

## THE TWO SENSES OF ORIGINAL JUSTICE IN MEDIEVAL THEOLOGY

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IN THE course of the controversy on the distinction between original justice and sanctifying grace, which has occupied the attention of theologians for several decades, and must continue to do so, Luis Teixidor, S.J., contributed several papers which throw considerable light on the subject. The incentive that started the controversy was the contention, first proposed by R. Martin, O.P., and subsequently favored by J. Bittremieux, J.-B. Kors, O.P., and others, that St. Thomas, in defining original sin as the privation of original justice, did not at all mean that original sin was the privation of sanctifying grace, since for him original justice and sanctifying grace were two entirely different entities, two adequately distinct gifts.

This view I hold to be erroneous. I do not think that St. Thomas taught any such doctrine, and I endeavored to show this in an article several years ago.<sup>1</sup> In this conviction I share the opinion of the majority of contemporary theologians who have participated in the controversy. Of these, Father Teixidor decided to go to the root of the matter and determine what St. Thomas really had to say concerning original justice. The result of his researches was interesting. The Angelic Doctor, Teixidor found, did indeed employ the term original justice in a sense exclusive of sanctifying grace; by it he meant freedom from inordinate concupiscence, or more positively, perfect harmony and hierarchical subordination among the various human faculties, so that the lower appetites were subject to the will, and the body to the soul. In other words, St. Thomas used the expression original justice in the sense in which later theologians speak of the preternatural rectitude of human nature or the gift of integrity.

But this was by no means all that Teixidor discovered. St. Thomas, he proved, also employs the same term, original justice, in an ampler sense, as embracing, besides this integrity, also the strictly super-

<sup>1</sup> "Saint Thomas on Sanctifying Grace and Original Justice," *THEOLOGICAL STUDIES*, II (1941), 369-87.

natural gift of sanctifying grace. Both gifts taken together, sanctifying grace and integrity, constitute the complex gift called original justice, with sanctifying grace its principal and formal element. It is original justice in this ampler sense that St. Thomas has in mind when he defines original sin as the privation of original justice.<sup>2</sup>

This distinction between the two senses of original justice seemed to me highly important for the settling of the controversy. I fell to wondering what would be the result of a study along similar lines of the Scholastic theologians who took part in the great debate of the early fourteenth century concerning original sin—a debate between the adherents of the lingering Augustinianism of Henry of Ghent and the champions of the “novel” Thomism, with the critical genius of Durandus belaboring both sides, and which finally, after a generation of attacks, counterattacks, and strategic retreats, ended in the triumph of the Thomistic view.

Somewhat to my astonishment I found that all of the chief figures in the controversy understood the issue in the same light. They are all aware of two meanings attaching to original justice, a restricted sense exclusive of sanctifying grace, and a fuller sense inclusive of sanctifying grace.

Most of these doctors define original sin as the privation of original justice; and such of them as reject this definition nevertheless deal with the concept of original justice in the course of their refutation of the Anselmian and Thomistic view and in their discussion of alternative proposals. And all of them, with the exception of Henry of Ghent, whether they accept this definition or not, understand that original justice in the fuller sense is meant.

I propose to set down succinctly the results of this study, together with pertinent evidence. The theologians investigated are Henry of Ghent, Durandus of Saint-Pourçain, Peter Paludanus, James of Lausanne, and Guido Terreni.

#### HENRY OF GHENT

In the so-called “Augustinian” view of original sin taught by Henry of Ghent, according to which original sin is a positive entity, a “morbid

<sup>2</sup> L. Teixidor, S. J., “Una Cuestión lexicográfica. El uso de la palabra Justicia Original, en Santo Tomás de Aquino,” *Estudios Eclesiásticos*, VI (1927), 337–76, VIII (1929), 23–41.

quality" transmitted along with human nature, original justice is no more than the rectitude proper to human nature as it was created by God, prior to Adam's transgression. The term original justice, however, was variously employed by theologians according to different connotations, and Henry is cognizant of this in his treatment of the subject.

Henry of Ghent has occasion to expose his ideas on original justice in two of his *Quodlibeta*. In the second *Quodlibet* he states that original justice in our first father was some kind of supernatural grace; but whether this grace was *gratuita* or *gratis data* he declines to say for the moment. At any rate, it strengthened the justice which was already in us by nature, and conferred on us the tendency to direct ourselves as it were automatically to moral good.<sup>3</sup>

There is here a hint of a twofold meaning to the term original justice: it may be taken as signifying the mere natural rectitude of the will, or it may indicate some kind of added supernatural grace. Henry comes back to the topic in the sixth *Quodlibet*, in which he devotes an entire question to a discussion of the nature of original justice. Does original justice, he inquires, mean only the natural rectitude of the will which the soul possessed by the very fact of creation, or does it imply some gift infused into the will? To clarify the point at issue, replies Henry, we must first of all understand that whether the term original justice refers solely to such a gift, or whether it comprises natural rectitude together with this gift, the gift itself transcends nature and is really distinct from nature. In the state of innocence the will was never without this gift; still, by an intellectual abstraction we can conceive of the will independently of the gift; and since the will thus considered

<sup>3</sup> "Intelligendum quod originalis iustitia in primo parente nihil aliud fuit quam quaedam supernaturalis gratia, utrum gratuita vel gratis data, de hoc nihil ad praesens, quae naturalem iustitiam roborabat, et prouitatem inclinandi ad bonum quasi ad dexteram dabat. Quam cum primus homo per perversitatem voluntatis suae divino praecepto contrariando contempsit, illam iustitiam amisit qua inclinabatur ad dexteram virtutis; sed e contra in rectitudine naturali voluntatis debilitatus est, et prouitatem contrariam inclinationis ad sinistram peccati incurrit" (*Quodl. II*, q. 11).

Critical editions of some of the selections cited in this article will be found in the collection of previously unpublished texts, R. M. Martin, *La Controverse sur le péché originel au début du xiv siècle* (Louvain, 1930). This volume will be referred to simply as Martin, with appropriate page references. Thus the passage just cited is contained in Martin, pp. 9-10.

was free from all sin, there was in it nothing vicious, nothing opposed to morality, nothing contrary to the good of nature. Hence the will in itself was endowed with a strictly natural rectitude, which was quite distinct from any rectitude conferred by a supernatural gift.<sup>4</sup>

This natural rectitude may truly be called justice; and since it was possessed by man from his very origin, it may fittingly be called original justice. Therefore original justice need not imply any gift added to nature; but if it does include such a gift, the more comprehensive meaning of the term springs rather from conventional usage than from the denotation of the thing itself.<sup>5</sup>

Thus original justice considered in itself includes no infused gift whatever, but is only the natural rectitude of the will. If we refer now, says Henry, to the term so understood all the attributes which the ancient doctors and contemporary theologians ascribe to original justice, we find that all of them are applicable, with one exception: namely, if man lacked an added grace, he could not persevere in original justice without sinning.<sup>6</sup>

Accordingly, if original justice connotes this last attribute, it must necessarily include some added gift, since nature of itself was unequal to the task of persevering without sin.<sup>7</sup>

In the fuller meaning of the term, then, original justice comprises the infused gift together with natural rectitude. But the question arises, what precisely is this infused gift of which Henry speaks so frequently? He does not explain this directly. However, from his account of what constitutes the opposite of original justice, he clearly means sanctifying grace. For, as he says, opposed to original justice is original injustice, which consists in a lack of both the infused gift and of natural rectitude, so that original injustice signifies the spoliation of a gratuitous gift, and an injury to nature.<sup>8</sup> The word gratuitous here

<sup>4</sup> *Quodl. VI*, q. 11, in *Quodlibeta Magistri Henrici Goethans a Gandavo Doctoris Solemnis* (Paris, 1518), f. 231v.

<sup>5</sup> "Illa iustitia naturalis vera iustitia potuit dici, et non est dubium quin originalis: quia ab origine. . . Quantum ergo est ex natura rei non oportet quod iustitia originalis suo nomine includat aliquod donum; quod si includat, hoc procedit magis ex usu nominis quam ex ratione rei nominatae" (*ibid.*, f. 232r).

<sup>6</sup> *Ibid.*, f. 232v.

<sup>7</sup> "Unde si originalis iustitia nominat id cuius est talis conditio, dico quod necessario donum includat; quia ad hoc natura nuda non sufficiebat" (*loc. cit.*).

<sup>8</sup> "Sed donum ipsum una cum rectitudine naturali dicitur originalis iustitia, cui opponitur iniustitia, quae consistit in carentia utriusque; quae necessario ponit in voluntate

apparently means sanctifying grace, for thus it was commonly understood by medieval theologians who employed the expression, *spoliatio in gratuitis, vulneratio in naturalibus*. But especially is this meaning demanded from Henry's usage of the term in the passage from the second *Quodlibet* previously cited, in which the Doctor Solemnis states that "original justice in our first parents was nothing but a supernatural grace, whether *gratuita* or *gratis data*, I say nothing at present."<sup>9</sup> From the contrast between *supernaturalis gratia gratuita* and *gratia gratis data*, the former is clearly sanctifying grace. And when Henry says that he will not determine this matter at present, he implies that he will do so on a later occasion; but nowhere does he devote himself to this task except in the eleventh question of the sixth *Quodlibet*.

However, in view of Henry's doctrine on original sin, it is especially original justice in the narrow sense of natural rectitude of the will in which he is interested. Therefore he thinks it more exact to hold that original justice is nothing more than natural rectitude, although from the standpoint of usage and certain qualities or effects ascribed to it, it also embraces a supernatural, infused gift.<sup>10</sup>

#### DURANDUS OF SAINT-POURÇAIN, O.P.

Throughout his writings which deal with the subject, Durandus teaches that original justice was a free gift of God, bestowed upon the whole human race. It was a gift which rightly ordered the entire man under God's dominion, a gift which imparted rectitude to the will, so that the will was subordinate to God, and which rendered the lower faculties prompt in obedience to reason, while it inhibited anything in the body that might oppose the soul.<sup>11</sup>

It is important for an understanding of the doctrine of Durandus to note how he insists that the chief element in original justice is rectitude of the will. He emphasizes this point in contrasting original justice

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obligationem contrariam naturali rectitudini, ut originalis iniustitia dicat spoliationem in gratuitis, et vulnerationem in naturalibus" (*loc. cit.*).

<sup>9</sup> "Originalis iustitia in primo parente nihil aliud fuit quam quaedam supernaturalis gratia, utrum gratuita vel gratis data, de hoc nihil ad praesens" (*Quodl. II*, q. 11; Martin, p. 9).

<sup>10</sup> "Simpliciter ergo et absolute quantum est ex impositione nominis, verius dicendum est iustitia originalis donum aliud non includit quam illud quod est naturalis rectitudinis; licet quoad usum et aliquas condiciones sive effectus necessario donum supernaturale infusum includit" (*Quodl. VI*, q. 11, ed. 1518, f. 233r).

<sup>11</sup> *Quodl. I Avenionense*, q. 9; Martin, p. 354.

with its privation. A habit and the privation thereof, he states, have to do with the same perfection. Accordingly, since original justice consisted principally in the proper subordination of the will to God, which subordination was followed by the rectitude of the lower faculties in obedience to the reason, and by the impassibility and immortality of the body, the privation of original justice consists principally in the lack of the due subordination of the will, and consequently in the deordination of the lower faculties with respect to the reason, together with passibility and mortality of the body.<sup>12</sup>

Bearing in mind that subjection of the will to God is the principal factor in original justice, we can readily appreciate the relationship between sanctifying grace and original justice according to Durandus. The term original justice, he points out explicitly, has two meanings. Taken in the wider sense, it embraces the subordination of the will to God, the proper submission of the body to the soul, and the subjection of the sense faculties to the rule of reason. It can also be understood in a more restricted sense, as denoting only the latter two elements, that is, the submission of the body to the soul, and the right ordering of the sense faculties under the reason. Such a distinction is demanded, because the subordination of the will to God (in which man's merit, procured through grace, consists) pertains rather to gratuitous justice than to original justice. This gratuitous justice in the first man was, as it were, the root of original justice; for from the subordination of man's will to God proceeded the due subjection of the body to the soul, and of the sense faculties to the reason. And hence, too, once the rectitude of the will was lost, the secondary rectitude was likewise lost, for it was dependent on the primary rectitude.<sup>13</sup> In a subsequent

<sup>12</sup> *In II Sent.* (A), d. 31, q. 3; Martin, p. 170. It is well known that the *Sentences* of Durandus were issued in three redactions, designated as (A), (B), and (C). Questions 30-33 of the first redaction are contained in Martin, pp. 158-83. Unless otherwise noted, citations refer to the third and final redaction (C), published in Venice, 1571.

<sup>13</sup> "Originalis iustitia accipitur dupliciter. Uno modo large, prout comprehendit rectitudinem voluntatis ad Deum et debitam subiectionem corporis, et virium sensitivarum ad animam, sive ad rationem. Alio modo accipitur magis stricte: videlicet pro sola subiectione corporis ad animam, et debito ordine virium sensitivarum ad rationem; rectitudo enim voluntatis (in qua consistit meritum hominis, quod est cum gratia) magis pertinet ad iustitiam gratuitam quam ad originalem. Et fuit in primo homine quasi radix originalis iustitiae, ex eo enim quod ei inerat rectitudo voluntatis ad Deum, inerat etiam ipsi debita subiectio corporis ad animam, et virium sensitivarum ad rationem;

repetition of the same doctrine, Durandus adds that original justice in the narrower sense is the more proper understanding of the term.<sup>14</sup> By this he apparently means "more proper" in the sense of a more specific, technical term; for in the third redaction of his *Sentences* he continues to regard the rectitude of the will as the main factor in original justice.<sup>15</sup>

Hence, in the full comprehension of the word, original justice included sanctifying grace as its formal element, perfect control over the sense appetites, and impassibility and immortality.

It is of original justice in its complete comprehension that Durandus speaks when he contrasts it with original sin. Thus when he defines original sin in the first redaction as the obligation of suffering the privation of original justice, and in the third redaction as the privation of original justice together with the obligation of possessing it, he understands original justice as including sanctifying grace, by which the will was subjected to God.<sup>16</sup> For, as he states with the utmost clarity, the excellence of the primitive state consisted in the supernatural subordination of the will to God, from which proceeded the rectitude of the sense faculties and the gifts of immortality and impassibility; and therefore by his sin Adam deprived himself and us primarily of grace, and consequently of all the gifts which depended thereon.<sup>17</sup>

PETER PALUDANUS, O.P.

Peter Paludanus, who vigorously combats many points of the doctrine of Durandus on original sin, understood the latter's view of original justice as set forth above. But while he likewise accepts the double signification of the term, he rejects a detail or two in Durandus'

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unde amissa prima rectitudine, amissa fuit et secunda tanquam ex ea dependens" (*In II Sent.*, d. 20, q. 5).

<sup>14</sup> "Et hic est modus magis proprius accipiendi iustitiam originalem" (*ibid.*, d. 31, q. 3).

<sup>15</sup> "Ipsi pro se et pro tota posteritate collatum fuit a Deo munus iustitiae originalis, quae consistebat in rectitudine voluntatis ad Deum, et in obedientia virium inferiorum ad rationem, et in hoc quod in corpore nihil poterat accidere repugnans animae" (*ibid.*, d. 30, q. 2).

<sup>16</sup> *Loc. cit.*

<sup>17</sup> "Sicut enim bonitas primi status consistebat in gratuita rectitudine voluntatis ad Deum, ad quam sequebatur rectitudo virium inferiorum ad rationem, et immortalitas et impassibilitas corporis, sic ex primo peccato suo se et nos reos fecit carentia gratiae principaliter, et consecutivae omnium eorum quae ad gratiam consequebantur" (*In II Sent.* (A), d. 33, q. 2; Martin, p. 182).

analysis of original justice in its comprehensive sense. In commenting on the passage from Durandus last cited, Paludanus does not agree that the subordination of the soul to God in original justice is effected only by sanctifying grace, nor does he admit that the rectitude of the sense faculties and impassibility and immortality proceed merely from the due subordination of the soul to God.

He reasons as follows. Although original justice primarily consisted in the rectitude of the soul with respect to God, nevertheless original justice taken as embracing also gratuitous justice did not consist essentially in that rectitude alone; otherwise everyone in the state of grace would possess original justice. He insists, therefore, that to the essence of original justice pertained both the perfect, habitual subjection of the lower faculties, and also immortality. But the rectitude of the higher faculties, namely intellect and will, resulting either from natural or supernatural innocence, was supposed as a necessary preamble to original justice, but was not its essence, or at any rate the whole essence. And so original justice was not a single entity, an *unum*, except in the sense of an aggregation. On the contrary, it consisted of all three factors, that is, rectitude of the higher faculties, rectitude of the lower faculties, and immortality with impassibility, or in any case of the last two; but it did not consist in the first element alone. The reason is, that original justice was capable of transmission from Adam to his descendants, while sanctifying grace is not capable of transmission from one person to another. Hence, either grace did not belong to the essence of original justice, and thus the latter could be transmitted in its entirety, or at least grace was not the whole of this essence, and so original justice could be transmitted as regards that part of it which was not grace. Accordingly the theory of Durandus, that the excellence of the primal state consisted essentially in no more than the supernatural rectitude of the will, and in the other two elements only by way of consequence, seems unfounded.<sup>18</sup>

An examination of Peter's doctrine on original sin clearly reveals his notion of the relationship between grace and original justice, as well as his usage of the term original justice in its several meanings.

Paludanus commonly defines original sin as the privation of sanctifying grace, into which state of privation children are born because of the

<sup>18</sup> *In II Sent.*, d. 33, q. 2; Martin, pp. 280-81.



sin of Adam. Indeed, at least once he goes so far as to assert that it is exclusively the privation of grace on account of Adam's sin.<sup>19</sup>

But he also conceives original sin as the privation of original justice. For, since habitual concupiscence is included in the notion of original sin, the latter is essentially the privation of the whole of original justice, according as this privation was implicitly willed by the author of nature and its juridical head.<sup>20</sup>

Paludanus further clarifies the notion of original sin by explaining that it is a habit, or better, the privation of a habit. For original sin, although it is actually a sin, is not an actual sin, but a sort of habitual sin, inasmuch as it is the privation of the habit of original justice.<sup>21</sup>

Since, then, original sin is the privation of original justice, and since, further, original sin is the privation of sanctifying grace, while including also habitual concupiscence as a sinful element, Peter's concept of original justice, as the habit opposite to original sin, clearly embraces both sanctifying grace and rectitude of the human faculties. From this doctrine it is likewise clear that when Paludanus speaks of original justice as something entirely distinct from grace, he means original justice in the restricted sense of preternatural rectitude of the faculties.

We are now in a position to determine the relationship between the several factors constituting original justice in the comprehensive sense. Peter states that an infant prior to baptism is stained by a real sin, that is, privation of sanctifying grace, and this privation is formally original sin.<sup>22</sup> If, therefore, original sin is essentially the privation of the whole of original justice, and if original sin is further formally the privation of sanctifying grace, it follows that grace is the formal and principal element in original justice.

The twofold meaning of original justice is emphasized explicitly when

<sup>19</sup> "Quia culpa originalis est sola privatio gratiae propter culpam Adae" (*ibid.*, d. 32, q. 1; Martin, p. 270).

<sup>20</sup> "Unde essentialiter culpa originalis est carentia totius iustitiae originalis prout volita implicite ab auctore naturae vel principe" (*ibid.*, d. 30, q. 2; Martin, pp. 249 f.).

<sup>21</sup> "Ex peccato Adae non est in nobis actus demeriti, sed habitus, id est, privatio habitus. Non enim peccatum originale est peccatum actuale, licet sit peccatum actu; sed est quasi peccatum habituale, quia est privatio habitus originalis iustitiae" (*loc. cit.*; Martin, p. 251).

<sup>22</sup> "Et sic etiam dicitur puer ante baptismum esse in peccato, non solum propter reatum poenae, nec propter actum culpae, sed propter maculam culpae, id est, carentiam divinae gratiae, quae formaliter est ipsa culpa originalis" (*loc. cit.*; Martin, p. 252).

Paludanus comes to discuss the proper subject in which the gift inheres, a topic which engrossed the attention of all the theologians who took part in the controversy. The solution of the problem depends on the comprehension of the term. Original justice, understood as prescinding from sanctifying grace, consisted primarily and principally in dominion over sensuality, and secondarily in immortality and impassibility. Accordingly, if we define original sin simply as the privation of original justice, then, since privation of grace is the main factor in original sin, it follows that sanctifying grace was included in original justice, and indeed was its chief component. Thus, both original sin, and also original justice viewed according to its principal element, sanctifying grace, resided in the essence of the soul. If, on the other hand, we understand original justice in its restricted sense as rectitude of the faculties of sensation, it had its subject of inherence principally and formally in these latter faculties.<sup>23</sup> In Peter's view it is plain that since original justice in its comprehensive sense consisted of various habits, it inhered in various subjects. Sanctifying grace, its formal component, resided in the soul; the virtue of charity, by which the will is supernaturally directed to God, resided in the will;<sup>24</sup> and the rectitude of the lower powers resided in the faculties of sensation.

The same distinction between the two meanings of original justice governs Peter's doctrine on the transmission of original justice. If original justice includes sanctifying grace, Adam could not strictly

<sup>23</sup> "Sed quod sensualitas erat totaliter subdita rationi, erat bene supernaturale et gratuitum. Unde ibi primo et principaliter sedebat originalis iustitia, prout abstrahit a gratia gratum faciente et consecutive in immortalitate et impassibilitate, quae manifeste erant supra naturam. Unde, si peccatum originale dicat solam privationem originalis iustitiae, tunc, cum privatio gratiae sit principale in peccato originali, per quod solum habet rationem culpae et maculae, gratia gratum faciens includebatur in originali iustitia et principaliter. Et tunc non transfunderetur originalis iustitia quoad id quod erat principale, sed quoad accessorium. Si autem peccatum originale non dicat solam privationem originalis iustitiae, sed dicat omnem defectum quem contrahimus ex ratione seminali Adae, tunc in alio subiecto est peccatum originale: quia in essentia animae, ubi est et gratia; et in alio fuerat originalis iustitia. Quia licet esset in voluntate sicut in causa, quia tamen nihil ibi ponebat superadditum, sed solum in sensualitate, in ista erat principaliter, formaliter, et subiective" (*ibid.*, d. 31, q. 3; Martin, p. 267 f.).

<sup>24</sup> Therefore also original sin resides mainly in these same subjects: "Unde principaliter originale est in anima, ubi est gratia quam privat; et secundo in voluntate, cuius caritatem secundo privat, propter connectionem ad gratiam" (*loc. cit.*; Martin, p. 265).

transmit it to his posterity, but only according to that part of it which was not sanctifying grace.<sup>25</sup>

But grace, in accordance with God's plan in instituting the supernatural order, would have been infused by God into the soul of each child conceived, just as in the natural order the soul is united with the body at the proper instant of its development.<sup>26</sup> For grace was given to Adam for the whole human race which was to proceed from him, so that if he had not sinned all his descendants would have come into the world endowed with grace.<sup>27</sup> It is otherwise with original justice in the sense of preternatural rectitude, in the transmission of which Adam could have exercised an instrumental causality, which of course is impossible in the communication of grace.<sup>28</sup>

The brief exposition here given manifests a remarkable harmony between Peter Paludanus and the majority of modern theologians, who claim that their teaching is that of the Angelic Doctor.

#### JAMES OF LAUSANNE, O.P.

The doctrine of Peter Paludanus is faithfully mirrored in that of his disciple, James of Lausanne. But James, who likewise defines original sin sometimes as the privation of original justice, sometimes as the privation of sanctifying grace, is more careful than his master to stress the culpable character of the privation of preternatural rectitude, and consequently assigns to this rectitude a more important function in the complexus of habits called original justice in the comprehensive sense.

Against Durandus James argues stubbornly that original sin is a true

<sup>25</sup> "Et tunc non transfunderetur originalis iustitia quoad id quod erat principale, sed quoad accessorium" (*loc. cit.*; Martin, p. 268). "Quia originalis iustitia poterat transfundi, gratia autem non poterat transfundi. Ergo gratia vel non erat de essentia originalis iustitiae, et sic poterat tota transfundi; vel non erat tota essentia, et sic poterat secundum partem aliam transfundi" (*ibid.*, d. 33, q. 2; Martin, p. 281).

<sup>26</sup> "Sic erat ordinatum, secundum cursum naturae, quod anima infunderetur cum gratia, sicut secundum cursum naturae, quod anima infunderetur corpori disposito" (*ibid.*, d. 32, q. 2; Martin, p. 275).

<sup>27</sup> "Peccatum originale est carentia gratiae in anima proles, propter hoc quod caro cui unitur est traducta per rationem seminalem a primo parente, cui erat gratia collata pro tota natura, si non peccaret" (*ibid.*, d. 31, q. 1; Martin, p. 259).

<sup>28</sup> "Quod autem potuit transfundere originale iustitiam, quae tamen erat supernaturalis, non potuit esse nisi instrumentaliter; quo etiam modo non potuit transfundere gratiam" (*ibid.*, d. 30, q. 2; Martin, p. 255).

sin, although he agrees with his adversary that it is not an actual sin; rather it is an habitual deordination derived from the sin of our first parent.<sup>29</sup> This habitual deordination is privation of original justice, and therefore original sin is privation of original justice.<sup>30</sup>

On the other hand, original sin is not formally privation of original justice as such; if it were, original justice would be restored to us in baptism, since a privation is removed only by the restoration of the habit. Hence original sin is formally the privation of sanctifying grace in the descendants of Adam on account of the latter's sin.<sup>31</sup>

However, although original sin is formally the privation of sanctifying grace, the whole culpability of original sin is not explained by the privation of grace alone. A further factor in this culpability is the privation of original justice understood as a habit harmonizing the faculties of the soul under the dominion of reason. For, James teaches, it is truly an evil for man to be deprived of the rule of reason, such as due to original justice would co-ordinate the various faculties of the soul. Rectitude of this sort ought to have been possessed by all men who descended from Adam immediately or mediately. Consequently the privation of such rectitude is culpable in all of Adam's posterity, and is in them a true sin.<sup>32</sup>

Accordingly, since original sin as described by James of Lausanne is in general the privation of original justice, and since, further, original sin is formally the privation of sanctifying grace, while also the privation of the habit which regulated all the faculties of the soul in hierarchical order has the character of real sin, original justice in the comprehensive connotation of that term is composed formally of sanc-

<sup>29</sup> "Ergo originale non solum est reatus vel poena, sed etiam culpa. Sed verum est quod non est culpa actualis, mortalis vel venialis. Sed originalis culpa est habitualis deordinatio ex peccato primi parentis ad posteros derivata" (*In II Sent.*, d. 30; Martin, p. 291).

<sup>30</sup> "Ergo carentia iustitiae originalis in nobis fuit culpa" (*loc. cit.*; Martin, p. 290).

<sup>31</sup> "Qualis culpa est peccatum originale. Non est formaliter privatio iustitiae originalis. Quia tunc per baptismum redderetur originalis iustitia, cum privatio non tollatur nisi per redditionem habitus. Unde peccatum originale non est privatio iustitiae originalis; immo, est privatio gratiae gratum facientis in parvulo propter peccatum Adae" (*loc. cit.*; Martin, p. 292).

<sup>32</sup> "Malum vero hominis est carere regula rationis, quae ratione iustitiae originalis erat regulare vires animae, sic ordinans ut dona alii communicaret; quae erat debita inesse in omnibus ab Adam immediate vel mediate descendentes. Ideo carentia illius iustitiae in omni descendente ab Adam habet rationem mali" (*loc. cit.*; Martin, p. 294).

tifying grace, and secondarily of the habit of integrity or rectitude; that is, of original justice in the restricted, technical sense.

The explanation proffered by James for the transmission of original justice is consistent with his theory of the nature of the gift. The general principle for this transmission is the divine plan according to which original justice was given to Adam for himself and all his posterity.<sup>33</sup> But to account more accurately for this transmission, the several parts of the composite gift called original justice must be considered separately. James assumes as granted that both original justice (in the sense of integrity) and sanctifying grace were bestowed upon Adam as gifts to himself and his descendants, in the supposition that he would not sin. But because he did sin, his descendants no longer continue to receive grace from God, nor original justice from Adam. And Adam's sin is the cause which impedes the communication of both the one and the other. But although original justice and grace as existing in Adam were to some extent to be the cause of both these habits in his descendants, there is this difference: original justice in Adam was to have exerted an efficient causality in the communication of original justice to his posterity, while sanctifying grace as in Adam would have been only a sort of exemplary and dispositive cause. A comparison between the communication of grace in the state of innocence and in the present state helps to clarify this doctrine: just as now, due to Christ, all the baptized who are in a sense the posterity of Christ receive grace, so because of Adam, their father, all the latter's descendants were to have grace from him, with the difference that now the baptized receive grace on account of the condign merits of Christ, while in the pristine state they would have received it as a gratuitous gift from God. In other words, as Adam's descendants receive their souls immediately from God just because they are descended from Adam, so would the soul have received grace. Wherefore, just as from Adam and because of Adam they were to receive original justice, so because of Adam, though not from him, they would have received sanctifying grace.<sup>34</sup>

<sup>33</sup> "Quia iustitia originalis data fuit Adae pro se et posteritate sua, quam etiam amisit pro se et posteritate sua" (*op. cit.*, d. 31; Martin, p. 303). By original justice James here understands the whole complexus of habits included in the term, for he is speaking in this context of original justice as opposed to original sin, of which the formal element is privation of sanctifying grace.

<sup>34</sup> *Loc. cit.*; Martin, p. 300.

GUIDO TERRENI, O. CARM.

Of the non-Dominican doctors who took part in the controversy on original sin in the early fourteenth century, one of the most important was the Carmelite, Guido Terreni, the greatest theologian of the older Carmelite school. He was intimately associated with outstanding Dominicans at the University of Paris, particularly with Peter Paludanus and Hervaeus Natalis. He greatly admired St. Thomas, whom he recognized as the most excellent of all the doctors who wrote after the age of the Fathers, but did not consider himself bound to embrace all his opinions. His independence of view is shown by his dictum: "libenter, ubi possum, sequor."

We shall not find in Guido Terreni, in so far as his works have come to light, any exposition of original justice as complete as that of some of his Dominican contemporaries. No treatise of his engages the subject *ex professo*, nor in his treatment of original sin does he devote explicit attention to it. Guido's doctrine on original sin is contained in two of his *Quodlibeta*, not yet published.<sup>35</sup> They do not reveal much concerning original justice, but sufficient to show that he was aware of the twofold meaning attaching to that term.

Guido accepts the Anselmian notion that original sin consists formally in the lack of rectitude and justice, which all who proceed from Adam by natural generation are bound to possess. Materially, this same sin is a certain infection which disfigures the body because of the unbridled passion with which it is propagated; and this infection is inordinate concupiscence, received from the parents.<sup>36</sup> Guido, however, rejects the theory of Henry of Ghent that as a consequence of original sin the body is afflicted with a positive moral disease beyond natural sensuality, which is capable of rebelling against reason. The only infection he admits is privative; that is, the harmony which re-

<sup>35</sup> *Quodl. III*, q. 14: "Supposito quod Beata Virgo fuerit concepta in peccato originali, utrum de eius conceptione debeat celebrari" (Cod. Vat. Borgh. 39, f. 166va-170vb). *Quodl. IV*, q. 16: "Utrum sit peccatum originale" (Cod. Vat. Borgh. 39, f. 193rb-195ra).

<sup>36</sup> "Formaliter peccatum originale, secundum Anselmum, est carentia debitae rectitudinis et iustitiae, quam quilibet natus via seminaria de Adam tenetur habere. Ex parte tamen materialis eius conditionis est in carne quaedam foeditas et infectio, prout libidinosè propagatur, et est inordinata concupiscentia ex parentibus" (*Quodl. III.*, Cod. Vat. Borgh. 39, f. 166va).

sulted from original justice is lacking.<sup>37</sup> The "rectitude and justice" mentioned in the definition above, whether intended by Guido to indicate two entities or not, are what constitute original justice, as he makes clear when he repeats the Anselmian doctrine: original sin is nothing but the lack of original justice together with the obligation of possessing the same. Original justice is further referred to as integral justice, to the possession of which nature is obligated.<sup>38</sup> The gift of original justice conferred on man the great benefit of integrity and due harmony among the various parts of the human composite: by it the body was properly subjected to the soul, sensuality to reason, appetite to the guidance of the intellect, and the whole mind to God.<sup>39</sup>

But this multiple benefit was lost for the race by Adam's sin; and all his descendants partake of his sin, and remain in bondage thereto until freed by the grace of Christ. For as none are born without carnal concupiscence, which is derived from the first man, so none are reborn except through sanctifying grace; and all those who are not born into a new life by the grace of Christ remain subject to the damnation which is their heritage.<sup>40</sup> Thus there is a direct opposition between the privation of original justice and sanctifying grace; which does not by itself mean, of course, that original justice is the same as sanctifying grace.

But there are clear indications that Terreni did see a strong similarity between original justice and grace. Indeed, he regarded the two as in

<sup>37</sup> "De infectione carnis, non intelligo quod ex culpa originali sit ibi aliqua infectio positiva, ultra naturam sensualitatis, quae nata est adversari rationi; sed solum est remotio ordinis, qui erat ex iustitia originali" (*ibid.*, f. 168vb).

<sup>38</sup> "Ita quod secundum Anselmum: peccatum originale non est nisi carentia iustitiae originalis cum debito habendi eam. Unde capitulo secundo dicit sic remansit igitur in natura debitum iustitiae integrae quam accepit" (*ibid.*, f. 169rb).

<sup>39</sup> "Erat autem per iustitiam originalem in homine partium integritas et debita conformitas, quia corpus debita integritate et conformitate subiciebatur animae, et sensualitas rationi, et appetitus directioni intellectus, et tota mens Deo" (*Concordia Evangeliorum*, Cologne edition, p. 341; quoted by B. F. M. Xiberta, O. Carm., "De Doctrinis Theologicis Mag. Guid. Terreni," *Analecta Ord. Carm.*, V, 1925, 313).

<sup>40</sup> "Omnes peccaverunt, et ex origine omnes utriusque sexus commixtione nascentes sunt filii irae, et in delictis concepit eos uniuscuiusque mater, donec per Christi gratiam liberantur" (*Quodl. III*, Cod. Vat. Borgh. 39, f. 166vb). "Nemo enim nascitur nisi in concupiscentia carnali, quae tracta est ex primo homine. Et nemo renascitur nisi gratia spirituali quae data est" (*ibid.*, f. 167rb). "Omnes sicut moriuntur in Adam, sic omnes vivificantur in Christo; qui autem non vivificantur in Christo, restat ut in eadem damnatione remaneant" (*ibid.*, f. 168ra).

some sense equivalent, as he states expressly: all those descended from Adam by way of natural generation are bound to possess original justice, or its equivalent, such as grace.<sup>41</sup> What is the meaning of the words *iustitiam vel aequipollens, puta gratiam*? If *aequipollens* is here understood in the technical, scholastic sense, then the two terms are simply convertible; the *vel* would be used explicatively instead of *seu*, and *puta* would mean not "for example," but "that is," or "namely": "original justice or the equipollent term, namely grace." The immediate context does not decide this question. At any rate, grace and original justice have, in Guido's mind, something important in common. But some few lines above he states that if Adam had not sinned, his nature would be propagated in the condition in which it was constituted, just as after the sin it is propagated in the condition which it brought upon itself.<sup>42</sup> Therefore, since original sin is the privation of original justice, it is nature endowed with original justice that would have been propagated had Adam not sinned; further, as we shall see directly, nature was constituted in the state of grace, and consequently as such would be propagated. Hence original justice would seem to include grace; the two cannot be adequately identical, because some of the attributes of original justice as described by Terreni are not predicable of sanctifying grace.

This interpretation is solidly established by Guido's reasoning, mainly against Durandus, that original sin is truly sin in the strict sense of the word, and not merely an obligation to punishment; although it verifies also the notion of punishment, in that God because of Adam's sin takes from him and from his posterity the gratuitous gifts which make up original justice. It is the privation of the same gifts as existing in the soul that constitutes also the sin itself. Accordingly, original sin from the standpoint of man, who is thus deprived, is sin, *culpa*; regarded from the standpoint of God, who withholds His gifts, it is punishment. But of what gifts is man deprived? The answer to this question will reveal to us the nature of original justice, since original sin is the privation of original justice.

<sup>41</sup> "Quilibet natus de Adam via naturalis generationis tenetur habere iustitiam vel aequipollens, puta gratiam, quam ex se non habet nec habere potest" (*ibid.*, f. 169r<sup>b</sup>).

<sup>42</sup> "Sicut itaque si non peccasset qualiter facta est propagaretur, ita post peccatum qualem se fecit peccando talis propagatur" (*loc. cit.*).



In following the argumentation of Guido on this point of the double character of original sin as both sin and punishment, we must bear in mind the important principle that a just punishment must be appropriate and proportionate to the crime. In the case of original sin the just punishment is privation of the beatific vision, and the crime which deserves exactly this punishment is the privation of original justice.<sup>43</sup> Therefore, since privation of original justice is not an actual sin, it is a state of sin; there is some habitual defect in the sinner which calls for this privation of eternal life. This defect is truly a sin, for God punishes no one, at least with a punishment affecting the soul, such as the withdrawal of His grace, the divine enmity, and privation of eternal life, except for sin. But children by the very fact that they are conceived and born are thus punished, that is, by original sin which they contract from their origin. Therefore original sin is also a fault, *culpa*, and not only a *reatus poenae*.<sup>44</sup> Besides, *reatus poenae* does not necessarily exclude sanctifying grace, for the contrite sinner remains obligated to punishment, even though he is now in the state of grace. But it is otherwise with original sin, whereby, since it includes God's enmity, we are born children of wrath.<sup>45</sup> Accordingly, Guido holds that original sin as *culpa* includes the privation of grace. And since original sin as *culpa* is also the privation of original justice, original justice includes grace.

The same conclusion is more clearly derived from the argument by which Terreni seeks to demonstrate the voluntary character of original sin. Original sin is voluntary not with reference to the will of Adam's descendants, but due to his own free act. Guido argues thus: that free act suffices to render a deordination culpable, which suffices to justify the punishment inflicted for such deordination. This is evident, for a spiritual punishment which affects the soul because of the sin of another

<sup>43</sup> "Baptismus delet culpam peccati originalis et poenam quae debetur ei personae, quae est carentia visionis Dei; proprie enim respondet carentiae debitae iustitiae quae est in nobis ratione peccati originalis" (*Quodl. IV*, q. 16, f. 194ra).

<sup>44</sup> "Deus neminem punit, saltem poena animae, qualis est subtractio gratiae, offensa Dei, et privatio vitae aeternae, sine eius aliqua culpa. Sed pueri concepti in utero et nati puniuntur peccato originali quod ex origine contrahunt. Ergo peccatum originale est culpa, et non solum reatus poenae" (*Quodl. III*, q. 14, f. 169va).

<sup>45</sup> "Praeterea, reatus poenae non necessario excludit gratiam Dei, nec in tali reatu includatur aliquo modo culpa; quia contritus etiam manet reus poenae, et tamen non repugnat sibi gratia" (*loc. cit.*).

person necessarily requires a fault in the one punished if it is to be just. Consequently, if the free act of another is sufficient to make such a deordination culpable, the free act of our first ancestor suffices to justify the punishment inflicted for the deordination of original sin. This is because the beatific vision, and admission to the state of grace, and immortality were in no way due to human nature, nor was the complete subjection of sensuality to the law of the spirit, but all these were the free gift of God who decreed that nature should possess these gifts, that is, should preserve this state of justice. If, then, by the free act of our first parent nature lost this justice, no one begotten of Adam would possess such gifts, but would be deprived of them. Evidently God could justly establish the condition that in case Adam persevered in justice he and his posterity would possess all these gifts, while if he maliciously chose to sin, both he and his posterity would be deprived of them. And thus Adam's descendants are justly punished by such privation, through the evil choice of Adam; and the evil choice of Adam suffices to make the punishment just. The gifts were not strictly due to Adam's children, and therefore could justly be withdrawn. And this too is the reason why all men begotten by Adam are punished not by any punishment of sense or by the loss of natural goods, but by the loss of supernatural gifts only, such as grace and eternal life; for one who commits no personal sin does not merit any punishment affecting his personal goods which are owing to his nature, but only deserves such punishment as consists in the privation of supernatural goods, namely original justice, sanctifying grace, and the beatific vision, all of which were to have been conferred upon human nature in Adam and by him passed on to all, unless by his perverse election he would lose them for himself and for others.<sup>46</sup>

<sup>46</sup> "Unde arguo sic: illa voluntas sufficit ad hoc quod deordinatio sit culpabilis, quae sufficit ad hoc quod poena pro ea inflictata sit iusta. Ista patet, quia poena spiritualis respiciens animam, quae pro peccato alterius infligitur [? ms.: repligitur] necessario ad hoc ut sit iusta requirit culpam in punito. Et ideo si voluntas alterius sufficit ad hoc quod talis deordinatio quae punitur sit culpa, sed in parvulo ad hoc quod poena sit, quae pro deordinatione originali punitur, iusta, sufficit voluntas primi parentis; quia Dei visio et divina acceptatio ad gratiam, immortalitas, non erant debita naturae humanae, nec etiam totalis subiectio sensualitatis ad spiritum, sed erant ex munere Dei sic conficiuntur et sua lege statuentis, ut haec natura haberet, scilicet quod eam iustitiam servaret et servare deberet; quam si voluntate primi perderet, nullus haec haberet qui ab eo descenderet, sed istis privaretur. Constat quod talis lex iuste a Deo institui debuit vel potuit,

In this lengthy and repetitious argument Guido Terreni indicates clearly that whether original sin is regarded as a moral defect existing in Adam's descendants, or as the punishment visited upon the race on account of Adam's sin, it comprises the privation of several gifts, among which are rectitude of the human faculties and sanctifying grace, along with the latter's connatural complement, the beatific vision. Therefore, according to his definition that original sin is the privation of original justice, these various elements are included in original justice. Thus also when Guido speaks of God's design prior to sin, he says that in God's decree nature was to possess these gifts, namely grace and the beatific vision, immortality, and subjection of sensuality to the spirit; and then he sums them all up in the word justice: "ut haec natura haberet, scilicet quod eam iustitiam servaret." Here the word "justice," by which Guido patently means original justice, is used as a synonym for the whole group of gifts. This is original justice in the comprehensive sense; while the term original justice in the series enumerated at the end of the passage cited, "scilicet subtractione iustitiae originalis et gratiae ac visionis Dei," means original justice in the restricted sense of preternatural rectitude.

#### CONCLUSION

In this article no mention has been made of the views of Hervaeus Natalis, O.P., leader of the Thomistic school in opposition to Henry of Ghent and Durandus; for his doctrine was the object of a previous study. It is certain that Hervaeus, too, was aware of the twofold signification of original justice, and that he employs the term in both senses.<sup>47</sup> For the sake of greater completeness we may include Her-

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quia sicut si Adam in iustitia perstitisset, in se omnia haec et in sua posteritate haberet, sic eis privaretur in se et in sua posteritate, si mala voluntate peccaret. Et ita in his filii eius iuste puniuntur, per malam voluntatem Adae, et ad hoc quod haec poena sit iusta, sufficit mala voluntas Adae. Unde quia illa filiis Adae non erant debita, nec ex divina lege gratuite sic ordinante, ideo eadem iusta lege eis subtrahuntur, per voluntatem malam Adae. Et haec est ratio quare poena solum damni puniuntur, et non sensus aut damni, scilicet subtractione boni naturalis, sed tantum supernaturalis, puta gratiae et visionis. Quia in talibus non deberet puniri quae personalia bona sunt, et eis naturaliter debita, qui personalem culpam non commiserunt, sed tantum puniuntur in supernaturalibus bonis, scilicet subtractione iustitiae originalis et gratiae ac visionis Dei, quae naturae in Adam et per Adam in omnibus divino munere erant disseminanda, nisi sua mala voluntate perderet in se et in aliis" (*ibid.*, f. 169vb-170ra).

<sup>47</sup> Cf. "Hervaeus Natalis and the Problem of Original Justice," *THEOLOGICAL STUDIES*, III (1942), 231-51; esp. pp. 233-40.

vaeus in the subjoined table, which reveals practical unanimity on the subject of the function of sanctifying grace in the comprehensive notion of original justice, among authors who in other details differ so greatly.

<i>Author</i>	<i>Original justice in restricted sense</i>	<i>Original justice in comprehensive sense</i>
Henry of Ghent	Natural rectitude of the will	Natural rectitude of the will plus sanctifying grace
Durandus	Preternatural rectitude of lower faculties under the dominion of reason, submission of body to soul	Subordination of the will to God through sanctifying grace, plus rectitude of lower faculties, and submission of body to soul
Hervaeus Natalis	Preternatural disposition controlling the sense faculties under the rule of reason	Disposition subjecting reason and will to God, and sense faculties to reason. The habit regulating the higher faculties is sanctifying grace.
Peter Paludanus	Preternatural rectitude of reason and will, subordination of lower faculties	Sanctifying grace, plus rectitude of all faculties, and immortality with impassibility
James of Lausanne	Preternatural habit co-ordinating the faculties of the soul under the dominion of reason	Sanctifying grace, plus preternatural rectitude of all the faculties of the soul
Guido Terreni	Preternatural habit of integrity subjecting body to soul and sensual appetite to reason	Sanctifying grace subjecting the soul to God, plus preternatural habit of integrity, and immortality

From this comparative study of the doctrine of fourteenth-century theologians, we learn that the inclusion of sanctifying grace in the concept of original justice is by no means a modern development dating from the rise of Protestantism and the Council of Trent, as has been alleged by several contemporary theologians who dislike the theory. Our investigation shows beyond any possibility of doubt that the notion of original justice as including both sanctifying grace and preternatural integrity or rectitude was current in the late Middle Ages, indeed was a theological commonplace.

Thus, too, the contention of Luis Teixidor, that the expression

original justice in the works of St. Thomas varies considerably, and that it has principally two significations, according to one of which the term embraces sanctifying grace and integrity, while the other denotes only the latter, receives striking confirmation. It would seem that future researches and speculations concerning the relations between original justice and sanctifying grace, as well as between original sin and original justice, must take cognizance of these findings.