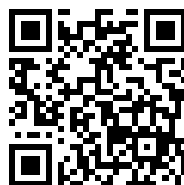

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— JOHN DUNS SCOTUS —
FOUR QUESTIONS
ON MARY

TRANSLATED WITH AN INTRODUCTION AND NOTES BY

ALLAN B. WOLTER, O.F.M.

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PREFACE

I have long been interested in making Duns Scotus' philosophical and theological writings available in bilingual editions. It seemed appropriate before the close of the present Marian Year to add this collection under the title of *John Duns Scotus: Four Questions on Mary*. Couched in the technical format used by professional medieval theologians in their academic presentations, these questions on particular aspects of Mariology, hardly make for easy reading. Furthermore, the fact they were authored by one whose involved style and depth of thought earned him the title of "The Subtle Doctor" does not increase their popular appeal. The question on the Immaculate Conception, however, did have a profound influence in the decades that followed its composition, so much so that Scotus also came to be called the "Marian Doctor" and "The Doctor of the Immaculate Conception." There is even considerable evidence that the sobriquet "Subtle Doctor" itself may have taken on its honorific meaning because of his defense of Mary's prerogative, especially at the University of Paris, the center for Christian theological studies in the Middle Ages. His proof that Mary could well have been sinless in every sense of the word and his statement that "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" may seem modest enough and cautiously worded to us today. But both at Oxford and even more so at Paris this "new theology" as it came to be called not only provoked heated opposition in the theological faculties, even to the point of being called heretical, but it also found support in academic circles that would never be fully extinguished. What Scotus said professionally first at Oxford and then at Paris would be repeated, adopted, first cautiously and then more boldly. Not only would it find expression in popular sermons to nourish the devotion of the faithful but also in the official lectures by bachelors and Masters of theology, first among the Franciscans but eventually by devotees of Mary both religious and secular in university circles. And through the providential guidance of the Holy Spirit the theological solutions Scotus proposed some five and a half centuries earlier would find confirmation in Pius IX's dogmatic proclamation of Mary's Immaculate Conception in 1854. All this has been recognized by historians of theology, but there is another aspect of this question they seem to have ignored. At least I am not aware of any mention made of it. It is what Scotus did for the maculist theologians who could not accept his own belief. And that was to rework Henry of Ghent's well meaning but non-sensical theory into a reasonable philosophical form. For by so doing he

provided his more traditionally minded colleagues with a theologically acceptable alternative that would not dishonor the Mother of God, and for all practical purposes would shrink her needed state of unredemption to a zero point in time.

Of the remaining questions, that of the predestination of Christ is the most interesting. Though Scotus did not explicitly apply this Christological theory to Mary his mother, the later Scotists often did so, especially in their defense of her Immaculate Conception. Scotus' questions on Mary's maternity and marriage to Joseph may be of less interest to contemporary readers, but they are still of some importance to historians of medieval thought and seemed to deserve inclusion in this Marian collection of translations.

I have set the questions up in the stylized tripartite format used by professional theologians for their academic lectures. Each topic treated had to be couched in inquiry form and the question itself one of current interest. It began with a *Pro and Con* stressing especially the biblical and patristic authorities that seemed to run counter to the solution they wished to propose. It was followed by the *corpus* or main-body in which they laid out their position in detail along with the reasoning on which they based their conclusions, and finally it closed with an answer to the authorities to the contrary. But "authority has a wax nose," as Alan of Lille pointed out. (*De fide catholica* I, 30, PL 210, 333: "Auctoritas cereum habet nasum, id est, in diversum potest flecti sensum.") And the bachelor or Master conducting the discussion had to show his dialectical skill in bending it in his own favor. As the bearers of tradition, however, Scripture and the Fathers of the Church must always be treated with reverence, and never openly contradicted. For while contemporary opponents able to defend themselves might be boldly attacked and often at great length within the *corpus* of the question, each discussion had to end with some gesture of respect for the past.

I prepared the original version of this publication with the generous support of my Franciscan confreres at Old Mission, Sanata Barbara. I am indebted in particular to Father William A. Haney, who suggested that I prepare this material for publication and who graciously completed much of the editorial drudgery necessary for our first experiment in desktop publishing in 1988. Given the continuing interest in the text, I am grateful to Br. Edward Coughlin, O.F.M., for preparing this new edition and to the Franciscan Institute for assuming responsibility for distributing it.

Allan B. Wolter, O.F.M.
The Franciscan Institute
December 8, 1999

INTRODUCTION

Scotus' principal writings on the Blessed Virgin are found in his various commentaries on the *Sentences of Peter Lombard*. Since they spanned the entire field of theology, Lombard's four books constituted the official textbook a bachelor of theology preparing for regency as a Master used to order his lectures on theology. Before becoming Master, Scotus commented on Lombard, first at Oxford and later at Paris¹ and, on the basis of these two sets of lectures, almost completed a third and official version for distribution to the booksellers before his premature death in 1308. Known as his *Ordinatio*, this is Scotus' most comprehensive theological work, and is the source of these four questions on Mary.² They are all of some historical and theological interest.

The first on the predestination of Christ marks a turning point in the theological literature on the motive of the Incarnation. Unlike many of his predecessors, Scotus was not primarily concerned with what God might have done in another order, for instance, if Adam had not sinned. He began with the actual order, with the fact of the Incarnation. What was its primary purpose? Put negatively, Scotus rejects the redemption as the fundamental reason for Christ's coming. The glory of the souls he redeemed cannot compare with the glory of Christ's own human nature. Hence their restoration to grace and glory cannot have been the primary reason why Christ's soul was created, assumed by the Word, supernaturalized by grace. Positively stated, Scotus held that humanly speaking God first intended Christ as king and center of the universe. Only secondarily, so to speak, did God conceive Christ as redeemer of fallen man. But if the incarnation was designed as a means of ennobling human nature, it must involve somehow both sexes and that meant the God-man must have a human mother. Hence it is not surprising that in its full development, Scotus' doctrine was extended further by the Scotist school to include Mary as the next most perfect of God's works, and is cited by its proponents as the fundamental reason for Mary's Immaculate Conception."³

The second and most important of these four questions shows how Scotus solved the radical theological objections of his day to this prerogative of Mary.⁴ The way in which the Immaculate Conception came to be explicitly recognized and eventually defined by Pius IX in the "Ineffabilis Deus" as a dogma of faith has long interested theologians. It figures largely

in their theories of the role played by the *sensus fidelium* or the living faith of the common Christian in the development of doctrine. In this case that faith centered on a feast to honor St. Ann's conception of Mary. If John the Baptist was cleansed of sin in Elizabeth's womb, what of Mary who would be even more intimately connected with the redeemer? The apocryphal gospels⁵ already drew parallels between the angelic appearances to Joachim and his wife and those recounted of Zachary in Luke's gospel. A feast embodying these popular beliefs originated in the East,⁶ but only when introduced in the West did it provoke the opposition that led to a significant development of Mariology.

Before the Norman invasion the Feast of Mary's Conception had become popular with the Saxons, but after 1066 it underwent a period of eclipse. William the Conqueror conferred many of the episcopal sees and abbeys in England upon his ecclesiastical followers. The general contempt of these newcomers for Anglo-Saxon customs, and the fact that the feast seemed based on apocryphal works, may have accounted for its suppression in many dioceses.⁷ Saxon pride, however, kept the feast alive, and reputed miracles like the famous vision of Helsin, the Abbot of Ramsey, helped it regain its popularity.⁸ In 1129 the Council of London confirmed it for the whole English province. From there it spread naturally enough to Normandy and other parts of Europe. Though miraculous confirmations accounted for this popular appeal, it was the Benedictine monk, Eadmer of Canterbury who first gave a sound theological argument for celebrating Mary's conception itself. If Jeremiah and the Baptist were sanctified before birth, how much more should Mary as the Queen of Angels and the tabernacle of the Son of God be completely untouched by sin.⁹

Eadmer's interpretation, however, overcame one theological difficulty at the expense of creating a far more serious one based on a carefully worked out theory about the nature of original sin and its transmission to Adam's progeny by sexual intercourse. It claimed when the newly created soul was infused into a seminally conceived fetus it contracted original sin.¹⁰ It was only because concupiscence played no part in Mary's virginal conception of Christ, that his human soul was immaculate.¹¹ How then could Ann's conception of Mary itself be holy, or sin absent, where libido was present?¹² asked St. Bernard in his passionate letter to the Canons of Lyons, chiding them for spoiling their splendid record in liturgical matters by introducing this novel feast which the Church ignores, which reason disavows, and tradition disapproves. "Are we more learned or pious than the Fathers?"¹³ And are we really honoring the Mother of God when

we attribute to Ann what is unique to Mary, her immaculate conception of a child? "Where would her singular prerogative be, if we attribute this same privilege to her mother? This is not honoring Mary but detracting from her honor."¹⁴

Far more serious, claimed St. Thomas Aquinas, it detracts from the dignity of Christ himself. "If the soul of the Blessed Virgin had never incurred the stain of original sin, this would be derogatory to the dignity of Christ, by reason of his being the universal savior of all. Consequently after Christ, who as the universal savior of all, needed not to be saved, the purity of the Blessed Virgin holds the highest place. For Christ did not contract original sin in any way whatever, but was holy in His very conception, according to Luke 1: 35: 'The Holy which shall be born of thee, shall be called the Son of God.' But the Blessed Virgin did indeed contract original sin, but was cleansed therefrom before her birth from the womb."¹⁵ This, as Scotus saw it, was really the crucial difficulty he had to address before serious theologians like Bonaventure and Aquinas could accept the Immaculate Conception even as a possibility. And for those who cited the widespread celebration of the feast, even though the Holy See had not sanctioned it and canonists objected to it, Aquinas already had this answer. "Although the Church of Rome does not celebrate the Conception of the Virgin, yet it tolerates the custom of certain churches that do keep that feast; wherefore this is not to be entirely reprobated. Nevertheless the celebration of this feast does not give us to understand that she was holy in her conception. But *since it is not known when she was sanctified* the feast of her Sanctification rather than the feast of her conception is kept on the day of her conception."¹⁶

Obviously, then, the immaculist sense was far from being the universal interpretation of the feast,¹⁷ and this more than anything helped to spread its celebration, especially at Paris where the precise object and rationale of the Feast of the Conception on December 8th remained a controversial issue well into the 14th century. During Scotus' student days, it provoked the solemn public debates between the two most prominent secular Masters of Theology at the University of Paris, Henry of Ghent and Godfrey of Fontaines.¹⁸

Both admitted the common opinion that Mary contracted original sin, but as St. Thomas had indicated earlier no one knew the precise moment after animation that her soul was sanctified. Henry of Ghent, however, had proposed a particularly controversial theory claiming that the period her soul was in a state of sin could be reduced to a single moment,

a mathematical point in time. The occasion on which he proposed this novel theory was in a solemn public disputation open to any interested non-professional as well as to the faculty and university students of theology from all over Europe. This was not the ordinary disputation the regent Masters took turns in conducting regularly during the academic year, but the specially challenging public disputation held either the second or third week of Advent or shortly before Easter when all classes were suspended to facilitate attendance. Called a "Quodlibet" (the Latin term for "anything") it was an academic event where *anyone* could raise *any question* on *any topic* of current theological interest and the presiding Master had to answer it. The particular question asked of Master Henry concerned the Feast of the Conception of Mary recently celebrated on December 8th. It was probably a few days later that Henry held his fifteenth Quodlibet during Advent of 1291, and most likely someone from England in his audience raised the hotly controversial subject: "Is the conception of the Virgin Mary to be celebrated *by reason of her conception*?"¹⁹ The student theologian knew many back home believed Mary had never contracted original sin. They claimed Archbishop of Canterbury and Primate of England himself supported this view, because they credited St. Anselm with the authorship of Eadmer's unsigned tract. But here in Paris, as Bonaventure had noted earlier, no Master ever accepted such a theory.²⁰ Hence the carefully worded question. "Is Mary's feast celebrated really by reason of her conception, not just her sanctification?"

After the introductory debates between the bachelor opponents and respondents participating in the dispute as part of their academic training, Henry as Master finally summed up the matter in by far the longest and most detailed of the 15 questions he had fielded during the entire Quodlibet. He began by pointing out every liturgical feast is celebrated by reason of a person's sanctity or sanctification. Hence it cannot be the act of conception but the hour, the moment, the time of conception that is being celebrated. "Conception," however, could be understood in various ways. There is the conception of the seed when fetal life begins.²¹ Some 35 or 42 days later, depending on the sex,²² a rational soul is created and infused in the growing fetus.²³ This moment of animation, as all theologians agree, marks the "conceptio hominis"²⁴ "No rational mind," St. Anselm had pointed out, "accepts the view that an infant has a rational soul from the moment of his conception."²⁵ Hence, he concludes,²⁶ there is no will, and consequently no question of either sin or sanctification. If the moment of animation marks the "conception as regards the world,"

Henry explained, then the moment the soul is sanctified may be called a "conception as regards God." Basing his computations on the date of Mary's birthday (September 8), Henry points out that December the 8th, the day the Normans celebrate the feast, must be the "*conceptio nudi seminis*" (the conception of the bare seed). Since there is nothing sacred about this biological event, "conception" in this sense cannot be precisely what is being commemorated. "If they celebrate this day 'by reason of conception,' it must be some other sort of conception they have in mind,"²⁷ namely, the date of animation by the rational soul on Jan. 11 when her soul was created and infused in her body. This moment could be also called her nativity within the womb.²⁸ But inasmuch as the seminally conceived flesh has this "*qualitas morbida*," the soul in contacting it contracts original sin automatically as it were. But once sin is present, sanctification, by definition,²⁹ becomes possible.

Since sanctification is what is being celebrated, the real question the inquirer who posed it wants answered, therefore, is: Does the moment of sanctification coincide with that of animation?³⁰ If the two moments do not coincide, then there are two possibilities, namely, either (1) once the soul is infused in the body and is infected with sin, it is *immediately sanctified* so that for no continuous period of time does it remain in a state of sin, or else (2) there is a *period of time* in which Mary's soul remained in a state of original sin, whether it be long or short, Henry does not care. Here then we have the second and third possibilities Scotus refers to and considers as the only logical alternatives to his own preferred third view that Mary never contracted sin to begin with. It is only these three possibilities he considers in our question, since it is from his final version or *Ordinatio*. The second possibility is the only one to which some objection is raised that he takes time to answer. When he first proposed this alternative at Oxford, he may not have been as fully familiar with Henry's position as he became later in Paris, for he seemed to think Henry might be interpreted this way.³¹

Henry, however, wanted to go still further. He thought he could show that the instant of *conception and sanctification coincide for all practical purposes*.³² For one can distinguish within a single instant of *time* two distinct aspects of *nature* one of which is prior, the other posterior. According to this *priority of nature* Mary's soul can be first in a state of sin and afterwards in a state of grace. In an extremely lengthy and involved argument, based in part upon Aristotle's physics of motion and change, and part upon a curious example of how a falling millstone will reverse the direction of a

bean thrown against its underside, he attempted to prove this philosophically.³³

From an Aristotelian standpoint, sin and grace represent contrary forms that cannot coexist in the human soul as their *subject*.³⁴ On the other hand, according to the Philosopher, contrary forms *causally affect one another*.³⁵ Grace expels the state of sin, and vice versa, since the two cannot coexist as simultaneous forms of the soul as subject. But if the presence of grace is what causes the sin to leave, grace must somehow exist if it is to act on sin.³⁶ But according to Aristotle's theory of action, what acts and what is acted upon must *somehow coexist causally*.³⁷ To show how this paradoxical situation is possible, Henry appeals to his "Gedankenexperiment" of the bean and the falling millstone.³⁸ For in his physics, Aristotle analyzed continuous or rectilinear motion as well as what happens when a moving object recoils or reverses its movement on striking an immovable obstacle. In such a case, though, the forward and the reverse movements are opposed and discontinuous according to Aristotle, and hence distinct and radically different from one another.³⁹ Henry uses his example, however, to blur this sharp distinction, for to the eye at least the falling millstone seems to continue downward motion with no interruption whereas the bean reverses its motion when it encounters the millstone.⁴⁰ Despite their opposition, the last instant of forward motion coincides with the first instant of reverse movement and the reversal of direction takes on the time-characteristics of continuous rectilinear motion.

Henry sees this as proof that there is an intermediate position between Aristotle's opposites of continuous and discontinuous change, and because of his great devotion to Mary, he sees a way to shrink the interval between her contracting original sin and her subsequent sanctification to an absolute zero time-wise. For at one and the same instant of time, there can be two distinct "signs of nature."⁴¹ In one Mary's soul contracts original sin, but in the other, she is sanctified and continues to remain in that state for her entire life. Henry maps his time-distinction on linear coordinates, since the flow of time is analogous to that spatial movement. Let the millstone represent the bodily flesh and the bean the spiritual soul; and let the moment the bean touches the millstone represent the instant Mary's soul was created and infused in her body. The downward movement of the bean represents the time Mary soul was in a state of grace; its upward movement the time her soul was under the shadow of sin cast by the millstone. But since Mary's soul did not temporally preexist its infusion in her body, this dimension shrinks to the initial zero point at

which the bean touches the millstone and immediately begins to move downward. If there is no period of rest between the upward motion of the bean and its reversal on striking the millstone, the two contrary movements coincide to the same extent as the last instant of earlier motion overlaps with the first instant of later motion.

This was Henry's canny solution to a most controversial question. Undoubtedly, it left his divided audience, if they could follow his involved reasoning, both astounded and probably speechless. For it claimed the Feast of the Conception could be interpreted in a way that might satisfy both parties, since, for all practical purposes, Mary did not exist for any span of time, however, short its duration, in a state of original sin. Nevertheless, she did contract it the instant her soul was created and animated her body.

No sooner had Henry proposed his mind-boggling solution than it was attacked as philosophically nonsensical by his habitual opponent, Godfrey of Fontaines, the other great secular Master of Theology of Scotus' student days.⁴² Needless to say, the bachelors of theology could hardly ignore the dispute and Scotus was no exception.⁴³ In his Paris lectures⁴⁴ he had to treat Henry's explanation in some detail, even though he admitted "If this position posits what it sounds like verbally, there is no need to argue against it, since it is opposed to a first principle, by claiming that contradictories are simultaneously true at the same instant of time...Neither does his example of the bean validate it."⁴⁵ However, Scotus did use the occasion to explain how Aristotle's theory of motion needs to be interpreted. It seems Henry's theory also suggested Scotus' second possibility. This minimizes the interval between animation (and the contracting of sin) on the one hand and her subsequent sanctification on the other, but avoids the contradiction inherent in Henry's explanation. In his Paris lectures, according to both the important *Reportatio Trecensis*⁴⁶ and in the *Reportatio Barcinonensis*,⁴⁷ Scotus stressed that his second possibility gives us "a better way"⁴⁸ to interpret what is really essential to Henry's defense of the common opinion, namely, that there was no interval or length of time in which Mary was in a state of original sin, since this was reduced to a single non-durational instant.

Even this second possibility, when Scotus explained it, apparently caused some difficulty of understanding, since two objections were raised by his hearers which he had to answer at some length. However, since it represented the best interpretation one could give to the common opinion, it became the generally accepted understanding of this view in the

decades that followed.⁴⁹ In the *Ordinatio* it is the only alternative to his own preferred position, and since this version is really Scotus' own rather than Henry's he does not even mention the "Ghentian" as he did in the earlier *Lectura Completa*.⁵⁰ Nevertheless, it is clear from all his accounts that Scotus himself chose to believe Mary never contracted sin to begin with, since he sees this as a distinct possibility and according to his Marian principle "If the authority of the Church or the authority of Scripture does not contradict such, it seems probable what is more excellent should be attributed to Mary." And it is on this basis that he interprets the Feast of the Conception.⁵¹

Even this restrained and prudent departure from the common theological opinion provoked a storm of opposition at Paris, including the accusation of heresy. A year after Scotus' death, for example, the secular Master John of Pouilly attacked his views in a public Quodlibetal disputation.⁵² Though John mentions no names, he cites Scotus own words at length, answering his arguments in detail and challenging his solution, to conclude that neither Mary, nor God, her Son, needs our lies, that inasmuch as Scotus' position is against all Scripture it must be reckoned heretical and that one who has so taught must be dealt with otherwise than by mere argument.⁵³ Others were more moderate in their opposition and even admitted Scotus' opinion seemed to be "valde rationabilis." The fact is, as Brady and others show,⁵⁴ Scotus initiated a trend that would never die out but would continue to grow until the "new theologians," as they were first called,⁵⁵ would eventually outnumber the old, and the Feast of December 8 would become simply that of the Immaculate Conception and the Marian prerogative it honored would some four centuries later be defined as a dogma of faith.

The third question on marriage illustrates the difficulty theologians in Scotus' day had in reconciling the Marian account in the Gospel of Luke with that in the Gospel of Matthew. The first contained the story of the Annunciation, the second that of Mary's marriage to Joseph. When Gabriel announced she was to become the mother of the long awaited Messiah, Mary expressed surprise. "How can this be since I know not man?" The traditional explanation of the Fathers of the Church was not just that she was still a virgin, but that she had no intentions of ever having sexual relations with a man, and had even taken a vow to that effect. And it was to one vowed to virginity that Gabriel addressed his answer: "The Holy Spirit shall come upon you, etc." For medieval canonists concerned with the legal aspects of contracts made under oath, this presented a prob-

lem. If Mary had vowed perpetual virginity, how could she take marriage vows as well? Did not the partners exchange the sexual rights to each other's body for the purpose of procreation as well as for mutual support and comfort? Some theologians suggested the vow of virginity was taken only conditionally and not absolutely. Scotus was quick to perceive the condition they suggested, did nothing to solve the legal problem. He offered instead another canonical solution based on something Pope Nicholas III had granted to the Franciscan Order of which he was a member. The vow of poverty taken by Franciscans differed from that of other Orders in that it was not only the individual friar who renounced the right of ownership of any property or personal goods, but the Order itself did the same and only accepted the simple use of what they needed. Nicholas III in his explanation of the obligation of the Franciscan vow of poverty distinguished between ownership and use. The owner could obviously let others use what he owned. The benefactors who gave the friars what they needed to live retained the ownership while ceding the simple use to the friars. If the benefaction was an outright gift to the friars, then the Holy See accepted the ownership while the friars retained the use. Boniface VIII, himself a canon lawyer, had incorporated the decrees of Nicholas III in his revision of canon law, and Scotus refers to this in this question as his canonically acceptable answer to a problem the university lawyers sought to solve.

The fourth and last question concerns the maternity of Mary. "Was the Blessed Virgin truly the Mother of God and of Man?" As Scotus indicates in the body of the question, no theologian any longer questioned the fact that she was. Nevertheless, his special wording of the question as well as his *pro forma* introductory arguments "Pro" and "Con" recall the heated theological controversies as to whether her relationship of motherhood to one of the three divine persons entailed also a truly real relationship to the divine nature of God or solely to the human nature or manhood of Christ. With the exception of one question on the filiation of Christ referred to later, these theological questions belonged to a yesteryear. However, as his query on the maternity indicates there were still two disputed points as to the philosophical or biological grounds for calling anyone a mother. The first or biological reason stemmed from the grossly inferior procreative role played by women according to Aristotle's widely accepted sexual theory. According to the Philosopher, the male is active, the female essentially passive in procreation. Scotus attacks this theory with four arguments defending woman's active cooperation in the procreative role. The second objection arises from the once popular, but now outdated

theory proposed by Augustine, namely that any activity on the part of creatures was based on some seminal reason the creator had built into their natures. Scotus could not accept this theory any more than he could that of Aristotle. Hence, he presents his own account as to why Mary was as truly a mother as any other human parent. For those concerned with the history of the feminist movement it might be interesting to note that it was devotion to Mary more than anything else that brought the medieval theologians a long way towards realizing something of the symbolic implications of Paul's statement (Gal. 3:28): "There does not exist among you Jew or Greek, slave or freeman, male or female. All are one in Christ Jesus."

We have omitted the even more philosophically complicated Mariological question Balic includes in his collection of Scotus' writings on Mary. It stems from the fact that Christ was the son of a divine Father and a human mother. This caused university theologians to raise the question of whether there were two real relationships of filiation or sonship in Christ. Suffice it to say that Scotus, contrary to many of his contemporaries, insisted on the distinct reality of both filial relationships in Christ.⁵⁶ Though the question might still be of some interest to a philosopher discussing the nature of relations, or one concerned with proper theological discourse, to include it in its entirety seemed inappropriate for the present book.

Endnotes; The Introductions

¹ There is also evidence Scotus lectured at Cambridge on part of Lombard's work.

² Since these questions are all from the last two books of *Ordinatio*, as yet unavailable in the Vatican edition, for the Latin texts in the present volume we used two earlier critical editions made by Carl Balic, O.F.M., founder of the *Bibliotheca Mariana Medii Aevi* and later head of the Scotistic Commission editing the new Vatican *Opera omnia*. The first is a relatively complete edition of all of Scotus' extant writings on Mary, entitled *Scoti Doctor Mariani Theologiae Elementa quae ad fidem codicum manuseriptorum edidit Carolus Balic, O.F.M.* (Sibenik in Jugoslavia: Ex typographia Kacic, 1933). We have used it for the first and last two questions. The second is entitled *Ioannes Duns Scotus Doctor Immaculatae Conceptionis* [*Bibliotheca Immaculatae Conceptionis* n. 5] (Romae: Academia Mariana Internationalis, 1954), and contains a new edition of those pertaining to the Immaculate Conception, done for the Marian Year of 1954, commemorating the centenary of the Bull "Ineffabilis Deus" of Pius IX, declaring this prerogative of Mary a dogma of Catholic faith. We have used this for all references to Scotus' questions on the Immaculate Conception.

³ A. B. Wolter, "Duns Scotus on the Primacy and Personality of Christ" in *Franciscan Theology*, edited by Damian McElrath (Franciscan Institute Publications. Franciscan Sources, No. 1, 1980), p. 140-41.

⁴ See *New Catholic Encyclopedia* article on the "Immaculate Conception" by E. D. O'Conner (vol. 7, 378-82).

⁵ See especially "The Gospel of the Birth of Mary" and the "Protoevangelion" in *The Apocryphal Books of the New Testament* (Philadelphia: David McKay, 1901). The angelic apparitions to St. Ann and Joachim recorded there parallel those described in the Gospel of St. Luke of Mary and her cousin Elizabeth, and these miraculous circumstances like those surrounding the birth of the Baptist, whose conception was also called holy by the Greeks, were the primary object of the feast. Though it began as a Feast of St. Ann, the emphasis even then was on the exceptional holiness of the child she would bear, a child who would be sanctified already in the womb like Jeremiah and John the Baptist. As the "Gospel of the Birth of Mary," puts it, after appearing first to Joachim, the angel came to Anna, saying: "A daughter will be born to you, who shall be called Mary, and shall be blessed above all women. She shall be, immediately upon her birth full of the grace of the Lord." *The Apocryphal Books*, p. 19.

⁶ The Protoevangelion of St. James played a particularly prominent role. Cf. M. Jugie, "Le protoévangile de Jacques et l'Immaculée Conception," in *L'Echos d'Orient* 14 (1911) 16-20. See also M. Mildner, O.S.M., "The Immaculate Conception in England up to the Time of John Duns Scotus," in *Marianum* 1 (1939), 86-99, 200-21; 2 (1940), 173-93, 284-306.

⁷ Mildner, *art cit.*, p. 95; E. Bishop, *Liturgica Historica*, (Oxford, 1918), pp. 227-228; idem, "Origins of the Feast of the Immaculate Conception" in *Downside Review* 5 (1886), 107; H. Thurston, "The English Feast of Our Lady's Conception," *The Month* 53 (1891), 457.

⁸ H. Thurston, "The Legend of the Abbot Elsi," *The Month* 104 (1904), pp. 5-9; the story is recounted in an sermon erroneously attributed to St. Anselm; see pseudo-Anselm, *Sermo de conceptione S. Mariae* (PL 159, 319-323); see also pseudo-Anselm, *Miraculum de conceptione S. Mariae* (Ibid. 323); these texts are also quoted as appendices to the Thurston-Slater edition of Eadmer's *Tractatus de conceptione S. Mariae*, see the following note.

⁹ "Si igitur Jeremias... in vulva est sanctificatus, et Joannes... Spiritus sanctus ex utero Matris repletus, quis dicere audeat, singulare totius saeculi propitiatorium, ac Filii Dei omnipotentis dulcissimum reclinatorium, mox in sua conceptionis exordio Spiritus sancti gratiae illustratione destitutum... Angelis aliis peccantibus, bonos a peccatis servavit, et feminam Matrem suam mox futuram, ab aliorum peccatis exortus servare non valuit? In aeternitate consilii fixum statuit, eam dominatricem et reginam fore Angelorum, et nunc inferiorem Angelis natam esse consortium acceptam esse credemus omnium peccatorum?" *Tractatus de conceptione B. Mariae Virginis* (PL 159, 305, 307). Though the idea that since Mary was sanctified in the womb, she may never have contracted original sin was expressed earlier (cf. e.g., pseudo-Ildephonse [Radbertus], *De partu virginis*, PL 96, 211), the Benedictine monk, Eadmer of Canterbury (d. 1124), is generally regarded as the first explicitly to connect her sanctification with the instant of her conception and use it as the rationale for celebrating this as a feast. As he was the secretary, disciple and biographer of St. Anselm, it is not surprising that his treatise as late as the 14th century, however, was mistakenly attributed to the Archbishop and Primate of England himself. Migne printed the tract among the spurious works of Anselm (PL 159, 301-318); for a critical edition see *Eadmeri monachii Cantuariensis tractatus de conceptione S. Mariae*, ed. H. Thurston and T. Slater (Fribourg im

Breisgau, 1904); for a study of his works as a whole and of his relationship with St. Anselm, see R. W. Southern, *Saint Anselm and His Biographer* (Cambridge: University Press, 1963).

¹⁰ Before the fall, concupiscence or the natural human desire for sense pleasure was kept within the bounds of reason (see the following note); after the fall, it became a drive that could be controlled only with difficulty (cf. Rom. 7, 21-25). Concupiscence, as the insubordination of the flesh towards reason, with the unavoidable propensity to all kinds of evil, largely due to the influence of St. Augustine, came to be essentially identified with original sin. Since sin was removed by baptism, while concupiscence was not, Augustine's theory was frankly insufficient and created more difficulties than it solved. St. Anselm of Canterbury produced a more satisfactory theory. Original sin, he said, is nothing more than the absence or original justice or rightness of will with which our first parents were endowed at the moment of their creation. Anselm calls it original because it belongs to the original constitution of man as God planned and made it. It was God's express wish that this justice should adorn the souls of all his descendants. But since Adam, though his sin of disobedience, lost original justice for himself and all his descendants, every child is born in a state which does not correspond to God's will; we ought to be born in the state of original justice, and we are in fact born without it. This absence of a *justice which is due*, which should be there but is not, *constitutes the essence of original sin*. Concupiscence is a mere effect of the privation of original justice, and does not enter into the essence of original sin. As Lottin showed in a remarkable series of articles, Anselm's notion was practically ignored for a century and only gradually introduced into the mainstream of scholastic thought (Cf. Dom Lottin, O.S.B., "Les théories sur le péché originel de Saint Anselme à Saint Thomas d'Aquin," in *Psychologie et Morale aux XII^e et XIII^e siècles*, tom. 4, pt. 3, (Louvain: Abbaye du Mont César/J. Duclot, 1954), pp. 11-280.). Scotus will adopt Anselm's interpretation to refute the argument that original sin is somehow due to a physical corruption or *qualitas morbida* in the flesh that is communicated as a real taint to the soul.

¹¹ In a letter addressed about 520 by the monks of Scythia to the African bishops in exile in Sardinia, Peter the Deacon explains their firm Christian belief in this doctrine: "Credimus itaque, bonum et sine ulla carnis impugnatione, a Deo creatore omnium, factum Adam, magnaue praeditum libertate; ita ut et bonum facere in propria facultate haberet, et malum, si vellet, posset admittere. Eratque mors et immortalitas in eius posita quodammodo arbitrii libertate. Capax enim erat utriusque rei, ut si servaret praeceptum, sine experientia mortis fieret immortalis: si vero contemneret, mors continuo subsequeretur. Itaque serpentis astutia depravatus, sponte divina legis praevaricator effectus est; et ideo secundum quod ei praedictum fuerat, justo Dei iudicio mortis poena damnatur, totusque, id est, secundum corpus et animam in deterius commutatus, amissa liberate propria, sub peccati servitio mancipatur. Ex hoc nullus est hominum, qui non huius peccati vinculo nascatur astrinctus, praeter eum qui ad hoc vinculum peccati solvendum, novo generationis modo natus est, mediator Dei, et hominum homo Christus Jesus (I Tim 2:5). Quid enim aliud potuit aut potest nasci ex servo, nisi servus? Neque enim cum esset liber Adam, filios procreavit, sed postquam servus peccati factus est. Ideo sicut omnis homo ab illo est, ita et omnis homo servus peccati per ipsum est. Hinc et Apostolus: *Ex uno, inquit, in omnes homines in condemnationem* (Rom. 5:18). Et rursus, *Per unum hominem peccatum intravit in hunc mundum, et per peccatum mors, et ita in omnes homines pertransiit, in quo omnes peccaverunt* (Ibid., 12)." (*Liber de Incarnatione et gratia*, c. 6; PL 62, 88).

¹² "Unde ergo conceptionis sanctitas?...An forte inter amplexus maritales sanctitas se ipsi conceptioni immiscuit, ut simul et sanctificata fuerit, et concepta? Nec hoc quidem admittit ratio. Quomodo namque aut sanctitas absque Spiritu sanctificante, aut sancto Spiritui societas cum peccato fuit? aut certe peccatum quomodo non fuit, ubi libido non defuit?" St.

Bernard of Clairvaux, *Epistola* 174 (PL 182, 335). Scotus devotes specific attention to this argument of Bernard at the close of his question, for he sees no way to gainsay or reinterpret the mind of the saint; he can only point out where his reasoning went wrong.

¹³ Ibid., 333: "Inter Ecclesias Galliae constat profecto Lugdunensem hactenus praeeminuisse...Praesertim in officiis ecclesiasticis haud facile unquam repentinis visa est novitatibus acquiescere, nec se aliquando juvenili passa est decolorari levitate Ecclesia plena iudicii. Unde miramur satis, quod visum fuerit hoc tempore quibusdam vestrum voluisse mutare colorem optimum novam inducendo celebritatem, quam ritus Ecclesia nescit, non probat ratio, non commendat antiqua traditio. Numquid Patribus doctiores, aut devotiores sumus? Periculose praesumimus, quidquid ipsorum in talibus praeterivit. Nec vero id tale est quod nisi praetereundum fuerit, Patrem quiverit omnino diligentiam praeteriisse."

¹⁴ Ibid., 335: "Ubi erit praerogativa Matris Domini, qua singulariter creditur exultare et munere prolis, et integritate carnis, si tantumdem dederis et matri ipsius? Non est hoc Virginem honorare, sed honori detrudere."

¹⁵ St. Thomas Aquinas, *Summa theologiae* III, q. 27, art. 2, ad 2 (New York: Benziger, 1947, vol. II, p. 2164).

¹⁶ Ibid., ad 3, p. 2165; William of Ware had suggested another acceptable way to celebrate the conception itself, not just Mary's sanctification. See *infra*, note 43.

¹⁷ Not until 1328 did the provincial council of Canterbury decide to celebrate the feast of the Conception in the sense proposed by Eadmer or pseudo-Anselm. For a history of how the Franciscans interpreted the feast see Ignatius Brady, O.F.M., "The Doctrine of the Immaculate Conception in the Late Fourteenth Century," *Studia Mariana* IX (1954), pp. 70-110.

¹⁸ Henry of Ghent, *Quodlibet* XV, q. 13, held during the academic year of 1291/92. If the interest in this question was provoked because the proximity of this disputation to the Feast of the Conception, celebrated on Dec. 8, as seems highly probable, it would indicate Advent of 1291 rather than Easter of 1292 as the date of its composition. Godfrey's question (*Quodlibet* VIII) is dated by Wippel 1292/93, but I see no reason why it might not have been in Easter of 1292 when interest in Henry's controversial claim was still high.

¹⁹ Henry: "Utrum conceptio virginis Mariae sit celebranda ratione conceptionis. *Quodlibet* XV, q. 13 (Parisiis, 1518, photoreprint Louvain, 1961), fol. 584r).

²⁰ After presenting a masterful account of the "pious opinion" the Anglo-Norman students brought to Paris, St. Bonaventure reluctantly rejects it in favor of traditional view. "Securior etiam est, quia magis consonat fidei pietati et Sanctorum auctoritati... communiter Sancti, cum de materia ista loquuntur, solum Christum excipiunt ab illa generalitate, qua dicitur *Omnis peccaverunt in Adam*. Nullus autem invenitur dixisse de his quos audivimus auribus nostris, Virginem Mariam a peccato originali fuisse immunem." *Sent.* III, dist. 3, pars 1, *Opera omnia* (Quaracchi, 1887), tom. III, p. 68; see also A. B. Wolter, "Doctrine of the Immaculate Conception in the Early Franciscan School," *Studia Mariana* 9 (San Francisco: Franciscan National Marian Commission, 1954), pp. 48-58.

²¹ Henry, *op. cit.*, fol. 585r [V]: "Non statim in hora conceptionis seminis fuit homo perfecta ex anima rationali et carne sicut nec alii; sed per temporis intervalla actione naturae ad illam perfectionem producta."

²² Ibid.: "Et hoc 35 die a conceptu seminis nudi si sit foemina, 42 dies si sit masculus. Et hoc quia fortiori et ampliori digestionem maturatur mas quam foemina."

²³ After discussing the views of physicians like Hippocrates and others on fetal development, Henry concludes: "Ista autem membrorum divisione completa in ultimo instanti

illius perficitur totius corporis organizatio et generatur a forma corporeitatis humanae, atque anima rationalis creando a Deo infunditur, ut actus et perfectio illius extrema; a quo in unione cum illo propter morbidam dispositionis fomitis contractam, anima rationalis in eodem instanti contrahit maculam peccati originalis, et concipitur in peccato homo perfectus informa humana formata ex semine" (Ibid.).

²⁴ Henry, *op. cit.*, fol. 584v [T]: "Distinguo: quia est quaedam conceptio seminis: et est quaedam conceptio hominis formati ex semine secundum formam corpoream."

²⁵ Anselm, *De conceptu virginali et de originali peccato*, c. 7, (ed. Schmitt, vol. II, p. 148): "Quod autem mox ab ipsa conceptione rationalem animam habeat, nullus humanus suscipit sensus." Henry agrees with Anselm; see note 21 *supra*.

²⁶ Ibid.: "[Ergo] in eo non est peccatum originale mox cum conceptus est."

²⁷ Henry, *op. cit.*, fol. 585r [T]: "Sed si celebrant illud ratione conceptionis, debent intendere quod rationis alicuius alterius conceptionis, ut iam videbitur."

²⁸ Ibid. [V]: "Si ergo loquamur de ista conceptione virginis qua concepta est homo perfectus 11 die Ianuarii, scilicet 3 Idus Ianuarii, qua concepta fuit eius nativitas in utero."

²⁹ Sanctification has a technical meaning, as Alexander of Hales explains: "Dicimus quod sanctificatio secundum quod communiter vel generaliter accipitur, prout scilicet communiter est in omnibus sanctificatis, est mundatio ab originale culpa, nec plus habet sanctificatio de ratione sua communi quam huiusmodi mundationem." *Quaestio de sanctificatione* (Codex Vat. lat. 782, fol. 60c; see also Thomas Aquinas *Summa theol.* III, q. 27, art. 2: "The sanctification of the Blessed Virgin cannot be understood as having taken place before animation...because the sanctification of which we are speaking is nothing but the cleansing from original sin." (ed. cit., vol. II, p. 2164).

³⁰ Henry, *op. cit.*, [V]: "Si ergo loquamur de ista...[nativitate] in utero, ulterius distinguo, quia virgo aut in illo eodem instanti, quo sic concepta est mundo et originali peccato infecta simul fuit concepta Deo etiam per gratiam sanctificationis, aut non."

³¹ Scotus, *Lectura* (Balic, *op. cit.*, p. 92): "But the second is also possible, namely, that it is only for an instant that she was in original sin and for any time period she was in grace. And if one understands the Ghentian in this way, his opinion is good, so that for an instant of conception she was in sin and a daughter of ire, and in the whole time-span was subject to grace." In Paris, according to the Valencia Codex, he admits this is a benign interpretation of what Henry actually said. See note 44 *infra*.

³² Henry, *op. cit.*, fol. 585v [X]: "Quod tamen originalis culpa et sanctificationis gratia simul sint, seu esse habeat quodammodo in eodem instanti, etsi non in eodem subiecto pro illo eodem instanti, hoc non est omnino impossibile."

³³ In his Paris lecture, Scotus goes into Henry's position in more detail than in either the *Lectura* or *Ordinatio*. He sums up this position of Henry briefly as follows: "Dicit unus doctor quod in eodem instanti fuit in peccato et in gratia, sed in priori signo naturae fuit in peccato et in posteriori in gratia. Exemplum ad hoc: si faba proiciatur contra molarem, adest et abest puncto, et tamen non est ibi quies media, sed oportet ponere in priori signo adesse et in posteriori abesse." (*Reportatio Parisiensis* III, dist. 3, q. 1 in *Ioannes D. Scotus Doctor Immaculae Conceptionis*, p. 26.)

³⁴ Henry, *op. cit.*, fol. 585v [X]: "Quod autem virgo simul in eodem instanti quod concepta est mundo, et originali peccato infecta, hoc omnino est impossibile, quia contraria sunt originali culpa et sanctificationis gratia et simul fuissent in eodem subiecto. Contraria autem in eodem instanti simplici secundum rem non possunt inesse eidem subiecto."

³⁵ Henry, *op. cit.*, [X]: “De esse enim formatum contrariorum distinguitur secundum duplicem considerationem quam habet quaelibet talium formarum. Uno enim modo consideratur in ordine sive in comparatione ad agentem..., a quo producit in esse et a quo habet suum esse. Considerando autem primo modo formam et esse eius secundum primam comparationem, scilicet in origine ad agentem producentem illam, semper in formis contrariis sibi succedentibus forma posterior habet esse prius natura, quam corrumpatur prior, quia prior non corrumpitur, nec a subiecto suo expellitur, nisi per actionem formae alterius introductae posterius in idem subiectum, et hoc ratione contrarietatis, quam habet ad illam, qua se non compatiuntur in eodem subiecto, et etiam ratione maioris virtutis et efficaciae, quam illa forma habet in agendo super minorem virtutem et efficaciam, quam forma alia habet in patiando et resistendo, dicente Philosopho in libro *De motibus animalium*. Est aliqua multitudo vigoris et virtutem secundum quam manet quod manet; quemadmodum et secundum quam movet movens: et est quaedam proportio ex necessitate quemadmodum et contrariorum motuum, sic et quietum, et aequales quidem impassibiles ad invicem obtinetur autem secundum excessum, sicut enim pellens pellitur sic pulsum pellitur similiter secundum virtutem.

³⁶ Henry, *op. cit.*, [X]: “Nihil autem agit nisi habens esse, quia actus secundus, cuiusmodi est agere, necessario praesupponit actum primum qua est esse. Semper ergo forma corrumpens prius habet esse natura, quam per illam forma ei contraria corrumpatur.

³⁷ Henry, *op. cit.*, [Y]: “In illa ergo duratione necessario simul habent esse formae illae contrariae, licet diversimodo, puta forma corrumpens in ordine ad agentem, et producentem illam et forma corrumpenda in ordine ad subiectum.”

³⁸ Henry, *op. cit.*, fol. 586r [C-D]: “Si ergo sanctificari potuit et mundari a peccato, ut non nisi per instans, sive momentum in macula peccati originalis fuerit, recta ratione determinante (ut mihi videtur) hoc pie sentiri potest...Et mihi videtur quod hoc bene possibile est, sicut in aliis dispositionibus, quae acquiruntur post subitas mutationes, quae sunt termini motuum quorundam, et amittuntur per motus alios: inter quos mediae sunt dictae mutationes, et ipsa mutata esse in instantibus mensurantibus dictas mutationes: in quibus sunt sub illis dispositionibus, et in motibus circumstantibus non sunt sub illis. Talem autem mutationem convenit mediam esse inter duos motus...cum faba movetur superius motu violento, et obviat fortius moto, puta lapidi molari descendenti naturaliter inferius, in contactu lapidis subito in instanti mutata est ...Et valet sicut mihi videtur hoc exemplum secundum ad nostrum propositum.”

³⁹ Aristotle, *Physics* VIII, c. 8 261b 29-34.

⁴⁰ Henry, *op. cit.*, fol. 586r [D]: “Talem autem mutationem convenit mediam esse inter duos motus dupliciter. Uno modo inter duos motus quae sunt partes unius motus simplicis. Alio modo inter duos motus contrarios. Primo modo secundum quamdam demonstrationem Philosophi VIII *Physicorum* omnes continue motum in quolibet instanti signato sui transitus est in spatio sibi aequali, sic quod per partem motus praecedentem in fine eius mutatum est in illud, et per partem motus sequentem in principio eius mutatum est ab illo et est mutatio una secundum rem et in uno instanti secundum rem, differenti solum secundum esse et rationem, ut est finis temporis mensurantis motum praecedente et principium temporis mensurantis motum sequentem. Secundo modo cum faba movetur superius motu violento, et obviat fortius moto, puta lapidi molari descendenti naturaliter inferius, in contactu lapidis subito in instanti mutata est in spatium sibi aequale per motum eius violentum sursum, et in eodem instanti ipsam faba mutatur ab illo per motum naturale lapidis deorsum fabam impellentem, ut non sit possibile eam in illo spatio sibi aequali quiescere, sicut quiesceret si sibi relinqueretur, secundum aliam quamdam demonstrationem Philosophi in eodem VIII, nec

esse aut manere nisi per istas medium inter tempora illorum motuum in quo tamen spatio est per illud instans secundum veritatem, nec fuit in tempore praecedenti, nec tempore sequenti, et est illud instans signum commune utriusque temporis et primo et posteriori et idem et unum numero, ratione autem non idem, ut dicit Philosophus in eodem VIII. Quod si spatium illud sibi aequale et totum residuum spatii sursum obscurus esset et tenebrosus, et totum residuum spatii deorsum esset clarum et illuminatum, superficies fabae superior in illo instanti in quo esse in spatio sibi aequali esset obscura et in toto tempore sui ascensus fuisset clara et illuminata, et similiter in toto tempore sui descensus. Et valet sicut mihi videtur hoc exemplum secundum ad nostrum propositum."

⁴¹ *Signum* or "sign" has the technical sense of a non-dimensional unit such as a "point" in space, or a point in time. And a distinction of signs is used to express some conceptual distinction or non-mutual implication that can be used to order things conceptually that coincide temporally.

⁴² Godfrey of Fontaines, *Quodlibet* VIII, q. 4: "Utrum in expulsiōe culpae sive originalis sive actualis sint simul culpa quae expellitur et gratia quae expellit?" Edited by J. Hoffmans in *Les Philosophes Belges*, tom. IV (Louvain, 1924), pp. 51-60.

⁴³ Knowledge of the Parisian dispute spread quickly to Oxford, where Henry's theory was presented at length in a disputed question of William of Ware, one of Scotus' teachers. See my article, "Doctrine of the Immaculate Conception in the Early Franciscan School," *Studia Mariana* 9 (San Francisco: Franciscan National Marian Commission, 1954), pp. 59-67. This same volume of papers given at the Second Franciscan National Congress, held in California (May 4-9, 1954) to honor the centenary of the definition of the Dogma of the Immaculate Conception, contains two excellent historical accounts of the intellectual milieu at the Universities of Oxford and Paris at the time Scotus presented his defense and of the reactions it provoked. One is that of Berard Vogt, O.F.M., "Duns Scotus, Defender of the Immaculate Conception—an Historical-dogmatic Study," *ibid.* pp. 161-175, and the other is the article of Ignatius Brady referred to in note 17. See also Brady's other article, "The Development of the Doctrine of the Immaculate Conception in the Fourteenth Century After Aureoli" in *Franciscan Studies* 15 (1955), 175-202.

⁴⁴ In addition to the *Reportatio Parisiensis* edited by Wadding and based on the Worcester and Balliol MSS, Balic edited three additional significantly different "reports" based on MSS discovered at Troyes, Barcelona and Valencia. (Cf. C. Balic, *Ioannes D. Scotus Doctor Immaculatae Conceptionis*, pp. 25-83). The one from Troyes (*Reportatio Trecensis*, pp. 35-47) may contain the report most widely circulated in Paris, since John of Pouilly used it as the basis for his public attack on Scotus' position in 1309. See C. Balic, "Ioannes Duns Scotus et historia Immaculatae Conceptionis," *Antonianum* 30 (1955), 402-408. In the Barcelona Codex (*Reportatio Barcinonensis*, pp. 48-65) we find the most detailed treatment of Henry's view together with the suggestion that it can be interpreted in a worse or a better way. It is also the most polished of these reports. The Valencia Codex (*Reportatio Valentiniensis* pp. 66-83) departs completely from the usual tri-partite format. It begins immediately with the definitive assertion that an immaculate conception is both possible and fitting. Only after refuting the argument from the common opinion against this does it present the second possibility with a reference to the fact that Henry could be interpreted this way, and though this is not what he actually said. And only then are the twenty-five arguments from authority against the thesis brought up for refutation. XV century writers refer to a public dispute by Scotus wherein he answered numerous objections against the Immaculate Conception proposed by his audience and attribute his title of "Subtle Doctor" to his brilliant defense of this prerogative. Balic suggested that this MSS as well as that of Barcelona may contain fragments of that historic dispute though admittedly the complete text of it has not been found.

Cf. Balic, *Scoti Doctor Mariani Theologiae Elementa*, p. cx.

⁴⁵ *Reportatio Parisiensis* III, dist. 3, q. 1 (Balic, p. 26): "Sed si ista positio ponat ut verba videntur sonare, non est arguendum contra, cum sit oppositum primi principii, ponendo contradictoria simul vera in instanti temporis, quia non minus impossibile est ponere privative opposita simul vera in eodem instanti temporis quam contradictoria. — Nec valet exempla de faba."

⁴⁶ According to this Troyes MS Scotus presents this alternative first and defends it as a distinct possibility: "Dico ad quaestionem quod potuit [1] in primo instanti fuisse in originali peccato et in toto tempore sequente in gratia, et potuit [2] per tempus fuisse in originali peccato et postea in gratia. Secundum primum modum [intelligo] illam opinionem Magistri Henrici quod 'in primo instanti fuit in originali peccato et toto tempore posteriori in gratia.' Et hoc possibile." *Reportatio Trecensis* in Balic, *Ioannes D. Scotus Doctor Immaculatae Conceptionis*, p. 45.

⁴⁷ According to the Barcelona MS he made the same point: "Respondeo ad quaestionem.—Dico quod potuit in originali per instans tantum et [fuisse]—ut dixi—per tempus consequens habitum, et potuit numquam habuisse originale. Primo modo intelligitur opinio Henrici." *Reportatio Barcinonensis* in Balic, *Ioannes D. Scotus Doctor Immaculatae Conceptionis*, p. 60.

⁴⁸ *Ibid.*, p. 49: "Hic dicitur quodam doctore, qui male et melius potest intelligi."

⁴⁹ This second possibility would become the preferred interpretation of those who wished to hold the common opinion, and did not feel comfortable with Scotus' first possibility. Thus, the Dominican Durandus of Saint-Pourçain, writing a decade or more later, says: "Hic est duplex modus dicendi. Primus est quod B.V. non fuit concepta in originali peccato, sed simul tempore fuit animata et grata ipsi data. Et huius dicti ostenditur primo possibilitas...secundo congruitas...et tertio probatur quod ita factum fuerit...Alius modus dicendi est quod...non deuit ut praeservata fuerit." He also agrees this view does not rule out the fact that Christ was also Mary's redeemer, but he then goes on to give his own opinion. "His non obstantibus, [alia] opinio videtur verior, scilicet quod Deus potuit facere quod B. V. per solum instans esset in culpa originali et toto tempore sequenti in gratia..." *Sent.* III, d. 3, q. 2 (Antverpia, 1566), f. 218rb; q. 2, f. 218va.

⁵⁰ Scotus, *Lectura completa* (p. 92). Referring to this second possibility he writes: "Sed secundum etiam fuit possibile, scilicet quod tantum per unum instans fuit in peccato originali et in tempore habito in gratia. Et si sic intelligit Gandavus, tunc est opinio bona, ita quod pro instanti conceptionis fuerit in culpa et filia irae, et in tot tempore habito sub gratia, quia hoc patet in creaturis frequenter." According to the Krakow MS (Bibl. univer. Jagell., lat. 1408) a detailed account of what Henry really taught is appended as a note at the end of the *Lectura*, as though it were something discovered later. (*Ibid.*, pp. 98-100)

⁵¹ In the *Lectura* Scotus answers the Canonical objection to the celebration of the Feast explaining that the glossarist knew nothing more than what others had said about the feast and one should answer it as he had answered the objection from Bernard and the other saints. "Hence one must say that the seminal conception must not be celebrated but the conception of the animated body can be celebrated" (p. 96). At Paris, according to the Barcelona MS he put it this way: "As to that decree 'about the celebration of conception of the Virgin' it can be said that Gratian had in mind that it was not to be celebrated so far as her procreation was natural; but inasmuch as as she was deprived of original [sin] it can be celebrated." (p. 65) In the *Ordinatio* Scotus does not mention the Feast explicitly but deals with rather with Bernard's specific problem as to why the moment of the "conception of the seed" could not have been the moment the Holy Spirit sanctified her soul. Though Scotus

preferred the Anselmian explanation to Augustine's as to "why the seed is said to be infected," he wishes to show whatever view one hold, this does nothing to rule out the possibility that her conception was immaculate.

⁵² John states his intent in these words: "Primo volo declarare quod non potest dici probabiliter nec teneri pro opinione probabili quod beata Virgo de facto non contraxit originale peccatum. Imo salva cuiuscumque reverentia, videtur quod debeat haereticum reputari." (*Quodl.* III, q. 3 in *Ioannis de Pollicaco et Ioannis de Neapoli Quaestiones Disputatae de Immaculata Conceptione B.M.V.*, ed. C. Balic [Bibl. Mariana Medii Aevi: Textus: I] (Sibenici, 1931), p. 2; the whole text is given pp. 1-70.

⁵³ John of Pouilly, *Ibid.*, pp. 13-14.

⁵⁴ I. Brady, O.F.M., "The Development of the Doctrine of the Immaculate Conception in the Fourteenth Century After Aureoli" in *Franciscan Studies* 15 (1955) 175-202; see also his article "The Doctrine of the Immaculate Conception in the Late Fourteenth Century," *Studia Mariana* 9 (1954), pp. 86-110. See also C. Balic, "Ioannes Duns Scotus et historia Immaculatae Conceptionis," *Antonianum* 30 (1955), 349-488; this article was republished in book form with an index in *Ioannes Duns Scotus et Historia Immaculatae Conceptionis* (Romae: Via Merulana 124, 1955); Alexander DiLella, O.F.M., "The Immaculate Conception in the Writings of Peter Aureoli," *Franciscan Studies* 15 (1955), 146-158.

⁵⁵ The Franciscan Alvarus Pelagus (Alvaro Pelayo), penitentiary of Pope John XXII, called them such as late as the 1330-32. In his *De planctu Ecclesiae* II, c. 52 (Venetiis, 1560), f. 110rb-110va) he complained: "Mater Christi...in originali peccato concepta fuit, ut late probat Bernardus...et hanc sententiam tenent omnes antiqui theologi: Alexander, Thomas in suo IV et II, Bonaventure, Richardus, licet novi quidam theologi a sensu communi ecclesiae recedentes teneant contra, indevoti revera Dominae, et tamen devoti cupientes apparere nitantur, eam quodammodo sic Deo et suo Filio comparantes, quorum opinio nova et phantastica sit a fidelibus cancellata, quia sanctificationem Virginis negat contra id quod tenet Ecclesia ipsam sanctificationem fuisse." From the long list of these new theologians, however, it is clear that he was one of the minority of Franciscans who held out against the Immaculate Conception; on the other hand, as Brady shows (see the preceding note), opponents without the Order, especially among the Dominicans, grew in number.

⁵⁶ Duns Scotus, *Ordinatio* III, dist. 8, quest. unica: "Utrum in Christo sint duae filiationes reales? ... Ad quaestionem dico quod alia est filiatio in Christo ad Patrem, et alia ad matrem, et utraque est realis." Balic, *Theologiae Marianae Elementa*, pp.127, 140.

QUESTION ONE

THE PREDESTINATION OF CHRIST AND HIS MOTHER

DE PREDESTINATIONE CHRISTI EIUSQUE MATRIS¹

Tertium quaero, utrum Christus praedestinatus sit esse Filius Dei.

[Argumenta Pro and Contra]

Quod non:

Quia non secundum quod Filius Dei praedestinatus est esse Filius Dei, quia non praecessit eius esse praedestinatio, et praedestinatio dicit praecessionem ad illud quod praedestinatur; neque secundum quod homo, quia secundum quod aliquid praedestinatur esse aliquale, secundum hoc est esse Filius Dei, secundum quod homo praedestinatus est esse Filius Dei, secundum quod homo est Filius Dei, quod est falsum.

Contra:

Romans 1:3-4: "Factus est ex semine David qui praedestinatus est esse Filius Dei in virtute."

[Corpus Questionis]

Respondeo: Cum praedestinatio sit praeordinatio alicuius ad gloriam principaliter et ad alia in ordine ad gloriam, et huic naturae humanae in Christo praeordinata sit gloria, et unio ista in Verbo in ordine ad gloriam, quia non tanta gloria fuisset sibi conferenda, si non esset unita, sicut modo collata est; quemadmodum igitur merita cadunt sub praedestinatione, sine quibus non ordinaretur de congruo quis ad tantam gloriam sine eis sicut cum eis, ita videtur ista unio ordinari ad tantam gloriam de congruo, licet non tamquam meritum cecidisset sub praedestinatione; et ita sicut praedestinatum est hanc naturam uniri Verbo, ita praedestinatum est Verbum esse hominem, et hunc hominem esse Verbum. Consequentiae probantur per simile, sicut dictum est de factione passiva.

¹ *Ordinatio* III, dist. 7, q. 3 (from the text edited by C. Balic, O.F.M. in Ioannis Duns Scoti, Doctoris Mariani Theologiae Marianaе Elementa (Sibenici, 1933), pp. 1-10.

THE PREDESTINATION OF CHRIST AND HIS MOTHER

I ask: Was Christ predestined to be the Son of God?

[Arguments Pro and Con]

Negative view:

Not as Son of God was he predestined to be the Son of God, for predestination must be prior to the event predestined, and there was no predestination prior to the existence of the Son of God. Neither is he predestined as man, for if as something one is predestined to be a certain kind of thing, then as such one is that kind of thing. Consequently, if as man he is predestined to be the Son of God, in so far as he is a man he is the Son of *God*, which is false.

[Positive view]:

On the contrary: Romans 1:3-4: "He who was born of the seed of David...was predestined the Son of God in power."

[Body of the Question]

I reply: Predestination consists in foreordaining someone first of all to glory and then to other things which are ordered to glory. Now the human nature in Christ was predestined to be glorified, and in order to be glorified, it was predestined to be united to the Word, in as much as such glory as it was granted would never have been conferred on this nature had it not been so united. Now if it would not be fitting to ordain one to such glory if certain merits were absent, whereas it would be fitting if they were present, then such merits are included in the predestination. And so it would seem that this union by way of fitness is ordered to this glory, although it is not exactly as merit that it falls under this predestination. And just as it is foreordained that this nature be united to the Word, so it is predestined that the Word be man and that this man be the Word. The validity of these last two inferences may be established as we did [in the previous question where we proved that since the hypostatic union did not always exist, it is correct to say both that "God became man" and "And man became God"].

Et si dicas, quod predestinatio primo respicit personam, et ita oportet hic primo invenire aliquam personam cui primo Deus praedestinavit gloriam et istam unionem in ordine ad gloriam; nulli autem personae divinae praedestinavit istam unionem: non personae Verbi, ut Verbi, patet; non autem illi personae ut subsistenti in natura humana quia sic includitur illa unio.

Respondeo: Potest negari illa propositio quod praedestinatio respicit solam personam; sicut enim Deus potest omne bonum aliud a se diligere, non tantum suppositum sed naturam, ita etiam potest alii a se praeoptare vel praeordinare bonum illi conveniens, et ita naturae et non tantum personae praeoptare gloriam et unionem in ordine ad gloriam. Verum est tamen quod in omnibus aliis ab isto, praedestinatio respicit personam, quia in nullo alio praeordinavit Deus bonum naturae nisi praeordinando bonum personae, quia nulla natura est nisi in persona creata, cui ita potest bonum praeordinari. Non sic in proposito.

Sed hic sunt duo dubia:

Primum, utrum ista praedestinatio praeexigat necessario lapsum naturae humanae, quod videntur sonare multae auctoritates, quae sonant Filium Dei numquam fuisse incarnatum, si homo non cecidisset.

Sine praeiudicio potest dici quod, cum praedestinati cuiuscumque ad gloriam praecedat ex parte obiecti naturaliter praescientiam peccati vel damnationis cuiuscumque, secundum opinionem ultimam dictam dist. 41 primi libri,² multo magis est hoc verum de praedestinatione illius animae quae praedestinabatur ad summam gloriam; universaliter enim ordinate volens prius videtur velle hoc quod est fini propinquius, et ita sicut prius vult gloriam alicui quem gratiam, ita etiam inter praedestinos, quibus vult gloriam, ordinate prius videtur velle gloriam illi, quem vult esse proximum fini, et ita huic animae prius vult gloriam quam alicui alteri animae velit gloriam, et prius cuilibet alteri gloriam et gratiam quam praevideat illi opposita istorum habituum.

² Duns Scotus, *Ordinatio* I, dist. 41, q. unica (Vatican ed., VI, 312-339).

But you may object that primarily predestination regards the person and hence one must first find some person to whom God predestined (1) the glory and then (2) this union with reference to the glory. Now you will find no divine Person to whom God predestined this union [as a means of glory]. Obviously he did not do so to the Word in so far as he is the Word. Neither was this union predestined as a means of glory to the Word as subsisting in a human nature, because to the extent that he subsists in this way, the union is already included.

I reply: we can deny that predestination concerns persons only, for if God can love a good other than himself, not only when it is a person, but also when it is a nature, then for its sake he can also select and ordain in advance some good suitable to it. Consequently, he can choose (1) glory and (2) the union as a means of glory, not only for the person, but also for some nature. It is true, however, that in all cases other than this, predestination does concern the person, for in no other instance has God foreordained a good to a [human] nature without by that very fact foreordaining it also to some person, for the simple reason that no other human nature subsists save in a created person to whom the good can be foreordained. But in our case this is not so.

At this point, however, two doubts arise. First, does this predestination depend necessarily upon the fall of human nature? Many authorities seem to say as much when they declare the Son of God would never have become incarnate had man not fallen.

Without passing judgment it can be said that so far as priority of objects intended by God is concerned, the predestination of anyone to glory is prior by nature to the prevision of the sin or damnation of anyone (according to the final opinion given in distinction forty-one of the first book). So much the more then is this true of the predestination of that soul which was destined beforehand to possess the very highest glory possible. For it seems to be universally true that one who wills ordinately, and not inordinately, first intends what is nearer the end, and just as he first intends one to have glory before grace, so among those to whom he has foreordained glory, he who wills ordinately, would seem to intend first the glory of the one he wishes to be nearest the end, and therefore he intends glory to this soul [of Christ] before he wills glory to any other soul, and to every other soul he wills glory before taking into account the opposite of these habits [namely, the sin or damnation of anyone].

Omnes autem auctoritates possunt exponi sic, scilicet quod Christus non venisset ut redemptor, nisi homo cecidisset, nec forte ut passibilis, quia non fuit aliqua necessitas ut illa anima a principio gloriosa, cui Deus praeoptavit non tantum summam gloriam, sed etiam coevam illi animae, quod unita fuisset corpori passibili. Sed nec fuisset redemptio, nisi homo peccasset, facienda; sed non propter illam solam videtur Deus praedestinasse illam animam ad tantam gloriam, cum illa redemptio sive gloria animae redimendae non sit tantum bonum, quantum est illa gloria animae Christi; nec est verisimile tam summum bonum in entibus esse tantum occasionatum propter minus bonum solum, nec est verisimile ipsum prius praeordinasse Adam ad tantum bonum quam Christum, quod tamen sequeretur. Immo et absurdius ulterius sequeretur, scilicet quod praedestinando Adam ad gloriam, prius praevidisset ipsum casurum in peccatum quam praedestinasset Christum ad gloriam, si praedestinatio illius animae tantum esset pro redemptione aliorum.

Potest igitur dici quod prius natura quam aliquid praevidebatur circa peccatorem sive de peccato sive de poena, Deus praelegit ad illam curiam caelestem omnes quod voluit habere angelos et homines, in certis et determinatis gradibus, et nullus est praedestinatus tantum, quia alius praevisus est casurus, ut ita nullum oporteat gaudere de lapsu alterius.

Secundum dubium est, an prius praevidebatur huic naturae unio eius ad Verbum vel ordo ad gloriam.

Potest dici quod, cum in actione artificis sit contrarius processus in exequendo ei, qui est in intendendo, et Deus prius natura ordine executionis univit sibi naturam humanam quam contulit sibi gratiam summam vel gloriam, econverso posset poni in intendendo, ut sit Deus primo volens aliquam naturam non summam habere summam gloriam, ostendens quia non oporteret eum conferre gloriam secundum ordinem naturarum et quasi secundo voluit illam naturam esse in persona Verbi, ut sic angelus non ponatur subesse homini.

Authorities to the contrary can all be explained in the sense that Christ would not have come as redeemer, if man had not sinned. Perhaps, too, he would not have been able to suffer, since there would have been no need of a union with a passible body for this soul glorified from its first moment of existence, to which God chose to give not only the highest glory but also willed that it be always present. If man had not sinned, of course, there would have been no need of a redemption. Still it does not seem to be solely because of the redemption that God predestined this soul to such glory, since the redemption or the glory of the souls to be redeemed is not comparable to the glory of the soul of Christ. Neither is it likely that the highest good in the whole of creation is something that merely chanced to take place, and that only because of some lesser good. Nor is it probable that God predestined Adam to such a good before he predestined Christ. Yet all this would follow, yes, and even something more absurd. If the predestination of Christ's soul was for the sole purpose of redeeming others, it would follow that in foreordaining Adam to glory God would have had to foresee him as having fallen into sin before he could have predestined Christ to glory.

Consequently, we can say that God selected for his heavenly choir all the angels and men he wished to have with their varied degrees of perfection, and all this before considering either the sin or the punishment of the sinner. No one therefore is predestined simply because God foresaw another would fall, lest anyone have reason to rejoice at the misfortune of another.

Our second doubt is this. Which did God intend first, the union of this nature with the Word, or its ordination to glory? Now the sequence in which the creative artist evolves his plan is the very opposite of the way he puts it into execution. One can say, however, that in the order of execution. God's union with a human nature is naturally prior to his granting it the greatest grace and glory. We could presume, then, that it was in the reverse order that he intended them, so that God would first intend that some nature, not the highest, should receive the highest glory, proving thereby he was not constrained to grant glory in the same measure as he bestowed natural perfection. Then secondly, as it were, he willed that this nature should subsist in the Person of the Word, so that the angel might not be subject to a [mere] man.

[Ad Argumentum Contra]

Ad argumentum potest concedi quod secundum quod homo, praedestinatus est esse Filius Dei, prout “secundum quod” dicit formalem rationem, secundum quam extremum determinate accipitur in se. Formaliter enim ille homo est Deus, et illum hominem, id est personam ut existentem in natura humana, praecessit praedestinatio ut esset Deus, sic ille homo Deus factus est. Si autem ly “secundum quod” accipitur proprie ut nota reduplicationis, ita scilicet quod dicat causam inhaerentiae praedicati ipsi subiecto; hoc modo, non secundum quod homo est Deus, quia non humanitate est Deus.

Alio modo potest distingui maior, cum dicitur quod praedestinatus est esse Deus secundum hoc est Deus, quia scilicet ly “secundum quod” potest determinare actum praedestinandi sub hoc sensu secundum hoc quod praedestinatus secundum hoc est Deus; vel terminum praedestinationis sic, secundum quod est Deus secundum hoc est Deus. Primo modo est maior falsa et sic minor vera; secundo maior est vera et minor falsa.

Tertio modo potest dici et forte realius, quod neque secundum quod homo neque secundum quod Deus, praedestinatus est esse Filius Dei, quia hoc quod est praedestinari esse Filius Dei, includit duo: quorum alterum requirit in termino aliquid temporale, puta praedestinari; alterum requirit idem esse aeternum, puta hoc quod est esse Filium Dei. Nunc autem nihil idem est ratio istorum amborum in termino, licet enim in termino concurrant duo: unum temporale quod potest esse terminus praedestinationis; alterum aeternum, propter quod conveniat sibi istud esse Filium Dei; tamen non propter aliquam unam naturam conveniunt sibi ambo ista. Si autem concederetur aliud “secundum quod” respectu totius praedicati notaretur esse causa respectu amborum in praedicato. Et ideo proprie logice loquendo neque secundum quod homo, neque secundum quod Deus vel Filius Dei praedestinatus est esse Deus vel Filius Dei.

[Reply to the Initial Argument]

As for the argument [for the negative view], one could concede he is predestined to be the Son of God “as man” to the extent that “as” designates the formal aspect under which the predicate is affirmed of him in a restricted sense. For formally speaking, this man is God, and the predestination to be God precedes this man, i.e., the Person *as existing in a human nature*. And in consequence of this predestination, this man becomes God. But if you understand the word “as” properly as indicating reduplication, so that it expresses the precise reason why the predicate is true of the subject, then it is not correct to say “As man, he is God” because it is not by reason of his humanity that he is God.

Another way the argument could be solved would be to distinguish the major where it says; “If as something one is predestined to be God, then as such one is God.” For “as something” can qualify either the act of predestination or its term. In the first case the meaning would be: “If one is predestined as a man, he is thereby God,” in which case the major is false whereas the minor [viz., “As man he is predestined to be the Son of God”] is true. In the second case the meaning would be: “As the man who is God, as such he is God,” in which case the major is true but the minor [viz., “In so far as he is a man, he is the Son of God”] is false.

Or we can say, thirdly—and this perhaps is the real answer—neither as man nor as God is he predestined to be the Son of God. For that which is predestined to be the Son of God, includes two elements, one of which implies temporality in the terms, namely “to be predestined”; whereas the other implies that the same term is eternal, namely, that this thing which is exists as Son of God. One and the same thing, however, cannot be the basis for both characteristics in the term. For even though two things concur in the term, one temporal which can be the terminus of predestination, the other eternal by reason of which “to be the Son of God” can be predicated of it, still both do not pertain to the term by reason of the same nature. To speak properly, therefore, from the standpoint of logic, neither as man, nor as God or Son of God is he predestined to be God or Son of God.

QUESTION TWO

THE IMMACULATE CONCEPTION OF THE BLESSED VIRGIN

DE IMMACULATA CONCEPTIONE BEATAE VIRGINIS¹

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 8:² “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 33:³ “Firmissime tene et nullatenus dubites, omnem hominem qui per concubitum viri et mulieris concipitur, cum peccato originali nasci,”—et ponitur auctoritas libro II distinctione 30,⁴ 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.⁵

Item, Leo Papa in sermone *De nativitate Domini*:⁶ “Sicut a reatu nullum liberum reperit, ita liberandis omnibus venit,” ergo etc.

¹*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).

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

³Fulgentius, *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.

⁴*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.

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

⁶Leo 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.¹ 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].²

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:⁷ *Et de manu canis unicam meam* videtur idem dicere.

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

Praeterea, Bernardus de conceptu eius dicit, quod fuit in peccato originale concepta.¹⁰

Item, Anselmus, II *Cur Deus Homo* cap. 16.¹¹

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

Contra:

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

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

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

⁹*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.”

¹⁰Bernard, *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).

¹¹*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.’

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

¹³Augustine, *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."³ ["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. 16.⁴

Also, Bernard desires to make the same point in one of his letters,⁵ 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.⁶

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. 18:¹⁴ “decuit 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 indiguisset redemptore, nec ipse sibi ianuam aperuisset, 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 inflictæ 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.

¹⁴*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. 16.¹⁵

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

¹⁵Ibid., 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. 16.⁷

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 praeveniat 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 libri¹⁶ 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.

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

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

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;¹⁷ 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 debetrix 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,”¹⁸ quae tacta fuit distinctione 30 secundi.¹⁹ 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 paenae sibi inutiles et relinquatur in paenis sibi utilibus; culpa originalis non fuit utilis Mariae—paenae temporales fuerunt utiles, quia in eis meruit; ergo etc.

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

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

¹⁹Duns 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 sin⁸ 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 quantam alii animae in circumcisione 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 “fieri”; sed quodcumque 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,⁹ 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 circumcision¹⁰ 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,¹¹ 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 confirmed¹² 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,¹³ and he could have failed to conserve it during the time that ensued.

Tertium est manifestum.

Quod autem horum trium quae ostensa sunt possibilia 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*²⁰—virtus infinita agit in instanti, quia virtus finita et infinita non possunt agere in aequali mensura; ergo non potest post instans culpa 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 divisible.

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

²⁰Aristotle, *Physica* VIII, c. 10 266b 4-5.

²¹Cf. Aristotle, *Physica* V, c. 3, 227a 9.

[Re 3] The third possibility is manifest.¹⁴

[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*.¹⁵

[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.¹⁶

Furthermore, that justification would be either a motion or a mutation.¹⁷ 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.¹⁸

[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.¹⁹

Ad secundum dico quod stricte loquendo—sicut Philosophus²¹ 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,²⁰ 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.²¹ 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 indiguisset 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]²² And if one argues against this, that naturally²³ 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,²⁴—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.²⁵ Not that in that instant in which it has form, it really would not have it, because then contradictories would be simultaneously true.²⁶ 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 debitae, 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 consequebatur 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 *Perihermeneias*,²²—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

²²Aristotle, *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 quiddity²⁷—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.²⁸ 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,²⁹ 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*,³⁰ 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*,²³—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

²³Aristotle, *Physica* II, c. 2 193b 35.

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,"³¹ 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 limbo³² 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,³³ 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,³⁴ 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

Question Two

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

¹ 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.

² 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.

³ 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."

⁴ *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).

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

⁶ See the Introduction, notes 12-14.

⁷ *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."

⁸ *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.

⁹ 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.

¹⁰ 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).

¹¹ 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.

¹² 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.

¹³ 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.

¹⁴ 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)

¹⁵ 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).

¹⁶ 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)

¹⁷ Motion is a temporal process; mutation a sudden or instantaneous change.

¹⁸ 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)

¹⁹ 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)

²⁰ 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,' 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)

²¹ 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.

²² 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."

²³ "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.

²⁴ The objector seems intent on 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.

²⁵ 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*.

²⁶ 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.

²⁷ "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.

²⁸ "Naturally" here means "really" or in the factual sense of what actually happened.

²⁹ 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.

³⁰ 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.

³¹ 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."

³² 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.

³³ 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.

³⁴ 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

DE MATRIMONIO INTER B. VIRGINEM MARIAE ET S. JOSEPH¹

Secundo quaero, utrum inter Mariam et Ioseph fuerit verum matrimonium.

[Argumenta Pro et Contra]

Quod non:

1. 17, quaest. 1: *Sunt quaedam*: “Voventibus non solum nubere, sed velle nubere damnabile est.”²

2. Item, Numeri ultimo³ habetur quod mulieres debuerunt nubere viris suae tribus; ergo Maria non potuit secundum legem nubere nisi viro de tribus suis; sed Ioseph erat de tribu Iuda, sicut habetur Luc. 2:4: *Eo quod esset de tribu et domo David*; Maria autem erat de tribu Levi, quia cognata Elisabeth, Luc. 1: 36.

3. Item, contrahens matrimonium in aliquid consentit, non tantum in cohabitationem, quia sic frater et soror possunt consentire; ergo in carnalem copulam, quia nihil aliud videtur matrimonium addere super cohabitationem; sed in illam copulam non poterat beata Virgo consentire, quia voverat virginitatem.

[Contra]:

Oppositum dicit Magister in littera, et accipitur ex evangelio Matth. 1:18: *Cum esset desponsata*, etc.

¹*Ordinatio* IV, dist. 30, q. 2 (from the text edited by C. Balic, O.F.M. in *Ioannis Duns Scoti, Doctoris Mariani Theologiae Marianae Elementa* (Sibenici, 1933), pp. 55-66.

²*Corpus Iuris Canonici*, tom. I: Pars Prior *Decretum Magisteri Gratiani*, Secunda pars, causa 17, c. 2, (Lipsiae: Bernshard Tauchnitz, 1879) col. 812.

³Numeri 36:6-8.

THE MARRIAGE BETWEEN MARY AND JOSEPH

Secondly, I ask: Was there a true marriage between Mary and Joseph?

[Arguments Pro and Con]

There was not:

1. In the [*Decrees of Gratian*], 17, question 1, "*Sunt quaedam*" it says: "For those in vows it is damnable not only to marry but to wish to marry."

2. Also, in Numbers¹ we have the command that women must marry men of their tribe; therefore Mary according to the law, could have married a man only of her own tribe, but Joseph was of the tribe of Juda, as we know from Luke 2:4: "He was of the house and lineage of David." Mary, however, was of the tribe of Levi, because she was a relative of Elizabeth, according to Luke 1:36.

3. Also, in contracting marriage one consents to something; this is not only living together, because a brother and sister can consent to live this way; therefore one consents to carnal intercourse, for that seems to be the only thing marriage adds to living together; but the Blessed Virgin could not consent to that intercourse, because she had vowed virginity.

[For the Affirmative]:

The Master in the text says the opposite, and we know it to be so from the Gospel of Matthew: 1:18: "Mary was espoused to Joseph." etc.

[Corpus Questionis]

Hic duo sunt videnda: primo quia ita est, secundo quomodo ita est.

[Articulus I: Suntne Maria et Ioseph nupti?]

Primum apparet ex auctoritatibus quas ponit Magister⁴ in littera; et ratio congrua ad hoc est, quia vel erat praeceptum universale omnibus in lege illa de contrahendo matrimonium, si quidem in lege illa pro benedictione erat foecunditas et pro maledictione sterilitas, patet ex multis locis Scripturae; vel si non fuit praeceptum generale, quod apparet ex hoc quod Ieremias et Ioannes Baptista remanserunt virgines, tunc beatae Virgini fuit datum speciale mandatum de contrahendo cum Ioseph.

Et ad hoc possunt esse rationes congruae, quae accipiuntur ab Ambrosio⁵ super *Missus est*, ut videlicet maritus esset testis virginittatis Mariae, et etiam ipsa non haberet occasionem mentiendi indesponsata habuit. Et sic tam ex testimonio quam ex praesumptione magis crederetur sibi de virginitate et ita de matrimoniali conceptione Filii sui.

Congruum etiam fuit ut sibi de virginitate crederetur ne notaretur infamis, quia non putabat Christus ortus sui fidem matris iniuriis astruendam; sciebat enim teneram esse Virginis verecundiam et lubricam famam pudoris.

⁴Peter Lombard, *Sententiae* IV, d. 30, c. 2 (ed. cit. II, 932).

⁵Ambrose, *Expositio evangelium secundum Lucam* II, nn. 1-2 (PL 15, 1633): Salutaris possumus intelligere et hoc perpensoris fuisse consilii, quod ea potissimum electa est ut Dominum pareret, quae erat desponsata viro. Cur autem non antequam desponsaretur, impleta est? Fortasse ne diceretur quod conceperat ex adulterio. Et bene utrumque posuit Scriptura, ut et desponsata esset, et virgo: virgo, ut expers virilis consortii videretur; desponsata, ne temeratae virginittatis adureretur infamia, cui gravis alvus corruptelae videretur insigne praeferre. Maluit autem Dominus aliquos de suo ortu quam de matris pudore dubitare; sciebat enim teneram esse virginis verecundiam et lubricam famam pudoris; nec putavit ortus sui fidem matris iniuriis astruendam. Servatur itaque sanctae Mariae sicut pudore integra, ita inviolabilis opinione virginittas; oportet enim sanctos et ab his testimonium habere qui foris sunt: nec decuit sinistra virginibus opinione viventibus velamen excusationis relinqui, quod infamata mater quoque Domini videretur.—Quid autem Judeis, quid Herodi posset ascribi, si natum viderentur ex adulterio persecuti? Quemadmodum autem ipse diceret: “Non veni legem solvere, sed adimplere (Matth. v. 17),” si videretur coepisse a legis injuria, cum partus ininnuptae lege damnetur (Deut., 23, 17)? Quin etiam locupletior testis pudoris maritus adhibetur, qui posset et dolere injuriam, et vindicare opprobrium, si non agnosceret sacramentum. Quid quod etiam fides Mariae verbis major asciscitur, et mendacii causa removetur? Videretur enim culpam obumbrare voluisse mendacio ininnupta praegnans. Causam autem mentiendi indesponsata habuit, desponsata non habuit, cum conjugii praemium et gratia nuptiarum partus sit feminarum.

[Body of the Question]

Here two things must be investigated: first, Were Mary and Joseph married?; secondly, How could they marry?

[Article I: Were Mary and Joseph Married?]

Evidentially they were married. This is clear from the authorities the Master cites in the text;² and there is a fitting reason why they were married. Either there was a universal precept for all under that [Old Testament] law about contracting marriage, if indeed under that law fertility was considered a blessing and sterility a curse, as is evident from many passages of Scripture; or if there was no general precept, since it seems Jeremiah and John the Baptist were virgins, then the Blessed Virgin was given a special command to marry Joseph.

And there can be fitting reasons for this as we gather from Ambrose.³ For the husband would be a witness to the virginity of Mary and also she would not have an opportunity to lie about her virginity, because—according to Ambrose himself—one not espoused has an opportunity to lie which one espoused does not have. And so there would be more reason from testimony than presumption to believe in her virginity and thus about the matrimonial conception of her son.

Also it was fitting that he believe in her virginity lest she be branded with infamy, because Christ did not think his origin should be grounds for believing anything injurious to his mother, for he knew how tender was the Virgin's sense of modesty and how fragile the reputation for purity can be.

Another reason: a husband would be of service to the Virgin and the boy on the journey to and from Egypt, a reason Origin⁴ gives in commenting on Matthew 1:18: "When she was espoused to Joseph."

Ambrose assigns another reason, that the devil would be deceived; but this reason seems of little moment. For why would the devil fail to see the virginity of the mother if she was married to Joseph, but would have discovered it if she were not married? Rather we should understand that the reason he was unable to see this was because he was not permitted to do so, although by the natural power of the intellect he could have seen this. And then we see how little value this reason of [Ambrose] has, since the devil would have been prohibited from discovering this even if she would have had no husband.

Alia ratio: ut maritus esset in obsequium Virgini et puero sive in Aegyptum eunti sive redeunti; quam rationem tangit Origenes super illud Matth. 1:18: *Cum esset desponsata.*

Alia ratio assignatur ab Ambrosio, ut falleretur diabolus; sed haec ratio videtur parvi momenti. Quomodo enim non posset diabolus videre virginitatem matris, si habuit Ioseph virum sicut si non habuisset? Sed debet intelligi quod non potuit istud videre, quia non fuit permissus, licet naturali potentia intellectus sui potuisset hoc videre. Nec ista ratio tunc videtur magni momenti, quia aequae fuisset prohibitus, si non habuisset virum.

Aliae rationes: quod Christus noluit incepere ab iniuria legis ne daret occasionem Iudaeis et Herodi presequendi ipsum, cum partus inuptae lege damnetur; quod etiam virginibus sinistra opinione viventibus non daretur velamen excusationis quod ipsa quoque mater Domini infamata videretur—videntur bonae congruentiae ad propositum.

[Articulus II Quomodo possunt contrahere matrimonium?]

De secundo principali: Dicitur quod beata Virgo voverat virginitatem sub conditione, scilicet nisi Deus aliter disponderet, et ideo licuit sibi matrimonium contrahere.

Contra: in omni voto quantumcumque absoluto intelligitur haec conditio “si Deo placet,” quia nullus debet aliquid Deo offerre, velit ipse vel nolit; nec ordinate intendit sic offerre: ergo cum ista conditione sic intellecta stat absolutum votum.

Dico ergo quod absolute vovit castitatem, quod sancti coniiciunt ex verbis eius interrogationis ad Gabrielem:⁶ *Quomodo fiet istud quoniam virum non cognosco?* Si enim tantum non cognovisset, et sine firmo proposito numquam cognoscendi, nulla esset quaestio, quia posterum cognita, cum non esset sterilis, concepisset. Sed ideo fuit quaestio et de supermirabili, quia firmissime disposuerat vel voverat se numquam cognoscendam a viro. Et ad hunc intellectum exponit angelus:⁷ *Spiritus sanctus superveniet in te* etc.

Quomodo ergo potuit contrahere matrimonium? Respondeo. In contractu matrimonii est datio corporum ad copulam carnalem non nisi sub conditione implicita, scilicet si petatur. Unde contrahentes cum proposito

⁶Luc. 1:34.

⁷Luc. 1:35.

And there are these other reasons: Christ did not wish to start life in violation of the law, lest this give occasion to the Jews and to Herod to prosecute him, since the law condemned birth from an unwed mother. Also those living a virginal life should be left no excuse to regard the mother of the Lord himself as infamous.

These seem to be good reasons why Mary was married.

[Article II How could they marry?]

It is said that the Blessed Virgin vowed virginity conditionally, namely unless God would dispose otherwise, and therefore she could licitly contract marriage.

To the contrary: in every vow, no matter how absolute, this condition "if it pleases God" has to be understood, because no one should offer anything to God unless God wishes it, or if he disapproves, then one should not offer it in this way. Hence, even with this condition understood, her vow would stand as absolute.

I say therefore that she vowed chastity absolutely, which the Fathers⁵ conjecture from her words of inquiry to Gabriel: "How can this be since I do not know man?" For if it was only that she had never known man with no firm proposal about the future, there would have been no question, for if afterwards she had known man, since she was not sterile, she would have conceived. But because she was firmly disposed or had vowed she would never be known by man, there was her question and it has to do with the extraordinary way this would come about. And it was on this understanding that the angel explained: "The Holy Spirit will come upon you," etc.

How then could she have contracted marriage? I reply: In the marriage contract there is a mutual gift of bodies for carnal intercourse, but

statim vovendi castitatem, vere contrahunt. Haec autem, conditio non praeiudicat voto castitatis, posito etiam contractu matrimonii, nisi illa conditio ponatur in effectum; ergo ubi est certitudo simpliciter quod numquam ponetur in effectum, ibi in nullo praeiudicat voto castitatis contractus matrimonii; sed hic fuit certificatio. Ex quo enim Matth. 1: 20 habemus quod angelus instruxit Ioseph: *Noli timere accipere Mariam coniugem tuam*, multo magis, quasi indubitanter, concluditur quod ipsa per angelum vel immediate a Deo antequam desponsaretur ipsi Ioseph, fuit certitudinaliter edocta: “Noli timere accipere Ioseph virum iustum in coniugem, ecce enim Spiritus sanctus dabit eum tibi custodem et testem virginitatis tuae, qui tecum pari voto contineat et in multis tibi ad custodiam virginitatis congruentibus obsequatur.” Nec mirum de ista probabilitate, cum quidquid factum est in Ioseph per visionem angelicam, totum factum est in ratione Mariae quae fuit immediata in illa ineffabili conceptione, scilicet unigeniti Filii Dei.

Exemplum istius potest haberi *Extra de verborum significatione: Exiit qui seminat*,⁸ et est hodie in VI libro,⁹ ubi dicit sententialiter quod retento dominio concedere aliis usum non est inutile, quia usus ille necessarius est utentibus. Et a simili in proposito concedere potestatem corporis sui ad talem actum, si petatur, retento tamen sibi usu, quia ab alia non petetur, non est inutile; tamen, istud exemplum patitur calumniam, quia non ita videtur quod usus possit reservari dominio tradito sicut dominium tradito usu, quia posterius magis traditur sine priori quam econverso; sed quoad hoc valet quod alicui potest competere usus sine altero. In proposito tamen nec usum sibi retinuit auctoritate sua, sed certa fuit quod Spiritus sanctus illum usum retineret, quia numquam alius, cui ille usus debebatur, exigeret.

Aliud exemplum: si quis contraxisset sponsalia cum iuramento et post vovisset virginitatem, videretur illi consulendum quod consummaret sponsalia contrahendo de facto, ut servaret fidem iuramento, et tamen, ut

⁸Pope Nicholas III, *Exiit qui seminat*, art. 3, n. 2. Cf. *Monumenta selecta Iuris Regularis, tum seraphici quum communis* (Ad Claras Aquas, 1913), p. 23.

⁹*Corpus Iuris Canonici*, tom. II: Pars secunda: *Decretalium collectiones. Liber Sextus Decretalium D. Bonifacii Papae VIII* lib. V, tit. 12, c. 3 (Lipsiae: Bernhard Tauchnitz, 1881) col. 1113: “Retentio namque domini talium rerum, cum concessione usus facta pauperibus, non est infructuosa domino, quum sit meritoria ad aeterna et professioni pauperum opportuna; quae tanto sibi censetur utilior, quanto commutat temporalia pro aeternis.”

only under this implicit condition: namely, if it is requested. Hence, if both parties entering the marriage contract, immediately vow chastity, they still truly contract. But this condition [viz. if you request it] does not preclude a vow of chastity, even where a contract of marriage exists, unless that condition is put into effect; therefore, where there is unqualified certitude it will never be put into effect, the contract of matrimony does not preclude a vow of chastity; but here there was such certitude. For we know from Matthew 1:20 that the angel had instructed Joseph: "Have no fear about taking Mary as your wife." We may conclude all the more, as it were indubitably, that before Mary espoused Joseph, she was given the certain assurance either by the angel or immediately by God: "Do not fear to accept Joseph this just man in marriage, for behold the Holy Spirit will give him to you as a guardian and witness of your virginity; he will be chaste with you by a like vow and will be of assistance in many ways suited to guard your virginity." Nor should we wonder about this probability, for whatever the angelic vision did for Joseph, it was designed to bring about in Mary that ineffable and wonderful conception, namely of the unbegotten Son of God.

An example of this [kind of contract] can be found in *Exiit qui seminat*,⁶ which is incorporated today in Bk. VI [of the *Decretales*], under the title *Extra de verborum significatione*: There in the form of a judicial sentence it declares it is not useless to concede the use to others while retaining the ownership, because the use itself is necessary to those using it. Likewise in the present case, it is not useless to concede the right to one's body for such an action, if it is requested, and still retain the use for oneself, since it is not requested by the other party. However, this example has been challenged. It does not seem that the use could be reserved while the ownership is transferred in the same way the dominion is retained and the use transferred. For there is more reason for transferring the posterior without the prior than vice versa. But it holds good to this extent that it indicates the use can belong to someone without the other doing so. In the present case, however, the use has not been retained by one's own authority. Rather, it was certain that the Holy Spirit would retain that use, because the other, to whom the use is owed, would never ask for it.

Another example: if someone would have made a contract to marry sealed with an oath and afterwards vowed virginity, it would seem he should be counseled to fulfill his promise to marry in order not to violate the oath he had taken; but in order to observe his vow, immediately before the consummation of the marriage he ought to enter the religious state. Hence,

servaret votum, statim ante consummationem matrimonii deberet avolare ad religionem; ergo licet isti dare potestatem corporis sui coniugi contrahendo vere matrimonium ratum et tamen cum intentione numquam dandi usum, et hoc ex parte sui, sine hoc quod sciat alteram partem numquam illum usum petituram; ergo multo magis liceret sic contrahere, si sciret numquam praedictum coniugem petiturum.

Praeterea, adultera habet potestatem corporis viri sui, quia per matrimonium fuit sibi data, et indefectibiliter data; et tamen non habet nec habere potest usum illius corporis propter peccatum suum, ergo peccatum potest perpetuo prohibere usum stante potestate data in matrimonio; ergo multo magis Spiritus sanctus potest hoc propter aliquam honestatem causam.

[Ad Argumenta Principalia]

Ad argumenta:

Ad primum principale—dico quod debet intelligi auctoritas illa de volentibus nubere secundum communem legem, quibus scilicet non constat certitudinaliter quod numquam usus sequens ad talem actum petetur.

Ad secundum—dici potest quod illa lex data fuit propter filias Salphaath, et hoc ne transferretur possessio de tribu in tribum; patet ibi Num. ultimo.¹⁰ Ergo non obligavit mulieres nisi illas ad quas devolvebatur hereditas, sicut ad illas devoluta fuit hereditas paterna, quia pater earum mortuus fuit; Maria autem non fuit heres sic, ideo licuit sibi nubere alteri alterius tribus.

Aliter potest dici quod Maria fuit de utraque tribu et Iuda et Levi; de tribu Iuda ex parte patris, de tribu Levi ex parte matris, si quidem Ioachim descendit ex Nathan, filio David, sicut apparet per Damascenum cap. 90,¹¹ ubi ponit genealogiam sanctae Dei Genitricis; illa autem Anna, mater Mariae, praesumitur fuisse de tribu Levi ut per ipsam esset Elisabeth cognata Mariae.

¹⁰Numeri 36:6

¹¹John Damascene, *De fide orthodoxa*, c. 87, n. 5 (ed. E. M. Buytaert, St. Bonaventure, N.Y.: Franciscan Institute, 1955, p. 320): Ex catena igitur Nathan filii David, Levi genuit Melchi et Panthera; Panther genuit Barpanthera ita denominatum. Hic igitur Barpanther genuit Ioachim. Ioachim autem genuit sanctam Dei genitricem.”.

it is licit for this person to give the power of his body to his spouse by truly contracting a bonafide marriage and nevertheless with the intention of never giving the use, and this on his part with no assurance the other party would never ask for it. All the more then would it be licit to contract marriage in this way if one knew the spouse would never ask for the use.

Furthermore, the adulteress has the power of the body of her husband, because through marriage it was given and given irrevocably; and nevertheless she does not have nor could have the use of his body because of her sin; therefore the sin can perpetually prohibit the use although the power given in matrimony remains. All the more then can the Holy Spirit do this because of some honorable reason.

[Reply to the Initial Arguments]

To the arguments:

To the first argument at the beginning I say that the authoritative citation must be understood of those wishing to marry according the common law, namely, those who have no assurance or certitude that the use that follows from such an action will never be asked for.

To the second, it can be said that this law was given for the sake of the daughters of Salphahad and this lest the possessions of their tribe be transferred to another; this is evident from the last chapter there in Numbers.⁷ Hence, it only obliges women on whom an inheritance devolves, like those daughters who inherited their father's property, because their father was dead. Mary was not an heir in this sense, however, and hence it was lawful for her to marry someone from another tribe.

Istud etiam primum, quod Maria fuit de cognatione Iudae—probari potest per hoc quod evangelium deducit Christum fuisse de tribu Iuda deducendo Ioseph ex illa tribu, quod non esset nisi Maria esset de illa tribu; et hanc rationem tangit Hieronymus in principio Matth.¹²

Ad ultimum—patet in solutione quaestionis in secundo articulo, quia consensus iste est in traditionem mutuae potestatis corporum ad prolem procreandam, et in usum per consequens si petatur, sed hic fuit certitudo quod numquam usus iste a coniuge peteretur.

¹²Jerome, *Commentaria in evang. Matth.*, I (PL 26,24).

Otherwise one could say that Mary was a descendant of both Juda and Levi. She was of the tribe of Juda on the part of her father, and of the tribe of Levi on the side of her mother, if indeed Joachim descended from Nathan, the son of David. This seems to be the case according to Damascene, ch. 90 where he gives the genealogy of the Mother of God. But Anna, the mother of Mary, is presumed to be of the tribe of Levi, so that through her Elizabeth would be related to Mary. Also this first point, that Mary was a descendant of the bloodline of Juda can be proved from the fact that the Gospel infers Christ was of the tribe of Juda by tracing Joseph from that tribe; but this would only be so if Mary was also of that tribe; and this reason Jerome gives at the beginning of his commentary on Matthew.

As for the last, the answer is evident from the solution of the question in the second article, for the matrimonial consent consists in the handing over the mutual right to their bodies for the procreation of offspring and in the use as a consequence if requested. But here there was certitude this use would never be asked for by the spouse.

Endnotes: Question Three, the Text in Translation

¹ Numbers 36:6-8: "This is what the Lord commands with regard to the daughters of Salphahad: They may marry anyone they please, provided they marry into the clan of their ancestral tribe, so that no heritage of the Israelites will pass from one tribe to another, but all the Israelites will retain their own ancestral heritage. Therefore, every daughter who inherits property in any of the Israelite tribes shall marry someone belonging to a clan of her own ancestral tribe, in order that all the Israelites may remain in possession of their own ancestral heritage."

² Peter Lombard, *Sententiae* IV, d. 30, c. 2: Lombard quotes St. Augustine and St. Ambrose.

³ Ambrose, *Expositio evangelium secundum Lucam* II, nn. 1-2 (PL 15, 1633): Salutaris possumus intelligere et hoc perpensoris fuisse consilii, quod ea potissimum electa est ut Dominum pareret, quae erat desponsata viro. Cur autem non antequam desponsaretur, impleta est? Fortasse ne diceretur quod conceperat ex adulterio. Et bene utrumque posuit Scriptura, ut et desponsata esset, et virgo: virgo, ut expers virilis consortii videretur; desponsata, ne temeratae virginitatis adureretur infamia, cui gravis alvus corruptelae videretur insigne praeferre. Maluit autem Dominus aliquos de suo ortu quam de matris pudore dubitare; sciebat enim teneram esse virginis verecundiam et lubricam famam pudoris; nec putavit ortus sui fidem matris injuriis astruendam. Servatur itaque sanctae Mariae sicut pudore integra, ita inviolabilis opinione virginitas; oportet enim sanctos et ab his testimonium habere qui foris sunt: nec decuit sinistra virginibus opinione viventibus velamen excusationis relinqui, quod infamata mater quoque Domini videretur.—Quid autem Judeis, quid Herodi posset ascribi, si natum viderentur ex adulterio persecuti? Quemadmodum autem ipse diceret: "Non veni

legem solvere, sed adimplere (Matth. v. 17),” si videretur coepisse a legis injuria, cum partus innuptae lege damnetur (Deut., 23, 17)? Quin etiam locupletior testis pudoris maritus adhibetur, qui posset et dolere injuriam, et vindicare opprobrium, si non agnosceret sacramentum. Quid quod etiam fides Mariae verbis major asciscitur, et mendacii causa removetur? Videretur enim culpam obumbrare voluisse mendacio innupta praegnans. Causam autem mentiendi indesponsata habuit, desponsata non habuit, cum conjugii praemium et gratia nuptiarum partus sit feminarum.

⁴ Origen, *In Lucam homilia* 6 (PG 13, 1814).

⁵ In his Paris lectures, Scotus gives as his authority for this St. Augustine as quoted by both Peter Lombard and Gratian (Cf. *Decretum Gratiani*, Secunda pars, causa 27, c. 3, (Lipsiae: Bernshard Tauchnitz, 1879) col. 1063.

⁶ Pope Nicholas III, *Exiit qui seminat*, art. 3, n. 2: “But retaining the ownership of such things while making over the use to the poor is not unprofitable to the owner, since it is meritorious for eternity in giving seasonable help to the poor in their profession; indeed it is rated so much the more profitable to the owner as it exchanges temporal for eternal goods.” Cf. *The Constitutions of Popes Nicholas III, Clement V, and Innocent XI Clarifying the Rule of the Friars Minor* (Chicago: Franciscan Herald Press, [no date]), p. 16.

⁷ Numbers 36:6

QUESTION FOUR

THE MATERNITY OF THE MOTHER OF GOD

DE MATERNITATE B. VIRGINIS MARIAE¹

Circa distinctionem quartam quaero, utrum beata Virgo fuerit vere mater Dei et hominis.

[Argumenta Pro and Contra]

Quod non:

1. Quia opposita contraria non possunt inesse simul eidem etiam per potentiam divinam, quia tunc Deus posset facere contradictoria simul. Consequenti probatur per Philosophum, IV *Metaphysicae* V,² ubi probat quod si contraria essent in eodem, quod etiam contradictoria essent simul de eodem vera; sed virginitas et maternitas sunt opposita contraria, ergo, etc.

2. Praeterea, Damascenus, cap. 58:³ "Genetricem Christi nequaquam dicimus beatam Virginem."

3. Praeterea, mater se habet active in generatione prolis, quia si tantum passive, Adam esset mater Evae, et limus esset mater Adae; sed beata Virgo non se habuit active in generatione ista, quia haec generatio fuit in instanti; virtus creata non operatur in instanti ad illud quod natum est fieri in tempore.

4. Praeterea, activum et passivum sunt correlativa mutua, ex V *Metaphysicae*.⁴ Mater se habet ad patrem sicut passivum ad activum, secundum Philosophum XV *De animalibus*;⁵ igitur mutuo correlativa sunt pater et mater; sed nullus est pater Christi hominis: ergo nulla mater.

5. Praeterea, omni generatione generatur aliquod suppositum, VII *Metaphysic*.⁶ Non sic ista, quia hic non fuit suppositum nisi increatum; illud non generabatur, quia non fuit in tempore actu generationis. Quod

¹Ordinatio III, dist. 4, q. unica (from the text edited by C. Balic, O.F.M. in *Ioannis Duns Scoti, Doctoris Mariani Theologiae Mariana Elementa* (Sibenici, 1933), pp. 80-112).

²Aristotle, *Metaphysica* III, c. 3-4, 1005b 19-21; 1006a-5.

³Damascene, *De fide orthodoxa*, c. 56, n. 5 (Buytaert edition, p. 210: "Christi genetricem non dicimus Virginem...")

⁴Arist., *Metaphysica* III, ch. 15, 1020b 29-31.

⁵Arist., *De animalium generatione* I, c. 21, 729b 12-14.

⁶Arist., *Metaphysica* VI, ch. 7, 1032a 13-14.

THE MATERNITY OF THE MOTHER OF GOD

Regarding this fourth distinction I ask: *Was the Blessed Virgin truly the mother of God and of man?*

[Arguments Pro and Con]

[For the negative]:

1. She was not, because contraries cannot exist simultaneously in the same thing, even by divine power, for then God could produce contradictions at the same time. The implication is proved through the Philosopher in IV *Metaphysics*, where he proves that if contraries were in the same thing, contradictions would also be true at the same time; but virginity and maternity are contrary opposites; therefore, etc.

2. Furthermore, Damascene, ch. 58: "We never call the Bl. Virgin 'Mother of Christ.'"

3. Furthermore, a mother plays an active role in the generation of offspring, for if she were only passive, Adam would be the mother of Eve, and clay would be the mother of Adam; but the Bl. Virgin did not play an active role in this generation, because this took place in an instant; a created power does not act in an instant with respect to what by nature requires some time to come into being.¹

4. Furthermore, active and passive are mutual correlatives, according to V *Metaphysics*. But according to the Philosopher in XV *The Generation of Animals*, the mother is related to the father as the passive to the active; therefore, father and mother are correlatives with respect to one another; but there is no father of Christ the man; hence neither is there any mother.

5. Furthermore, some supposit² [or person] is begotten in every generation, according to VII *Metaphysics*. But this does not occur here, because there is only an uncreated person; and that person was not generated, because it was not in time by an act of generation. And if you say, that it is a created nature that is generated, to the contrary: the first term of generation is a *per se* being; the Word-man is not a *per se* being, because it is not *per se* one; therefore, etc.

si dicas quod generabatur in natura creata—contra, primus terminus generationis est per se ens; Verbum homo non est per se ens, quia nec per se unum: ergo, etc. Quod si dicas quod est ibi unitas unionis—contra, relatio non est formalis ratio terminandi generationem; ista unio est relatio: ergo, etc.

6. Praeterea, si generavit Deum hominem, hoc non fuit nisi ratione naturae humanae terminantis generationem, in qua natura Verbum subsistebat; sed hoc non videtur ponendum, quia tunc illud esset hic non primus terminus sed quasi formalis acquisitio primo termino, in aliis autem est primus terminus. Nec potest poni differentia, quod in aliis illa natura est persona, hic non, quia hoc tantum est in aliis propter negationem duplicis dependentiae; negatio non est ratio terminandi generationem.

Contra:

Luca 1:31: *Concipies in utero et paries filium*. Et Mattheus, 1.

[Corpus Quaestionis]

Respondeo: In ista quaestione conclusio est certa, sicut patet per Damascenum, cap. 58:⁷ “Dei genitricem vere sanctam Mariam praedicamus. Sicut enim Deus vere ex ipsa genitus est, ita ipsa vere Dei genitrix dicitur. Deum enim aimus ex ipsa genitum esse, non ut deitate Verbi principium essendi accipiente ex ipsa, sed Dei Verbo ex ipsa incarnato et genito. Non enim hominem nudum genuit sancta Virgo, sed Deum verum, non nudum sed incarnatum.” Ubi videtur dicere, quod genuit suppositum, sicut ipse determinat, infra cap. 83⁸ quod generatio est hypostasis; sed genuit illud suppositum, non secundum naturam divinam sed humanam.

[Problema I.—Quomodo potest esse vera mater?]

Contra quod videntur esse duo argumenta facta ad istam partem. [1] Sed de eo propter quod aliqua dicitur mater et [2] quomodo posset salvari in proposito, dubium est.

⁷Damascene, *De fide orthodoxa*, c. 56, n. 1 (Buytaert edition, pp. 207-208).

⁸Ibid., n. 3, p. 209.

6. Furthermore, if she had generated a God-man, this would only have been because the human nature, in which nature the Word [or person] subsisted, was the term of the generation. But it does not seem that this should be assumed, because then that [i.e., the person] would not be the primary term here, but as it were a formal acquisition to the primary term [i.e., the nature]. In other cases, however, it [the person] is the primary term. Neither can one assume there is a difference here, because in other cases that [human] nature is a person, whereas here it is not, because in the former cases a [human] person is there because of the double negation of dependence.³ However, a negation is not formally the term of generation.

[For the Affirmative]:

On the contrary: Luke 1:31: "You shall conceive and bear a son." See also Matthew, ch. 1.⁴

[Body of the Question]

In this question the conclusion is certain, as is evident from Damascene, ch. 58: "We proclaim the Blessed Virgin to be truly the Mother of God. For just as God is truly born of her, so she is truly called the mother of God. For we say God was born of her, not in the sense that the divinity of the Word received the beginning of its existence from her, but in the sense that the Word of God became incarnate and was born of her. For the holy Virgin did not give birth to just a man, but to true God, but not to God in an unqualified sense, but to God incarnate." Here he seems to say that she begot a *supposit* [or person], as he states categorically, later in chapter 83, that the generation pertains to a *hypostasis* [or person], but she begot this person, not according to his divine nature but his human nature. This appears to answer two arguments made for the negative portion.⁵

[First Problem: How can Mary be a true mother?]

But in view of the reason why anyone is called a mother, there is a doubt just how it could be justified in the present case.⁶

[Articulus I. Quare aliqua dicitur mater?]

1. Pater est activus, mater passiva]

Opinio est quod solus pater habet rationem activi; et mater rationem passivi, ita quod ipsa tantum ministrat materiam prolis, et in solo semine partis est vis activa et formativa prolis. Haec videtur opinio Philosophi, XV *De animalibus*,⁹ comparantis virtutem in semine patris artificis, et materiam ministratam a matre, ligno de quo artifex facit scamnum.

Pro hoc etiam ad propositum videtur esse Augustinus X *Super Genesium*¹⁰, ubi dicit Christum non descendisse ex parentibus secundum rationem seminalem; sed si beata Virgo fuisset activa respectu formationis corporis Filli sui, videretur illud corpus formatum esse secundum rationem seminalem.

[2. Mater etiam est causa activa]

Sed contra istud arguitur quadrupliciter:

1. Primo, de aliis matribus, quia formas eiusdem speciei consequuntur potentiae naturales eiusdem speciei; sed mas et femina sunt eiusdem speciei, X *Metaphysicae*,¹¹ ergo formas eorum consequitur potentia eiusdem rationis; igitur si formam unius consequitur naturaliter vegetativa activa, similiter et alterius. Confirmatur ratio, quia alias vegetativa huius et illius different sicut activa et passiva, et ita essent potentiae omnino alterius rationis.

2. Praeterea, pater naturaliter plus diligit filium suum quam econverso, sicut unusquisque naturaliter plus diligit opus suum quam econverso, ex VIII *Ethicorum* et IX,¹² et tenet ratio pro hoc quod benefaciens plus afficitur beneficiato quam econverso; sed mater plus diligit filium suum quam pater, sicut patet per eum VIII *Ethicorum*: Ergo videtur quod aliquo modo filius eius sit opus eius.¹³

⁹Arist., *De animalium generatione* I, c. 21, 730b 22-25.

¹⁰Augustine, *De Genesi ad litteram*, c. 20 (PL 34, 424).

¹¹Arist., *Metaphysicae* IX, ch. 9 1058a29-34; see also *De animalium generatione* I, c. 23 731a 1-2.

¹²Aristotle, VII *Ethica Nicomachea*, c. 8 (1241b 4-5).

¹³Ibid., 1241b 8-10.

[Article I What is essential to Motherhood?

1. The father is active, the mother passive]

[Aristotle's opinion] There is the opinion that only the father has an active role and the mother a passive one, so that she provides only the material for the child, and in the seed of the father alone is there any active and formative power in regard to the offspring. This seems to be the opinion of the Philosopher in Bk. XV *On the Generation of Animals*. He compares the virtue of the seed of the father to the carpenter and the matter provided by the mother to the wood from which the carpenter makes the bench.

Relevant here is also Augustine's remark in Bk. X in *On Genesis*, where he says Christ did not descend from parents on seminal grounds; but if the Blessed Virgin was active with respect to the formation of the body of her son, it would seem that this body was formed according to a seminal reason.⁷

[2. The mother is also active]

[Refutation] But against this there is a fourfold argument:

1. First, as regards other mothers, because natural powers of the same species are a consequence of forms of the same species, but a man and a woman are of the same species (*X Metaphysics*). Therefore, a power of the same sort follows from their forms; hence if the active vegetative power follows naturally from the form of the one, it likewise follows from the form of the other. This reason is confirmed, because otherwise the vegetative power⁸ of this one and that would differ as active and passive and thus they would be potencies of an entirely different sort.

2. Furthermore, the father naturally loves his son more than a son loves the father for each man naturally loves the opus he produces more than vice versa, according to Bks. VIII and IX of the *Ethics*,⁹ and this argument holds on the grounds that the benefactor is more fond of the benefited than vice versa; but a mother loves the son more than the father does, as is evident from him [Aristotle] in Bk. VIII of the *Ethics*; therefore it seems that in some way her son is her work.

3. Praeterea, filius quandoque magis assimilatur matri quam patri: ergo et in matre est aliqua virtus activa. Consequentia probatur, quia agens intendit assimilare sibi effectum ita quod effectus nulli assimilatur, nisi propter aliquam actionem eius.

Dicitur quod semen maris principaliter intendit assimilare prolem patri, et secundo propter inobedientiam materiae deficit ab eo quod intendit, et facit quod potest, et ita cum transmutatio non fiat in quodlibet, sed in oppositum, assimilatur opposito, et ita matri.

Contra, igitur callidum impeditum et propter impedimentum non potens perfecte sibi assimilare effectum, assimilabit eum frigido, quod videtur impossibile, quia ipsum impeditum tantum non assimilabit eum sibi: ergo si assimilatur frigido, hoc est ab alio agente, non tantum a callido impedito. Sic in proposito, ex impedimento resistente virtuti activae patris, tantum habetur ista negatio quod proles non assimilatur patri, tamen non assimilabitur alii, nisi ex aliqua causa activa alia; et si sic detur in proposito ex parte matris, habetur propositum.

4. Praeterea, matrem tantum esse quasi vas, in quo sicut in loco conveniente generationi generatur proles, et de aliquo eius, ut materia generatur, non videtur plus dare matri quam terrae in generatione minerae, si de aliquo eius generetur minera; et ipsa terra continens illud aliquid corruptum, sicut locus conveniens generationi talis corporis, erit mater eius; immo, non videtur dare plus quam homini respectu generationis vermis ex eo, qui generatur ex aliquo humore putrefacto, et hoc in loco conveniente generationi suae, et ita nihil deficeret quin esset mater illius vermis, nisi quod vermis non est eiusdem speciei, sed hoc forte non tollit, si equus dicatur pater mulae, et asina mater.

5. Praeterea, istud in proposito de hac matre improbatur per illud Damasceni 48:¹⁴ "Virtutem tribuens susceptivam, simul et generativam," sed si ipsa tantum esset principium passivum, non videretur quare copularet virtuti susceptivae simul autem et generativam.

¹⁴Damascene, *De fide orthodoxa*, c. 46, n. 2 (Buytaert edition, p. 171).

3. What is more, the son at times is more like the mother than the father; therefore in the mother there is some active power. The implication is proved, because an agent intends to make its effect like itself, so that the effect resembles it only because of some action on its part.

[Objection] It is said that the seed of the man principally intends to make the offspring like the father and secondly because of the recalcitrancy or failure of the matter to obey, it fails to achieve what was intended, and makes what it can, and thus since the change does not result in just anything, but in its opposite, the offspring is made like its opposite and thus resembles the mother.

[Reply] To the contrary, on this theory if heat is impeded and because of the impedance is unable produce an effect perfectly like itself, its effect will be positively cold, which seems impossible. For its impedance will only prevent heat from heating. Therefore, if its effect is chilled, this stems from another active cause, and not just from a heating agent that was impeded. So in the case at hand, from the impediment that is resisting the active power of the father, one only gets this negation that the offspring will not be like the father; however, it will only become like the mother because of some other active cause; and if this activity in the case at hand is because of the mother, my thesis is admitted.

4. Furthermore, a mother would only be a kind of vessel, a convenient place to beget a child, and if there is something that comes from her such as the material from which the child is formed, her contribution seems to be no more than that of the earth in which minerals are produced, if the earth contributes anything to their production. And the earth itself, inasmuch as it holds the material that perishes in a place suited to generate such a body, will be its mother. Furthermore, she seems to contribute no more to a human being in the way of procreation than she does to a maggot that is generated from some putrefied bodily secretion and this in a place suited to its generation,¹⁰ and thus there is nothing to prevent her being the mother of that maggot, except that it is not of the same species. But even this, perhaps, would not prevent such, if a horse can be called the father of a mule and jackass its mother.

5. Besides, this situation in the case of this mother is refuted by that statement of Damascene, ch. 48: "[The Holy Spirit] gave her at once both the power to receive [the divinity of the Word] and to beget." But if she were only a passive principle, it would not seem that the generative power was joined to the power to receive.

[Articulus II. Quare Maria est mater?]

Si autem teneatur alia opinio quod mater¹⁵ quaecumque cum patre est causa activa respectu formationis corporis prolis, tamen minus principalis et secundaria, et cum patre integrans unam causam totalem—tunc videtur difficilius salvare quomodo Maria fuit mater, quam ponendo aliam opinionem. Patet enim, quod ipsa ministravit materiam etiam totam corpori Christi; sed non ita patet, quomodo potuit cooperari Spiritui sancto ad formationem istius corporis.

[1. Opinio Bonaventurae]

Ad hoc dicitur sic:¹⁶ quod ipsa ministravit materiam, in qua erat vis activa, sed illa vis non habuit actionem aliquam, quia actionem eius praevenit Spiritus sanctus subito formans corpus illud de materia sibi ministrata. Erat igitur Virgo mater, tenendo opinionem de actione matris pro eo quod praebeuit materiam, et quantum est ex parte sui, erat unde ageret, licet aliud agens fortius praeveniret illud in agendo. Exemplificatur: virgae Aaron data est fecunditas, per quam posset active produxisse successive flores et fructus; sed non produxit, quid illam fecunditatem praevenit virtus divina subito producens illa.

Contra: si ignis esset perfectissime activus, et haberet passum, ut lignum approximatum, tamen praeveniretur ab aliquo agente fortiore calefaciente lignum, nullo modo ignis esset causa agens respectu illius caloris; sed si ignem gignere calorem, est ignem esse patrem caloris: ergo nullo modo ignis ille esset pater illius caloris. Sic similiter in proposito, propter solam virtutem activam, si erat praevenita ne ageret, non diceretur mater, si mater est causa agens.

Confirmatur hoc in exemplo eorum: si enim arbor diceretur pater vel mater illius fructus, quem producit, illa tamen virga, licet fuisset fecunda, potens producere fructum, et non producens, non tamen fuisset pater vel mater istius fructus.

¹⁵Galen, *De usu partium corporis humani, De semine mulieris*, I. I (*Opera omnia* II 331. Venetiis, 1586); James Forliniensis, *De generatione embrionis*, q. 4 (Papiae, 1479); Avicenna, *IX De animalibus*, c. 2 (Venetiis, 1508), fol. 41.

¹⁶St. Bonaventure, *Sent.* III, dist. 4, art. 3, q. 1 (III, 112).

[Article II. Why Mary is truly a mother]

But what if one holds the other opinion that the mother together with the father plays an active though secondary and subordinate role in the formation of the body so that together they form a single integral agent of procreation? Would it not seem more difficult to explain how Mary was mother, than it would if one assumed the first opinion. For while it is evident she provides all the material for Christ's body, it is not clear how she could have actively cooperated with the Holy Spirit to form this body.¹¹

[1. The opinion of St. Bonaventure]

[Explanation] To this one master replies in this way:¹² She contributed the matter in which there was active power, but this power did not produce any action, because the Holy Spirit prevented its action by forming instantly that body from the matter she provided. Hence, the Virgin was a mother,—if you hold the view that a mother's action consists in providing matter that so far as it was concerned could have acted [gradually to form the body], although another stronger agent prevented it from acting in this way. An example of how this occurred: the staff of Aaron was given fecundity, through which it could have actively produced flowers and fruit, but it did not produce such, because the divine power prevented such fecundity by instantly causing it to flower.

[Refutation] On the contrary: If fire were most perfectly active and had something on which to act, like an adjacent piece of wood, but were prevented by some stronger heating agent, the fire would in no way be the cause of the heat; but fire is the father of heat only if the fire begets heat; hence, in no way is fire the father of that heat produced by the stronger agent. Similarly, in the case at hand; if a mother is an active cause, no one is called a mother because she has the active power to produce, if she is prevented from acting.

Their example confirms this: for if a tree can be called the father or mother of the fruit it produces, and that staff (though it was fertile in the sense of being able to produce fruit) failed to do so, then it would not have been the father or mother of the fruit [miraculously produced in it].

Hoc etiam probatur in proposito: nullus enim homo fuit pater istius filii, etsi aliquis habuit virtutem activam secundum quam potuit egisse ad formationem huius corporis, ut pater, et non egit Spiritu sancto praeveniente.

[2. Opinio Guilielmi Guarrae]

Aliter dicitur, quod collata sibi fuit vis supernaturalis, secundum quam potuit cooperari Spiritu sancto in instanti.

Contra:

1. Ista vis supernaturalis esset accidens et accidens per accidens huius naturae; sed si mater solo isto accidente egit ad formationem corporis Christi: ergo non ita per se et vere et naturaliter egit ad formationem huius corporis, sicut aliae matres, quae ex natura sua agunt ad formationem corporum suae proles. Non enim ita vere convenit lapidi disgregare, quod convenit ei per albedinem, quae est ei accidens per accidens, sicut convenit ei descendere deorsum, quod convenit ei per naturam suam vel sicut accidens naturale.

2. Similiter, in quo erit istud accidens supernaturalis? Si in intellectu vel voluntate, non videtur esse ratio agendi ad generationem filii, quae actio principaliter competit virtuti vegetativae; si autem ponatur in virtute vegetativa, mirum videtur quomodo illa vis sit capax accidentis supernaturalis.

3. Praeterea tertio, quomodo poterit ista vis, ex quo est creata cooperari vel esse ratio cooperandi in instanti Spiritui sancto, si tamen hoc non potest aliquid, quod est in natura matris?

4. Praeterea, quomodo accidens erit ratio formalis producendi substantiam quae sit terminus generationis? Quod si dicatur virtutem istam supernaturalem esse tamquam perfectionem intrinsecam collatam virtuti vegetativae matris—hoc videtur mirabile, quomodo ista vis facta fuerit intensior, quam esset si naturaliter genuisset, quia tunc esset plus quam mater.

This is also proved in the present case, for no man was father of this son, although someone¹³ did have active power according to which he could have acted in the formation of this body as father and he did not act, the Holy Spirit forestalling it.

[2. The opinion of William of Ware]

Another opinion says that she was given a supernatural power by which she could have cooperated with the Holy Spirit in an instant.¹⁴

To the contrary:

1. This supernatural virtue or power would be an accident that is only incidental [i.e., not something necessarily associated with this nature]. Now if his mother solely by virtue of this accident cooperated actively to form the body of Christ, she would not truly have been a *per se* or natural agent in its formation, as are other mothers, who of their very nature actively form the body of their child. For it is only in an incidental way that a stone scatters light by reason of its whiteness, since this is a purely incidental accident, and not like its downward descent that is a natural accident that pertains to a stone by reason of its nature.

2. Similarly, in what will that supernatural accident inhere? If it is in the intellect or in the will, there seems to be no reason why it should be active in the generation of a son, since this action pertains principally to the vegetative [or genital] power.¹⁵ But if it is presumed to reside in the vegetative power, one wonders how this power is able to support a supernatural accident.

3. Also, thirdly, how could this power, since it is created, be cooperating with the Holy Spirit *instantaneously* or be the reason for cooperating in this fashion? But if it is this sort of thing, then this power cannot be something pertaining to the nature of the mother.¹⁶

4. Furthermore, how will any accident be the formal reason for producing a *substance*, which is the term of generation. If one says that this supernatural power is like an intrinsic perfection connected with the vegetative power of the mother, then it seems amazing how this power could be made more intense than if it would be if it had generated naturally, because then it would be more than mother.¹⁷ Likewise, why could only the intense force act in an instant, whereas the less intense force could not? For as long as forms are of the same sort, even though one be more perfect than another, they seem to be similar as regards whether they act instantaneously or only over a period of time, although one may produce

[3. *Opinio propria Scoti*]

Potest dici quod si ad matrem pertineat agere sicut ad causam minus principalem, Maria vere fuit mater, quia tota illa actio sibi competebat, quae matri debetur.

[Quare aliqua est mater] Ad quod intelligendum, sciendum est quod in formatione corporis nostri praecedit motus localis de loco ipsius corporis corrumpendi, ad locum convenientem generationi corporis organici ex eo. Hunc motum localem sequitur figuratio illius corporis transmutati, quae figuratio non est sine motu locali. Tercio, sequitur condensatio ipsius corporis corrumpendi quae est quaedam alteratio praecedens generationem corporis densioris ex isto corpore rariore, et ista alteratio non est sine loci mutatione, qua non acquiritur novus locus sed occupatur minor locus; in ultimo instanti istius alterationis inducitur forma, qua corpus est complete organicum, sive illa secundum aliquod sit anima intellectiva, sive secundum alios sit forma alia praecedens illam, et hoc secundum istos secundos, sive ipsa sit una totius corporis organici et partium heterogenearum, sive sit alia totius ab illis, quae sunt propriae et substantiales partium heterogenearum; sive tertio modo, nulla sit forma totius corporis organici alia a formis particularibus partium heterogenearum; et secundum hoc tertium membrum, corpus esse complete organicum, esset omnes formas partiales esse complete inductas. Et licet secundum tertium membrum istorum posset poni non omnes partiales simul induci, sed una prius ad quam sufficeret alteratio brevior, et alia posterius ad quam sequitur ulterius alteratio prolixior, tamen secundum omnia tria membra aliquid est in ultimo instanti quod non praefuit, et sine quo non est corpus complete organicum.

[Applicatio ad Mariam] Ad propositum applicando dubium videtur, utrum tribus motibus praedictis correspondebant in Maria tres motus

something more perfect than another. This is clear in the case of light, for whether it be more perfect or less perfect, light always produces its illumination instantaneously, even though it be more perfect in one case than in another.

[3. Scotus' personal opinion]

It can be said that if to act pertains to the mother as a secondary cause, Mary was truly a mother, for the total action that is due to the mother pertained to her.

[Why anyone is a mother] To understand this keep in mind that in the formation of our body [first] there is a prior movement from the place where the material that will be transformed is located to a suitable place where an organic body can be produced from it; [second] after this change of place a reconfiguration or reshaping of bodily material occurs, and this reorganization itself involves additional spatial movement; thirdly, the substantial production of the denser body from the more rarified body is preceded by a certain condensation or compacting of the bodily material that alters its qualities, and this alteration itself requires further spatial change, not that the material is moved to a new location but it does come to occupy a smaller amount of space.

At the final instant of this alteration a [substantial] form is induced that makes the body completely organic.¹⁸ Some hold this last form is the intellectual soul.¹⁹ Others claim another form precedes this,²⁰ and according to the latter, either [a] this is a single form for the organic body and its heterogeneous parts as a whole or [b] it is a form that is other than those forms that are proper and substantial to each of the heterogeneous parts, or [c] thirdly there is no form for the body as a whole other than the particular forms of the individual heterogeneous parts; and according to this third view for a body to become fully organic all the partial forms would have to be completely induced. Now one could assume in the case of [c] that not all of these partial forms are induced simultaneously; but even in the first case [a] there is brief alteration that precedes and in the case of [b] this alteration is protracted even longer. Nevertheless, according to all three accounts a state exists at the final moment that did not exist earlier; without this no body is completely organic.

[Application to Mary] When we apply this to the case at hand the question arises: Did the three briefer movements that correspond to the

breviores tamquam in nobis, et si in illis tribus motibus egerit Maria sicut causa secunda, et Spiritus sanctus ut causa principalis.

Si enim hoc ponatur, nec ponetur aliquid quod postea fuit assumptum a Verbo, aliquando praefuisse in supposito creato, sed tantum quod illud corrumperetur in aliquid assumendum a Verbo; nec poneretur in illis, quae alibi requirunt successionem, hic fuisse sine successione et subito et in istis Mariam in instanti cooperatam fuisse Spiritui sancto, quia licet in instanti cooperata fuerit Spiritui sancto quantum ad inductionem formae organicae ultimae disponentis ad animam intellectivam non tamen quantum ad illos tres motus primos: quae enim in nobis requirunt successionem sunt illi tres motus et non ipsa ultima inductio formae substantialis corporis organici.

Si autem negentur¹⁷ ibi fuisse illi tres motus, et quod totum fuerit in instanti uno, puta quod in aliquo uno tempore fuerint sanguines dispersi in corpore Mariae et numquam in tempore moti ad matricem, nec sic figurati et condensati, sed in ultimo instanti illius temporis erat in loco isto corpus figuratum et densum, sicut est in termino illorum trium motuum, si fuissent tres praecedentes—adhuc dico quod beata Virgo potuit cooperari Spiritui sancto in ista actione instantanea, et quantum ad formam substantialem istius termini, et quantum ad figuram et densitatem, licet subito inductas. Hoc probo: quia si non potuisset cooperari, hoc fuisset ex una trium causarum, videlicet:

[1] aut quia non habuit causalitatem activam minus principalem respectu termini inducti, vel respectu terminorum inductorum;

[2] aut quia non potuit secundum illam vim activam agere ad terminos hoc modo inductos;

[3] aut tertio modo, quia etsi potuit, tamen praeventa fuit a virtute maiore totum et totaliter operante.

¹⁷Peter Lombard, *Sent.* III, dist. 2, c. 3; dist. 3, c. 4 in *Sententiae in IV Libris Distinctae* tom. II (Grottaferrata/Romae: Editiones Collegii S. Bonaventurae Ad Clares Aquas, 1981) 30–31, 35–37.

three changes mentioned above occur in Mary as they do with us, and if so, did Mary act as their secondary cause in consort with the Holy Spirit as principal cause?

For if we assume these three briefer movements did occur, without presuming however either [i] that there was something first present in the created subject that was afterwards assumed by the Word²¹—or [ii] that those changes that elsewhere would have needed time, here [in Mary's case] took place in a flash without any succession, and in that instant Mary was cooperating with the Holy Spirit,—[if I say we assume all this] then it follows that even though she would have been cooperating with the Holy Spirit as regards the instantaneous induction of the organic form that finally completes the preparation needed for the reception of the intellectual soul, Mary would still be acting on her own [and not by the Holy Spirit] as regards those three first movements. For what in us requires temporal succession are those three movements and not the induction of the organic body's substantial form.

On the other hand, if we deny [in Mary's case] that these three movements were present, and claim the whole event took place in a single instant (for example, her blood substances were not progressively moved to her womb where they were only gradually configured or condensed, but at one moment they were scattered throughout Mary's body, and suddenly at the next moment a dense configured body was in that place where it would have been had those three movements preceded), I still say that the Blessed Virgin could have cooperated with the Holy Spirit in that instantaneous action and could have done so both [a] as regards the substantial form that was the result of the action, and [b] as regards the figure and density, even though both of these were instantaneously induced.

[Proof] This I prove: for if she had been unable to cooperate it would have been for one of three reasons, namely:

[1] either because she *had no active secondary causality* as regards the term or terms induced;

[2] or because she could not have acted according to this active power on the *terms induced in this fashion*;

[3] or, thirdly, because she was *prevented from acting*, even though she could have done so, by reason of a greater force which performed the whole operation.

Primum improbat, quia ipsa habuit virtutem activam sicut aliae matres; ergo ad eosdem terminos, ad quod et aliae; sed aliae matres habent vim activam minus principalem respectu figurae, condensationis et formae substantialis.

Et si dicas, secundum unum istorum trium membrorum, quod in toto sunt multae formae substantiales specie differentes partium heterogenearum, ad quas simul inducendas, non habet aliqua mater viam activam sufficientem, sed oportet unam prius tempore induci quam aliam, et ita hic.

Contra, activum non habens terminum adaequatum, potest simul agere respectu alterius; ideo enim tantum in unum potest simul, quia illud est terminus adaequatus virtuti eius, et maxime potest simul in plura non adaequata, si illa includantur in primo adaequato sibi, sed nulla forma partialis est terminus adaequatus huic potentiae, sed forma totius corporis organici alias non posset in formam totius: igitur cum omnes illae formae partiales includantur in toto quod est terminus adaequatus, in omnes illas simul potest.

Secundum membrum improbat, quia aliqua media sunt necessario media virtuti imperfectiori, quae non sunt necessario media virtuti perfectiori. Agens enim naturale necesse est procedere per media determinata, quia subest illi ordini, nam ille praefixus est ab agente superiore; sed agens supremum, quod non subest isti ordini in agendo per ista media. Ex hoc arguo: Spiritus sanctus et Maria sunt agens perfectius quam pater creatus et ipsa mater fuissent; ergo ista media, per quae necesse fuisset actionem patris naturalis et Mariae processisse. Si concepisset ex viro, non fuerunt necessaria in illa actione Spiritus sancti et Mariae.

Quod si dicas, quod ista non necessitas mediorum tantum est propter infinitatem virtutis Spiritus sancti, sed semper remanet aequalis necessitas mediorum respectu virtutis creatae, ut ipsa non possit agere respectu termini, nisi procederet per media sibi necessaria.

The *first* is disproved, because she had the same active power other mothers did; therefore, her power would have had the same results as in the case of the others; but other mothers have a secondary active role as regards to the figure, the compacting and the substantial form [of the fetus].

[Objection and Reply] But you may object that according to one of these three possibilities, each of the many heterogeneous parts in the whole has its own specifically different substantial form, and that no mother has sufficient active power to induce all of these at once; rather she must sequentially induce first one form, then another; and that is the way it is here.

To the contrary, if the end result or term [at any stage of the process] is not adequate or equal to all the agent can do, then it can act simultaneously with respect to another term. The only reason it can act on only one thing simultaneously is if that term or end result is equal to all it can do, and especially it can act simultaneously on several things less than adequate if these are included in the end result of what is primarily its adequate term. Now no partial form, but only the form of the organic body as a whole, is the adequate term of this generative power; otherwise that partial form could not exist in the form of the whole; therefore since all these partial forms are included in the whole that is the adequate term, her power extends to all these at once.

The *second* possibility is disproved, because some means that a less perfect power requires are unnecessary as means for a more perfect power. For a natural agent has to proceed by means of specific stages, because it is subject to an order imposed upon it by a higher agent [i.e., by its Creator]; but the Supreme Agent who is not subject to this order in acting, because he imposed this voluntarily [on his creatures], has no need in acting to proceed to by way of these intermediate stages. From this I argue: the Holy Spirit and Mary together are a more perfect agent than a created father and this mother would have been; therefore these intermediate stages that would have been needed for the action to proceed if Mary had conceived with the cooperation of a natural father, were unnecessary in that co-action of Mary and the Holy Spirit.

[Objection and Reply] Suppose you say it is only because the Holy Spirit's power is infinite that there is no need to make use of intermediary stages, but that necessity always remains where a created power is con-

Contra hoc, si per media ista deventum fuisset ad terminum, agens non produceret terminum ratione mediorum, quia media tunc non sunt; ergo praecise tunc produceret, quia tunc habet virtutem activam respectu istius termini; igitur si aliqua virtus facit quod non procedatur per media, sed quod subito agens se habeat ad terminum, sicut se haberet in termino, si processisset per media, eodem modo potest idem agens agere quod non transivit per media, sicut si transisset; sed Spiritus sanctus posset facere quod hic non esset transitus per ista media, sicut probat ratio praedicta, et cum hoc stare potest quod virtus activa matris eadem fuisset, quae fuisset inter media talis transitus: ergo per illam virtutem activam potest aequae agere in termino praetermissis mediis, sicut si ante actionem in terminum transisset per media.

Tertium membrum improbatur, quia Spiritus sanctus libere agit; ergo non necessario agit secundum ultimum suae potentiae; igitur potest ad aliquid se extendere causalitate causae secundae cooperante secum, et ita potest supplere virtutem patris naturalis, vel etiam efficacius operari quam pater, si esset. Et poterit Maria cooperari secundum causalitatem suam, quia nihil ab ea auferetur per hoc quod Spiritus sanctus habet causationem suam, qui non eam tollit praeveniendo, licet suppleat eminenter causalitatem alterius causae cum qua posset concausare.

Ex istis tribus membris improbatis potest formari ratio talis: Omnis causa activa habens virtutem respectu alicuius effectus, et non praevenita ab alio totaliter causante illum effectum, in illo instanti in quo producitur, potest agere ad productionem eius; Maria fuit talis, si aliae matres sunt tales, et hoc ut causa activa non principalis: ergo, etc.

Istud declaratur per auctoritatem Damasceni, 48¹⁸ quod Spiritus sanctus dedit ei potentiam susceptivam, simul autem et generativam, non quod miraculose dederit ei illam fecunditatem, qua cooperabatur; sed illam habuit naturaliter, quia non fuit sterilis, et secundum eam potuisset naturaliter cooperari ad productionem filii, si pater naturalis genuisset; sed potentia activa causae inferioris est remota, quando causa superior

¹⁸Damascene, *De fide orthodoxa*, c. 46, n. 2 (Buytaert edition, p. 171).

cerned, so that it can never act with respect to the final term or end result unless it has gone through the necessary steps.

On the contrary: if it were by such means that the final result came about, the agent would still not produce that last effect by reason of those means, because then [at the end of the process] they no longer exist. Hence, the agent would produce precisely then, because at that moment it did have active power with respect to this end result. Hence, if some virtue brought it about that [this agent] did not proceed through the intermediary steps, but suddenly found itself at the end, in the same condition as it would have been had it arrived there by way of intermediary stages, it could act in the same way that it could have if such a passage through the media had occurred. Hence, through her active power she could act equally well in the end without having gone through the intermediate stages as she could have had she passed through them before acting.

The *third* possibility is disproved, because the Holy Spirit acts freely; and hence he does not have to act to the fullest measure of his power. Consequently, he can extend the causal action of a secondary cause cooperating with him in effecting something, and thus can supply the virtue of a natural father, or even to act more efficaciously than a father could had there been such. And Mary could have cooperated in her causal role, because nothing was taken from her causation by the fact that the Holy Spirit exercised his causality in a way that stole nothing from hers preventively, though it did supply in a more splendid fashion the causality of the other agent with which she could have cooperated causally.

From the refutation of these three alternatives an argument of the following sort can be constructed.

Every active cause having virtue as regards some effect, and not prevented totally from causing it, at that instant in which it is produced, can act cooperatively to produce it. Mary was such, if other mothers are such, and this in the role of a secondary active cause; therefore, etc.

This is what that citation from Damascene 48 declares to be so, viz., "the Holy Spirit gave her at once both the power to receive [i.e., the divinity of the Word] and to beget,"—not that he gave her that fecundity whereby she cooperated in a miraculous manner, since she possessed that naturally, because she was not sterile. Now by reason of that power she

non agit, ita quod numquam est causa inferior in potentia propinqua ad effectum, nisi superiore causa agente, quia illa superior primo determinatur, et ipsa determinata inferior necessario cooperatur, si inferior sit causa naturalis. Secundum autem communem ordinem, vis activa matris nata est subordinari vi activae patris, et ita a patre conferri matri potentia propinqua ad generandum, non autem illa remota matris, quae est actus eius primus, quo ipsa dicitur fecunda. Haec potentia propinqua non conferebatur Mariae ex tali causa, sed tantum immediate a Spiritu sancto habente vim principalis causae; et ideo Spiritus sanctus dedit ei vim generativam, hoc est potentiam generandi propinquam secundum illam vim naturalem, qua ipsa erat naturaliter fecunda, sed susceptivam dedit ei inquantum erat generativa Verbi. Sicut enim natura, ad quam ut ad formalem terminum erat ista generatio, tantum erat in potentia obedientalem, ut esset mater Verbi, quia Verbum subsistebat in natura sibi unita.

[Dubium ejusque resolutio] Sed hic est unum dubium, quia si, secundum dicta in quaestione de rationibus seminalibus,¹⁹ ratio seminalis non est principium agendi in generatione, quia tunc non manet, sicut nec substantia quam consequitur, sed tantum est ratio agendi in alteratione praecedente generationem, et hic nulla paecessit generationem: sequitur quod hic ex parte matris nulla fuit actio per rationem seminalem, et ita nec per ullam vim activam in materia ministrata.

Hoc concedendum esset secundum illa, sed tamen ipsa mater potuit immediate operari in ipso instanti generationis, quia ipsa immediate fuit praesens, et habuit vim activam generativam respectu termini actionis. Et ita forte est in aliis matribus, quod non tantum per vim activam in materiam ministratam agunt, sed etiam ipsae, corrupta illa vi activa in semine in instanti generationis, sicut substantia in qua est, immediate agunt ad terminum generationis producendum; quod videtur probabile, quia posito illo corpore sic alterato in illo instanti per potentiam divinam extra matricem, non fieret generatio, et tamen idem passum esset, et eadem agentia essent approximata, ut videtur, nisi de sola matre. Et tunc si ponatur

¹⁹Duns Scotus, Ordinatio II, d 18, q. *unica* (ed. Vives, XIII, 85-86, XIII, 85-86).

could have cooperated naturally in the production of a son, if a natural father had begotten it. But the potency of the lesser active cause is remote when a superior cause fails to act, so that the secondary cause is never in proximate potency to produce the effect unless the superior cause is acting. According to the common order of things, however, the active power of the mother is suited by nature to be subordinated to the active power of the father, and thus the immediate ability to beget is conferred on the mother by the father, but not the mother's remote power which is the first act²² whereby she is said to be fertile. This proximate power was not conferred on Mary by such a cause [i.e., by a natural father], but only immediately by the Holy Spirit having the power of the primary cause; therefore the Holy Spirit "gave her the power to beget," i.e., the proximate potency to use this native power in virtue of which she was naturally fertile. He "gave her the power to receive," however, insofar as she begot the Word. For just as the nature, which was the formal term of this generation, was only in obediential potency²³ to be united with the Word, so that its mother only had the obediential potency to be the mother of the Word, because the Word subsisted in the nature that was united to itself.

[A doubt and its solution] But here a doubt occurs. According to what was said in the question about seminal reasons, a seminal reason is not a principle of acting in generation because it no longer remains at that time like the material substance in which it is rooted. It is only a source of action in the alteration that precedes the generation, and here no such alteration precedes this generation. It follows that here on the mother's part, no seminal reason or any active virtue in the matter was involved in her action.

True, on this score one would have to admit this. However, the mother herself could have operated immediately in that moment of generation, for she was immediately present and had an active generative power with respect to the term of the action. And thus perhaps it is in other mothers that they not only act through the active power in the matter they provide, but also they themselves continue to act to bring the generation to term, once the active power semen had at the instant of generation has perished, just as that substance itself has. And this seems probable, because granted that the body outside the womb was altered in such an instantaneous way by divine power, generation would not take place, and nevertheless the same patient would be there and the same agents would be present except the mother. And then if one assumes the father's semen perishes at that moment, for instance, since it is part of the child, the

semen patris corrumpi in illo instanti, puta quia est pars prolis, verius mater agit quam pater, quia ipsa immediate in instanti generationis et pater non, sed tantum in alteratione praevia per illam vim activam, quae fuit in semine patris; vel si ponatur semen patris manere in instanti generationis, et vim activam manere in eo, nec illud semen converti in corpus prolis, sed post formationem corporis resolvi in aliud, adhuc in instanti generationis mater poterit agere et pater per illam vim dimissam in semine. Nec videtur istud multum inconveniens, attribuere tantam actionem matri, quia facta decisione seminis patris, tota sequens formatio usque ad partum videtur principaliter sequi conditiones matris: si habeat matricem calidam est bene dispositam, etc.

[Problema II: Fuitne Maria naturaliter mater?]

Sed estne concedendum, quod Maria fuit naturalis mater Christi, vel miraculose generavit Christum?

Respondeo: Anselmus, *De conceptu virginali*, cap. 11,²⁰ dicit hanc generationem fuisse miraculosam, et hoc quidem verum est quantum ad modum reducendi potentiam naturalem activam Mariae ad actum, quae naturaliter non reducitur ad actum nisi a causa activa determinata naturali, scilicet vi activa patris naturalis. Fuit etiam miraculosa quantum ad modum procedendi in ista generatione, quia vel erat omnino subita, qualis non est processus naturalis in generatione hominis, vel si successiva illi motus qui praecesserunt generationem erant in ita brevi tempore, in quanto non sunt nati fieri naturaliter. Sed ex parte ipsius potentiae activae Mariae erat naturalitas, quia ista potentia erat ei naturalis, secundum quam erat naturaliter fecunda, et potuisset concepisse a patri naturali, et naturaliter egisse ad productionem prolis, et propter istam potentiam activam naturalem, qua operabatur potest dici naturalis mater Christi, et tamen propter modum exsequendi actum huius potentiae duplicem non naturalem, potest dici non naturaliter, sed miraculose genuisse.

²⁰Anselm, *De conceptu virginali et de originali peccato*, c. 16 (Opera omnia, ed. Schmitt, vol. 2, 157-58).

mother acts even more truly than the father does. For she acts immediately at the moment of conception, whereas the father does not. He is only active in the previous alteration through that active power which was in his seed. Or if one assumes that the father's semen together with its active power remains until the moment of generation, and is not converted into the body of the child until after the formation of the body, it is still true that at the instant of generation or conception the mother could act together with the residual power in the father's seed. Neither does it seem unfitting to attribute such action to the mother, for once the seed has fallen from the father, the whole formation that follows up to birth seems to be conditioned by the mother; for instance, if the womb is warm and well disposed, etc.

[Second Problem: How natural was Mary's motherhood?]

But do we have to concede that Mary was the natural mother of Christ, or did she miraculously generate Christ?

I reply: Anselm in *De conceptu virginali*, ch. 11, claims this generation was miraculous, and this indeed is true so far as the manner in which Mary's potentially active power was made to function, for naturally such power is only made to act by a specific active natural cause, namely the active power of a natural father. It was also miraculous as regards the time-span required for this generation to take place, because either it was wholly instantaneous, which is not the natural procedure in the human generation; or, if it was a successive process, those changes which precede generation occurred in a period of time too brief to be characteristic of any natural process. But there was something naturalistic about Mary's active potency, since it was something she had by nature and on the basis of which she was naturally fertile, and could have conceived by way of a natural father and produced a child naturally. And she can be called the natural mother of Christ in virtue of this natural active power by which she functioned. But because of the doubly peculiar manner in which this power was exercised, it was not something natural, and she can be said to have begotten not naturally but miraculously.

[Ad Argumenta Contra]

Ad primum—dico quod virgo et mater non opponuntur aliqua oppositione formali, nec ut privativa, nec ut contraria; virginitas enim tantum privat actionem causae naturalis superioris ad causam activam matris; maternitas autem non necessario ponit actionem illius causae superioris, sed tantum illam communiter concomitatur ista actio; sed si alius suppleat actionem illam causae naturalis potest esse maternitas secundum totam suam rationem, et tamen cum privatione actionis causae superioris, et ita cum virginitate; et ita fuit hic.

Exemplum: Obiectum creatum, natum est concausare cum intellectu meo intellectionem; intellectum igitur concipere notitiam communiter requirit obiectum creatum movere intellectum, sed non requirit hoc ex per se ratione sua; si enim Deus suppleat actionem obiecti movendo intellectum, potest intellectus eandem notitiam concipere, quam conciperet obiecto movente. Et ita, si intellectus, Deo movente illum terminum, non moveretur ab obiecto creato, et designaretur per nomen virginitatis vel incorruptibilitatis vel impassibilitatis, non repugnaret aliquo modo formaliter et intellectum concipere et virginem esse; ita est hic.

Sed si obiicias de parere, quia clausa non potest parere—respondeo, ibi fuit miraculum, quod corpus simul fuit cum alio corpore, et forte novum miraculum aliud ab illo, quo Virgo concepit sine actione causae naturalis superioris; sed de partu satis communiter conceditur tamquam non difficile, quod ibi operabatur quidquid aliae matres, sicut et in fovendo, conservando et nutriendo fetum in utero. Et tamen ibi forte posset fieri difficultas specialis, quod nulla esset vis activa in matre potens movere corpus prolis localiter ad exeundum, et maxime ad essendum simul cum alio corpore, quia nulla virtus creata potest movere localiter corpus ad aliquod ubi, nisi expellat aliud corpus, item hoc verum est non loquendo de corpore glorioso.

Ad secundum—dico quod Damascenus non negat eam absolute esse matrem Christi, sed contra Nestorium, qui sub illo vocabulo voluit eam negare esse matrem Dei, ponendo quod peperit purum hominem. Unde

[To the Arguments to the Contrary]

To the first, I say that “virgin” and “mother” are not formally opposed to one another, neither as contraries nor in the sense that one is a privation of the other. For virginity only implies a privation of any [genital] action of a higher natural cause [i.e., of a man] with the mother as active cause. Maternity, however, does not necessarily require the action of such a higher cause; rather this action only accompanies maternity as a general rule. But if another supplies for that [genital] action of the natural cause, maternity in all its essentials can coexist with the privation of any [genital] action of the higher [i.e., the male] cause, and thus maternity can coexist with virginity; and so it is here.

For example: a created object is suited by nature to cooperate causally with my intellect. For the intellect to conceive a notion, it is commonly required that some created object move the intellect. But this is not something essential that is required *per se* for the mind to conceive of something, for if God, by moving the intellect, were to supply for the action of the object, the intellect could conceive the same notion, that it could if the object were moving it. And so, if we were to designate *an intellect, as moved by God to form that notion without being moved by an created object*, by the name “virginal” or “undefiled” or “untouched,” there would be nothing repugnant about an intellect formally being both *virginal* and *conceiving*. And so it is here.

And if you object about “to give birth,” because one who is closed²⁴ cannot give birth, I say: here there was a miracle, that one body could coexist simultaneously with another body, and perhaps it is a new miracle other than that by which the Virgin conceived without the action of a natural higher cause. But as for the birth, it is commonly conceded that it was not difficult, because here she performed whatever other mothers did in fostering, conserving and nourishing the fetus in the womb. But perhaps there could still be a special difficulty here, because there would be no active force in the mother able to locally move or push the body of the child to the outside, especially if it has to pass through space occupied by another body, because no created power can locally move a body to some place unless it expels another body, at least this is true if one is not speaking of a glorified body.

To the second, I say that Damascene did not deny categorically that she was the mother of Christ, but he wanted to contradict Nestorius, who used this designation to deny she was the mother of God by stating she

post illam auctoritatem subdit:²¹ “In destructione eius quae Dei Genitricis vocis, nequam Nestorius, solius naturae honorificatae super omnem creaturam Dei Genitricis, etsi ipse corrumpatur cum impio satana, adinvenit ut reprobaturum”; non ergo negavit illud, sed noluit cum haeretico illo in sermone communicare, qui sub vocabulo illo occultabat suum venenum.

Ad aliud—dico quod omne activum et passivum in communi necessario ad invicem referuntur. Non tamen ita necessarium est esse de hoc activo et hoc passivo, quia aliud activum vicem huius activi supplere potest. Ita in proposito, pater dicit tale activum speciale, et eius actio supplebatur hic ab alio agente.

Ad ultimum—conceditur quod si aliae matres agant, et ista egit ad hanc generationem.

Cum arguitur de instanti patet responsio ex solutione quaestionis; quia in toto tempore praecedente cooperata fuisset, bene concederetur in ultimo instanti potuisse cooperari ad formam inducibilem in illo instanti, sed non fuisset tunc cooperata in instanti per operationem in tempore, quia illa tunc non fuisset; ergo tantum per virtutem activam, quam habuisset, hanc eandem habuit, licet non egerit ad illa intermedia, quae in tempore causarentur.

Ad illa pro opinione prima”

Ad Philosophum—exponitur quod mater non est causa principalis agens; ipsa enim principalius ministrat materiam, quia plus corpus prolis formatur de materia ministrata a matre quam de materia ministrata a patre, et si aliter intelligat Philosophus, negatur quia Galens²² sentit oppositum, sicut recitat Avicenna,²³ et in istis magis credendum est expertis.

²¹Damascene, *De fide orthodoxa*, c. 56, n. 5 (Buytaert edition, pp. 210-211).

²²Galen, *De usu partium corporis humani*, *De semine mulieris*, liber I (Opera omnia II [Venetiis, 1586], p. 331).

²³Avicenna, IX *De animalibus*, cap. 2 (Venetiis, 1508) fol. 41.

begot a mere human. Consequently, after making this statement, Damascene adds: "It was to do away with her title 'Mother of God,' that Nestorius, corrupted by unholy Satan, invented this epithet as an insult to her who alone is truly worthy of honor above all creation." Therefore, Damascene did not deny [Mary was the mother of Christ], but had no wish to share the language of this heretic, who used this designation to hide his venom.

To the other [n. 4] I say that generally speaking [in the case of human generation] the active and passive factors are related to one another *necessarily*. But this need not be so with what is active and what is passive in a particular instance, since something else can replace what is normally active. And in the present case a father is said to be the one particularly active in such a way, and his action was supplied by another agent.

To the last [n. 3],²⁵ we concede that if other mothers function actively so too did this woman in this particular generation.—And when it is argued that this action was instantaneous, the answer is clear from the solution to the question. For if she would have been cooperating during the entire preceding period of time, at the last instant she could admittedly have cooperated with a form that could be induced instantaneously. But she would not have cooperated at that moment by some operation that took time, since such did not exist then. Therefore, solely through the active power which a woman would have had [at that instant], this person actually did have, although she would not have been acting in regard to those intermediate operations, which would have required time.

[To the arguments for the first opinion] To the Philosopher: his citation is interpreted as meaning that the mother is not the principal active cause; for she primarily provides the matter, because the body of the child is formed more from the material provided by the mother than that given by the father. And if the Philosopher may have thought otherwise, then what he claims is denied, because Galen held the opposite as Avicenna records, and in these matters we should give more credence to the experts.

Ad Augustinum, X *Super Genesim*—dico quod solus ille effectus producitur secundum rationes seminales, ad cuius productionem vis activa creata concurrit ut totalis causa; non sic erat in proposito, quia etsi Maria per vim naturalem egerit, non tamen totalis causa erat causa naturalis, sed principalior erat Spiritus Sanctus.

As for Augustine in Bk. X *On Genesis*, I say seminal reasons only produce an effect where some active cause concurs; but it was not this way in the case at hand, because even though Mary acted through her natural power, this natural cause was not the total cause, but the Holy Spirit played the major causal role.

Endnotes: Question Four, The Text in Translation

¹ See note 16 *infra*.

² "Supposit" = an individual autonomous subject or substance; if that subject has a rational nature, the supposit is technically a person. The word itself is a Latin transliteration of the Greek term "hypostasis," meaning "person."

³ This is a reference to Scotus' theory of what constitutes a human person, namely an individual complete rational nature that has neither a need to be assumed by another nor is it assumed by another [i.e., a higher or divine person]. Cf. A. B. Wolter, "John Duns Scotus on the Primacy and Personality of Christ," *Franciscan Christology*, ed. D. McElrath (St. Bonaventure, N.Y.: Franciscan Institute, 1980), pp. 139-82.

⁴ Matthew 1:23: "The virgin shall be with child and give birth to a son."

⁵ This seems to refer to the last two initial arguments for the negative, namely that Mary did not beget a person, but at best only a complete human nature.

⁶ This is the first of two problems Scotus raises in the body of question. In his Paris lectures Scotus devoted a distinct question to each. The first asked: "Was Mary *vera mater* (i.e., a true mother)? The second was less important. "Was she *naturaliter mater* (i.e., naturally a mother)? The first question or problem was the most difficult one to answer simply, since it stemmed from several distinct theological, philosophical and scientific conceptions current at the time. Scotus spends most of his time untangling them and gives only brief attention to the second problem at the close of the corpus. The reason the initial doubt arose is because Mary's conception of Christ was not only miraculous, but involved an incarnation of a divine person. How could the theological theories of what this involved be reconciled with the biological views of what motherhood entailed essentially? Further complicating the question were two basically different philosophical theories of matter, one pure Aristotelian; the other a variation that involved the Augustinian theory of seminal reasons. Still another difficulty arose from the fact that Mary had to cooperate with God and according to Aristotle, God acts instantaneously whereas a creature can only act in time and through a temporal process. How could Mary be a true mother if she was unable to cooperate actively with God?

⁷ To understand why this remark of Augustine was used to prove Mary did not play an active but a purely passive role in the conception of her son, we must keep two medieval theories in mind, one theological concerning the incarnation, the other philosophical concerning matter as potency.—[1] As we noted in the Introduction, medieval theologians distinguished the earlier "conception of the seed" from the "conception of the human being" some time later when the rational soul was created and infused into the developing fetus. This latter "conception" was also called the "birth within the womb" (in utero) to distinguish from actual birth (ex utero). Theologians had also worked out the biological and philosophical implications of this assumption for their theandric Christology. Though Mary's

son had both a divine nature and a human nature, Jesus was no human person but the Son of God himself. This implied that the Word or Second Person of the Trinity had personally assumed not only the rational soul but also the human body of Mary's baby. But, some theologians argued, if Mary's conception took place by the "overshadowing of the Holy Spirit" and was unlike the natural conception of a child, then also the normal intervening pre-human stages between a conception of the seed and the animation by the spiritual or rational soul did not occur in the case of Mary's child. Otherwise the Word or Son of God would have to unite himself personally with a humanoid organism in the process of becoming human, that is, reaching that stage of natural fetal development where it could support a spiritual or rational soul. Hence they argued that in case of Christ's conception, his body miraculously formed from Mary's "most pure blood," was fully human and was immediately informed with a rational soul; conception in short coincided with nativity in the womb, and human infant was hypostatically united with the Word. Scotus seems to think one could admit some fetal development prior to the incarnation which would be purely natural and due to Mary's active procreativity. He does, however, accept the common theological view that the incarnation takes place only when the body is fully organized and infused with a spiritual soul (see note 20 *infra*). What he did not accept, however, was the second point, namely, the modified Aristotelian conception of matter, developed by the so-called "Augustinians" like St. Bonaventure.—[2] Wishing for theological reasons to retain certain important insights of St. Augustine, Bonaventure reinterpreted Aristotle's hylomorphic theory in the light of St. Augustine's "theory of seminal reason." Regarding more details of this theory see my translation of his "Theory of Seminal Reasons" in J. F. Wippel and A. B. Wolter, *Medieval Philosophy: From St. Augustine to Nicholas of Cusa* (New York: Free Press, 1969), 318–320. On this reinterpretation, even if the mother only contributes the matter from which the fetus is formed, she is no less active normally than the father in the growth process that precedes the infusion of the human soul. In the case of the miraculous formation of Christ's body, however, this preliminary stage where the active potencies or seminal reasons function is eliminated. To say that Mary was active in this way, consequently seems to deny the aforesaid incarnational thesis.

⁸ The reproductive functions, as germinative, are considered to be part of the vegetative portion of the human soul or life principle.

⁹ In chapter 8 of his *Ethica Nicomachea* VII, Aristotle is explaining why "benefactors are more fond of the benefited than the benefited of their benefactors." He accounts for it on the ground that the benefactor is active whereas the benefited is passive. "There is the same relation between the effect and the activity, the benefited being as it were an effect or creation of the benefactor. Hence in animals their strong feeling for their children, both in begetting them and in preserving them afterwards. And so fathers love their children—and still more mothers—more than they are loved by them. And these again love their own children more than their parents, because nothing is so good as activity; in fact, mothers love more than fathers because they think the children to be more their own creation."

¹⁰ The generation of the maggots that developed in decaying organic material was commonly attributed to the causal activity of the sun or its heat. Physicians like Avicenna, who was even more famed for his medical writings than his philosophical works, associates this phenomena with the menstrual fluid in women and seemed to think the womb or vagina a suitable location for its occurrence. In his *Lectura completa* III, dist. 4, q. unica (C. Balic, *Theologiae Marianae Elementa*, p. 273) Scotus words this argument as follows: "Praeterea, vermis, si generaretur in corpore matris in convenienti loco suae generationi, non diceretur esse filius. Et secundum Avicennam bufones generantur in matricibus mulierum, quia ibi est locus conveniens generationi eorum, et materia; igitur si dicatur mater, quia administrat

tantum materiam, esset similiter mater vermis et bufonis, nisi impediatur tantum, quia est alterius speciei." Hence, the argument seems to be: If a woman is a mother only because she provides the material and location for procreation, why is she not called the mother of all life forms that develop in her body through the activity of agents other than herself?

¹¹ If the formation of Christ's body in the womb was instantaneous, this not only eliminated the activity of seminal reasons mentioned above (note 7) but also posed another difficulty, namely, how can a creature whose activity is always temporal cooperate with God who acts instantaneously or outside of time?

¹² This is the view of St. Bonaventure, *Sent.* III, dist. 4, art. 3, q. 1 in *Opera omnia* (Ad Claras Aquas, 1882-1902), tom. III, 112). He holds a version of the Augustinian theory of "seminal reasons" according to which matter is not simply inert but contains certain God-given active potentialities that will germinate in the proper environment to produce flower and fruit.

¹³ Namely, Joseph, the husband of Mary.

¹⁴ This seems to be the opinion of William of Ware, *Sent.* III, Merton College (Oxford), codex 103, fol. 152vb: "Cum ergo in proposito materia illa corporis fuit disposita opere Spiritus sancti, qui est agens infinitae virtutis, potuit beata Virgo cooperari sibi in inductione formae substantialis corporis quamvis esset finitae virtutis." ["Since in the case at hand this bodily matter was disposed by the operation of the Holy Spirit, who is an agent of infinite power, the Blessed Virgin, even though her power was finite, could have cooperated with Him in inducing the substantial form of the body."]

¹⁵ See note 8 *supra*.

¹⁶ According to Aristotle, a finite [or created] agent cannot act in an instant; only an infinite power could act instantaneously.

¹⁷ The argument seems to be that since a substance is more perfect than any accident, no accidental power could produce a substance; and if that power were increased so that a substance was produced, then that operation would be something so superior as to transcend anything that might be called motherhood.

¹⁸ One of the great theological controversies in the last quarter of the thirteenth century had to do with the question: Is there one or several substantial forms in man? See T. Crowley, O.F.M., *The Problem of the Soul in His Philosophical Commentaries* (Louvain, 1950); R. Zavalloni, O.F.M., *Richard of Mediavilla et la controverse sur la pluralité des formes* (Philosophes médiévaux 2; Louvain, 1956). Scotus lists four different theories here. The first is that of unicity, the next three are various interpretations of pluriformism. Scotus does not decide which is more probable though he seems to favor the last, at least in this discussion, since it maximizes the active role Mary would have played in the natural biological processes involved in the formation of Christ's body. See the following note.

¹⁹ This would be the view of Thomas Aquinas, whose revolutionary theory that the rational soul is joined immediately to primary matter rather than to an organism with its own material substantial form, was regarded as theologically suspect for many decades. D. A. Callus, "The Problem of Plurality of Forms in the Thirteenth Century. The Thomist Innovation," *L'Homme et son destin d'après les penseurs du moyen-âge* (Louvain, 1960); *The Condemnation of St. Thomas at Oxford* (Aquinas Papers 5; Oxford, 1946). As the Dominican Archbishop of Canterbury and Primate of England, Robert Kilwardby pointed out, it is unintelligible that the specific form of the composite performs the activities of all the forms, and at its presence they all pass away. This theory, he said, is false and against sense experience, faith and morals. The true unity of forms consists essentially in the aggregate of all

incomplete forms, essentially different but coordinated, each performing its proper function, and thus constituting with the complete form one composite. Archbishop John Peckham, his Franciscan successor, claimed it was impossible to safeguard the Catholic teaching on the Incarnation, the Eucharist, the resurrection of the body and other articles of faith. See D. A. Callus, "Forms, Unicity and plurality of," in *New Catholic Encyclopedia* vol. 5, 1024-1027.

²⁰ Scotus holds the more common theory that in addition to the rational soul in man, some purely material substantial form or forms are needed. In regard to the present problem, however, he does not seem too concerned whether or not there is one substantial form of the cadaver in addition to the partial substantial forms of the individual organs.

²¹ Scotus wants to hold that some natural fetal development could have taken place without getting into the theologically suspect notion that the incarnation antedated the advent of the rational soul in Christ's body (see note 7 above). As he explained in one of his Parisian lectures, even if one holds the indubitable doctrine that all the partial forms of Christ's body are induced in an instant, Mary could have cooperated in that instant just as she could have in the gradual fetal development that preceded. "Tenendum est igitur indubitanter, quod omnes formae partiales corporis Christi inducuntur in instanti, ita quod nulla pars illius corporis assumenda a Verbo fuit, in aliquod supposito creato, sed pars corrupta ante formationem corporis praefuit in supposito, non, quia ante aliam partem corporis Christi fuit generata prius duratione non pars corporis Christi, quia talis numquam fuit, nisi in supposito increato. Tunc igitur si beata Virgo habuit operationem in illa actione, cuius terminus fuit organizatio corporis, operabatur in instanti cum operatione Spiritus sancti." *Reportatio Barcinonesis*, ed. cit., 266-267.

²² By "first act" Scotus refers to the soul or substantial form which informs body and makes it a complete human nature with all its generative properties. Scotus point here is that the generative power is part of her nature, something she had by reason of the first act or substantial form, not by reason of the presence and cooperation of the other essential agent of procreation.

²³ Obediential potency means the potentiality any created thing has to be subject to special divine intervention.

²⁴ That is, whose hymen (or seal of virginity) is unbroken.

²⁵ Since Scotus has just replied to argument 4 and considers 5 and 6 to have been answered by his interpretation of St. John Damascene in the body of the question *supra*), only argument 3 remains to be answered.

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