

HERVAEUS NATALIS AND THE PROBLEM OF ORIGINAL JUSTICE

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SEVERAL proponents of the theory that original justice and sanctifying grace are really and adequately distinct gifts have held that such was the view, not only of St. Thomas, but also of many of his principal followers. J. Bittremieux and J.-B. Kors, O.P., have ascribed it to Cajetan, Sylvester of Ferrara, and others. And R. M. Martin, O.P., has attributed it also to the great fourteenth-century Dominican theologian, Hervaeus Natalis.

In a previous article I reviewed the recent controversy on this point,¹ and arrived at the conclusion that St. Thomas did not teach an adequate distinction between the two gifts, but simply an inadequate distinction, grace being the formal element of original justice. In view of this conclusion, the statement that Hervaeus Natalis taught the adequate distinction, and thus departed from his master, is highly interesting. I am no firm believer in the validity of the inference that an interpretation of St. Thomas on the part of his great followers constitutes an infallible index to the true teaching of the Angelic Doctor. Still, Hervaeus Natalis was a staunch supporter of Thomism in an age when Aquinas was vigorously opposed by the adherents of the Augustinian tradition; his penetrating insight not seldom brilliantly elucidated the doctrine of St. Thomas; consequently, any opinion advocated by him would very likely be a reflection of the tenets of his master.

This is especially true of any question connected with original sin, which was one of the main points of opposition to St. Thomas in the fourteenth century, and a topic that occupied Hervaeus during the years of his theological productivity in defense of the Angelic Doctor. Hence a study of Hervaeus

¹"Saint Thomas on Sanctifying Grace and Original Justice," *THEOLOGICAL STUDIES*, II (1941), 369-387.

Natalis in this matter may serve to aid us in arriving at the genuine thought of St. Thomas. If so early and important a Thomist as Hervaeus taught a real, adequate distinction between original justice and sanctifying grace,² what of the doctrine of St. Thomas? If, on the other hand, he favored only an inadequate distinction, the interpretation of St. Thomas previously presented receives striking confirmation.

DEFINITION OF ORIGINAL JUSTICE

Fortunately, while Hervaeus composed no special treatise dealing exclusively with the problem of original justice, he devotes considerable space to the question in the course of his many writings on original sin, particularly in his lengthy *Quaestio de Peccato Originali*,³ and also in his *Lectura super Sententias*.⁴

Hervaeus strenuously opposed the view, propounded by Henry of Ghent, that man before the fall was endowed by nature itself with a quality that could be called original justice. For him, original justice is a supernatural gift required for the complete subjection of the inferior faculties to the reason; but this complete subjection, which made impossible any revolt against the rule of reason, is not in man by virtue of his natural

²The importance of Hervaeus was fully appreciated in his own century and is again being realized today. A fourteenth-century manuscript thus refers to him: "Hervaeus, scilicet Hervaeus dominus, nulli prorsus theologorum inferior, metaphysicus summus, dialecticus et terminista subtilis, naturalis profundissimus, acerrimus disputator" (*Cod. Vat. lat.* 1076, f. 1 ra). Bernard Lombardi, a contemporary, calls him "doctor celeberrimus" (*Cod. Lips.* 529, f. 3 b), and "doctor subtilissimus huius scholae" (*Cod. Clm.* 13,501, f. 56 ra). The esteem in which he was regarded is thus summed up by Mortier, *Histoire des Maîtres généraux de l'Ordre des Frères Prêcheurs*, II, 531: "De l'avis de tous les chroniqueurs, Hervé passait pour l'homme de son temps le plus puissant en philosophie et en théologie." According to J. Koch, "Herveus Natalis war vielleicht der ausgesehenste Dominikanertheologe des beginnenden 14. Jahrhunderts" (*Durandus de S. Porciano*, O.P., I, 211); while in the opinion of F. Pelster, S.J., he was "der bedeutendste Dominikanertheologe jener Zeit" [*Franziskanische Studien*, XVII (1930) 272].

³A critical edition of this excellent work has been published by R. M. Martin, O.P., in his splendid book of previously inedited texts, *La Controverse sur le Péché Originel au Début du XIV^e Siècle*, pp. 50-130.

⁴Distinction 30 of Book 2 has been included in Martin's *La Controverse*. For all other passages I use the Venice edition of 1505.

make-up⁵; original justice is neither an acquired habit, nor is it a disposition proceeding from nature as such.⁶ On the contrary, by reason of concupiscence man is by nature attracted to whatever is pleasing to his senses. Theoretically speaking, it is natural for concupiscence to be held in check by reason. Actually, however, in the state of pure nature, this is far from natural; rather, the conflict between sense and reason is natural. Only in the supposition that man has received the supernatural gift of original justice is it natural for him to be free from such conflict, so that the senses readily obey the reason.⁷

Therefore original justice may be defined as a gift conferred on man so that a certain rectitude is found in him, in the sense that his reason and will are subject to God, and his lower faculties are subject to reason. This subjection and rectitude are to be understood as applying to everything that comes under the sway of free will, by which man has dominion over his activity.⁸ Or, in another definition which adds a further element, original justice may be said to be a disposition which determines the will to obey God, and the lower faculties to obey reason, and which can be transmitted by nature from parent to child.⁹

Hervaeus does not always employ the term in the same sense, but according to the exigencies of his argumentation uses it now in a wider, now in a narrower, meaning. In its fuller signification original justice embraces the subjection both of reason and will to God, and the subjection of the lower faculties to reason and will. This meaning appears in the definitions already cited, and in the express statement that original justice is a habit proper either to the will alone, or an association of this habit with a habit in the sense faculties, so that original justice includes several habits. In this sense, original justice implies the entire rectitude of man, comprising the habits of all the faculties of which rectitude can be predicated.¹⁰ In a more restricted and technical sense, the term is used to express the subordina-

⁵In II Sent., d. 30, q. 2. ⁶Q. de pecc. orig., q. 3.

⁷Ibid. ⁸Ibid., q. 4. ⁹Ibid., q. 2. ¹⁰Ibid., q. 4.

tion to reason of the inferior powers. Thus original justice is described as a disposition, the function of which was to regulate the lower powers under the rule of reason.¹¹ Again, Hervaeus states that for no other reason was original justice necessary than to ensure the absolute subjection of the lower faculties to reason.¹²

The nature of original justice is further clarified by a consideration of its essential components. Analysis reveals that it is composed of a formal and a material element, in the sense that whatever has the regulative function in original justice is its formal part, while that which is regulated or capable of regulation has a material character.¹³ If we apply this norm to original justice, we see at once that the regulative disposition in the will is the formal element, while the inferior faculties controlled by the will constitute the material element. For neither moral good nor moral evil consists formally in any disposition or inclination in the senses themselves, but rather in a disposition of the will or the reason which regulates them. And this is why parents cannot transmit either justice or sin to their children, though they can transmit a corporal tendency to good or evil: they cannot transmit a good or an evil disposition of the rational will.¹⁴

The material component of original justice resides in those faculties which are subject to the control of the will. Such are the sense faculties,¹⁵ for in the state of original justice these were regulated by the will.¹⁶ Of course, the will itself is regulated by the complexus of habits called original justice;¹⁷ but if we compare the habit residing in the will with the habit residing in the sense appetite, the latter is seen to be regulated by the former, and thus the former has the character of the formal component, the latter the character of the material component, of original justice.¹⁸

Hervaeus at times employs expressions which seem to indicate

¹¹*Ibid.*, q. 1. ¹²*In II Sent.*, d. 30, q. 2. ¹³*Q. de pecc. orig.*, q. 3.

¹⁴*Ibid.*, q. 2. ¹⁵*Ibid.*, q. 4. ¹⁶*Ibid.*

¹⁷*Ibid.*, q. 3. ¹⁸*Ibid.*

that the control of the inferior powers is the chief function of original justice, as when he affirms that original sin is the privation of a disposition which regulated the human faculties, but especially the lower powers which of their nature incline to rebel against reason.¹⁹ Such recurrent statements are perhaps due to his conviction that the proper subjection of the sensitive appetite is a more difficult matter than the due subjection of the mind and will to God, and from this point of view he considers the regulation of the lower faculties the chief purpose of the gift of original justice. However, when he considers original justice from the standpoint of its essential components, he unhesitatingly declares that the disposition residing in and regulating the will is the formal, and hence principal, element.²⁰ By it the will is not only rightly orientated toward God, but also controls the sensual appetites. The whole man is subject without rebellion to God, and consequently, Hervaeus can say that the habit which directs the will was either the whole of original justice, or at any rate its formal component.²¹

SANCTIFYING GRACE AND ORIGINAL JUSTICE

Unlike, St. Thomas, Hervaeus seldom makes any mention of grace in his discussion of original justice, nor does he explicitly deal with their relations to each other. But a lengthy investigation of all his works has led me to certain conclusions as to his mind on the question. Before presenting them, it will be well to consider briefly what Hervaeus means by grace. There is question here, of course, only of sanctifying grace, though Hervaeus does not employ the term "sanctifying." He favors the opinion that grace and charity are distinct entities: grace confers a supernatural *essè*, while charity confers the power of supernatural activity.²² Since charity is the immediate principle of the supernatural love of God, it presupposes a participation in the nature to which such an operation corresponds. This

¹⁹*Ibid.* ²⁰*Ibid.*, q. 4.

²¹" . . . habitus rectificans voluntatem erat vel tota iustitia originalis, vel magis formale in ea" (*ibid.*). ²²*In II Sent.*, d. 27.

participation in the divine nature, distinct from charity and its act, is grace. Grace is a certain beauty of soul which directly makes the soul pleasing to God; this is its sole immediate effect, though from it proceed in some fashion charity and other virtues.²³

This concept of the sole immediate effect of sanctifying grace does not, of course, exclude the possibility of it being the formal part of original justice. Some habit in original justice must subject the reason and will to God, and regulate the sense faculties so that they operate in accordance with this subjection; but it need not do so immediately. Thus in the theory that grace is the formal element of original justice, such subjection and regulation is procured through the medium of the infused theological and moral virtues. What Hervaeus says of grace in the present order would be true also in the state of primitive innocence; namely, that man tends toward God mediately through grace, in which is founded likewise the vigor of the supernatural virtues.²⁴

At any rate, Hervaeus held as certain the possession of sanctifying grace in the state of innocence. Thus in arguing that the sacraments are not indispensable for the conferring of grace, he proves that man may in certain cases be justified before the reception of baptism, and points out that although there were no sacraments in the state of innocence, nevertheless in that state grace was conferred.²⁵ Further, in arguing that in the state of innocence man had no need of an explicit faith in the redemption, he asserts that as long as that state endured no redemption was necessary, because before his sin man had not lost grace.²⁶ Therefore he possessed it prior to the fall. But why did man require grace in his pristine state? Hervaeus replies firmly that grace was necessary for the perfection of nature and for eliciting supernatural acts. However, grace was not needed for the cure of any spiritual disease, as in the present state.²⁷

²³*Ibid.* ²⁴*Ibid.* ²⁵*In IV Sent.*, d. 1, q. 2. ²⁶*Ibid.*, q. 4. ²⁷*Ibid.*

The relationship between grace and original justice is more explicitly indicated by Hervaeus in his doctrine that baptism destroys all sin, actual or original. In fact, this is one of his favorite arguments to prove that original sin is a real sin in the theological sense of the word, and not a mere obligation to undergo condign punishment. The doctrine itself is emphatic: the sacrament of baptism *ex opere operato* remits all sin, original and actual, mortal and venial.²⁸ This doctrine has a twofold proof: one drawn from the signification of the sacrament—which presupposes the dogma that the sacraments efficaciously operate what they signify—and another drawn from the effect of baptism. The first argument is obvious: baptism signifies the perfect cleansing of the soul, and this cleansing would not be perfect unless all sin, original and actual, were removed. The same is proved from the effect of baptism, since by baptism man is regenerated, reborn into the spiritual life. Hence, Hervaeus reasons, that by which man is reborn must remove any disposition which is opposed to, and incomparable with, the new form which constitutes a person in the spiritual life. But all sin, whether original or mortal, is opposed to grace, by which man is so constituted. Therefore grace must destroy all sin. The opposition between grace and sin is most direct, and this is why baptism confers grace: to destroy sin; for a privation can be removed *only by a habit which is directly opposed to it*. Since, then, baptism removes sin, it must do so by infusing a habit which is diametrically opposite to sin. Such a habit is grace.²⁹

From this opposition between sin and sanctifying grace, emphasized by Hervaeus, a conclusion may be deduced as regards his implied view of the relationship between grace and original justice. For our present purpose we may take sin as referring to original sin, and prescind from actual mortal sin, which is also remitted in baptism. Now the opposition between original sin and the grace of baptism is direct; for, as Hervaeus insists:

²⁸*In IV Sent.*, d. 4, q. 2. ²⁹*Ibid.*

"non tollitur privatio nisi per habitum oppositum." Concretely, in the present case, the habit is sanctifying grace, the privation is original sin. Accordingly, original sin is the privation of sanctifying grace. On the other hand, in the common and frequently repeated definition cited by Hervaeus, original sin is the privation of original justice. Hence sanctifying grace, while not purely and simply convertible with original justice, must be at any rate the principal part, the formal element, of original justice in the more comprehensive sense of the term. This does not negate the notion, so often inculcated by Hervaeus, that original justice is a disposition that brings the sense appetites consistently into harmony with right reason; for in this case original justice is regarded in its restricted, quasi-technical meaning, and is equivalent to what later theologians have called "integrity."

The fact that in speaking of the remission of sin in the sacrament of baptism Hervaeus couples original sin and actual mortal sin further confirms the conclusion that original sin is formally the privation of grace. Mortal sin is likewise incompatible with the form, sanctifying grace, which is infused in baptism; it, too, is a privation which can be removed only by the presence of the opposite habit. According to the common teaching of theologians, however, mortal sin, considered as a state, is the privation of sanctifying grace; in parallel fashion, consequently, original sin, considered as a state, must be the privation of grace. In this the two are identical; they differ inasmuch as the former connotes a personal, actual transgression of God's law, while the latter connotes a particular, actual transgression of God's will by Adam, the head of the human race, with the consequence that all of Adam's descendants are born into the world in the same state of sin in which he was constituted as a result of his actual sin, that is, in the state of habitual sin, privation of sanctifying grace. Again, therefore, original sin is the privation of sanctifying grace; and since original sin is also the privation of original justice, sanctifying

grace is in some respect the same as original justice. However, we know from other evidence that Hervaeus considered original justice to include elements not predicable of sanctifying grace. Hence the two terms are not equivalent. Grace is distinct from original justice, but inadequately, as the part is distinct from the whole. Sanctifying grace, then, is the formal component of original justice; by it the mind and will of man are duly orientated to God, his supernatural last End.

This interpretation is strengthened by a second reason he assigns for the bestowal of grace in baptism, in the same context as the passage last cited. He asserts that the relationship between natural generation and the possession of nature is proportionate to the relationship between spiritual generation and the possession of grace: by natural generation nature is received, and similarly by spiritual generation grace is received.³⁰ Thus baptism is a spiritual regeneration which restores what was lost, namely, grace. Therefore grace was lost by the sin of Adam, and remains lost to us his descendants. It is restored to us by baptism, in that the grace conferred by baptism expels the privation, that is, original sin.

Consequently, although the soul from the instant of its union with the body contracts original sin and the obligation of possessing original justice, nevertheless this obligation need not persist for the full duration of the union between body and soul, because it is cancelled by the grace which is recovered in baptism. Once the soul possesses sanctifying grace it is no longer under any obligation to possess original justice, because it has recovered grace, that which it ought to possess; grace in restoring what is due "re-balances" the obligation, and the obligation ceases.³¹

That original justice formally comprises grace is indicated

³⁰*Ibid.*

³¹"Licet anima ex unione ad carnem incurrat peccatum originale, et debitum habendi iustitiam originale, non tamen quandiu est unita carni manet istud debitum, quia tollitur per gratiam *recompensantem* in baptismo. Et ideo non manet amplius" (*In II Sent.*, d. 30, q. 5).

likewise by the punishment which Hervaeus ascribes to original sin. Baptism, besides remitting the sin itself, condones the punishment which is logically demanded by original sin, the privation of the beatific vision.³² In the case of Adam himself this punishment is perfectly understandable, for he committed a grave personal sin; but why should his descendants be thus punished? Deprivation of the beatific vision is now a real punishment, though it would not have been such in the state of pure nature. Now it is a privation in the strict sense, implying a loss of the title to the beatific vision, namely, grace. Consequently, if original sin, which is the privation of original justice, involves the privation of the beatific vision as its condign punishment, original justice would seem to include the title to the beatific vision, namely, sanctifying grace.

The theory that original justice and sanctifying grace are adequately distinct supposes that the state of original sin is indeed incompatible with the beatific vision, but only for the reason that the loss of sanctifying grace is a punishment for the privation of original justice, and therefore as a natural consequence of this loss of grace the beatific vision is impossible. But Hervaeus does not say this. He does not say that baptism, by the fact that it restores grace, merely condones the punishment of original sin, that is, the privation of grace. He says that it remits the sin itself, and that it also condones the punishment of original sin, which is the privation of the beatific vision. The punishment is condoned because the title is restored.

RESPONSE TO SOME DIFFICULTIES

But all this argumentation based on Hervaeus' doctrine of the remission of original sin by baptism is seemingly refuted by his response to an objection that original sin is neither the privation of original justice nor inordinate concupiscence, which Hervaeus regards as the material component of original sin. The point of the objector is that the grace of baptism, although

³²"Baptismus tollit poenam quam quis expectat pro peccato originali, scilicet carentiam visionis divinae pro statu in quo convenit videre Deum" (*Q. de pecc. orig.*, q. 3).

it truly remits original sin, yet does not remove concupiscence, nor make good the privation of original justice; therefore neither the privation of original justice nor concupiscence can be original sin.³³

To this Hervaeus replies that a baptized person no longer has any obligation of possessing the original justice which he lacks. Therefore, in the baptized person this privation is not sinful; what was sinful therein has been remitted by baptism. Similarly, after baptism concupiscence no longer has the character of sin, because the baptized person now possesses another regulator, *aliud regulativum*, of inordinate concupiscence, namely, grace and charity. Consequently, even though concupiscence remains as a penalty, and even though the baptized person does not possess original justice, nevertheless the privation of original justice together with the obligation of possessing it is the formal element of original sin, and concupiscence, since it lacks the regulator it ought to have, is the material element of original sin.³⁴

This would seem, at first sight, to destroy our previous reasoning that Hervaeus considered sanctifying grace to be the formal and principal part of original justice. The baptized person, even though he does not recover original justice, nevertheless receives some regulative force for controlling his rebellious appetites. This force, which is *other* than that possessed by virtue of original justice, is sanctifying grace and the infused virtue of charity. Therefore, in the state of innocence grace was not the formal part of original justice, for to the formal component of original justice is assigned a regulative influence over the sense appetites, and this was other than grace.

Still, if we analyse the manner in which grace and charity exercise a controlling influence over rebellious appetites, we see readily that no conclusion may be drawn from the passage in question to refute our contention. Grace, according to Hervaeus, confers a supernatural *esse*; it is a participation in the

³³*Ibid.*, q. 3, obj. 17. ³⁴*Ibid.*, q. 3, ad 17.

divine nature; it is a certain beauty of soul; it has as its formal effect the rendering of the soul pleasing to God; it has no other immediate effect, though from it flow in some manner charity and the other virtues.³⁵ The infused virtue of charity confers the power of supernatural activity; it is the immediate principle of the supernatural operation of loving God.³⁶

If such are the proper functions of grace and charity, how can Hervaeus say that they are a regulative force for the control of concupiscence in the baptized person? Certainly there is nothing intrinsic in these two supernatural gifts to which we can ascribe such an effect. Hervaeus would seem, then, to mean no more than what later theologians would say: that the grace conferred by baptism, regarded as the special "sacramental grace" of baptism, carries with it a right to *actual* graces, as they are needed for the control of inordinate concupiscence. So much for the *regulativum* in the present order.

But Hervaeus states that this is *aliud regulativum*, a controlling force other than that possessed by man in the state of original justice. As we have seen, a disposition or habit procured in Adam that perfect subjection of reason and will to God which was the formal element of original justice, and from which proceeded in some unexplained manner the disposition which perfectly regulated the lower appetites. How was this latter regulation effected? Hervaeus does not enter into this problem. Perhaps it was by some habit—analogue, let us say, to the infused moral virtue of temperance, together with efficacious actual graces, etc.—which inhibited the spontaneous activity of the sense faculties. But, at any rate, we have no reason for affirming that God did not ordain that sanctifying grace, as the principal element of original justice, should constitute the right and title to the possession of a preternatural habit (of which we have no exact knowledge, but which we may call the gift of integrity), which would absolutely regulate our concupiscible powers and inhibit their revolt against

³⁵In II Sent., d. 27. ³⁶Ibid.

right reason. Such a habit would be wholly distinct from the actual graces for the control of concupiscence, to which the sacramental grace of baptism now gives a title: it would be *aliud regulativum*. Accordingly, there is nothing in this detail of the doctrine of Hervaeus to refute the interpretation that he considered sanctifying grace the formal component of original justice. In any case, even prescinding from this analysis, grace would be an *aliud regulativum* as compared with original justice, for the two are not adequately identical.

FURTHER ARGUMENTS

The opposition between grace and original sin which Hervaeus stresses in his doctrine on baptism is brought out in several other connections as well. In the question of the Immaculate Conception, so hotly disputed in the early fourteenth century, Hervaeus holds firmly to the opinion that the Blessed Virgin was not conceived immaculate. Nevertheless, he contends that, absolutely speaking, God could have preserved her from original sin from the very instant of her conception: He could have created her soul in the state of grace.³⁷ By the very fact of having grace, she would be free from original sin, that is, free from the privation of original justice. Obviously, therefore, grace is conceived by Hervaeus to be in some respect equivalent to original justice.

The same contrast is exhibited in still another context. In reply to the objection that original sin is not a real sin in Adam's descendants, just as Christ's merits are not our merits, Hervaeus states that the effect of Christ's merits is truly communicated to us, and this effect is sanctifying grace, which is the contrary of sin and which renders us worthy of eternal life. Similarly Adam's sin is transmitted to us, not in itself, but in its effects. This effect is original sin, the contrary of grace, which renders us subject to eternal punishment, and unworthy of eternal life.

³⁷*Quolibeta Subtilissima Hervaei Natalis Britonis*, (Venice, 1513), *Quol.* 4, q. 15. The fifteenth question is devoted explicitly to the contention that the Blessed Virgin was conceived in original sin.

Therefore the objection rather favors Hervaeus; for just as Christ's merits are the cause of grace in us, so Adam's transgression is the cause of our sin, which can be remitted only by the grace of Christ.³⁸ Grace, our title to eternal life, is here contrasted with original sin, our title to eternal punishment; hence original sin must be the privation of grace. Original sin, however, is defined also as the privation of original justice. Therefore, Hervaeus must have considered grace and original justice to be in some respect identical.

The stand taken by Hervaeus that the will is the principle of meritorious activity seems to lead to the same conclusion. Hervaeus states expressly that original justice resided in the will, or more accurately, in the soul through the medium of the will, in the sense that only through the will is the soul capable of receiving such a perfection.³⁹ His reason is that since original justice is a gift bestowed on man to effect his rectitude, we must regard this rectitude from the standpoint of his free will, for it is in man's free acts that meritorious rectitude and culpable iniquity consist. Hence that which rightly orders the will is the principal constituent of rectitude as such.⁴⁰ Now, no habit residing in the essence of the soul can immediately rectify an activity whose immediate principle is not the essence of the soul, but a faculty, the will. This is why Hervaeus concludes that original justice is either a single habit of the will, or primarily a habit of the will in conjunction with a habit of the sense faculties.⁴¹ Conversely, original sin, which is a defect in that which was the principle of meritorious activity, is primarily in the will rather than in any other faculty.⁴²

³⁸*Quod.* 4, q. 14.

³⁹"Quia iustitia originalis erat in voluntate sicut in subiecto, vel ut melius dicam, in anima mediante voluntate, ita quod illud secundum quod anima est nata suscipere talem perfectionem est ipsa sola voluntas" (Q. de pecc. orig., q. 4). In this Hervaeus differs from St. Thomas, according to whom "originalis iustitia pertinebat primordialiter ad essentiam animae" (I-II, q. 83, a. 2 ad 2).

⁴⁰*Q. de pecc. orig.*, q. 4. ⁴¹*Ibid.*

⁴²*Ibid.* Here again Hervaeus abandons St. Thomas, who holds that original sin is primarily in the essence of the soul (cf. I-II, q. 83, a. 2, and *De Malo*, q. 4 a. 4).

From this exposition no certain deduction can be made which would either establish or refute the contention that Hervaeus considered grace a part of original justice. Nevertheless, the terms he uses, *meritum*, *rectitudo meritoria*, *actus meritorius*, *principium merendi*, indicate supernatural activity, proceeding from the will informed by sanctifying grace and the infused virtue of charity. Since the will informed by original justice is likewise viewed by Hervaeus as the principle of such meritorious activity, some identification between grace and original justice seems to be asserted.

But here a serious difficulty arises. If grace is the formal element of original justice, then Hervaeus must consider grace to reside in the will, seeing that in his doctrine the will is the subject of the formal element of original justice. However, nowhere, so far as I have been able to discover, does he deal with the question of the subject in which grace resides; indeed, he is in some doubt as to whether grace and charity are really distinct or not. Where he treats explicitly of grace, in a context which has nothing to do with the relation between grace and original justice, he holds that grace confers *esse supernaturale*, while charity confers *operari supernaturale*, and that therefore the two are distinct. But he frankly confesses that he cannot decide on the nature of this distinction, although he prefers to say that it is real.⁴³ Still, he does affirm with certitude that charity is the immediate principle of the will's supernatural act of the love of God.⁴⁴ Since, then, original justice is formally the subjection of the will to God, and since the formal element of original justice resides in the will, the argument that grace, from which in some manner charity proceeds,⁴⁵ is this formal element of original justice, is by no means unreasonable.

Even if we knew definitely that Hervaeus regarded grace as an entitative habit inhering in the essence of the soul, we could not argue that in his teaching grace is not the formal component of original justice. He does indeed say that a habit exist-

⁴³*In II Sent.*, d. 27. ⁴⁴*Ibid.* ⁴⁵*Ibid.*

ing in the essence of the soul cannot immediately regulate an operation whose immediate principle is a potency or faculty.⁴⁶ But it could do so mediately through the virtue of charity, which inheres as a habit in the will. In this view original justice would be conceived as a complexus of infused supernatural and preternatural habits: by sanctifying grace the soul would participate in the divine nature, and together with all its faculties would be entitatively subjected to God, man's final supernatural End; by the infused virtue of charity the will, enlightened by reason, would exercise its power of supernaturally loving God, and of directing all its activity meritoriously to God as last End; by means of another habit, which we may call "integrity" (original justice in a restricted sense), the lower appetites would be under the despotic control of the will. If still another habit must be postulated as residing in the sense appetite to secure its prompt obedience to the will, there is no need that such a habit be original justice.⁴⁷

A DISPUTED TEXT

We must come at length to the examination of a passage in the *Quaestio de Peccato Originali* which seems to undermine the opinion that to Hervaeus grace was the formal component of original justice. The text in question was first published by Father Martin in an article on Hervaeus in 1925,⁴⁸ in which he remarked that in this text Hervaeus exposes the genuine doctrine of St. Thomas: original justice was to be communicated or transmitted along with nature itself.⁴⁹ Father Martin uses the text as an argument for his theory of the adequate distinction between original justice and sanctifying grace. Let us see what Master Hervaeus here teaches.

⁴⁶Q. de pecc. orig., q. 4. ⁴⁷*Ibid.*

⁴⁸"E primitiis Scholae divi Thomae Aquinatis: Magistri Hervaei de Nédellec, O.P., tractatus de peccato originali," *Xenia Thomistica*, III (1920), 233-247; the text is printed on pp. 242-243.

⁴⁹"Videsne, candide lector, magistrum Hervaeum hisce verbis genuinam tradere doctrinam S. Thomae: iustitiam originalem natam esse communicari vel transmitti cum natura" (*ibid.*, p. 243).

He is defending the contention that only the first sin of the first parent could have been transmitted to posterity. His proof is the following syllogism: Only that sin of a parent can be transmitted to his descendants which can cause in them the privation of the disposition capable of regulating the will so that it obey God, and the lower faculties so that they follow the guidance of reason, and which furthermore was such that it could be transmitted from parent to child along with human nature. But only the first sin of Adam could cause the privation of such a disposition. Hence only the first sin of Adam can pass over to his posterity.⁵⁰ We are here concerned only with the minor premise, which Hervaeus established at some length.

He argues that, with the exception of original justice, no virtuous disposition or habit capable of bending the will or the lower faculties to the guidance of right reason is so closely connected with nature as to admit of transmission along with nature. For grace and that tendency of the appetitive potencies toward good which springs from the acquired or infused virtues are not capable of being communicated along with nature: a father endowed with grace does not beget a child automatically endowed with grace, nor does a virtuous man necessarily beget a virtuous child, just as a grammarian does not beget a grammarian. But original justice as conferred on the first man would have enabled him, provided he had persevered therein, to communicate the gift to his posterity along with nature, so that the just would have begotten the just. This power, however, belonged only to the father, not to the mother, because the communication of any quality, natural or supernatural, is attributable to the active, not to the passive principle of generation. Adam alone possessed the power of depriving himself and his posterity of original justice; Eve could deprive only herself. And therefore only that sin of Adam which deprived him, and consequently his posterity, of original

⁵⁰Q. *de becc. orig.*, q. 2.

justice could be transmitted. Other sins of Adam or of other parents, since they involve no privation beyond that of grace or the acquired or infused virtues—none of which are capable of communication along with nature from parent to child—cannot be transmitted to posterity.

It was, therefore, the first sin of Adam which deprived him of original justice. Prior to that sin there is no assignable cause for such a privation, since God takes no grace or dignity from anyone except in consequence of sin. However, the gift could not exist in conjunction with that first sin, for original justice was conferred on man with the proviso that only so long as his will remained subject to God would his lower faculties be subject to right reason. By his first grave sin Adam violated the proviso, lost the gift for himself, and consequently for his posterity.⁵¹

A consideration of this passage suggests the conclusion that Hervaeus could not have included grace in his concept of original justice. The conclusion is seemingly strengthened by a parallel text in his *Commentary on the Sentences*, in which he similarly claims that only the first sin of Adam, no sin of other parents, could have been communicated to posterity. He reasons that, except in the case of original justice, human nature has never been endowed with a habit capable of transmission with nature, in such wise that its possession should be obligatory in each individual; for grace and the habits of acquired or infused virtues are purely personal gifts, incapable of transmission.⁵²

However, a closer scrutiny of this doctrine reveals that it contains no proof either for or against the inclusion of sanctifying grace in original justice. Hervaeus proves decisively that the only communicable sin is original sin, and that the only communicable habit is original justice. He proves further that original justice is not sanctifying grace, as the former is a gift to nature, the latter a gift to the person. But he does not prove

⁵¹*Ibid.* ⁵²*In II Sent.*, d. 30, q. 5.

that grace is not included in original justice. Undoubtedly he teaches that original justice could and should have been transmitted with nature, while grace itself, after the fall of man, cannot be transmitted.

But the question is: How did Hervaeus conceive of the transmission of original justice? His doctrine is clear: the semen of Adam (and the same is true of any subsequent father), as the active principle of generation, acted positively on the matter supplied by his partner in the act of generation, in such wise that it disposed this matter for the reception of the soul at the proper stage of natural development.⁵³ By the fact of generation, Adam likewise transmitted an obligation, a *debitum*, for the further reception of the gift of original justice.⁵⁴ In consequence of Adam's sin God no longer bestows the gift, though the *debitum* remains, by reason of God's intention that the whole human race possess the gift. If Adam had not lost the gift by sinning, original justice would have existed *virtually* in his semen, since it would have been handed down by Adam along with human nature through the medium of seminal generation.⁵⁵

Hervaeus accordingly teaches that original sin, the privation of original justice, is a sin that is communicated along with nature: Adam's descendants *ought* to be born with the gift, but as a matter of fact are born without it. On the other hand, grievous personal sin, which, as a state, is the privation of sanctifying grace, is not transmitted; for grace, except when included in the complexus of habits called original justice, is not a gift to nature but to the individual person, and hence in the present order children propagated by a father in the state are not born with any *debitum* of possessing it (prescinding of course from the obligation of possessing original justice).

So when Hervaeus states that the end and good of man is to live in accord with right reason, and that to this end he

⁵³Q. *de pecc. orig.*, q. 4; also q. 1. ⁵⁴*Ibid.*, q. 1; *In II Sent.*, d. 30, q. 5.

⁵⁵Q. *de pecc. orig.*, q. 1.

requires an infused habitual disposition which will so order his faculties that he may act in a rational manner,⁵⁶ he is speaking not of the natural end and good of man but of some end that transcends nature. For the disposition required is a supernatural gift, a *donum supernaturale*,⁵⁷ which would not be needed to secure any natural end, since Hervaeus with his Aristotelian-Thomistic heritage knew that nature is not deficient in its own sphere. Rather, since man possessed grace in the state of innocence,⁵⁸ the end of man was supernatural in the strict sense, and life and activity according to right reason (for which original justice was required) was supernatural life and supernatural activity.

CONCLUSION

This is as much as I have been able to discover on the subject of the relationship between sanctifying grace and original justice in the known works of Hervaeus Natalis. In a prolix treatise entitled *De Unitate Formarum*, which is printed as a genuine treatise of Hervaeus in the 1513 Venice edition of his *Quodlibeta*, we read that original sin is the privation of grace.⁵⁹ But Ehrle has proved that the treatise is neither the work of St. Thomas, to whom it has also been ascribed, nor most probably of Hervaeus.⁶⁰ The citation, however, is of interest as showing that the concept of original sin as the privation of sanctifying grace was not so rare in the late middle ages as is sometimes averred.

Outside of the passages cited, nothing helpful is to be found in the *Sentences* of Hervaeus. He omits some sections which might have dealt with the matter, especially distinctions 20

⁵⁶*Ibid.*, q. 2; also q. 3.

⁵⁷*Ibid.*, q. 3, several times; and in many other passages.

⁵⁸" . . . in statu innocentiae in quo non fuissent sacramenta, fuisset tamen gratia" (*In IV Sent.*, d. 1, q. 2).

⁵⁹" . . . neque enim peccatum originale aliquid ponit. Sed potius destitutionem et privationem gratiae dicit" (f. 94 rb).

⁶⁰*Summa Philosophiae accomodata a Cosmo Alamanno*, (Paris, 1894), pp. v-xiii and 523-581.

and 29 of Book II. In distinction 24 of the same Book, in which Peter Lombard treats of the grace man possessed before the fall, Hervaeus concerns himself only with the question, "utrum conscientia pertineat ad intellectum," and has not a word about original justice.

Nevertheless it seems possible to state with certitude the genuine opinion of Hervaeus in this matter. From a reading of isolated passages, especially in the *Quaestio de Peccato Originali*, it is easy to conclude that he knew nothing of sanctifying grace as an element in original justice. This is perhaps why Bittremieux affirmed without misgivings that Hervaeus taught a real, adequate distinction between the two.⁶¹ But if one studies in context all that the fourteenth-century Thomist has to say on the subject, the conclusion appears obvious that he considered grace to be the formal element of original justice.

⁶¹"Justitia originalis et gratia sanctificans: Doctrina Cajetani," *Ephemerides Theologicae Lovanienses*, VI (1929), 633-654. On p. 653 the author cites in favor of his assertion merely a portion of the section published by Martin in *Xenia Thomistica*, III (1925), pp. 242-243, which we have examined above.

