

JOHN DUNS SCOTUS ON HUMAN BEINGS IN THE STATE OF INNOCENCE

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The present article presents the theory of the Franciscan master John Duns Scotus (1265/66–1308) on the so-called “state of innocence,” namely the condition in which human beings lived before the first sin. The state of innocence is characterized by the gift of original justice, guaranteeing harmony between the soul’s powers and immortality. Derived from traditional Christian anthropology, Scotus’s description offers a chance for dialogue with the masters of the second half of the thirteenth century, among them Henry of Ghent, Thomas Aquinas, and Bonaventure. Because of the theological orientation of Scotus’s explanation, human beings as outlined by him are simultaneously naturally good and in need of divine gifts to reach their very end. Through a new interpretation of modality, Scotus’s position is better able to express certain conditions related to power/possibility within the state of innocence.

According to the Christian tradition, human beings are the wonderful result of a generous and good God; moreover: we are made in His image and after His likeness (see Genesis 1:26). Since the Supreme Good always acts according to its essence, we should, therefore, be good and perfect, but this inference is flatly contradicted by our daily experience, marked by many expressions of evil. What then happened to the original marvelousness in us, as creatures? Christian theology explains this contradiction with the concept of the “Fall” of Adam (and Eve), describing it as a deed committed by the first human beings which affected all humanity, causing the “original sin” and so creating a hiatus between a “before” and an “after.”¹ Presently, we are in the sinful condition (*pro statu isto*),

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The following abbreviations are used in this article: *Lect.* = John Duns Scotus, *Lectura in Libros Sententiarum*, 6 vols., in *Ioannis Duns Scoti Opera Omnia*, ed. Commissio Scotistica (Vatican City, 1960–2004); and *Ord.* = John Duns Scotus, *Ordinatio*, 14 vols., in *Ioannis Duns Scoti Opera Omnia*, ed. Commissio Scotistica (Vatican City, 1950–2013). Roman numerals between parentheses correspond to volumes in the *Editio Vaticana* of John Duns Scotus’s *Opera Omnia*, both for the *Lectura* and for the *Ordinatio*. All translations are my own.

¹ See Ian McFarland, “The Fall and Sin,” in *The Oxford Handbook of Systematic Theology*, ed. John Webster, Kathryn Tanner, and Iain Torrance (Oxford, 2009), 140: “The fall . . . refers very specifically to the first sin committed by the first human beings. This primordial sin is understood to have altered the condition of human existence (rendering it ‘fallen’) in such a

but before the Fall, the first humans lived in a different condition, the “prelapsarian” condition, or “state of innocence.”

In this article, I propose to examine the contribution of one of the main representatives of the medieval Franciscan school, John Duns Scotus (1265/66–1308), with regard to that condition of humanity “before the Fall,” as he treated it in his commentaries of Peter Lombard’s *Sentences*. When in dialogue with the masters of his day and those of the previous generation, Scotus is sometimes prone to follow their positions. At other times he offers a new interpretation. His major contribution, however, is the conscious use of a new modal theory, better able to explain some *prima facie* seemingly contradictory statements, hence offering clarification to the debate.

Scotus lectured on Lombard’s *Sentences* at least twice, in Oxford and in Paris. We can consider his so-called *Lectura* to be the draft or “his personal notebook” used for his teaching in Oxford.² The *Ordinatio* is a later, polished version of his Oxford lectures, to which he added material from his Paris lectures. Unfortunately, Scotus left the *Ordinatio* unfinished and for a more complete understanding of Scotus’s view, we sometimes have to rely on students’ notes from his Paris lectures, the *Reportationes* or *Reportata*.³ We have to depend almost exclusively on the text of the *Lectura* for our argument, since two of the distinctions we are analyzing do not appear in the *Ordinatio*.⁴ The result, nevertheless, is a solid theory of the characteristics of the state of innocence, valuable for its original perspective and definitely worthy of consideration.

The subject of this article has received insufficient attention in recent scholarly studies. This may be because the topic is too “philosophical” for theologians and too “theological” for philosophers. My purpose is to bring this topic to our attention because it constitutes an important part of the history of philosophical and theological anthropology, and in so doing, fill a considerable lacuna in recent

way as to make death the destiny of every human being.” More precisely, only humans committed a sin (“the sin of Adam,” “the first sin”), whereas the Fall is intended to explain the condition of both angels and humans. For more on the fall of angels, see Tobias Hoffmann, *Free Will and the Rebel Angels in Medieval Philosophy* (Cambridge, 2021).

² Antonie Vos, *The Philosophy of John Duns Scotus* (Edinburgh, 2006), 134.

³ Stephen D. Dumont, “John Duns Scotus’s *Reportatio Parisiensis Examinata*: A Mystery Solved,” *Recherches de Théologie et Philosophie médiévales* 85 (2018): 377–438, at 379: “Scotus lectured on the *Sentences* of Peter Lombard as a bachelor of theology at both the universities of Oxford and Paris. He thus produced two distinct, massive commentaries, one from each of his courses of studies. Moreover, both survive in multiple versions. His *Sentences* from Oxford exist in two forms: an earlier, more brief *Lectura* and a later, immense *Ordinatio* generally considered his *magnam opus*.” For a reconstruction of Scotus’s life and works, see Vos, *The Philosophy of John Duns Scotus*, 15–147.

⁴ In the *Ordinatio*, distinctions 15 to 25 are lacking.

Scotistic studies.⁵ In what follows, I will present the main characteristics of human beings before the sin of Adam, namely, their possession of original justice and its properties: harmony of inner powers, impeccability, and immortality of the body.

ORIGINAL JUSTICE

Analyzing the theory of original sin in the Second Book of *Sentences*, Scotus states that “original sin is the lack of original justice together with an obligation to have it.”⁶ It is worth understanding what this “original justice” was, since, as the opposite of original sin, it was conceived as something with which human beings in the state of innocence were imbued, and which they were designed to have. For all Christian theologians in the Latin Middle Ages, the concept of “original justice” indicated a condition of harmony between the human being and God prior to sin.⁷ The question, therefore, followed as to whether such a harmony had

⁵ The only study directly devoted to this topic is Bruno Korošak, “De homine ante et post lapsum doctrina Ioannis Duns Scoti,” in *Deus et Homo ad mentem I. Duns Scoti: Acta Tertii Congressus Scotistici Internationalis, Vindebonae, 28 sept. – 2 oct. 1970*, ed. Societas Internationalis Scotistica (Rome, 1972), 551–56. See also Franciscus Franić, “De peccato originali secundum Duns Scotum et recentiores theorias,” in *De doctrina Ioannis Duns Scoti: Acta Congressus Scotistici Internationalis Oxonii et Edimburgi 11–17 sept. 1966 celebrati*, ed. Commissio Scotistica (Rome, 1968), 3:439–48; Richard Cross, *Duns Scotus* (New York and Oxford, 1999), 96–100; Kenan Osborne, *A Theology of the Church for the Third Millennium: A Franciscan Approach* (Leiden and Boston, 2009), 346–58; and Francesco Fiorentino, “Peccato originale, incarnazione e redenzione in Giovanni Duns Scoto,” *Syzetesis* 6 (2019): 405–32.

⁶ John Duns Scotus, *Lect.* II, d. 30–32, q. 1–4, n. 48 (XIX, 305): “Peccatum originale est carentia iustitiae originalis cum debito habendi eam.” In his presentation of the doctrine, Scotus refutes Peter Lombard’s explanation and opts for Anselm’s, who debates it in his *De conceptu virginali et de originali peccato*. See Anselm, *De conceptu virginali et de originali peccato* 7, 15 and 23, in *Anselmi Cantuariensis Opera Omnia*, ed. Franciscus Salesius Schmitt (Seckau, Rome, and Edinburgh, 1938–1961), 2:147–49, 157, and 162–66.

⁷ See Anselm, *De conceptu virginali* 1, ed. Schmitt, 2:140–41. Some theologians debated whether original justice was given to the first human beings from the very beginning or only after a period in which they lived in the state of pure nature. For example, Thomas Aquinas maintains that the first human beings were imbued immediately with the righteousness of original justice; see Thomas Aquinas, *Summa theologiae* I, q. 95, a. 1, in corp. in *Thomae Aquinatis Opera Omnia*, ed. Commissio Leonina (Rome and Paris, 1882–), 5:420b. Bonaventure, instead, considers the opinion of those who think that the first human beings lived in two periods before the Fall to be more common and more likely (*communior et probabilior*): “Unde secundum hanc opinionem in statu innocentiae distinguuntur duo tempora: quoddam enim fuit tempus, in quo habuit tantum naturalia; quoddam vero, in quo habuit et naturalia et gratuita.” Bonaventure, *Commentaria in Quatuor Libros Sententiarum Magistri Petri Lombardi* [= *In Sent.*] II, d. 29, a. 2, q. 2, in corp. in *Bonaventurae Opera Omnia*, ed. the Fathers of Collegio S. Bonaventura (Quaracchi, 1885) 2:703b. For Bonaventure’s explanation, see Kevin E. Jones, “Bonaventure on Habitual Grace in Adam: A Change of Heart on Nature and Grace?” *Franciscan Studies* 76 (2018): 39–66; and Christopher

to be considered as natural or supernatural. In Scotus's day, the main exponent who maintained the former opinion was Henry of Ghent, whose explanation Scotus presents and refutes in his commentary:

They assume that natural and original justice is not a supernatural gift, just as the natural uprightness of a sprig [is not a supernatural gift]. Nevertheless, it could be lost through the will by bending itself (as a straight sprig can be curved, losing such a natural quality), and so there is a sort of rebellion of the powers. Therefore, they affirm that original justice is a certain natural quality, formed along with the will (*complantata voluntati*); and, if another quality would be further posited to it, this must be always added to and included in it.⁸

The statement is clear: our will, as creatures, is established with a natural uprightness which can be called "original justice." It moves toward its purpose like the sprig which grows in the right direction if no one curves it.⁹ For both, the will and the sprig, the uprightness (*rectitudo*) would be the natural way of development, whereas the curved inclination (*incurvatio / obliquatio*) would be some preternatural intervention causing the will to lose its natural quality.¹⁰

Scotus states that he does not understand this opinion (*hanc opinionem non intelligo*) because it is self-contradictory.¹¹ According to Henry, original justice would be a habit (*habitus*) of the first human beings, something not belonging to their essence but nevertheless firmly possessed as a stable quality.¹² Therefore, since it does not belong to the very essence of the human being, we could imagine

Cullen, "Bonaventure on Nature before Grace: A Historical Moment Reconsidered," *American Catholic Philosophical Quarterly* 85 (2011): 161–76.

⁸ *Lect. II, d. 29, q.un., n. 7 (XIX, 282–83)*: "Opinantur quod iustitia naturalis et originalis non est donum supernaturale, sicut nec rectitudo naturalis virgae; et tamen potest amitti voluntate curvante se (sicut et recta virga potest curvari, et tunc amittit talem qualitatem naturalem), et tunc rebellio virium. Dicunt igitur quod iustitia originalis est qualitas quaedam naturalis, complantata voluntati; et si alia ponatur ultra, haec semper debet poni et includi." See Henry of Ghent, *Quodlibet VI*, q. 11, in corp., ed. Gordon A. Wilson, in *Henrici de Gandavo Opera Omnia X: Quodlibet VI* (Leuven, 1987), 134–36. Henry explains this difference between justice and human nature as a rectitude for a line: it is a quality of some quantity. The line could be straight or curved, so human nature could be just or unjust. Scotus will not take long to show the contradiction of such an explanation, given that injustice is not merely natural, but rather caused by the first sin.

⁹ See Henry of Ghent, *Quodlibet VI*, q. 11, in corp., ed. Wilson, 134–35: "Talis enim rectitudo est aliquid praeter substantiam et essentiam voluntatis . . . , ut qualitas quaedam in quantitate spirituali, quemadmodum rectitudo in linea est qualitas quaedam in quantitate corporali, et incurvatio est praeternaturalis, quemadmodum in virga pullulante de radice rectitudo est ei naturalis, quia omnes naturaliter crescunt in directum superius, incurvatio autem est ei praeternaturalis."

¹⁰ See *Lect. II, d. 29, q.un., n. 7 (XIX, 282–83)*. In the *Ordinatio*, Scotus is more precise in distinguishing original justice as being a natural *gift* and the *essence* of human nature, adding: "Non tamen ita quod sit de essentia eius." *Ord. II, d. 29, q.un., n. 6 (VIII, 307)*.

¹¹ See *Lect. II, d. 29, q.un., n. 8 (XIX, 283)*.

¹² See Henry of Ghent, *Quodlibet VI*, q. 11, in corp., ed. Wilson, 135.

someone without it. Now, following the example of the sprig, what would such a person tend towards? If one acts uprightly, one would do so because of one's natural tendency; if one acts unjustly, one would do so by a natural, though modified, tendency. Considering original justice as something natural yet added on (because it does not belong to the essence of humanity) is nonsensical because the human will does not behave like a natural thing, that is, it does not act towards its ends in a necessary way, and human beings have to be considered responsible for their deeds. Acting uprightly or unjustly is not the same.¹³

Scotus's solution to the question of whether original justice is natural or supernatural maintains that original justice is a supernatural gift. He explains it through a description of what original justice is, namely through its characteristics of being a balance of internal human powers and the gift of immortality:¹⁴

Therefore I say that the harmony of powers is ascribed to the first human being, and that this is either through a supernatural gift,¹⁵ or through a special operation of God (namely, an additional miracle),¹⁶ but better, it is to be considered through a given form¹⁷ [that is, through a supernatural gift, which informs the

¹³ In a parallel passage of the *Ordinatio*, Scotus states more clearly that the human will is free, thus it can sin. But if original justice was just a natural habit of the human soul, it is hard to understand how the first humans were able to sin. Whatever they did, naturally speaking, was according to their nature, and therefore would have been quite correct. It is impossible to make a difference between good and evil if we think about our first parents *in puris naturalibus*. See *Ord.* II, d. 29, q.un., n. 8 (VIII, 308).

¹⁴ These two characteristics, namely the balance of internal human powers and the gift of immortality, also support the strongest reasons against the idea of justice as a supernatural gift, as presented in the first argument at the start of the question. See *Lect.* II, d. 29, q. un., n. 2 (XIX, 281). The same in Henry of Ghent, *Quodlibet* VI, q. 11, arg. 1 (n. 8 above), 127–28: “Circa primum arguitur quod originalis iustitia non includebat donum, quoniam nulla poena debetur homini sine peccato. Mors, carnis rebellio, et huiusmodi poenae sunt; ergo non fuissent in homine ante peccatum. Sed in puris naturalibus fuisset sine peccato; ergo stans in puris naturalibus mori non potuit neque pati rebellionem. Ista erant effectus originalis iustitiae; erat ergo in puris naturalibus et sine dono.”

¹⁵ This was the common opinion among the theology masters. See Peter Lombard, *Sententiae in Quatuor Libris Distinctae* [= *Sententiae*] II, d. 24, ch. 1, n. 2, in *Spicilegium Bonaventurianum* [= SB], ed. the Fathers of Collegio S. Bonaventura, 3rd ed. (Grottaferrata, 1981), 4:450–51; Thomas Aquinas, *Summa theologiae* I, q. 95, a. 1, in corp. (n. 7 above), 5:420b; and Richard of Middleton, *Commentaria in Sententias* [= *In Sent.*] II, d. 24, princ. 1, q. 1, in corp., in *Ricardi de Mediavilla Commentaria in Sententias* (Venice, 1509), 2:95va.

¹⁶ See Godfrey of Fontaines, *Quodlibet* X, q. 15, in corp., in *Les Quodlibet VIII, IX, X de Godfroid des Fontaines*, ed. Jean Hoffmans (Louvain, 1924), 385–86.

¹⁷ With this expression, Scotus intends to signify that such a gift is not just apposed from the exterior, rather it involves the whole human being who is endowed by it, like another form. In fact, like a form, original justice maintains the order of all the parts making up the human composition, beginning with the will and finishing with the body. On the other hand, original sin is also *formally* the lack of original justice. For a similar explanation, yet with a different vocabulary, see Thomas Aquinas, *Summa theologiae* I–II (n. 7 above), q. 83, a. 2, ad 2 et 3 (7:102ab); and q. 85, a. 5, in corp. (7:115a).

human soul].¹⁸

Nor was he [the first human being] made immortal so that he could have not been corrupted, but that person was not-destined-to-die (*non-moriturus*) through intrinsic causes. Now, there was no intrinsic cause whereby the soul could not be separated [from the body] if another cause did not impede it. Thus, that gift [of original justice] was not able to preserve from death extrinsically, rather it was able to impede the rebellion [of inner powers].¹⁹

With the first definition, Scotus accepts the common opinion of the theologians in his day and identifies original justice as a supernatural gift, perfecting human beings as a form. With the second one, Scotus affirms that the lack of balance among the powers of the human soul, resulting in illness and death, was prevented thanks to original justice; therefore, considering only this possible intrinsic mortal cause, the first human beings were immortal. In the next section, we will analyze these two effects of original justice.

HARMONY OF INNER POWERS AND IMPECCABILITY

The first characteristic explained by Scotus is the harmony of powers (*concordia virium*) of the first human persons, a sort of “perfect tranquility” (*tranquillitas perfecta*) between inferior powers (the vegetative and sensitive soul) and superior powers (intellect and will).²⁰ This harmony of powers cannot be found in human nature considered simply as nature, *in puris naturalibus*;²¹ rather it needs to be considered as something freely given to humankind by God. Scotus does not expressly take a position on the debate about whether the first human beings were immediately endowed with original justice from their creation or whether they first lived a while in a state of pure nature.²² But, from his expressions we can surmise that he, at least logically, distinguished two different moments or conditions of human persons before the Fall: in pure nature and with original justice. In fact, he states that the first human beings in their pure nature (*in statu naturae purae*) had a constitutive tendency toward the objects

¹⁸ *Lect. II, d. 29, q.un., n. 10 (XIX, 284)*: “Dico tunc quod attribuitur primo homini concordia virium, – et hoc per donum supernaturale, vel per operationem specialem Dei (et sic per novum miraculum); sed melius est hoc ponere per formam datam.”

¹⁹ *Lect. II, d. 29, q.un., n. 16 (XIX, 287)*: “Nec erat immortalis sic quod non poterat corrumpi, sed non-moriturus, propter causas intrinsecas. Sed nulla causa intrinseca fuit quare anima non potuit separari, nisi causa aliqua impedivisset. Unde donum illud non potuit praeservare a morte extrinsece, sed tantum potuit impedire rebellionem.”

²⁰ See *Ord. II, d. 29, q.un., n. 13 (VIII, 310)*.

²¹ In the *Ordinatio*, Scotus gives the example of the conflict between sensitive and rational powers, which inhere in the human soul with the same strength, so that when one of them is acting to its highest degree, the other one is impeded to work. See Avicenna, *De Anima*, part 4, ch. 2, in Avicenna Latinus, *Liber De Anima seu Sextus de Naturalibus. Partes IV–V*, ed. Simone van Riet and Gérard Verbeke (Leiden, 1968), 12–34.

²² See n. 7 above.

that perfect every one of their powers and so they were drawn to complete every one of them, beginning with the inferior ones.²³ Let us assume that the first human beings did not want to follow some inferior power (of the sensitive soul, for instance) and tried to divert the will away from it. If in this case they did not suffer any form of pain, it was only because of a gift offered by God to allow them to live in harmony.

Scotus also states that the gift of original justice was given to human beings in order to fulfill the will's desire and so join it to its final end, which is God himself.²⁴ In that case, we do not have to think about a diversion of the will from the inferior powers, but can easily imagine that a human person in the state of pure nature had two different but natural tendencies: the inferior powers towards their ends, corresponding to the needs of the vegetative and sensitive soul; and the will towards its own end, quite independently from the inferior ones and with greater satisfaction, since its object, God himself, is far greater.²⁵ One could object that in such a condition the first human beings were in a better state than the Christians who are in communion with God in this life (*perfecti*).²⁶ Scotus responds that this is not true because we have to consider that the first

²³ See *Lect.* II, d. 29, q.un, n. 11 (XIX, 285). In the *Ordinatio*, Scotus clarifies that: "The will, indeed, joined to the sensitive appetite, is made to feel pleasure with it, as the intellect joined to sense is made to intend the objects of senses." *Ord.* II, d. 29, q.un., n. 14 (VIII, 311): "Voluntas enim, coniuncta appetitui sensitivo, nata est condelectari sibi, sicut intellectus coniunctus sensui natus est intelligere sensibilia."

²⁴ This natural fulfillment is different from the perfect conjunction, which human beings can reach only through the divine grace. See *Lect.*, *Prologus*, pars 1, q.un. (XVI, 1–21) and *Ord.*, *Prologus*, pars 1, q.un. (I, 1–58) about the necessity of supernatural revelation for knowing God; and *Lect.* I. d. 1, pars 1, q. 1 (XVI, 63–69), about the non-natural characteristic of human free will, especially n. 8: "Voluntas non determinatur ad actum certum; igitur frui, quod est actus eius rectus, in minus est quam actus voluntatis," (XVI, 64). See also *Ord.* IV, d. 49, pars 1, q. 5, n. 271 (XIV, 357) about the difference between a simple natural pleasure (*fruitio*) of the final end and the beatific pleasure of the blessed (*fruitio beatifica*). For an analysis of these passages in the fourth book, see Ernesto Dezza, *La teoria modale di Giovanni Duns Scoto: Il caso della relazione tra creatura e creatore e la condizione di beatitudine* (Rome, 2018), 624–32. For a commentary on the *Prologus* of the *Ordinatio*, see Olivier Boulnois, *La rigueur de la charité* (Paris, 1998). For the difference between natural knowledge of God and fruition of the divine essence, see Timothy B. Noone, "John Duns Scotus on Intuitive Cognition, Abstractive Cognition, Scientific Knowledge, and our Knowledge of God," in *The Newman-Scotus Reader: Contexts and Commonalities*, ed. Edward J. Ondrako (New Bedford, MA, 2015), 97–108, at 106–107.

²⁵ See *Lect.* II, d. 29, q.un, n. 12 (XIX, 285–86). Returning to this explanation in the *Ordinatio*, Scotus affirms that in this case we can also imagine a supernatural gift for every inferior power. Since the will had been created to feel the same joy as the inferior powers, when diverted from them, it would leave them in affliction and pain. So, if powers in human nature did not feel pain because of diversion of the will from them, it was thanks to the effect of original justice on them. See *Ord.* II, d. 29, q.un., n. 16 (VIII, 312–13).

²⁶ See *Lect.* II, d. 29, q.un, n. 13 (XIX, 286).

human beings only had a natural tendency towards God considered as a natural end; in fact, the supernatural gift of original justice should not be called “grace,” but rather a predisposition for grace (*condicio gratiae*). So, those who are in communion with God in this life are less naturally oriented to their real and final end, but richer in grace than the first human beings, because the former decided freely for God insofar as their free will was supported by divine grace.²⁷

It is worth noting that in this section of his commentary Scotus does not mention any enhanced cognitive capacity that our first parents might have had thanks to their inner harmony. Other theologians attributed a more powerful knowledge to Adam and Eve before the Fall. This would have been something intermediate between our knowledge and the knowledge of the blessed, whereby they comprehended the intelligible in a more certain and sure way than us. They would have known all that was required for their lives, without mistakes and without the necessity of a learning process.²⁸ Scotus does not elaborate on these aspects. Considering the potentiality of our intellect, open to the totality of being, Scotus only states in an almost incidental passage and just hypothetically that our current necessity to pass through the senses to know the *quiditates* of material things might be a consequence of the Fall.²⁹ But he is very careful in surmising such an inference.

Instead, Scotus affirms that in the state of innocence, our first parents had perfect unobfuscated practical knowledge. They naturally observed not only the moral principles known by themselves (*per se nota*), but also other precepts, which appeared in all their clarity, even though not derived from the first practical principles evidently:

Also in the state of innocence, all were required to observe these precepts [i.e. the ten commandments], which were marked more internally in everyone’s heart, or perhaps passed on by parents to their children through some exterior doctrine given by God, albeit not written in a book at that time. It was not necessary

²⁷ See *Lect. II*, d. 29, q.un., n. 14–15 (XIX, 287). For the same reason, it is not true that the first human persons could not commit venial sin, as Scotus explained in d. 21–22, and repeats here. The reason is quite clear: the conjunction of human persons with their final end *in statu innocentiae* did not have the same steadiness of the condition of the blessed and was even weaker than the grace in perfect persons in this life. And, since even the perfect can have some lesser “curvature” in their will, *a fortiori* the first persons, provided only with original justice, could have committed some venial sin, such as telling a joke. See *Lect. II*, d. 21–22, q. 1–2, n. 11 (XIX, 201).

²⁸ For example, Thomas Aquinas, *Summa theologiae* I, q. 94, a. 1–4 (n. 7 above), 5:413–9; and Bonaventure, *In Sent.* II, d. 23, a. 2, q. 1–3 (n. 7 above), 2:537a–549b.

²⁹ See *Ord. I*, d. 3, pars 1, q. 3, n. 187 (III, 113–4). See Giorgio Pini, “Scotus on Doing Metaphysics *in statu isto*,” in *John Duns Scotus, Philosopher: Proceedings of “The Quadruple Congress” on John Duns Scotus*, part 1, ed. Mary Beth Ingham and Oleg Bychkov (St. Bonaventure, NY, and Münster, 2010), 29–55.

to do so, because it was [still] possible to memorize them easily, and people of those days had a longer life and a better natural disposition than people of later days, at which time their weakness needed that the Law be given and written down.³⁰

For Scotus, the first human beings respected all the commandments because their practical knowledge was purer than ours. They did not need to be instructed in recognizing the good and no written law was necessary to remind them of the divine precepts because these precepts were already written in their hearts and were easier to observe.³¹

This argument brings to mind another debate, which occupied masters of theology in the Latin Middle Ages: whether God could make the human will impeccable by nature, thus making it incapable of sinning.³² In Scotus's day, the common opinion was that God cannot make the human will to be impeccable by nature. Arguments from Thomas Aquinas, Alexander of Hales, Bonaventure, and Richard of Middleton stated that the peccability of human persons was something constitutive of their very essence from the beginning, and thus also in the state of innocence.³³ Scotus differs from their explanations because, in principle, God *could* possibly make a created will impeccable, not because the will would be incapable of choosing evil, but because it would never choose it even though it

³⁰ *Ord.* III, d. 37, q.un., n. 42 (X, 290): "In statu etiam innocentiae tenebantur omnes ad ista praecepta, quae erant praescripta interius in corde cuiuslibet, — vel forte per aliquam doctrinam exteriorem datam a Deo descenderunt a patribus ad filios, licet non essent tunc scripta in libro, nec oportuit quia potuerunt faciliter memorialiter retineri, et populus illius temporis erat maioris vitae et dispositionis melioris in naturalibus quam populus temporis posterioris, quo tempore infirmitas populi requirebat Legem dari et scribi."

³¹ For a broader explanation of the moral law and Scotus's peculiar position on the law of nature, see *Duns Scotus on the Will and Morality*, ed. Alan B. Wolter and William A. Frank (Washington, DC, 1997), esp. 60–64.

³² See *Lect.* II, d. 23, q.un. (XIX, 207–18).

³³ The *Summa Fratris Alexandri* or *Summa Halensis* (so called because it was traditionally attributed to Alexander of Hales) emphasizes that the impeccability of human beings would contradict both their origin and their end. They would not be created, but equal to God (as regards the origin) and they would not be human persons but just some ordinary objects, which necessarily tend towards their natural place (as regards the end). In this case, since the good would not be chosen but attained by a natural tendency, there would be no merit and therefore no glory. See *Summa theologica* I–II, n. 508, in corp. in *Summa Fratris Alexandri* [= *Summa theologica*], ed. the Fathers of Collegio S. Bonaventura (Quaracchi, 1928), 2:740ab. See also Bonaventure, *In Sent.* II, d. 24, pars 1, a. 1, q. 1, in corp. (n. 7 above), 2:555ab; Thomas Aquinas, *Summa theologiae* I, q. 63, a. 1, in corp. (n. 7 above), 5:121ab; idem, *In Sententiarum* II, d. 23, q. 1, a. 1, in corp. in *Thomae Aquinatis Opera Omnia*, ed. Pietro Fiaccadori (Parma, 1856), 6:585a; and Richard of Middleton, *In Sent.* II, d. 23, princ. 1, q. 1, in corp. (n. 15 above), 2:91va.

could.³⁴ As in other passages of his commentaries on the *Sentences*, Scotus clearly demonstrates the difference between a real possibility and a logical one: human beings have the logical possibility of not sinning, because a created will which actually does not sin is not contradictory.³⁵ In other words, the (logical) possibility of a state of affairs is not (completely) dependent on the realization of its conditions in the actual world, because the latter requires that some conditions be present at the same time to allow the logically possible state of affairs to be realized through some power. By contrast, a state of affairs is (logically) possible if the terms involved in its realization are just compatible, so their composition is possible in at least one possible world.³⁶

For that reason, in principle, and on Anselm's authority, it is possible to think that God *could* create an impeccable person who maintained his or her full freedom in being able not to sin.³⁷ Being able to sin, in fact, does not belong to created freedom's nature, which corresponds with God's freedom, but it is instead a lack, a limitation of the principle of action of the created will.³⁸ So, only in this sense, could we affirm that the human will is impeccable by nature, not because it cannot sin, but because it is able not to sin:³⁹ "Freedom, inasmuch as freedom,

³⁴ In my view, such an explanation could offer the opportunity to explain the very human condition of the Virgin Mary and Jesus, whose wills never gave way to evil, because the possibility of non-sinning is potentially rooted in the human person.

³⁵ For example, *Lect. I*, d. 39, q. 1–5, n. 47–51 (XVII, 494–96); *Lect. I*, d. 43, q. un., n. 12 (XVII, 532); and *Ord. I*, d. 43, q., un., n. 5 (VI, 353–54).

³⁶ See Simo Knuuttila, "Duns Scotus and the Foundation of Logical Modalities," in *John Duns Scotus: Metaphysics and Ethics*, ed. Ludger Honnfelder, Rega Wood, and Mechthild Dreyer (Leiden, New York, Cologne, 1996), 127–43; Calvin G. Normore, "Scotus, Modality, Instants of Nature and the Contingency of the Present," in *John Duns Scotus*, 161–74; and Fabrizio Mondadori, "The Independence of the Possible According to Scotus," in *Duns Scot à Paris 1302–2002: Actes du Colloque de Paris, 2–4 septembre 2002*, ed. Olivier Boulnois, Jean-Luc Solère, Elisabeth Karger, and Gérard Sondag (Turnhout, 2004), 313–74.

³⁷ Anselm, *De libertate arbitrii* 1 (see n. 6 above), 1:209: "Libertatem arbitrii non puto esset potentiam peccandi et non peccandi. Quippe si haec eius esset definitio: nec deus nec angeli qui peccare nequeunt liberum haberent arbitrium; quod nefas est dicere."

³⁸ See *Lect. II*, d. 7, q. un., n. 40 (XIX, 13); and *Lect. II*, d. 23, q. un., n. 39 (XIX, 216). See also *Lect. II*, d. 44, q. un. (XIX, 405–6), where Scotus asks whether the capacity of sinning comes from God (*utrum potestas peccandi sit a Deo*). Maintaining that the human will is that which is used by humans when they sin, Scotus affirms that the capacity of sinning can be considered either as the capacity before an action (*potentia ante actum*) or as the capacity as a principle and the mode of the principle (*potentia pro principio et modo principii*). The latter is from God and corresponds to the human free will, while the former does not belong to freedom, and has to be considered privatively as a lack of acting.

³⁹ A similar statement is already present in Augustine: "Quapropter, bina ista quid inter se differant, diligenter et vigilantiter intuendum est: posse non peccare et non posse peccare, posse non mori et non posse mori, bonum posse non deserere et bonum non posse deserere. Potuit enim non peccare primus homo, potuit non mori, potuit bonum non deserere." Augustine, *De correptione et gratia* 12.33, ed. Georges Folliet, CSEL 92 (Vienna, 2000), 259. See also

can be given without it [being able to sin], because it is the same freedom which is shared with God.”⁴⁰ Like in *Lect. I*, d. 39, a perfect isomorphism is established between the divine will and the human will, between divine freedom and human freedom.⁴¹ Nevertheless, on the basis of the authority of the saints⁴² and of rational considerations,⁴³ Scotus himself writes that “in agreement with those authorities and through some [further] explanation, together with the authorities, I affirm that God cannot make any created will impeccable by nature.”⁴⁴

The further explanation consists of a clarification that Scotus offers us to underline his position. When we talk about the created will, it is necessary to consider it as a will which has the use of free choice (*liberum arbitrium*), that is, a will of someone whose intellect is not impeded, so that he or she can be responsible for her or his deeds.⁴⁵ A created will naturally tends towards what is similar to itself

Tobias Hoffmann, “Freedom without Choice: Medieval Theories of the Essence of Freedom,” in *The Cambridge Companion to Medieval Ethics*, ed. Thomas Williams (Cambridge, 2019), 194–96.

⁴⁰ *Lect. II*, d. 23, q.un., n. 39 (XIX, 216): “Libertas, unde libertas, potest esse sine illo, quia libertas in communi, ut quae est in Deo.” Scotus affirms it also in *Lect. I*, d. 3, pars 1, q. 1–2, n. 33 (XVI, 237), where he offers his rationale to understand the univocity of the concepts whereby we know God and His creatures: “Item, Anselmus *De libero arbitrio* cap. 1: ‘Potestas peccandi non est potestas libertatis, alioquin Deus non haberet libertatem’; sed hoc non sequeretur nisi libertas secundum se univoce conveniret nobis et Deo.” This quotation harkens back to Anselm, *De libertate arbitrii* 1 (n. 6 above), 1:207.

⁴¹ See *Lect. I*, d. 39, q. 1–5, n. 45 (XVII, 493). When speaking of “divine freedom” and “divine will,” we mean those actions of God “outside of Himself” (*ad extra*), that is, towards His creatures. The divine will is a pure perfection (*perfectio simpliciter*), whose notion is the same in God and in His creatures. What differentiates them is the deficiency in the will of the creature that fails to act according to righteousness. See Hoffmann, *Free Will and the Rebel Angels* (n. 1 above), 191–92; and Cruz González-Ayesta, “A Paradox in Scotus’s Account of Freedom of the Will,” *Itinerarium: Revista Cuadrimestral de Cultura* 55 (2009): 457–79.

⁴² Their statements are presented as opposing arguments at the start of the question. See *Lect. II*, d. 23, q.un., n. 7–8 (XIX, 208). It is noticeable that the same Anselm is stating here the contrary, namely, that the supposed impeccability of human will would make the human persons similar to God. It is an opinion to refute. I think Scotus’s explanation provides a better solution in showing the difference between the impossibility of sinning and the possibility of not sinning. See Anselm, *Cur Deus homo* II, 10 (n. 6 above), 2:108; Peter Lombard, *Sententiae* I, d. 8, ch. 2, n. 3; and SB (n. 15 above), 4:98, who quotes Augustine, *Contra Maximinum* 2.12.2, PL 42.768.

⁴³ See *Lect. II*, d. 23, q.un., n. 22–30 (XIX, 213–14).

⁴⁴ *Lect. II*, d. 23, q.un., n. 23 (XIX, 213): “Verumtamen consentiendo illis auctoritatibus et aliquibus rationibus, cum auctoritatibus dico quod Deus non potest facere aliquam voluntatem creatam impeccabilem per naturam.”

⁴⁵ See *Lect. II*, d. 23, q.un. (XIX, 213): “Sed quaestio intelligenda est de voluntate perfecta, quae habet usum liberi arbitrii, quo excluditur hypothesis Anselmi.” Since Anselm is mentioned two more times (in the third initial argument and in the first on the contrary),

and also is advantageous to itself (*commodum*). This natural end, however, might not also correspond to what is just (*iustum*).⁴⁶ The divine will always tends towards the most proper and right end, but a created will does not naturally tend towards righteousness. Since it can tend towards the good, not in a just way, but in an unjust way (*iniuste*), a created will is not by nature impeccable.⁴⁷ Furthermore, even though the will pursues its end in some necessary, natural way, this does not mean that it does not sin. The will does not conform itself to a single object, but chooses the one most useful among a selection of infinite objects and therefore the possibility of sinning lies precisely in this choice: the closer its usefulness is to what is righteous, the less chance there is for it to sin.⁴⁸ Such a tendency towards its object shows the very nature of the created will, which never reaches its completion in this world. If something in this world were to satisfy the human will, then it would not need to attain further blessedness, since it would already be either blessed by itself or blessed because God would necessarily make it (naturally) blessed. But neither is true. First, because “[a created will]

one could ask which of the two citations is the reference to Scotus’s comment or is it instead a reference to another argument. The suggestion offered by the Editio Vaticana’s editors, referring to *Rep.* II, d. 23, q.un., is very useful. It is a quotation *ad sensum* of Anselm, *De casu diaboli* 12 (n. 6 above), 1:252: “Sicut materia, quantum est ex se, aequaliter est sub omni forma, tunc est simile, nisi imaginetur unus Angelus, sicut fingit Anselmus *de Casu diaboli*, quod primo esset quaedam natura, et deinde tantum daretur sibi affectio commodi sine ratione; illa voluntas non esset capax peccati, quousque daretur sibi plus, sicut accidit in phreneticis, et non habentibus usum rationis, sed impeditum perpetuo; talis voluntas non est capax peccati cum talibus circumstantiis, nec etiam est capax actus meritorii, ideo solum debet intelligi de habente voluntatem, et simul usum rationis.” See *Reportata Parisiensia* II, d. 23, q.un., in *Joannis Duns Scoti Opera Omnia*, ed. Luis Vivès (Paris, 1894), 23:109b.

⁴⁶ The antithetical pair *commodum* / *iustum* comes from Anselm, *De casu diaboli* 12 (n. 6 above), 1:255: “Excepto namque hoc quod omnis natura bona dicitur, duo bona et duo his contraria mala usu dicuntur. Unum bonum est quod dicitur iustitia, cui contrarium est malum iniustitia. Alterum bonum est quod mihi videtur posse dici commodum, et huic malum opponitur incommodum.” For the debate about the two will’s affections, namely *affectio iustitiae* and *affectio commodi*, see Thomas Williams, “How Scotus Separates Morality from Happiness,” *American Catholic Philosophical Quarterly* 69 (1995): 425–45; Peter King, “Scotus’s Rejection of Anselm: The Two-Wills Theory,” in *Johannes Duns Scotus 1308–2008: Die philosophischen Perspektiven seines Werkes. Proceedings of “The Quadruple Congress” on John Duns Scotus*, part 3, ed. Ludger Honnefelder et al. (Münster, 2010), 359–78; Kristell Trego, “*Habitus* or *Affectio*: The Will and Its Orientation in Augustine, Anselm, and Duns Scotus,” in *The Ontology, Psychology and Axiology of Habits (Habitus) in Medieval Philosophy*, ed. Nicolas Faucher and Magali Roques (Basel, 2018), 87–106; and Hoffmann, *Free Will and the Rebel Angels* (n. 1 above), 232–33.

⁴⁷ See *Lect.* II, d. 23, q.un., n. 25 (XIX, 213).

⁴⁸ See *Lect.* II, d. 23, q.un., n. 28 (XIX, 214). It is interesting to note that, according to Scotus, this search for the useful did not bring as a consequence a fight between the first human beings to subtract something from somebody, because all they possessed was held in common. See *Ord.* IV, d. 15, q. 2, n. 79–82 (XIII, 78–79).

cannot be infinite in itself, and it is not satisfied unless in something infinite.”⁴⁹ Second, since God does not act in a necessary way outside of Himself, He cannot therefore necessarily make the human will blessed.⁵⁰

Stressing the impossibility of a natural impeccability in the human will, Scotus strengthens the contingency of its acts. Even in the earthly paradise, our first parents had the use of free choice, as the Genesis story tells us in the episode of recounting the origin of sin. A supposed natural impeccability before that sin is something absurd, as it is even in the state of blessedness, where the blessed conserve their intrinsic human freedom and their ability to sin.⁵¹ It is important to highlight this characteristic in human beings, which according to Scotus, belongs to them in every condition: before the Fall, during this life and in the life to come. In sum, we can say that in the state of innocence, human beings were not impeccable, even though they had a freedom similar to God’s own, in whose image and likeness they had been made. Considering their natural tendency, they would have experienced a tension between their inner powers, if they had not had the original justice which kept those powers under control and oriented the human will towards its natural end.

⁴⁹ *Lect. II*, d. 23, q.un., n. 30 (XIX, 214): “[Voluntas creata] in se non potest esse infinita, et non satiatur nisi in aliquo infinito.”

⁵⁰ The statement that God does not act in a necessary way *ad extra* is of considerable importance, because it definitively frees the Christian God from any residue of classical metaphysics, for which perfection in acting (namely, necessity) has to belong to the most perfect Being. It was Knuuttila who highlighted this epochal passage in the history of philosophy. See Simo Knuuttila, “Duns Scotus’s Criticism of the Statistical Interpretation of Modality,” in *Sprache und Erkenntnis im Mittelalter: Akten des VI. Internationalen Kongresses für mittelalterliche Philosophie der Société / Internationale pour l’Étude de la Philosophie Médiévale, Bonn 29 August–3 September 1977*, ed. Wolfgang Kluxen et al. (Berlin and New York, 1981), 1:441–50. Among the texts where Scotus states the contingency of God’s acting *ad extra*, see *Lect. I*, d. 20, q.un., n. 22–23 (XVII, 289–90); *Lect. I*, d. 39, q. 1–5, n. 41 (XVII, 492); and *Lect. II*, d. 1, q. 1, n. 23 (XVIII, 8).

⁵¹ Although the blessed do not, in fact, sin (anymore), nevertheless the perpetuity of their beatitude is not a characteristic of their nature, but rather a gift of grace. The blessed, even in the state of blessedness, retain the possibility (logical and real) of sinning, since the totally free nature of their will has not changed. See *Ord. IV*, d. 49, pars 1, q. 6, n. 348 (XIV, 376–77): “Dico igitur quod causa huius perpetuitatis nec est forma beatitudinis, quasi per ipsam beatitudo sit formaliter necessaria; nec natura potentiarum istarum, quasi circa obiectum necessario perpetuo operetur; nec habitus in potentiis, quasi necessario determinat potentias ad perpetue operandum; sed est ex sola voluntate divina, quae sicut perficit talem naturam intensive, ita conservat eam in tali perfectione perpetuo.” See Dezza, *La teoria modale* (n. 24 above), 671–81.

IMMORTALITY OF THE BODY

The second characteristic associated with original justice is the immortality of the body.⁵² In the Christian tradition, sin is related to death because of an almost universally accepted interpretation of Romans 5:12, the *locus classicus* for this issue: “It was through one man that death came into the world, and this happened through sin.”⁵³ To better understand it, Scotus addresses the problem from a logical perspective. He reframes the question “Did the first person have an immortal body in the state of innocence?” as the supposition that “The first person in the state of innocence was mortal,” or, better, “The first person in the state of innocence was able to die,” taking the expression “in the state of innocence” adverbially. If we consider the two options offered by the classical logical distinction between a composite and a divided sense of a statement, the previous supposition will have two opposite truth values.⁵⁴ In the composite sense, the statement: “(The first person was able to die) in the state of innocence” is false because it means that the first person, during the state of innocence, had the capacity of dying (*habuit potentiam moriendi*), much as we might speak of ourselves as having the power of seeing or having the power of being affected emotionally. Such an interpretation would contradict the expressions of Genesis 2 and 3,

⁵² The problem here is about the consequences of the first sin on the human body, not on the soul, whose immortality has not been affected by the Fall. For Bonaventure’s demonstrations of the immortality of the soul, both *quia* and *propter quid*, see Bonaventure, *In Sent.* II, d. 19, a. 1, q. 1, ad opp. et in corp. (n. 7 above), 2:458a–460b. For Scotus, instead, there is not a strong metaphysical demonstration, but just some plausible arguments to explain the soul’s immortality. See Cross, *Duns Scotus* (n. 5 above), 77–78; and James F. Ross and Todd Bates, “Duns Scotus on Natural Theology,” in *The Cambridge Companion to Duns Scotus*, ed. Thomas Williams (Cambridge, 2003), 224–25.

⁵³ See *Lect.* II, d. 19, q.un., n. 3 (XIX, 181): “Per unum hominem mors intravit in mundum, et hoc fuit per peccatum.”

⁵⁴ Henrik Lagerlund, “Medieval Theories of the Syllogism,” in *Stanford Encyclopedia of Philosophy* (published 2 February 2004; substantive revision 19 January 2016): <https://plato.stanford.edu/entries/medieval-syllogism/> (accessed 28 April 2020): “Medieval logicians preferred to use what they took to be Aristotle’s terminology, talking about modal sentences in the composite sense (*in sensu composito*) and divided sense (*in sensu diviso*). The structure of a composite modal sentence can be represented as follows: (*quantity/subject/copula, [quality]/predicate*)mode. A composite modal sentence corresponds to a *de dicto* modal sentence. The word ‘composite’ is used because the mode is said to qualify the composition of the subject and the predicate. The structure of a divided modal sentence can be represented as follows: *quantity/subject/copula, mode, [quality]/predicate*. Here, the mode is thought to qualify the copula and thus to divide the sentence into two parts (hence the name, ‘divided modal sentence’). This type of modal sentence was characterized as *de re* because what is modified is how things (*res*) are related to each other, rather than the truth of what is said by the sentence (*dictum*).” See also Francesco Fiorentino, “*Sensus Compositus* and *Sensus Divisus* According to Duns Scotus,” in *John Duns Scotus, Philosopher* (n. 29 above), 175–89.

which link mortality to the first sin, after the loss of the state of innocence: “When you eat from it you shall die”⁵⁵ and “You are dust, and to dust you shall return.”⁵⁶ By contrast, the proposition in the divided sense: “The first person, in the state of innocence, was able to die” is true, because it only indicates the possibility of dying (*habuit potentiam ad moriendum*): a possibility that is in fact realized *after* sin.

This was the traditional explanation of the scholastic masters before Scotus. The first human beings before the Fall had the *possibility* of dying, but they were not *destined* to die. Death had no power upon them. So, where does their immortality come from?⁵⁷ Scotus affirms that, according to some scholastic masters at least, it was due to the perfect obedience that the body had towards the soul, since the soul obeyed God. This is the opinion of Henry of Ghent.⁵⁸ According to others, however, immortality would have been bestowed by God in a supernatural way. This is the opinion of Peter Lombard,⁵⁹ the authors of the *Summa Halensis*,⁶⁰ Bonaventure,⁶¹ and from a particular perspective, also that of Thomas Aquinas.⁶² They agree in saying that the first human person had the natural disposition to immortality (*aptitudo*, according to the Bonaventurian terminology), but that it would not have been realized without divine grace, which brought that disposition to completion (*ad complementum*).

Scotus distances himself from these explanations. He believes that the first human beings not only had the predisposition to die, but that they were in fact mortal: “It seems that [the first person] was mortal and had the capacity of dying in the state of innocence.”⁶³ Adam could have been killed by his son if he

⁵⁵ Genesis 2:17.

⁵⁶ Genesis 3:19.

⁵⁷ See *Lect.* II, d. 19, q.un., n. 5 (XIX, 182): “Sed unde fuit ista immortalitas?”

⁵⁸ Henry of Ghent, *Quodlibet* VI, q. 11, ad argg. (n. 8 above), 137: “Per se autem corpus in statu innocentiae habuit ab anima ut numquam corrumpetur, quia per naturalem rectitudinem naturalis iustitiae corpus erat in plena oboedientia ad animam quoad substantiam elementorum, et similiter vires inferiores respectu superiorum, ut vires inferiores ad nutum oboedissent superiori, nec recalcitrare potuissent si servasset et servare potuissent illam rectitudinem similiter.”

⁵⁹ Peter Lombard, *Sententiae* II, d. 19, ch. 4, n. 2; SB (n. 15 above), 4:424: “Responsio qua dicitur alterum fuisse de conditione, scilicet posse mori, alterum ex gratiae dono, scilicet posse non mori. Ad quod dici potest quia alterum habeat in natura corporis, id est posse mori; alterum vero, scilicet posse non mori, erat ei ex ligno vitae, scilicet ex dono gratiae.”

⁶⁰ See *Summa theologica* I–II, n. 492, in corp. (n. 33 above), 2:689a.

⁶¹ See Bonaventure, *In Sent.* II, d. 19, a. 3, q. 1, in corp. (n. 7 above), 2:470a.

⁶² Thomas considers that the incorruptibility of the body of the first human person was wanted by God (*ex parte causae efficientis*), so that such incorruptibility could better preserve the psychosomatic unity between rational soul and material body; see Thomas Aquinas, *Summa theologiae* I, q. 97, in corp. et ad 3 (n. 7 above), 5:431b.

⁶³ See *Lect.* II, d. 19, q.un., n. 6 (XIX, 183): “Contra, — videtur quod fuit mortalis et potentiam habuit moriendi in statu innocentiae.”

had rebelled against him, he could have died from suffocation under water or burned in a fire, and in general his body could have undergone such an alteration in the balance of its components that it could have caused his death.⁶⁴ The first case is interesting because Scotus assumes the possibility that while Adam remained innocent, one of his children would sin. All of the first human beings, in fact, were not yet fulfilled with the enjoyment of God, which is possessed only in the state of blessedness, therefore they were exposed to the possibility of choosing evil, because their will had not been firmly confirmed in good.⁶⁵

The problem is reformulated: Scotus no longer wonders where human immortality comes from, but where the *possibility* of not-dying would come from if the first persons had not sinned. In other words, the question is the same, but the emphasis has shifted from immortality in itself to the possibility of dying or not. Thus, his answer sounds enigmatic: “I say, then, that the first person in the state of innocence was able to die and was able not to die. Being able to die, however, in fact would never have been actualized if he or she had not sinned.”⁶⁶ As in *Lect. I*, d. 39, Scotus implies a synchronic understanding of a sentence in the composite sense, which offers in the very same instant of time two different and opposite instants of nature, since it is clear that both are logically true (namely, not-contradictory) at the same time.⁶⁷

⁶⁴ The first example is already in Bonaventure: “Item, si Adam stetit, aliquis de filiis eius poterat peccare. Ponatur ergo, quod peccasset; sed possibile est, virum iustum a peccatore insidiante interfici absque sua culpa, sicut Abel interfectus est a Cain: ergo possibile esset, Adam saltem dormientem ab eo iugulari ei iugulatus interire nulla culpa sua interveniente.” See Bonaventure, *In Sent.* II, d. 19, a. 2, q. 1, a. 5 (n. 7 above), 2:464b–465a. However, for Bonaventure this is an initial argument, which is then refuted, since the hypothetical violence committed by one of the sons of Adam on his father is not possible in the state of innocence. The case of violence (*per extrinsecam laesionem*) could have happened by beasts, but by a special divine providence they did not harm the first man *nec in somno nec in vigilia*. See Bonaventure, *In Sent.* II, d. 19, a. 3, q. 1, in corp. (n. 7 above), 2:470a.

⁶⁵ See *Lect.* II, d. 20, q. 1, n. 6 (XIX, 188–89).

⁶⁶ *Lect.* II, d. 19, q. un., n. 9 (XIX, 183): “Dico tunc quod primus homo in statu innocentiae potuit mori et non mori. Posse tamen mori de facto numquam fuisset reductum ad actum, nisi peccasset.”

⁶⁷ Antonie Vos Jaczn, Henri Veldhuis, Aline H. Looman-Graaskamp, and Eef Dekker, *John Duns Scotus. Contingency and Freedom. Lectura I 39. Introduction, Translation and Commentary* (Dordrecht, Boston, and London, 1994), 28–29: “At this point, Scotus is able to make clear that the divine and human freedom of the will exist thanks to the contingent structure of reality. For, by the fact that there are alternative states of affairs on the level of the ‘possibilitas logica,’ it is possible for the will to will one thing at a certain moment, while it has the possibility of not-willing or willing otherwise for that same moment. The dimensions of the ‘possibilitas logica’ are structured by a logical-ontological matrix, in which a free will can unfold itself.” The instants of nature are to be considered as logical and metaphysical moments that occur in the same moment of time. For example, while I am seated, I have the real possibility to stand — if I am not impeded by some disease or by someone else. It means that in the same (chronological) moment in which I am seated, there are two

The two opposite sentences: “(The first human person was able to die) in the state of innocence” and “(The first human person was able not to die) in the state of innocence” are both true without contradiction and not just because one happened after the other. In the very same moment of time (the state of innocence), the first human beings were synchronically mortal *and* immortal. Mortal in themselves (this was their natural constitution as creatures), the first human beings *really* were able to die: the “capacity of dying” (*potentia moriendi*) and “the state of innocence” (*status innocentiae*) were compatible. On the other hand, they *really* were immortal, as Scotus affirms in a further explanation we are going to see. So, whence their immortality?

Since death occurs in a body due to a natural or violent alteration of the balance of the parts which compose it, its possibility of not dying depends on the permanent equilibrium among what constitutes the composite, in particular in the medical terminology of Scotus’s day, between natural heat (*calor naturalis*) and radical moisture (*humidum radicale*).⁶⁸ When the heat produced by the body completely reduces its moisture, without the possibility of its reintegration, the body is consumed until it dies and “this is the essential and primary cause of death in us.”⁶⁹ There are also other accidental causes of death, such as the bad management of inner powers (*malum regimen*), unhealthy climate (*mala dispositio continentis in regione*), and violence (*violentia*); but, had Adam not sinned, none of these would have been realized and, therefore, he would not have died.⁷⁰ The moisture of Adam’s body, although dispersed by its own natural heat, was always reintegrated by eating from the Tree of Life placed in the middle of the garden (Genesis 2:9). The other trees served as nourishment, but the Tree of Life had the property to maintain the vital balance of humors so that Adam’s body

(logical and metaphysical) instants, one contrary to the other: I can be seated and I can stand. See Normore, “Scotus, Modality” (n. 36 above); Guido Alliney, “Instant of Change and *signa naturae*: New Perspectives from an Unedited Question,” in *Intellect et imagination dans la Philosophie Médiévale — Intellect and Imagination in Medieval Philosophy — Intelecto e imaginação na Filosofia Medieval: Actes du XI^e Congrès International de Philosophie Médiévale de la Société Internationale pour l’Étude de la Philosophie Médiévale (S.I.E.P.M.), Porto, du 26 au 31 août 2002*, ed. Maria Cândida Pacheco and José Francisco Meirinhos (Turnhout, 2006), 3:1835–49; and Ernesto Dezza, “Giovanni Duns Scoto e gli *instantia naturae*,” in *Divine Ideas in Franciscan Thought (XIIIth–XIVth century)*, ed. Jacopo Francesco Falà and Irene Zavattero (Rome, 2018), 135–59.

⁶⁸ See *Lect. II, d. 19, q. un.*, n. 10 (XIX, 184). “Humidum radicale” is an expression used by the Latin translators of Avicenna, from his *al-Qānūn fī al-Ṭibb (The Canon of Medicine)*, to indicate the natural condition of the human body, derived from the balance of its humors. This doctrine, indebted to Galen’s medicine, was also corroborated by the indications given by Aristotle in his scientific writings. See Michael McVaughn, “The ‘Humidum Radicale’ in Thirteenth-Century Medicine,” *Traditio* 30 (1974): 259–83, at 271.

⁶⁹ *Lect. II, d. 19, q. un.*, n. 10 (XIX, 184): “Haec est causa essentialis et praecipua mortis in nobis.”

⁷⁰ See *Lect. II, d. 19, q. un.*, n. 12 (XIX, 184).

would never suffer complete dehydration.⁷¹ Scotus infers this statement from the expression of Genesis 3:22, pronounced by God after sin: “What if he also reaches out his hand to take fruit from the Tree of Life, and eats of it and lives forever?” Scotus considers the characteristic of the Tree of Life as something natural since it is not subject to a particular intervention by God.⁷²

Moreover, since Adam was in full control of his inner powers thanks to original justice — as we have seen — the second possible cause of death would not have occurred, which would have come from an internal disorder of the human person.⁷³ As regards the conditions of climate, Scotus states that Adam was in a very mild and favorable place for life (*in loco temperatissimo et sibi convenientissimo ad vivendum*).⁷⁴ Finally, the possibility of a violent death must also be discarded because, in the state of innocence, Adam had dominion over all the beasts, which would not have rebelled against him. In addition, the other human beings were innocent and, therefore, in principle devoid of the malice that could have led them to a violent act. However, since Scotus states the

⁷¹ Influenced by the biblical story and its theological interpretation, many legends developed around the Tree of Life and the river that flowed from Eden, which nourished the imagination of the first explorers of America in search of the Tree of Immortality and the Fountain of Youth. See Angel Rosenblat, *La primera visión de América y otros estudios* (Caracas, 1965); Leonardo Olschki, *Storia letteraria delle scoperte geografiche: Studi e ricerche* (Firenze, 1937); John Huxtable Elliott, *The Old World and the New, 1492–1650* (Cambridge, 1970); and Henri Baudet, *Paradise on Earth: Some Thoughts on European Images of Non-European Man*, trans. Elizabeth Wentholt (New Haven, CT, 1965).

⁷² The opinion that the Tree of Life provided a particular food different from all others is also supported by other theology masters. See *Summa theologica* I–II, n. 492, ad 1 (n. 33 above), 2:689b; and Bonaventure, *In Sent.* II, d. 19, a. 3, q. 1, in corp. (n. 7 above), 2:470a. For Thomas, the Tree of Life produced for Adam just the compensation of the moisture dispersed by heat, which is “the instrument of the soul” (*animae instrumentum*). See Thomas Aquinas, *Summa theologiae* I, q. 97, a. 4, in corp. (n. 7 above), 5:434a.

⁷³ See *Lect.* II, d. 19, q.un., n. 13 (XIX, 185).

⁷⁴ See *Lect.* II, d. 19, q.un., n. 14 (XIX, 185). No further motivation is given in the *Lectura* and the parallel text in the *Ordinatio* is lacking. So, the only edited text we can refer to for reading Scotus’s explanation is the *Reportata Parisiensis* II, d. 17, q. 2: *Utrum Paradisus sit locus conveniens habitationi humanae naturae* (n. 45 above), 23:80b–82b. We cannot rely on the parallel text in the *Ordinatio* edited by Wadding-Vivès because it is actually from William of Alnwick’s *Additiones Magnae*. See Dumont, “*Reportatio Examinata*” (n. 3 above), 384: “Scotus never completed a span of ten distinctions (dd. 15–25) in the middle of *Ordinatio* II. Into this lacuna many — indeed most — of the manuscripts of *Ordinatio* II appended — or directly inserted — the corresponding distinctions of *Additiones* II compiled by Alnwick. Consequently, early editions, including Wadding, printed this Parisian material as part of the Oxford commentary.” For further explanation on the correlation between Alnwick’s *Additiones* and the different versions of the *Reportationes*, see Dumont, “*Reportatio Examinata*” (n. 3 above), 417–21. For the rationale followed by the editors of the critical edition, see *Ioannis Duns Scoti Opera Omnia*, ed. Commissio Scotistica (Vatican City, 1993), 19:70*–71* [Prolegomena]. On the reconstruction of the dependence of the published texts on the manuscripts, see *ibid.*, 8:92* [Prolegomena].

possibility that one of Adam's sons could have rebelled against him and killed him,⁷⁵ he has to admit that only divine or angelic intervention saved him from the eventuality of being killed by one of them.⁷⁶ Therefore, in conclusion, he can state that: "It is possible that innocence and death were united in the first human person, so that there was death within the state of innocence; however, in fact they never were united."⁷⁷ Note Scotus's approach in this passage: behind every real possibility, there is a logical possibility whose consistency remains even if its conditions of realization are never given. In other words, death and the state of innocence are compatible: they belong to the same possible world, even though, in fact, the event of the death in that state, which precedes the Fall, did not occur.

By affirming the compatibility between innocence and death, Scotus also answers the argument that links death to sin.⁷⁸ He does so by reiterating that in fact (*de facto*) death entered the world through sin, but even in the state of innocence, Adam was nonetheless mortal. Actually, death constitutes a punishment within the state of sin, but considering the very condition of human nature, death is not a punishment, just as, for example, it is not for a sheep, but a natural thing. To corroborate this response, Scotus resorts to Augustine, on whose authority he says that God would still be praiseworthy even if he had made us mortal by nature like beasts: "Certainly His [God's] munificent goodness should be praised, even if He had placed us in a lower degree of creation."⁷⁹

CONCLUSION

Considering our human situation, marked by internal pain from the fight between our bodily needs and the desire of elevated ends, characterized by the real possibility of doing evil and by the certainty of our death, we could imagine a sort of "golden age" where we were living in a mythical past, without disharmony, without evil, without death. A natural paradise before sin. Such a description of the prelapsarian condition does not completely fit with Scotus's theory about our first parents' state of innocence, precisely because it risks distorting the picture of human nature, depicting it as somehow complete

⁷⁵ It is interesting to note that Scotus does not consider the possibility that it could be Eve who kills Adam!

⁷⁶ See *Lect. II, d. 19, q.un., n. 15* (XIX, 185).

⁷⁷ *Lect. II, d. 19, q. un., n. 16* (XIX, 185): "Unde dico quod possibile est quod simul stent innocentia et mors in primo homine, ita quod fuisset mors in statu innocentiae; tamen de facto numquam simul stetissent."

⁷⁸ See *Lect. II, d. 19, q.un., n. 18* (XIX, 186).

⁷⁹ See Augustine, *De libero arbitrio* 3.5.42 [112], ed. W. M. Green, CCL 29 (Turnhout, 1970), 282: "[Dei] profecto largissima bonitas iustissime laudaretur, etiamsi aliquo inferiore creaturae gradu nos condidisset."

in itself. Offering his personal theory about humanity in the state of innocence, Scotus follows his own way, sometimes in agreement with the “common opinion” of other theology masters — as when he considers original justice as a supernatural gift; sometimes in disagreement with the “common opinion” — as concerning mortality before the sin of Adam; and sometimes almost inclining to the “common opinion” — as when he considers human persons to be non-impeccable by nature, even though they were considered logically impeccable.

From Duns Scotus’s presentation of the state of innocence, three final considerations might be drawn. First, the human condition before the Fall was characterized by a kind of “naturalness” exposed to every type of alteration like all the other created bodies. Its immortality is not a condition of *natural perfection* eventually lost through the sin, but a logical and metaphysical possibility that was safeguarded by the gifts of the Tree of Life and of original justice. For this reason, according to Scotus — against Henry of Ghent’s opinion — the first sin has not created a wound in the natural condition of human persons.⁸⁰ Rather, it meant the loss of what prevented the human body from being adversely modified and disordered.⁸¹

Second, for Scotus human beings in the state of innocence were not able to reach their final end in a complete way, against some immanentist reduction of the Latin Averroists.⁸² At least logically, our first parents had the possibility of not-sin-ning. Their wills naturally tended towards the good, even though considered only from the perspective of the advantageous. The first human beings knew the practical principles of the moral law quite clearly, without having been instructed to recognize them because they were written in their hearts. The divine gift of original justice, fulfilling the desire of the will with its orientation towards righteousness, allowed them to reach their Creator as the natural end of every creature. But it was not enough. Without a further divine gift, namely

⁸⁰ See Henry of Ghent, *Quodlibet* VI, q. 11, in corp. (n. 8 above), 135: “[In]iustitia] necessario ponit in voluntate obliuationem contrariam naturali rectitudini, ut originalis iniustitia dicat spoliationem in gratuitis et vulnerationem in naturalibus.”

⁸¹ As Franić and Osborne note, Scotistic interpretation outlines a human prelapsarian condition more “natural” than other scholars tend to do, not imputing all torments and hardships of humanity only to the sin of Adam. See Franić, “De peccato originali” (n. 5 above), 441–42; and Osborne, *A Theology of the Church* (n. 5 above), 351. See also Korošak, “De homine” (n. 5 above).

⁸² See, for example, Boetius of Dacia, *De summo bono*, ed. Nicolas George Green-Pedersen (Copenhagen, 1976), 377: “Et quia quilibet delectatur in illo quod amat et maxime delectatur in illo quod maxime amat, et philosophus maximum amorem habet primi principii, sicut declaratum est, sequitur quod philosophus in primo principio maxime delectatur et in contemplatione bonitatis suae. Et haec sola est recta delectatio. Haec est vita philosophi, quam quicumque non habuerit non habet rectam vitam. Philosophum autem voco omnem hominem viventem secundum rectum ordinem naturae, et qui acquisivit optimum et ultimum finem vitae humanae.”

“grace” and “love,”⁸³ no human being could have been able to attain his or her last and eminent end at the highest grade, which is perfect communion with God. In the matter of enjoyment and knowledge of God, to some extent, our first parents were not so different from us. Original justice was a divine gift, necessary for harmony in the state of innocence, but not enough for the state of meritorious blessedness. Without the divine assistance, humankind simply cannot realize itself. Underlining the ontological link between creature and Creator, Scotus helps us recall that the horizons of the study on the human condition are always theological and not just philosophical.⁸⁴ For that reason, a study of Scotistic anthropology restricting only to the philosophical questions is incomplete.

Third, it is important to highlight the “subtle” approach of Scotus to some problems that needed logical clarification. His new way for understanding synchronically the composite sense of statements about contingent affairs offers a better solution than that developed by thinkers before him.⁸⁵ It is the case, as we have seen, of the (im)peccability and of the (im)mortality of human beings. Scotus affirms that humans in the state of innocence were impeccable because he stresses the logical possibility of not-sinning rather than its real effectiveness. On the other hand, he maintains that humans were mortal before the Fall because he stresses the logical possibility of mortality, which in fact happened after the Fall. Such explanations allow Scotus to explain in a clearer way the condition of humankind

⁸³ For Scotus, grace (*gratia*) and love (*charitas*) are one and the same thing: “Dico quod gratia est virtus, et est idem re quod ipsa charitas ut patet per multas praeeminentias, quas Sancti attribunt aliquando charitati, aliquando gratiae.” *Reportata Parisiensia* II, d. 27, q. un., n. 3 (n. 45 above), 23:135a. See also *Ord.* IV, d. 6, pars 4, art. 2, q. 3, n. 371 (XI, 409).

⁸⁴ Secondary literature agrees on this interpretation of Scotus’s vision of humankind. See Mary Elizabeth Ingham, “John Duns Scotus: An Integrated Vision,” in *The History of Franciscan Theology*, ed. Kenan B. Osborne, (St. Bonaventure, NY, 1994), 185–230, at 197; Bernardino De Armellada, “El pecado original en lectura escotista,” *Naturaleza y gracia* 51 (2004): 745–77, at 764–65; Bernardine M. Bonansea, *Man and his Approach to God in John Duns Scotus* (Lanham, New York, and London, 1983), 36–50; and Giulio Basetti Sani, “Antropologia teologica in Giovanni Duns Scoto,” *Studi medievali* 34 (1993): 139–91, at 171. For a general point of view on Scotus’s approach, see Efrem Bettoni, “Duns Scoto denuncia l’insufficienza dell’antropologia filosofica,” in *Deus et Homo* (n. 5 above), 245–57; and Pietro Scapin, “Capisaldi di un’antropologia scotista,” in *Deus et Homo* (n. 5 above), 269–91.

⁸⁵ For further explanations about the novelty of John Duns Scotus’s theory of modality, see Cruz González-Ayesta, “Duns Scotus on Synchronic Contingency and Free Will: The Originality and Importance of his Contribution,” in *John Duns Scotus, Philosopher* (n. 29 above), 157–74. On the roots of Scotus’s theory in Peter of John Olivi’s studies on free will, see Stephen D. Dumont, “The Origins of Scotus’s Theory of Synchronic Contingency,” *The Modern Schoolman* 72 (1994–1995): 149–67. On Henry of Ghent’s explanations on relation between intellect and will, see idem, “Time, Contradiction and Freedom of the Will in the Late Thirteenth Century,” *Documenti e Studi sulla Tradizione Filosofica Medievale* 3 (1992): 561–97.

in the prelapsarian state, whose characteristics are ultimately rooted in the contingency decided by God.

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