

The Problem with Aquinas's Original Discovery

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Abstract. Jacques Maritain asserted that Aquinas's explanation of sin's origin is "one of the most original of his philosophical discoveries." In this explanation, Aquinas traces the origin of sin back to the will's defect of failing to consider or use the rule of divine law. To succeed, Aquinas must show how this defect is both voluntarily caused by the agent and non-culpable despite its serving as the origin for sin. (If it were culpable, a non-explanatory regress would ensue.) Aquinas's "original" solution hinges on his claim that the will is not always morally obligated to consider or use the rule. When Aquinas's texts are closely examined, it becomes apparent that his explanation admits of two different interpretations. In this paper, both interpretations are scrutinized and found to be problematic. Despite its originality and courage in addressing what many consider inexplicable (namely, sin), Aquinas's attempt seems not to be a successful discovery.

In his *St. Thomas and the Problem of Evil*, Jacques Maritain famously designated Aquinas's explanation of a sinful act's origin as "one of the most original of his philosophical discoveries."¹ The need for such an explanation may not be immediately obvious; sin (it might be thought) arises simply from the will misusing its putative inherent freedom. But the answer is not so simple for Aquinas. Given certain (very plausible) principles to which he subscribed, it is difficult to understand how a sinful act could arise. The sin would have to arise from a defect that jointly fulfills two seemingly incompatible criteria: the defect would have to be voluntarily caused by the agent while, at the same time, the causing of that defect must not be blameworthy. An explanation by which such a defect can be voluntarily yet non-culpably caused would indeed qualify as a "one of the most original . . . discoveries." The problem is that upon closer inspection, Aquinas's explanation appears not to succeed.

¹Jacques Maritain, *St. Thomas and the Problem of Evil* (Milwaukee, WI: Marquette University Press, 1942), 23. Maritain also extensively discusses this original discovery in both his *Existence and the Existent* (Garden City, NY: Image Books, 1956), 94–9 and *God and the Permission of Evil* (Milwaukee, WI: The Bruce Publishing Company, 1966), 32–66.

In what follows, I will briefly describe the aspects of Aquinas's action theory that make an explanation of sin's origin necessary yet problematic. I will then analyze his presumed original discovery. Although the discovery is original, creative, and relatively much discussed,² it will become clear that it does not quite accomplish the task for which Aquinas intends it.

I.

The Difficulty of Explaining Sin's Origin. For Aquinas, an act is voluntary if it meets two conditions: the act originates from an internal principle within the agent, and the agent acts on account of some end of which he or she has knowledge.³ Since the will is the internal principle by which the agent moves,⁴ the forgoing definition of the voluntary means that every voluntary act is a result of interplay between the intellect and the will. The intellect presents a possible act of willing to the will, and the will wills.

A sin, therefore, is the result of a particular interaction between the intellect and the will. But a sin is also a defective act.⁵ Defective acts, moreover, are not self-explanatory. According to Aquinas, they must be traced back to a defect in an active principle.⁶ Since the principles in an act are the agent's intellect and will, it appears any defect would have to reside in one of those two principles. But this defect cannot, according to Aquinas, rest in the intellect: "Also this very act of

²A sampling includes the following: David M. Gallagher, "Free Choice and Free Judgment in Thomas Aquinas," *Archiv für Geschichte der Philosophie* 76 (1994): 247–77; Tobias Hoffmann, "Aquinas and Intellectual Determinism: The Test Case of Angelic Sin," *Archiv für Geschichte der Philosophie* 89 (2007): 122–56; Lawrence Dewan, "St. Thomas and the First Cause of Moral Evil," in *Wisdom, Law, and Virtue: Essays in Thomistic Ethics* (New York: Fordham, 2008), 186–96; W. Matthews Grant, "Aquinas on How God Causes the Act of Sin Without Causing Sin Itself," *The Thomist* 73 (2009): 455–96. In addition, Patrick Lee alludes to some of these ideas without making explicit reference to the passages under discussion in this paper. See Patrick Lee, "The Relation between Intellect and Will in Free Choice according to Aquinas and Scotus," *The Thomist* 49 (1985): 321–42.

³Aquinas, *Summa theologiae* (ST) I-II, q. 6, a. 1–2. Aquinas's account is largely Aristotelian. See Aristotle's *Nicomachean Ethics*, Book III.

⁴ST I-II, q. 6, a. 3.

⁵Aquinas, *Summa Contra Gentiles* (SCG) III, ch. 10 and *De Malo* (DM) q. 1, a. 3. These discussions are largely parallel but somewhat different. The discussion in this paragraph largely follows that given in SCG III, ch. 10 but is certainly compatible with that in DM q. 1, a. 3. For a discussion of the differences between these two treatments, see Dewan, "St. Thomas and the First Cause of Moral Evil."

⁶As W. Matthews Grant makes clear, there need be no objection to the use of the term "defect." By his use of the term *defectus*, Aquinas means a "pure negation." He does not intend it to be understood as a privation, which is sometimes the intended meaning of "defect" and which would raise a host of further theological concerns. For a complete discussion, see n24 of Grant, "Aquinas on How God Causes the Act of Sin Without Causing Sin Itself," 462.

the apprehensive power, considered in itself, lacks moral vice because its defect either excuses or diminishes moral vice. . . . Similarly, weakness and ignorance excuse or diminish sin.”⁷ This leaves only the will as the locus of the defect: “It is necessary to understand that the defect is in the will before the moral sin.”⁸

This leads Aquinas to a significant challenge. The agent must have voluntarily caused the defect in the will; otherwise, the agent could not culpably sin by means of defective actions proceeding from it. Since defects in one's will lead to wrong actions, one would appear obliged to prevent any such defects. Voluntarily causing such a defect in one's own will would itself therefore seem to be a sinful act. This prior, sinful causing-the-will's-defect would itself then need to be explained, and a non-explanatory regress would result. To avoid this regress while at the same time ascribing the existence of the defect to the agent, Aquinas must find a way in which to explain the possibility of a voluntary, yet non-sinful, causing of this defect in the will. We hereby arrive at “one of the most original of his philosophical discoveries.”

II.

Aquinas's Discovery. This “discovery” is chiefly expressed in only two passages within Aquinas's corpus: *Summa Contra Gentiles* III, ch. 10 and *De Malo* q. 1, a. 3.⁹ While we will examine the passage from *DM* in more detail below, we should first quickly summarize the general outlines of his discovery. An agent is obligated to “consider” or “use” (hereafter, “consider/use”¹⁰) the “rule of reason and divine law” (hereafter, “the rule”) when acting so that his or her actions are not disordered. Whenever sin occurs, it is because the will proceeds to an action while that rule is not being considered/used; if the rule had been considered/used, there would have been no sin.¹¹ Sinfulness, therefore, ultimately stems from the agent's failure to consider/use the rule.

⁷“Ipse etiam actus apprehensivae virtutis, in se consideratus, morali vitio caret: cum eius defectus vitium morale vel excuset vel minuat . . . pariter enim infirmitas et ignorantia excusant peccatum vel minuunt” (*SCG* III, ch. 10, n.13). All Latin quotations are from the respective edition of the original Latin texts located at: <http://www.corpusthomicum.org/iopera.html>. All translations are mine.

⁸“Cum enim actus deficiens proveniat propter defectum activi principii, oportet praeintelligere defectum in voluntate ante peccatum morale” (ibid, n.14).

⁹There are a few general allusions to this idea in *ST* I, q. 49, a. 1, ad3; *ST* I, q. 63, a. 1, ad4; *ST* I-II, q. 75, a. 1, ad3; and *ST* I-II, q. 75, a. 2.

¹⁰The use of these two verbs, “use” and “consider,” is intentional since, as we will soon see, Aquinas uses both of them. The exploration of the meaning of, and differences between, these two terms comprises much of the investigative work of this paper.

¹¹In *DM*, Aquinas attempts to illustrate this point with the example of a carpenter cutting wood. It is perfectly acceptable for a carpenter not to use his or her ruler (*regula*) while not cutting. Such non-use is only problematic when the carpenter proceeds to the action of cutting without

At first glance, this explanation seems to indicate that sinfulness actually lies in the intellect's failure to consider/use the rule. This, however, cannot be the case for two reasons. First, this would place the defect in sinfulness in the intellect, and we have already seen that Aquinas specifically denies that the defect is in the apprehensive power. Second, and more importantly, Aquinas is insistent that this failure to consider a rule is not itself sinful. If it were, then this putative sin of not considering the rule must be explained and we would begin that dreaded non-explanatory regress. Instead, Aquinas claims that this not using or not considering is voluntary (since the will could cause such use or consideration to happen) yet not morally blameworthy. It is this particular move that constitutes his original discovery.

Aquinas's most mature and extensive discussion of this discovery is the following passage from *DM* q. 1, a. 3.

And this very thing which is to not, in actuality, attend to such a rule considered in itself is neither an evil nor a fault nor a penalty. This is because the soul is not obligated, nor is it able, to always attend, in actuality, to a rule of this type. But it first becomes a fault (*accipit primo rationem culpae*) when the agent proceeds to a choice of this type without actual consideration of the [relevant] rule . . . and similarly the fault of the will does not lie in the fact that the rule of reason or the divine law is not actually attended to, but from the fact that it proceeds to choosing without having in mind (*habens*) such a rule or measure.¹²

The basic idea is that it is up to the agent's freedom to consider the rule or not. In this way, it is voluntary.¹³ But simply not considering the rule is not sinful. Aquinas offers two reasons (let us call them R1 and R2) why this is the case: (R1) the agent is not always obligated to consider the rule, and (R2) it is not possible for the agent to always attend to it. We thus have the possibility of a voluntary, morally-neutral non-consideration of the rule. When, however, the

using it. Likewise, it is not necessarily a sin not to use a rule while not acting; sin only occurs once one proceeds to an action while not using a rule. In what exactly "use" of the rule consists comprises much of this paper's task.

¹²"et hoc ipsum quod est non attendere actu ad talem regulam in se consideratam, non est malum nec culpa nec poena; quia anima non tenetur nec potest attendere ad huiusmodi regulam semper in actu; sed ex hoc accipit primo rationem culpae, quod sine actuali consideratione regulae procedit ad huiusmodi electionem; sicut artifex non peccat in eo quod non semper tenet mensuram, sed ex hoc quod non tenens mensuram procedit ad incidendum; et similiter culpa voluntatis non est in hoc quod actu non attendit ad regulam rationis vel legis divinae; sed ex hoc quod non habens regulam vel mensuram huiusmodi, procedit ad eligendum" (*DM* q. 1, a. 3).

¹³"Moreover, it is not necessary to seek some cause of this very thing, which is to not use the aforesaid rule, because the very freedom of the will, through which it is able to act and not act, suffices for this" (*DM* q. 1, a. 3).

agent makes a choice while not using the rule, sin ensues. Sinfulness does not occur until one chooses without the rule in mind.

At first glance, this explanation of sinfulness seems plausible. Consider the oft-repeated example of adultery.¹⁴ We are not always obligated to, nor can we always, think about the rule that prohibits adultery. Simply not thinking about the fact that adultery is wrong is not sinful. When, however, one proceeds to engage in adulterous sexual relations while not considering or using the rule that adultery is wrong, one sins. The adulterer sins by choosing to have sexual relations while not considering the rule. That which makes the sin possible (i.e., not considering the rule), however, is not itself sinful.

Despite this *prima facie* plausibility, there are some significant problems for Aquinas's explanation. First, Aquinas's offering R1 and R2 as two reasons why non-consideration/non-use of the rule is not sinful is a bit puzzling. R2 should collapse into R1. If it is not possible for one to give heed to the rule at any one time, then one would not be bound by it.¹⁵ R2 simply provides one reason why the will may not be obligated to consider the rule. The only relevant appeal, therefore, should be to R1; the non-consideration/non-use can itself not be a sin because one is not always bound to consider/use the rule. The viability of Aquinas's explanation for the origin of sin, therefore, rests on making sense of R1. As we shall see, however, it is not clear that this task can be accomplished. And if it cannot, then one of Aquinas's most original discoveries ultimately does not help us understand the origin of sinful acts.

Before we can explore the viability of R1, we must first examine what is meant by not considering/using the rule. As W. Matthews Grant has usefully pointed out, Aquinas himself uses various terms with differing connotations to refer to this phenomenon: "not attending to (*non attendere*), not using (*non uti*), not applying (*non adhibere*)," and choosing "without actual considering of (*sine actuali consideratione*)" the rule.¹⁶ This variety of terms leads Grant to

¹⁴Aquinas notably uses the example of adultery in his discussions of practical syllogisms and *akrasia* in his theological treatises (*ST* I-II, q. 77 and *DM* q. 3, a. 9). While I am borrowing this example from those discussions, his explanation of *akrasia* is not relevant to the purposes of this paper. For a discussion of the importance of this example's use in Aquinas's theological discussions of *akrasia*, see my article: Michael Barnwell, "Aquinas's Two Different Accounts of *Akrasia*," *American Catholic Philosophical Quarterly* 84 (2010): 49–67. For further discussions of Aquinas's view of *akrasia*, see: Risto Saarinen, *Weakness of Will in Medieval Thought* (Leiden: Brill, 1994); Bonnie Kent, "Aquinas and Weakness of Will," *Philosophy and Phenomenological Research* 75 (2007): 70–91; Kent, "Transitory Vice: Thomas Aquinas on Incontinence," *Journal of the History of Philosophy* 27 (1989): 199–223; and Thomas D. Stegman, S.J., "Saint Thomas and the Problem of *Akrasia*," *The Modern Schoolman* 66 (1989): 117–28.

¹⁵This point has not previously been made in the literature so far as I can tell.

¹⁶Grant, "How God Causes the Act of Sin," 461–2. In what follows (and especially in my distinction between the two ways in which consideration/use can be understood) I am largely

correctly assert that there are two possible ways in which to understand this non-consideration/non-use. Let us call these understandings U1 and U2. According to U1, the rule is not being thought about at all when the agent makes the sinful choice. The rule is, in other words, not present to the agent's intellect in any sense; it is non-occurrent.¹⁷ According to U2, by contrast, the rule is occurrently present to the agent's intellect but the agent does not choose in accordance with it. Instead, the agent chooses in accordance with some other rule or directive that is at the same time present to the intellect even while (metaphorically) looking at and considering the rule. According to U2, the rule is not technically "used" in one's choice because the intellect does not choose in accordance with it.

Put differently, U1 and U2 differ on how they understand the concept of "consider." According to U1, a rule is "considered" when it is present to one's mind. According to U2, however, "consideration," properly understood, occurs only when some piece of knowledge is actually put to "use" in a choice.¹⁸ U1, therefore, entails that the failure to consider the rule occurs not only logically, but also temporally,¹⁹ prior to the sinful choice of the will. U2, by contrast,

adhering to W. Matthews Grant's presentation.

¹⁷Grant helpfully characterizes this interpretation as being a case in which the rule is not "before one's mind's eye" ("How God Causes the Act of Sin," 467n34). It should be noted that, according to Aquinas, the agent still *could* access this rule even though it is not before the mind's eye. How this could be done, however, is not sufficiently explained. For an explanation of issues related to this, see my book: Michael Barnwell, *The Problem of Negligent Omissions: Medieval Action Theories to the Rescue*, Investigating Medieval Philosophy 1 (Leiden/Boston: Brill, 2010).

¹⁸To put this in terms of practical syllogisms, a rule is properly "considered" when it is a major premise in a practical syllogism from which the agent draws the conclusion. Since the practical conclusion is drawn, the agent acts or chooses in accordance with the rule. Failure to properly "consider" the rule, therefore, could (according to U2) occur even if the premise containing the rule were before the mind's eye. As long as the agent does not draw the conclusion of the practical syllogism of which the rule is a part, U2 thus entails that a rule can fail to be properly "considered" despite its being before the mind's eye. Grant explains this phenomenon by appeal to the possibility of there being "multiple orders of reason in mind at the time of choice, including the one that contains the rule." According to his explication of U2, an agent could "choose under" one of those orders while not choosing under another which contains the rule (see Grant, "How God Causes the Act of Sin," 469).

Please note that for the purposes of this paper, I need not take a position on the controversial issue of whether the conclusion of a practical syllogism is itself an action or a conclusion from which action follows—a debate originating from Aristotle's *Nicomachean Ethics* at 1147a28. For opposed views on Aquinas's position, see Kevin L. Flannery, S.J., *Acts Amid Precepts: The Aristotelian Logical Structure of Thomas Aquinas's Moral Theory* (Washington, DC: Catholic University Press, 2001) and Ralph McInerney, *Aquinas on Human Action* (Washington, DC: Catholic University Press, 1992). Grant provides a concise overview of the debate (Grant, "How God Causes the Act of Sin," 466n33).

¹⁹This temporal priority may be only in terms of milliseconds (see Grant, "How God Causes the Act of Sin," 472). In this way, U1's explanation of sin may seem very similar to Socrates's

demands no temporal priority to the failure to consider the rule. Since “considering” the rule simply means choosing in accordance with the rule, one fails to actually “consider” the rule only at the exact moment when one fails to choose in accordance with it.

Let us examine our putative case of defective willing (i.e., the adultery case above) in light of U1 and U2 in turn in order to see if either understanding is viable.²⁰ And let us presume that the rule the agent should use/consider in this case would be something like “do not commit adultery.”

III.

Analysis of U1. If U1 is the correct understanding, then this prohibition was not occurrently present to the adulterer's intellect from some point t_1 that was prior (even by milliseconds) to the act up until the performance of the act at t_2 . In this case, the agent performed the sinful act of adultery at t_2 because he or she was not considering the rule forbidding adultery at t_2 (and indeed had not been thinking about that rule since t_1).

We need now determine wherein lies the sinfulness. The answer to this might seem clear: the fault lies in the fact that the adulterer proceeded, at t_2 , to will engaging in some sinful sexual act while not considering the rule prohibiting it. Whenever one acts, one must consider any rules relevant to that action. Indeed, one is typically thought blameworthy for engaging in some act without considering any relevant rules.

Upon closer inspection this explanation is problematic. If the agent is not already considering the rule at t_2 , it is not clear how he or she can be expected to consider it. And recall that the agent cannot be blamed for having stopped thinking about the rule at t_1 . Indeed, the non-consideration of the rule at t_1 is precisely what is not blameworthy; according to U1, the agent is not obligated to consider the rule at t_1 . If the agent is not thinking about the rule from t_1 up until t_2 , however, it is not clear how the agent could be held responsible for failing to recall it at t_2 . The agent would need some cognition along the lines of

explanation of *seemingly* akratic acts while denying the actual phenomenon of *akrasia* in Plato's *Protagoras* 352e–358d.

²⁰Grant claims that U1 and U2 are not mutually exclusive; it could be the case that U1 explains the origin of some sins while U2 explains the origin of others (Grant, “How God Causes the Act of Sin,” 469n37 and 473–4). I am not convinced that Aquinas himself intended his explanation to imply two different yet compatible explanations of the origin of sin. To my ear, Aquinas appears to intend one understanding of the origin of sin in the relevant passages. (Of course, the possibility that Aquinas may have *inadvertently* implied different understandings in different passages cannot be ruled out.) Whether U1 and U2 are mutually exclusive or not, however, will ultimately be of no import for my project. As I will argue below, neither understanding seems viable. Consequently, Aquinas's attempt is problematic regardless of which understanding was intended.

"I should consider the rule relevant to this act I am about to perform." Absent any such awareness, responsibility for not thinking about the rule is difficult to ascribe.²¹ Indeed, the agent would seem faultless for engaging in the act of adultery since she was not responsible for not thinking about the rule initially and just lacked the good luck to be aware that the rule should be considered.²²

One might object that U1 can be saved by claiming the following: even if the agent had not thought about the rule since t_1 , the agent at least recognized that he or she was about to commit adultery. This recognition alone should have prompted the agent to think about any rules relevant to that act. It is precisely the refusal to think about any such rules that may govern one's actions that is culpable. The agent was aware that the proposed action should be considered more in light of some rule and, despite this awareness, proceeded to engage in the action without such consideration.

²¹Indeed, even if that cognition were present, difficulties remain. For it is difficult to understand how that cognition would not carry with it a recognition of the fact that there was indeed a rule pertaining to one's action. Such a recognition, moreover, would entail that the agent is somehow aware of the contents of that rule. *Ex hypothesi*, however, the agent has no awareness of the rule. Given U1, it appears that the agent would have something similar to invincible temporary ignorance of the rule at that particular time and thereby be excused. It further bears noting that lacking this cognition cannot be considered blameworthy according to my argument in *The Problem of Negligent Omissions*.

²²My argument at this point has been repeatedly objected to in the following way: even though the putative agent is not thinking about the rule, he or she could think about it. And since the agent could think about the rule but does not, the agent is responsible for not thinking about it and can thus be blamed for proceeding to an action without that rule in mind. But this objection rests upon an ambiguity in the term "could." In what sense could the agent have thought about the rule? It is no doubt nomologically true that the agent could have thought about the rule; there are no general laws of the universe that would necessarily have precluded the rule from being thought about. And it is also true that particular events could have transpired (such as somebody yelling out the rule to the agent) that would have made it the case that the agent could have thought about the rule. But when we are asking whether the agent could have thought about a rule in the present context, we are asking whether the agent could have thought about it in the here and now. Could the agent have thought about the rule in that particular situation given those particular circumstances and states of affairs in which nobody is shouting out the rule and the agent is not already thinking about it? What I am doing in this section of the paper is exploring what conditions (absent the rule being yelled at the agent) must practically obtain if we are to say that the agent could have actually considered the rule in the here and now. To simply say that the agent could have considered the rule but did not leaves the real philosophical question of how could the rule have been considered unaddressed. (Indeed, if the objection were sufficient, why stop the could's at that point? Why not bypass this whole worry about the origin of sin and simply say that sin arises because the sinner could have avoided sin but did not; further explanation would not be needed if the claim that an agent simply could do something were sufficient to show why the agent is responsible for not doing it.) I have dealt with this type of objection at length in my *The Problem of Negligent Omissions*.

Underlying the objection is the reasonable presumption that the agent at least recognized the action about to be performed was adultery even though the rule prohibiting it was not necessarily considered.²³ Presumably, the recognition of the act as adultery should at the very least set off alarm bells, so to speak. Considering adultery should make one attempt to bring to mind any rules governing that behavior. And the failure to bring to mind any such rules in light of these alarm bells telling one to do so is indeed culpable.

Assuming this is the correct way to understand U1 (and it certainly seems to be the best), it must be asked why the alarm bells should be set off in the first place. There are two possibilities. (U1_{p1}): Alarm bells should accompany each of our actions. Since any of our actions could have some moral impact (and, according to Aquinas, all of them do²⁴), we should be constantly adverting to any rules governing every action. (U1_{p2}): Considering the act of adultery (and by extension any sinful act) should set off alarm bells because the sinfulness of the act is recognizable.

Let us take U1_{p2} first. U1_{p2} differs from U1_{p1} in the sense that sinful acts themselves (as opposed to all acts) set off alarm bells. But U1_{p2}'s claim that the sinfulness is recognizable is problematic. The sinfulness being recognizable could mean that the agent does not initially recognize the sinfulness but could, if she thought about it, realize that this is a sin. The implication would be, moreover, that the agent should think about it.²⁵ But if the agent does not already recognize it as a sin and is under obligation to question whether it is a sin, this is nothing more than to burden the agent with the task of examining every possible action in light of its sinfulness. In other words, U1_{p2} would simply collapse into U1_{p1}.

To avoid this collapse and preserve U1_{p2} as a separate possibility, one might insist that being recognizable means the sinfulness of the act is actually obvious to the agent, and it is this obviousness of the sinfulness that sets off the alarm bells. This attempt to preserve U1_{p2} as a separate possibility, however, will not succeed. To recognize that an act is sinful can mean nothing else than to recognize that it should not be performed. And that recognition can itself, in turn, be nothing more than to occurrently consider the rule forbidding the act. But occurrently

²³This objection implies the questionable notion that one can have such a recognition without that recognition automatically entailing an awareness of the accompanying rule. This seems far-fetched in at least some cases. For example, the connotation of adultery per se seems to include the related prohibition. The classification of an act as adultery, therefore, would seem to entail an awareness of the rule forbidding it.

²⁴For a discussion of this issue, see Klaus Hedwig, "Actus indifferens: Über die Theorie des indifferenten Handelns bei Thomas von Aquin und Duns Scotus," *Philosophisches Jahrbuch* 95 (1988): 120–31.

²⁵This may be implied by Aquinas's text in *SCG* III, ch. 10 when he writes that it is within the will's power to make a consideration or consider some possible act further.

considering the rule is precisely what does not happen according to U1. We thus seem left with $U1_{p1}$ as the only possible way in which U1 could be understood.

A closer look at $U1_{p1}$ shows that it is not a viable possibility either. Recall that $U1_{p1}$ is the possibility that claims these metaphorical alarm bells must accompany all of our actions. This can only mean that the agent should constantly question whether every candidate act is a sin; otherwise, it would be no different from $U1_{p2}$. This requirement seems too demanding to be plausible. More importantly, $U1_{p1}$ would verge on making Aquinas's explanation of the origin of sin meaningless. Recall that the key to his explanation (if U1 is the correct understanding) is that the agent is not always bound to consider the rule. It is in this way that sin can supposedly have a voluntary yet non-culpable genesis. According to U1, it is perfectly acceptable that the agent is not thinking about the rule from t_1 up until t_2 . But what would be the point of making this claim if the agent is always expected to recall the rule at t_2 ? If Aquinas's point is simply that one is obligated to think about the relevant rules any time one considers performing any action (which is what $U1_{p1}$ basically entails), then what one is doing *before* one sins becomes irrelevant to the explanation of the sin. If the agent is bound to consider the rule prohibiting adultery when he or she is about to engage in it at t_2 , what relevance does the fact that the agent was not thinking about it before this instance have? Aquinas might as well have simply said the rule ought always be considered when performing an action without bringing up the fact that one can voluntarily not consider the rule at some prior point. The prior non-consideration of the rule is rendered completely irrelevant to the explanation, and $U1_{p1}$ is thereby rendered inadequate.

Both possibilities for understanding U1, therefore, are problematic. $U1_{p1}$ demands too much of the agent and, more importantly, makes Aquinas's explanation meaningless. $U1_{p2}$ either collapses into $U1_{p1}$ or contradicts the understanding of U1 in the first place. Consequently, it seems that U1, the understanding by which the prohibiting rule was not occurrently present to the agent's intellect from some point t_1 that was prior to the act up until the performance of the act at t_2 , cannot stand. Aquinas's explanation of sin's origin must not appeal to any temporally prior non-consideration.

Before discarding U1 completely, one final defense must be considered and dismissed. According to this defense, the temporally prior non-consideration posited by U1 is important because if the agent were indeed considering the rule from some point t_1 up until t_2 , there would then be no failure to consider the rule at t_2 . The agent's failure to consider the rule at t_2 thus does, in a way, result from a non-consideration of the rule prior to t_2 .

While this appeal to a counterfactual does offer one explanation of the non-consideration of the rule at t_2 , it is not sufficient to preserve U1. It merely gives a scenario in which the agent would not have failed to consider the rule.

The agent's non-consideration of the rule at t_2 could similarly be explained by the fact that some other persons did not happen to yell out the rule to the agent at t_2 . If they had yelled it out, the agent would have considered it. This latter counterfactual could also give a reason why an agent did not consider the rule at t_2 . Such an explanation, however, has no bearing on understanding the voluntary yet non-culpable non-consideration of a rule that is the putative origin of sin.

One might try to claim a difference between these two counterfactuals in the sense that other persons have no obligation to yell out rules while the agent does have an obligation to recall the rule at the appropriate time. But if that is the difference, then we once again arrive at the simple claim that the agent simply has an obligation to recall the rule at the relevant time. What the agent does or does not consider prior to the act at t_2 thus seems, contra U1, to have no relevance to the agent's failure to consider the rule at t_2 .

IV.

Analysis of U2. Since U1 does not help us understand the voluntary yet non-culpable origin of sin, we are left with U2. Recall that in contrast to U1, U2 understands consideration of the rule to take place only when the rule is put to use in a choice. One therefore can have the rule occurrently before one's mind but not properly consider it by failing to choose in accordance with it.²⁶

Once again, this understanding has much *prima facie* plausibility. Indeed, sinfulness would seem to consist precisely in the fact that one does not use, or choose in accordance with, some rule that is occurrently before the mind. If, for example, one is aware of the rule prohibiting adultery and does not "use" that rule by committing adultery anyway, sinfulness would indeed seem to follow from a lack of "consideration" thus understood.

Despite its *prima facie* plausibility, U2 faces a problem similar to that discussed in reference to U1_{p1}: if U2 is the correct understanding, then Aquinas's explanation of sin's origin becomes almost nonsensical. To see this, let us look again at the passage from *DM* q. 1, a. 3 in which the putative original insight into sin's origin is given. In what follows, I will substitute the various references to "considering the rule" with (as U2 would understand them) "choose in accordance with," making modifications as required by proper grammar. (All substitutions will be placed in curly brackets.)

And this very thing which is to not, in actuality, {choose in accordance with} such a rule considered in itself is neither an evil nor a fault nor a

²⁶If one takes Aquinas's illustration of his concepts as decisive, then U2 is supported by the example of the carpenter who proceeds to cutting without using his or her ruler (*regulam*). See n11 above.

penalty. This is because the soul is not obligated, nor is it able, to always {choose in accordance with}, in actuality, a rule of this type. But it first becomes a fault when the agent proceeds to a choice of this type without actually {choosing in accordance with} the [relevant] rule . . . and similarly the fault of the will does not lie in the fact that the rule of reason or the divine law is not actually {chosen in accordance with}, but from the fact that it proceeds to choosing without {choosing in accordance with} such a rule or measure.

Once this substitution is made, several problems with U2 become apparent. First, it is noteworthy that in three of the four substitutions, our substituted phrase is modified by “actually” (*in actu*, *actuali*, and *actu* respectively). If the original terms that we have substituted for are modified by “actually,” then it stands to reason that the original term in brackets can denote a non-active state. But according to U2, the terms we substituted for already indicate an actual choosing in accordance with the rule. If Aquinas had indeed (in accord with U2) intended those terms themselves to imply an actual choosing, he would have had no need to modify them with “actually.” Since they are thus modified, it is difficult to read those terms in accordance with U2.

In fairness, this observation does not conclusively disqualify U2. To the contrary, it is possible that Aquinas simply modified those bracketed terms with “actually” so as to stress that they are indeed to be understood as implying an actual choosing. If so, then U2 may be supported, instead of contradicted, by the use of those modifiers. As a result, U2 cannot be dismissed on this basis alone.

The more significant challenge to U2 comes from the fact that most of the rest of the passage makes little sense if closely read with the substitutions U2 would require. Near the end of the passage, Aquinas notes that “the fault of the will does not lie in the fact that the rule of reason or the divine law is not actually attended to (*attendit ad*).” According to U2, *attendit ad* should be understood as implying an active choosing in accordance with the rule (as indicated in the modified block quotation above). If so, the passage is saying that the fault of the will does not lie in the fact that the will does not choose in accordance with the rule. But this is problematic since this is exactly what the fault of the will consists in. According to Aquinas’s explanation, the will sins because there is a prohibiting rule in accordance with which the will does not choose. It could not be the case, therefore, that Aquinas would be stating the will’s fault does not lie in the fact that it fails to choose in accordance with the rule.

In fact, when this phrase is read together with that which follows, the precarious position of U2 is clearly demonstrated: “the fault of the will does not lie in the fact that the rule of reason or the divine law is not actually {chosen in accordance with}, but from the fact that it proceeds to choosing without

{choosing in accordance with} such a rule or measure." If U2 is correct, then this passage contradicts itself by saying the fault of the will does not lie in failing to choose in accordance with the rule, but rather lies in failing to choose in accordance with the rule.

It is important to note that a close analysis of the text does not necessarily imply a contradiction. There are, in fact, three different Latin terms being translated by forms of "choose" in the passage above. As already pointed out, the first bracketed "{chosen in accordance with}" is translating *attendit ad*. The phrase "proceeds to choosing" translates "*procedit ad eligendum*," while the last bracketed phrase ("{choosing in accordance with}") translates *habens*. The appearance of contradiction, therefore, arises only as a result of using the same English term ("choose") to translate three different Latin ones. The point being made, however, is that if U2 is the correct understanding, this contradiction exists. According to U2, references to considering or using the rule imply a choosing in accordance with the rule; if they do not, then we must fall back to U1. Since U2 implies such a blatant contradiction, it must be concluded that Aquinas did not himself intend U2 in this passage.²⁷

There is one final way in which U2 might be preserved. Perhaps Aquinas does indeed intend active use by all references to "consider," and his point is that one need not always actively use the rule. For instance, I may not need to put into use the rule forbidding adultery when I am running a marathon. Even if I, for some reason, think about that rule while running the fifteenth mile, I cannot at that time actively use that rule since I do not have the opportunity to

²⁷In light of the problems caused by this passage for U2, it has been questioned whether U2 can be saved either by showing it is consistent with other passages or by claiming that it works on purely speculative grounds. In response, it first bears noting that even Maritain himself once appears to doubt the viability of U2 as an explanation for sin's origin. (See both Grant, "How God Causes the Act of Sin," 468n36 and Maritain, *God and the Permission of Evil*, 44–5.) As the remainder of this section makes clear, moreover, it is difficult to see how U2 could survive on speculative grounds. And if it does not survive on speculative grounds, whether it is consistent with other passages in Aquinas's corpus is arguably irrelevant.

Even if the question of whether U2 is consistent with other passages were relevant, problems would remain. The only other passage primarily devoted to this putative original discovery is *SCG* III, ch. 10. Understanding that passage in terms of U2 would be just as, if not more, problematic than understanding the current passage from *DM* in terms of U2. The passage from *SCG* explicitly refers to reason, as opposed to will, performing the act of consideration. Because of this, the passage (according to U2) would have to be read as stating that *reason*, as opposed to will, makes a choice (see *SCG* III, ch.10, n.17). Finally, it must be pointed out that even if some of the brief passages in *ST* (see n9 above) could be read as consistent with U2, it would be of little comfort; it would remain the case the *DM* q. 1, a. 3 is not consistent with U2 (as shown in the body of the paper). Given that U1 is not viable, there would remain no way in which to render a compelling understanding of Aquinas's most mature discussion of the putative original discovery.

commit adultery.²⁸ And failing to use the rule in this manner is indeed no sin. It would only become a sin not to use that rule if I were to, at some other point, “proceed to choosing” adultery when presented with the possibility.

If this were Aquinas’s intended understanding, then his original discovery would consist of the observation that we can voluntarily and non-culpably fail to use a rule governing some action which we could not, at that point, perform anyway. But this could not possibly be Aquinas’s intended understanding: such an observation is problematic, if not outright meaningless, on many levels. The non-culpability of failing to use a rule governing an action when that action could not be performed anyway is so obvious it is not worth mentioning. It is furthermore not clear how such a failure to use a rule one could not use anyway could be voluntary.

At best, this alternate interpretation of U2 would basically boil down to the observation that failing to use a rule is not a sin when one could not break the rule anyway, but it is a sin to fail to use it when one could break it. But affirming this is nothing other than to state, more or less, what a sinful act is—it is the failure to use the rule while transgressing it. Such a statement does nothing to help achieve the intended purpose of this passage, which is to explain how such a sinful act could arise through a voluntarily, yet non-culpably, defective power. In fact, under this alternate interpretation, it is not clear how the discussion of voluntary non-use is even relevant. As a result, U2 cannot be salvaged as a viable understanding without attributing either meaninglessness or overt contradiction to Aquinas’s explanation of a sinful act’s origin.

V.

Conclusion. Aquinas’s task has been to explain how a defective act of sin can arise. Such a defect must arise from a defective power. In this case, that power is the will. But the will’s defect has to satisfy the two seemingly incompatible conditions of voluntariness and non-culpability: the agent had to have voluntarily caused that defect without that causing being blameworthy. After close examination of his text, it appears Aquinas did not fully succeed in this task. There seems to be no consistent way in which to make sense of his key claim that a non-culpable, voluntary defect is possible because the agent is not always obligated to consider/use the rule. While his argument may indeed have been original, it falls short of a true discovery. This, however, is not necessarily to

²⁸This explanation of using a rule assumes that a rule can only be used at a moment at which one could break the rule. It is, of course, possible to posit a more liberal understanding of “using a rule” by which a rule is used whenever one is not breaking it. If this more liberal understanding is adopted, however, defending U2 becomes more difficult. I have assumed a more narrow understanding of using a rule in order to posit at least one final way in which U2 might be salvaged.

disparage Aquinas. In the first place, his argument (and perhaps concerns with it) seems to have led to later scholastic reflection on the relationship between sin's origin and a putative defect in the will.²⁹ Moreover, it may be viewed as an intellectually honest attempt to explain what, to many, seems inexplicable: sin.³⁰

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²⁹For example, in *De Vitiis et Peccatis*, disp. V, sec. I, Francisco Suárez explicitly asks, "What is the origin of the deformity of sin?" In attempting to answer this question, he repeatedly references Aquinas's explanation of sin's origin in *DM* and *ST* (see n9 above) while, at the same time, adopting Aquinas's language of a "defect of the will." In his analysis, Suárez contrasts Aquinas's attempt to answer this question to rival attempts offered by Gabriel Biel, John Duns Scotus, William of Ockham, and Henry of Ghent before offering his own solution. Suárez's own solution (which he regards as different from both Aquinas's and Scotus's) ultimately rests upon a particular understanding of the defect of the will as natural. A full analysis of the explanations for sin's origin offered by Suárez, Scotus and the others mentioned above are outside the scope of this particular paper. For Suárez's text, see volume IV of Francisco Suárez, *Opera Omnia*, 28 vols. in 30, editio nova, ed. M. André et al., (Paris: Vivès, 1856–78).

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