunc non est perfectio limitata, sed perfectio simpliciter (exemplum: sapientia est perfectio simpliciter, et istius etiam 'ratio' absolute est in nobis; et non tantum sic, sed cum limitatione, – ita quod sapientia nostra includit duo, quorum alterum est perfectio simpliciter, alterum non, sed includit eam). Ita dico quod haec voluntas huius speciei quae est in nobis, includit libertatem, quae est perfectio simpliciter; sed non eam solam, sed cum limitatione, quae 'limitatio' non est perfectio simpliciter: ratione primi non convenit sibi posse peccare, nec est proximum fundamentum huius ordinis ad 'deficere' actualiter, sed ratione secundi" (Ord. II, d. 44, q. un., n. 8).

long to freedom as such, which is an absolute perfection. God therefore, even though free, does not have the ability to sin¹⁴. Thus, the cause of evil is freedom – not freedom understood as an absolute perfection, but a limited created freedom.

Scotus develops his theory in distinctions 34-37 of the second book of Ordinatio. His answer to the question what the cause of sin is, is that if there is a cause, it comes from goodness¹⁵. This conviction results from certain metaphysical assumptions. If it were not true that evil comes from goodness, there would have to exist some original evil. If there were an original evil, it would be something that lacks the corresponding highest perfection. Scotus reasons that what can be attributed to the highest perfection is, in nature, the highest good, and so the highest evil would be the highest good in nature¹⁶. Assuming the existence of the original evil therefore leads to consequences unacceptable both from the point of view of faith and from

that of philosophy. This view invalidates itself because it contains a contradiction. If an original evil existed, it would have the characteristics of an original good its existence would be necessary, it would not be subject to anything and it would be an independent being¹⁷. The contradiction in this view consists in the fact that it attributes two opposite beings with the same characteristics. This is why Scotus states that evil, when it comes into being, has to have its cause in good, and he means a created good¹⁸. Referring to Augustine's arguments, he upholds that the cause of the fall of a given agent is the will itself, as it incontinently rejoices in a created good. Because to rejoice and not to rejoice is in the power of the will, it is in the power of the agent to incontinently rejoice or not rejoice in a certain good. Therefore Scotus says that the cause of the first sin (first evil) is something positive, that is, something good - directly and essentially, it is the will of the agent itself¹⁹. Sco-

¹⁴ "Ita ergo exponenda est auctoritas Anselmi, quod 'posse peccare nihil est libertatis ut libertas est perfectio simpliciter', – nec aliud probat ratio sua per hoc quod 'non est in Deo'" (*Ord.* II, d. 44, q. un., n. 9).

¹⁵ "Ad aliam quaestionem, quae primo quaerebatur, de causa peccati, – dico quod peccatum, eo modo quo potest habere causam, est a bono" (*Ord.* II, d. 34–37, q. 4, n. 71).

¹⁶ "Quod probatur, quia nullum est 'primum malum', – alioquin illud careret summa perfectione sibi conveniente; sed cui convenit summa perfectio, illud est summum bonum in natura; ergo summum malum esset summum bonum in natura" (*Ord.* II, d. 34–37, q. 4, n. 72).

¹⁷ "Et ad hanc haeresim sequuntur multa alia inconvenientia, et non tantum inconvenientia contra fidem, sed etiam contra philosophiam, quia destruit semetipsam et includit contradictionem: illud enim esset necesse-esse et omnino imparticipatum et independens, si ponatur 'summum primum' ex aequo ad primum bonum" (*Ord.* II, d. 34–37, q. 4, n. 73).

¹⁸ "Itaque ergo, sicut malum habet causam, – non potest habere nisi bonum, loquendo de primo bono creato" (*Ord.* II, d. 34–37, q. 4, n. 74).

[&]quot;Hoc patet per Augustinum XII De civitate 6: 'Ipse sibi ipsi videtur, fecisse voluntatem malam' etc. Ubi videtur velle quod propria voluntas sit causa cadendi, immoderate fruendo aliquo bono creato, – id est aliquo quod est in potestate ipsius voluntatis, ita quod ipsa voluntas talis sicut ex se potest frui et non frui, ita potest immoderate frui et non frui aliquo bono sibi conveniente; et ita potest istud 'peccatum primum' esse immediate et primo a sola voluntate" (*Ord.* II, d. 34–37, q. 4, n. 75).

tus points to the limited freedom of the created will, but essentially to the created will itself, and only indirectly to freedom as its attribute. Further considerations persuade him to more precisely define the kind of causality that would allow to identify the will as the cause of evil, especially taking into account the acts of God as the first cause and His influence on the created will.

Discussing the theory of Richard of Middleton and Bonaventure, the Subtle Doctor formulates a concept according to which the created will is the cause of the first evil as a cause per accidens, and states that in the case of an act of sin two elements work together - the material act of will, which as such is something positive, and the formal privation of the justice it ought to have²⁰. In this way, Scotus provides a positive cause of sin, pointing to the will as the material aspect of the act. In the formal aspect, in turn, a sin does not have an efficient cause, meaning that in this case the will acts as a deficient cause - for it ought to give rightness to its act, yet it does not do it, and so it sins by being a deficient cause, which is not a cause in a positive

sense and does not give rightness to its act even though it could freely be a cause and freely give rightness to its act21. As we can see, in line with the previously presented conclusions, Scotus treats the will as the cause of sin. Calling the will the accidental cause of sin, he uses the term "accident" in a broad sense - for according to him, an accident can mean something that is outside the essential content of a thing, like when we say, for instance, about difference that it is accidental to genus. In the same way as that in which a species is defined by a genus and a difference in the Porphyrian tree, Scotus, using this terminology, defines the created will as something accidental to the will as such, which is an absolute perfection and as such is attributed to God as well. The will as genus (the will as such) is not the immediate cause of sin even contingently. This last postulate is, according to Scotus, very important, because if it was not so, the will of God, which also falls under the heading of the genus of will as such, would have the property of causing sin, which is out of the question²². Only the will that falls under the heading of will

²⁰ "In peccato concurrunt actus positivus ut materiale, et privatio iustitiae debitae ut formale" (*Ord.* II, d. 34–37, q. 4, n. 125).

²¹ "Respectu huius privationis nulla est causa efficiens, sed tantum deficiens, secundum tertiam viam; voluntas enim, quae est debitrix dandi rectitudinem suo actui et non dat, deficiendo peccat. Istud autem 'deficere' (scilicet non causare vel non dare rectitudinem suo actui, quae est debita) est a causa quae libere posset tunc causare, scilicet libere dare rectitudinem suo actui. Hoc est ergo formaliter peccare, causam talem liberam non dare debitam rectitudinem quam tunc posset dare" (*Ord.* II, d. 34–37, q. 4, n. 125).

²² "Est etiam accidentalitas ex parte causae non proprie [...], sed extendendo accidens ad quodlibet quod est extra per se rationem alicuius, quo modo differentia dicitur accidere generi. Hoc enim modo illud quod voluntas nostra specifice est 'haec voluntas', accidit 'voluntati in communi', quia 'voluntas in communi' est perfectio simpliciter (propter quod ponitur formaliter in Deo), et voluntas sub ista ratione non est proxima causa etiam contingens respectu peccati, quia tunc quodlibet inferius sub ea haberet talem rationem causalitatis, et ita voluntas divina" (*Ord.* II, d. 34–37, q. 4, n. 127).

as such, defined by a difference as a created will, and thus a limited will, is the immediate deficient and accidental cause of sin. In this sense we can also say of will as such that it is the cause of sin, but only accidentally – because this property cannot be attributed to every "genus" of will, since it cannot be attributed to the will of God²³.

To describe the order of the will in terms of the genus and species is to capture the metaphysics of the will in a language that Scotus adopts from the Aristotelian-Porphyrian tradition, which is characteristic for Scotus's metaphysics in general. This device allows us to understand the meaning of such concepts referring to our will as "limited being", "deficient being" or "being made from nothing". At the same time, Scotus notices that the type of differentia that limits the will as such to this created will is not knowable to us at this time²⁴.

At the end of these considerations it is worth asking the following question: if God is the cause of everything, does His will concur in the sin of the created will? Scotus emphasises that the "will as such" is not the immediate cause of sin,

because the will of God, which is its species, cannot sin. And yet, in the specific act of the created will, God concurs with the created will. How can any defect occur if that is the case? The Subtle Doctor states that when two partial causes work together to produce one effect, a defect can occur in the effect because of the defect in one of the causes. In order to explain this, he refers to the example of the concurrence of the intellect and the will in producing one effect, the act of volition. He accepts the possibility of this act being deficient due to a defect of the will with no defect on the part of cognition²⁵. An analogous situation takes place in the case of concurrence of the will of God and the created will in producing one effect of volition that belongs to the created will. This volition as an effect can be deficient due to a defect in the secondary cause, that is, the created will, if this will, in a situation where it ought to give rightness to its act, does not do it. The will of God, in turn, is not forced to give rightness to the act, and His will itself could give it rightness, if the created will cooperated with it²⁶. Scotus describes the difficult issue of the

²³ "Sed voluntas, contracta per differentiam aliquam ad voluntatem creatam (quam circumloquimur per hoc quod est 'limitatum'), est proxima causa defectiva et per accidens respectu peccati; et ideo accidentaliter etiam ex parte causae, accipiendo voluntatem in communi pro causa in quam intelligitur ista differentia superaddi, accidit sibi per accidens" (*Ord.* II, d. 34–37, q. 4, n. 127).

²⁴ "Ita in proposito. Illam differentiam specificam qua 'voluntas in communi' contrahitur ad voluntatem creatam (quae contractio vel differentia nos modo latet), circumloquimur per hoc quod est 'esse limitatum' vel 'defectibile' vel 'ex nihilo'" (*Ord.* II, d. 34–37, q. 4, n. 128).

²⁵ "[D]ico quod quando duae causae partiales concurrunt ad effectum communem ambarum, potest esse defectus – in productione effectus – ex defectu utriusque causae concurrentis; exemplum: ad 'velle' [...] concurrit intellectus et voluntas libera, et potest esse defectus in actu isto ex defectu voluntatis licet non praecedat defectus in cognitione" (*Ord.* II, d. 34–37, q. 4, n. 142).

²⁶ "Ita ergo, si ad 'velle' voluntatis creatae concurrant voluntas creata et voluntas divina, potest esse defectus in ipso 'velle' ex defectu alterius causae; et hoc, quia illa causa posset rectitudinem dare actui, et tenetur eam dare et tamen non dat, – alia autem licet non teneatur dare eam, tamen 'quantum est ex se' daret, si voluntas creata cooperaretur" (*Ord.* II, d. 34–37, q. 4, n. 143).

relation of the will of God to the will of created agents using a classic distinction in the will of God between the antecedent will (*voluntas antecedens*) and the consequent will (*voluntas consequens*)²⁷ and states that by giving free will, God previously gave right acts which are in the power of this will. The rightness coming from the will of God is therefore given to every act of the created will – God would give it to it, if the will itself acted rightly in producing any given act²⁸.

Scotus thus frees, in a way, the will of God from the responsibility for sin. When God does not give rightness to the act of the created will, it is because the created will itself does not give it to its act. Scotus emphasises that the defect in the effect is not a product of a defect in the higher cause, which is the will of God in causing the act of the created will, but of a defect in the lower cause, which does not do what it ought to do²⁹.

3. Can the will will something ex malitia?

Among the many issues concerning the will one of the most intriguing ones is the problem of the possibility of a moral agent acting from the desire of evil as such. The ancient thinkers would not agree that it is possible. According to Socrates, the evil of a moral act is the consequence of the ignorance of the agent. As noted by Bonnie Kent and Ashley Dressel, in turn, the Aristotelian akratic person cannot commit a morally evil act if he is fully aware that the act is evil, an agent in control of himself is able to resist temptation, and a truly virtuous agent never even experiences temptation to act in a morally evil way³⁰.

So can we choose evil with full awareness that it is evil, without succumbing to the influence of emotions?

In his *Sentences*, Peter Lombard refers to Isidore of Seville, who lists three possible ways of committing a sin: from ignorance (*ignorantia*), from weakness (*infirmitas*), and on purpose (*industria*). Peter Lombard wonders how Adam and Eve sinned, and hierarchizes these ways of sinning. A sin from weakness is more severe than a sin from ignorance, and the most severe is a sin committed on purpose. According to him, Eve sinned from ignorance, and Adam sinned on purpose, because he had not been mi-

²⁷ This classic distinction present already in John of Damascus was also used by Thomas Aquinas.

²⁸ "[D]ando autem voluntatem liberam, dedit antecedenter opera recta, quae sunt in potestate voluntatis; et ideo, quantum est ex parte sui, dedit rectitudinem omni actui voluntatis, – et voluntati ex consequenti daret si ipsa voluntas quemcumque actum elicitum recte ageret ex parte sui" (*Ord.* II, d. 34–37, q. 4, n. 143).

²⁹ "Est ergo defectus in effectu duarum causarum, non propter defectum causae superioris, sed inferioris" (*Ord.* II, d. 34–37, q. 4, n. 144). Cf. E. Dekker, *The Theory of Divine Permission According to Scotus' Ordinatio I 47*, "Vivarium" 2000, no. 2, pp. 231–242.

³⁰ B. Kent, A. Dressel, Weakness and Willful Wrongdoing in Aquinas's De malo [w:] Aquinas's Disputed Questions on Evil: A Critical Guide, ed. M.V. Dougherty, Cambridge: Cambridge University Press 2016, p. 35.

sled³¹. The first two ways of committing moral evil became the subject of reflection of the ancient ethical thought, while the issue of sinning on purpose (apart from sinning from ignorance and weakness) was taken up by Christian ethics and moral theology, for which the inspiration was, among other things, the problem of the fall of the angels, because as beings intelligent and devoid of sensual emotions they could not sin in any of the other two ways. The third kind of sin committed on purpose – was also often called sin ex malitia³². It seems, however, that this phrase carries an additional semantic load, because the word malitia, from the Latin malus ("evil"), suggests that an act ex malitia is not only committed on purpose, but for the purpose of committing evil. Scotus's considerations concern mainly this additional sense and its possible interpretations.

In medieval theology, the problem of sinning *ex malitia* was discussed by, among others thinkers, Thomas Aquinas. I will briefly present his theory in order to use it as a backdrop to describe the specificity of Scotus's solution. Kent and Dressel point out that according to Tho-

mas Aquinas, this way of committing sin has to fulfil three conditions – the agent has to act in a morally evil way on purpose, decisively, and without regret. He commits evil about which he knows that it is evil, without emotion and not because of his ignorance. At the same time, such an act can result from a fault in his character³³. In a theological perspective, Thomas Aquinas, and later John Duns Scotus, identify this way of committing sin with a sin against the Holy Spirit.

As we can see, an act of will ex malitia can be understood negatively, in opposition to acts committed from weakness or from ignorance, which is why it is called intentional. Positively, we can differentiate this kind of sin from the other two based on the lack of order in the agent's faculty: a sin from weakness means lack or order in the feelings, a sin from ignorance - in the intellect, and a sin ex malitia - in the will34, which according to Thomas Aquinas means that the will loves a lesser good more than a greater good and is then willing to sacrifice the latter in order to achieve the former. In De malo he notes that in a gi-

^{31 &}quot;Obiectio contra id quod dictum est, virum minus peccasse. His autem opponi solet hoc modo: 'Tribus modis, ut ait Isidorus peccatum geritur, scilicet ignorantia, infirmitate, industria; et gravies est infirmitate peccare quam ignorantia, graviusque industria quam infirmitate. Eva autem videtur ex ignorantia peccasse, quia seducta fuit: Adam vero ex industria, quia non fuit seductus', ut Apostolus ait" (Petri Lombardi, *Libri IV Sententiarum*, studio et cura PP. Collegii S. Bonaventurae, ad Claras Aquas prope Florentiam: Ex Typographia Collegii S. Bonaventurae 1916, lib. 2, t. 1).

³² In *De malo* Thomas Aquinas states: "[E]t hoc est peccare ex electione, sive ex industria, aut certa scientia, aut etiam ex malitia" – he thus interchangeably uses the terms "to sin from choice", "on purpose" "from certain knowledge" or "from malice" (see S. Thomae de Aquino, *Questiones disputate de* malo [Opera *omnia*, t. 23], Roma – Paris: Commissio Leonina – Librairie Philosophique J. Vrin 1982, q. 3, a. 12, resp.).

³³ B. Kent, A. Dressel, Weakness and Willful Wrongdoing..., s. 44.

³⁴ Sancti Thomae de Aquino, *Summa theologiae* [ST], Roma: Editiones Paulinae 1962, I-II, q. 78, a. 1, resp.

ven agent a desire for pleasure can be so great – as, for instance, in the case of adultery – that he will not shy away from the corruption of sin. Such an agent will be aware of the connection between this corruption and the object of his desire. Thus, sinning on purpose (ex malitia) means that the agent not only wills the good which he wills essentially (for instance, pleasure), but also the corruption itself, which he in fact chooses in order not to be deprived of the desired good. So, an adulterer essentially wants pleasure, and secondarily the corruption of the sin35. And so, according to Thomas Aquinas, the will of a sinner really wills evil, because the reason recognizes the connection between the desired good and this evil, and chooses it anyway. The agent makes a kind of calculation, like in a situation where someone agrees to something unpleasant in order to, as a consequence, achieve another good -Aquinas refers to an example of a sick man who agrees to have a part of his body amputated because he loves life more³⁶, and in *De malo* he writes, among other things, about a merchant who throws away his cargo in order to save

his ship³⁷. The similarity between the situation of a sinner and a sick man who accepts a bitter medicine is that they both choose good a in order to achieve good b, but in the former case the hierarchy of values is distorted. Thomas Aquinas writes that a sinner ex malitia values a transient good higher than an intransient good, and so he consciously wants a spiritual evil – an evil that is essentially evil - in order to achieve an earthly good, thus depriving himself of a spiritual good³⁸. The above description of the action of the will clearly shows that Aquinas is convinced that the will always pursues something sub ratione boni, that is, something in which the intellect perceives a certain good, and so that an act of will sub ratione mali is impossible. He therefore treats acts ex malitia as acts committed freely, but not sub ratione mali.

When Scotus asks if the created will can sin *ex malitia*, he considers two possible interpretations of this problem: can the will sin, willing something (I) that does not present itself to it as a real good, that is, an absolute good, or something (2) that does not present itself to

^{35 &}quot;Si ergo contingat quod aliquis in tantum velit aliqua delectatione frui, puta adulterio vel quocumque huiusmodi appetibili, ut non refugiat incurrere deformitatem peccati, quam percipit esse coniunctam ei quod vult, non solum dicetur velle illud bonum quod principaliter vult, sed etiam ipsam deformitatem, quam pati eligit, ne bono cupito privetur; unde adulter et delectationem vult quidem principaliter, et secundario vult deformitatem" (S. Thomae de Aquino, *Quaestiones disputate de malo* [DM] [Opera omnia, t. 23], Roma – Paris: Commissio Leonina – Librairie Philosophique J. Vrin 1982, q. 3, a. 12, resp.).

³⁶ ST, I-II, q. 78, a. 1, resp.

³⁷ "[S]imiliter mercator proiicit merces in mare voluntarie, ne depereat navis" (*DM*, q. 3, a. 12, resp.). Aristotle analysed similar examples of actions (see *EN*, III 1110a 11–15). He treated them as actions in which we both want and do not want, and for this reason he called them mixed actions – voluntary and not voluntary. For Thomas Aquinas they are voluntary (*voluntarie*). Bonnie Kent and Ashley Dressel point to this difference in their theories (B. Kent, A. Dressel, *Weakness and Willful Wrongdoing...*, s. 47).

³⁸ ST, I-II, q. 78, a. 1, resp.

it as a good in certain respect³⁹. At this point he also states that the will of God can pursue any good that can constitute a basis for some distortion, but never because of the evil that accompanies it. In this line of argument an essential role is played by the emphasis on the radical difference between the will of God and the will of man – the will of God. due to its perfection, cannot will evil, while the created will can, because otherwise it would not be any different from the will of God⁴⁰. It seems, however, that the ability to will evil, on one hand, and the ability to will evil as such, on the other, are two different things. A correct interpretation of Scotus's view poses significant difficulties.

According to Tobias Hoffmann, Scotus, as many of his contemporaries, maintains that the will turns to good and

that is why it can only will evil under the aspect of good⁴¹. This is also the opinion of Timothy Noone⁴². Thomas M. Osborne also thinks that according to Scotus, a thing can only be willed under the aspect of good and one cannot will evil as such⁴³. He refers to a different text of Scotus than Hoffmann – Collationes seu disputationes subtilissimae44, whose critical edition has not yet been published. However, problems with interpretation stem from the fact that in other contexts in the same work the Subtle Doctor seems to accept a view that the will can will evil sub ratione mali, especially when he considers the issue of the nature of the act of hatred directed to God. When analysing this aspect of Scotus's thought, Guido Alliney, like Francisco L. Florido⁴⁵, refers to, among others, fragments from Collatio XVII⁴⁶, where Scotus ar-

^{39 &}quot;[U]trum voluntas creata possit peccare ex malitia, volendo aliquid non ostensum sibi sub ratione boni veri, id est boni simpliciter, – vel boni apparentis et secundum quid" (Ord. II, d. 43, q. un., n. 1).

⁴⁰ "Sed contra hoc videtur, quia tunc voluntas creata non posset tendere in obiectum sub ea ratione sub qua non posset tendere voluntas divina; voluntas enim divina potest tendere in omne bonum substratum illi deformitati, licet non in illam rationem malitiae concomitantem" (*Ord.* II, d. 43, q. un., n. 3).

⁴¹ T. Hoffmann, *Freedom Beyond Practical Reason: Duns Scotus on Will-Dependent Relations*, "British Journal for the History of Philosophy" 2013, no. 6, p. 1081. Tobias Hoffmann refers to the following fragment: "Item, suppono duo: unum, quod intellectus non possit simul plura intelligere, – secundo, quod voluntas nihil possit velle sub ratione mali" (Doctoris Subtilis et Mariani, Joannis Duns Scoti, *Ordinatio* III, d. 26–40 [*Opera omnia*, vol. 10], eds. B. Hechich, B. Huculak, J. Percan, S. Ruiz de Loizaga, Citta del Vaticano: Typis Vaticanis 2007).

⁴² T.B. Noone, Duns Scotus on Incontinentia [in:] Das Problem der Willenswäche im mittelalterlichen Denken / The Problem of Weakness of Will in Medieval Thought, eds. T. Hoffmann, J. Müller, M. Perkams, Louvain: Peeters 2006, p. 304.

⁴³ T.M. Osborne Jr., *Human Action in Thomas Aquinas, John Duns Scotus and William of Ockham*, Washington, DC: The Catholic University of America Press 2014, p. 133.

⁴⁴ Johannes Duns Scotus, *Collationes seu disputationes subtilissimae* [*Collatio*] (*Opera omnia, editio nova*, t. 5), ed. L. Wadding, Paris: Vivès 1841, IV, 6. Osborne does not provide a quotation, but it seems that he wrongly identifies its place. The correct quotation can be found here: *ibidem*, III, 6.

⁴⁵ Francisco L. Florido, *Odium Dei: Las paradojas de la voluntad en Duns Escoto*, "Anales del Seminario de Historia de la Filosofía" 2008, no. 25, p. 274.

⁴⁶ G. Alliney, Velle malum ex pura libertatem: Duns Scoto e la banalità del male, "Etica e Politica" 2002,

gues that condemned angels who hate God understand that they hate Him and that this hatred is the object of the will. They will the hatred of God either for evil's sake (sub ratione mali) - which would mean that evil as such can be willed - or under the aspect of good (sub ratione boni). If we accept the second solution, according to Scotus we arrive at a false conclusion - evil angels cannot see the hatred of God as something good, because that would mean that they err in their cognition even more than humans, for even they do not see the hatred of God as something good. Such a perception is impossible, because the love of God is something good in and of itself, and the hatred of God is something evil in and of itself⁴⁷. While in *Collatio* XVII Scotus clearly presents his view, in *Or*dinatio and Lectura he is much more careful.

In *Ordinatio* Scotus provides two possible solutions to the problem of whether the will can act *ex malitia* and how this action should be understood. The first solution is consistent with his theses in *Collatio* XVII, where the hatred of God is the object of the will *sub ratione mali*.

Scotus states that due to its nature the intellect of an evil angel cannot make a cognitive error, and thus it cannot present the hatred of God as something good (sub ratione boni), but only as something evil (sub ratione mali). If the will of an angel can will it, it is clear that it can will evil as such, because in the act of hatred of God there is no good prior to the act of volition itself. If we attribute such a good to the act of hatred of God for the sake of the act of volition itself, it would not be in the object (which is the hatred of God) as antecedent to this act – it would only be a consequence of the act of volition⁴⁸. Scotus therefore treats the hatred of God as an object to which the act of volition turns, and notes that in such an object the will cannot will good because there is no good to be found there. The only good is the act of the will itself as an act, while the object of this act remains evil. In this sense we can speak of an act of will directed to evil as such. Scotus notes that if this evil presented itself as good or not--evil, the will could not will this object as it is (simpliciter), unless the angel's intellect erred prior to the act of volition –

no. 2. Guido Alliney's paper significantly broadens the discussion about the possibility of willing evil as such in Scotus's theory. Unfortunately, he does not quote from the critical edition of *Ordinatio* II, d. 6, q. 2, and only refers to Wadding's *Opus Oxoniense*.

⁴⁷ "Praeterea: in Angelis malis et damnatis Deum odientibus, odium Dei est apprehensum et ostensum voluntati eorum odienti Dei. Aut igitur volunt odium Dei sub ratione mali, et habetur propositum, quod malum sub ratione mali possit esse volitum; aut est volitum sub ratione boni: quod si concedas, sequitur falsum, quia non apprehendunt odium Dei sub ratione boni, tunc enim errarent in intelligendo, et sic plus errarent quam nos, quia non apprehendimus sub ratione boni, nec etiam sub ratione alicujus boni potest apprehendi cum amor Dei sit per se bonum, et odium sit per se malum" (*Collatio*, XVII, 14).

⁴⁸ "Aliter arguitur contra istam opinionem, quia apprehendatur odium Dei ab aliqua potentia intellectiva creata non errante, nec per consequens ostendente istud sub ratione boni sed tantum mali, – si voluntas potest illud velle, patet propositum, quia nulla est bonitas in isto actu prior ipso actu volendi: si enim assignatur aliqua bonitas propter actum volendi, hoc non est in obiecto ut praecedit actum, sed est in ipso ut sequitur actum volendi" (*Ord.* II, d. 43, q. un., n. 4).

and this seems absurd, because the angel's intellect cannot err in this case⁴⁹.

In his second solution, Scotus questions the possibility of existence of such a relation of the will to the object in which the will wills evil as such – he describes such an act of the will ex malitia as coming from the will itself, and thus independent from circumstances such as potential cognitive errors or emotions. Scotus states that even if we do not accept that the created will cannot will evil as such, it is a sin ex malitia if the will sins from its own freedom, without being influenced by emotions in the case of a sensual desire or an error in judgement. This kind of sin would be a sin in the fullest sense, because nothing other than the will itself would draw it to the evil, and the evil in it would be as perfect and complete as it can ever be in a sin, because it would be a sin committed in total freedom, with no external cause (occasio). In this sense, a sin ex malitia would mean that the will itself chooses to will evil, in total freedom, though it does not turn to evil as such⁵⁰. This second meaning of a sin *ex malitia* would largely overlap with the one used by Thomas Aquinas, who called this kind of sin simply a sin on purpose or an intentional sin.

In a corresponding fragment from *Lectura* Scotus does not use the phrase *sub ratione mali* at all, but states that the will can pursue evil directly (*immediate*)⁵¹. This solution bears the most resemblance to the first solution from *Ordinatio*. Here, Scotus also refers to an example of a condemned person who hates or can hate God – there is no need for a conviction that the hatred of God is something good, because for the act of hatred it is enough that hatred occurs in its pure state⁵².

As we can see, the Subtle Doctor does not give an unambiguous answer to the question whether an act of volition directed to evil as such is possible⁵³. As emphasised by many of the aforemen-

⁴⁹ "Si non potest in istud ostensum malum nisi sub aliqua ratione boni et non mali, ergo vel simpliciter non potest in illud, vel oportet rationem esse excaecatam prius naturaliter, – quod videtur inconveniens" (*Ord.* II, d. 43, q. un., n. 4).

^{50 &}quot;Tamen etsi non ponatur voluntas creata posse velle malum sub ratione mali, adhuc potest assignari peccatum ex certa malitia, quando voluntas ex libertate sua – absque passione in appetitu sensitivo et errore in ratione – peccat: ibi enim est plenissima ratio peccati, quia nihil aliud a voluntate alliciens eam ad malum; quod pro tanto erit ex malitia, quia ibi est perfecta et completa malitia sicut potest esse in peccato, quia ex plena libertate – sine aliqua occasione extrinseca – eligit sibi malum velle (non tamen ex malitia ita quod voluntas peccans tendat in malum in quantum malum)" (Ord. II, d. 43, q. un., n. 6).

^{51 &}quot;Igitur videtur quod voluntas potest ferri in malum immediate" (Doctoris Subtilis et Mariani, Joanis Duns Scoti, *Lectura* II [*Lect.* II], d. 7–44 [*Opera omnia*, vol. 19], ed. Commissio Scotistica, Città del Vaticano: Typis Polyglottis Vaticanis 1993, d. 43, q. un., n. 5).

⁵² "Item, damnatus odit Deum vel potest Deum odire; non oportet quod praecedat in ratione dictamen quod 'odium Dei sit bonum', sed sufficit quod ostendatur nude" (*Lect.* II, d. 43, q. un., n. 5).

⁵³ In the fourteenth-century moral tradition this problem was discussed by, i.a., William of Ockham. According to Marilyn McCord Adams, he maintained that the will can will evil as such (see M. McCord Adams, Ockham on Will, Nature, and Morality [in:] The Cambridge Companion to Ockham, ed. P.V. Spade, Cambridge: Cambridge University Press 1999, p. 260).

tioned interpreters of his thought, on the one hand he accepts the general idea that the will is turned towards good, and towards evil also only under the aspect of good, and on the other he allows the possibility of an opposite solution, according to which the will can will evil as such. The coherence of his thought could be ensured by a solution according

to which only an act of hatred of God (an absolute good) can be treated as an act of will that wills evil as such. In other cases such a relation of the will to the object does not take place, because given what God is, hatred of Him can never be presented as good. An act of hatred of God would be the only case of where the will would will evil as such.

4. Will and the types of sin

From the theological perspective, differentiating between a sin on purpose (desire of evil) on one hand and a sin from ignorance and from weakness on the other allows us, according to Scotus, to clarify and understand the meanings of a sin against the Holy Spirit. These kinds of sin refer to the Persons of the Holy Trinity, accordingly. As Scotus emphasises, as the will is linked to sensual desire, it is able to experience pleasure in what is pleasurable for sensual cognition. This is how someone who sins because of an inclination of his sensual cognition, pursuing that which gives him pleasure, sins from sensual emotions and commits a sin resulting from a weakness or lack of power - it is a sin against the Father, because He is the one we attribute with power in the proper sense. The act of will is also based on intellectual cognition,

and that is why, when the intellect errs, the will cannot will in the right way, and its sin stemming from the intellect's error is called a sin from ignorance - this is a sin against the Son, because Him we attribute with wisdom. The third kind of sin is a sin of the will itself, resulting not from the pleasure of sensual desire or an error of judgement, but from the freedom of the will. Such a sin is called a sin from evil and it is a sin against the Holy Spirit, because it is Him that we attribute with good in the proper sense⁵⁴. This is how Scotus connects ethics with moral theology, showing in a coherent way that moral evil, which in the end consists in reversing the order given by God, is a transgression of both the natural and the supernatural order - evil from the weakness of feelings, lack of cognition and freedom itself eventually

⁵⁴ "Si tenetur in ista quaestione quod sic, facile est distinguere peccatum in Spiritum Sanctum ab aliis peccatis. Voluntas enim, quia coniuncta est appetitui sensitivo, nata est condelectari sibi, et ita, peccans efficaciter ex inclinatione appetitus sensitivi ad suum delectabile, peccat ex passione, – quod dicitur 'peccatum ex infirmitate sive impotentia', et est appropriate in Patrem, cui appropriatur potentia. Ipsa etiam agit per cognitionem intellectualem, et ideo – ratione errante – ipsa recte non vult et peccatum eius ex errore rationis dicitur 'peccatum ex ignorantia', contra Filium, cui appropriatur sapientia. Tertium esset peccatum ipsius secundum se, ex libertate sua, non ex condelectando actui sensitivo neque ex errore rationis, – et illud esset ex malitia et appropriate contra Spiritum Sanctum, cui appropriatur bonitas" (*Ord.* II, d. 43, q. un., n. 5).

becomes a sin against the Father, the Son, and the Holy Spirit. It should be emphasised that in every kind of sin the ultimate faculty making the choice is the will, and what changes are the motives – which are either external (sensuality, intellect), or internal (the will itself).

5. Conclusion

Scotus's considerations allow him to come to the following conclusions. Moral evil is an act of will which is deficient, because it lacks in the actual moral rightness it ought to have. In theological terminology such an act of will is called a sin, that is, an act against the rule of justice received from God's commands. A condition of the created will's ability to commit evil is that it is contingent (it was created *ex nihilo*). The ability to sin does not pertain to freedom understood as an absolute perfection, but only to freedom with limitation (limited created freedom). This is why God, who has the absolute perfection, is not capable of acting in a morally wrong way. The will of God concurs with the created will in producing one effect of volition, and such volition as an effect can have a defect resulting from a defect in the secondary cause, that is, the created will, if this will, in a situation where it ought to give rightness to an act, does not do it. The defect of the effect is not a product of the higher cause, which is the will of God in causing the act of the created will, but of the defect in the lower cause, which does not do what it ought to do.

Scotus's considerations show that the issue of willing evil as such can be ap-

proach in two ways. On the one hand, we should consider the will as it turns towards an object that is a certain kind of being. In this case, the will cannot will evil as such, because evil as non-being cannot be an object of volition. In this sense, the will can only will something good. On the other hand, Scotus points to the act of will itself as its own object. In this case, when the will hates, the will wills this hatefulness. Its object becomes the act of hatred. If this act is directed to God, in whom there is no lack and no evil, that is, if it is directed to an absolute good, the act of hatred produced and willed by the will becomes evil as such. In this sense the will can will evil as such. Taking into account the quality of this act and the external object to which it is directed, it can be said that such an act is evil as such. The analyses above also allow to situate Scotus's thought in the classic distinction between intellectualism and voluntarism. If we accept a thesis that the conviction about the possibility of an act of willing evil as such (*sub ratione mali*) is a determinant of the voluntarist approach, we would consider Scotus's thought to be voluntarist.

Wolna wola a zło moralne. Stanowisko Jana Dunsa Szkota

Słowa kluczowe: wolna wola, zło moralne, grzech, Jan Duns Szkot, Bóg, wolność ograniczona, wolność absolutna

W artykule przedstawiam analizy Jana Dunsa Szkota dotyczące związku woli, wolności i zła moralnego. Koncentruję się zwłaszcza na zagadnieniu, czy stworzona wola może grzeszyć ze względu na zło i w jaki sposób można rozumieć akty woli, które mają charakter aktów ex malitia. Najpierw prezentuję koncepcję grzesznego aktu moralnego według Akwinaty. Taki akt musi spełniać następujące warunki: sprawca czyni moralnie złe rzeczy celowo, zdecydowanie i bez żalu, ma świadomość popełnianego zła, a akt ten nie jest wynikiem nieuporządkowania emocjonalnego. Na tym tle analizuję koncepcję Dunsa Szkota, pytając z jednej strony o to, czy wola może wydać akt chcenia zła, z drugiej strony, czy ma możliwość chcenia zła w aspekcie zła. Przedstawiam również analizy Szkota dotyczące rodzaju wolności (wolność w ogóle) i gatunków wolności (wolność bezwzględna i wolność ograniczona) oraz poruszam zagadnienie współdziałania woli Boga i woli stworzonej w akcie woli stworzonej, który jest zły moralnie. Ukazuję, że Szkot nie udziela jednoznacznej odpowiedzi na py-

tanie, czy wola może pragnąc zła jako zła. Z jednej strony bowiem twierdzi on, że wola może chcieć tylko dobra, a zła jedynie ujmując je w aspekcie dobra, z drugiej strony uznaje, że jest możliwe chcenie zła jako zła w jednej sytuacji: w akcie nienawiści, który jest skierowany do Boga (absolutnego dobra). W swojej argumentacji Szkot odnosi się do przykładu z dziedziny teologii, powołując się na przykład upadłego anioła, którego akt woli trzeba zinterpretować jako akt sub ratione mali, ponieważ nie można ująć nienawiści do Boga jako czegoś dobrego, zwłaszcza dysponując poznaniem, które posiada duch czysty. W artykule ukazuję również związki między etyką Szkota a jego teologią moralną w odniesieniu do aktu woli popełnianego ex malitia. Z punktu widzenia teologicznego odróżnienie grzechu z wyboru (pragnienia zła) od grzechu z niewiedzy i grzechu ze słabości pozwala według Szkota sprecyzować i zrozumieć rodzaje grzechów popełniane w odniesieniu do poszczególnych Osób w Trójcy Świętej.

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