

<371, col. b>²*De malitia.*

Praeter alias differentias inter bonitatem, et malitiam, una est, quod voluntas humana non potest fieri actualiter bona sine operatione a se elicita, ut supra dictum est; potest autem fieri mala sine ullo actu per voluntariam carentiam actus debiti; huiusmodi enim voluntarium dari potest, ut supra tract. 2. disp. 1. sect. 5. dictum est, et ad malitiam sufficit propter imperfectionem eius, ut latius tradi solet 1. 2. q. 71. art. 5. et q. 72. art. 6. Unde fit duplicem esse malitiam, una est quae proxime denominat actum malum, et per illum, voluntatem; altera, quae voluntati proxime inest, et illam malam denominat. Quoniam igitur hic de actibus agimus, prior malitia est propria praesentis disputationis, et ideo prius de illa disputabimus, et potest illa generali nomine vocari *malitia commissionis*; in fine tamen aliquid de posteriore addemus, quando carentia actus ex ipso actu facile cognoscatur; de malitia autem actus disputari possunt omnia quae de bonitate dicta sunt; tamen quia suppositis dic-

On evil.

In addition to other differences between goodness and evil,³ one is that a human will cannot become actually good without an operation elicited by it, as was said above, but it can become evil without any act by the voluntary lack of an act that one ought to perform.⁴ For something voluntary of this sort can be given, as was said above in *De voluntario et involuntario* disp. 1, sect. 5, and it suffices for evil on account of its imperfection, as is usually discussed more widely with respect to *Summa theologiae* (henceforth: *ST*) IaIIae.71.5 and 72.6. Hence, there are two kinds of evil: one where the act is proximately denominat evil and the will through it and the other where evil is proximately in the will and denominates it evil. Therefore, since in this treatise we are discussing acts, the former kind is proper to the present disputation and so we will discuss it first. It can be called by that general name, 'evil of commission'. Nevertheless, at the end we will add something about the latter kind of evil, since the lack of an act is easily understood according to that act itself. Moreover, everything that was said about goodness can also be discussed concerning the evil of acts. Nevertheless, since

¹Latin text by and large follows the 1628 edition, with most abbreviations expanded and spellings modernized. Punctuation kept as is. I checked the text against the Vivès edition for significant variations, as well as in a few instances against the edition of this section printed as an appendix in the third volume of the Corpus Hispanorum de Pace edition of *De legibus*. For recorded variants, A = 1628 edition, C = Corpus Hispanorum de Pace edition, and V = Vivès edition. Emendations not supported by any of these editions are enclosed in square brackets. Note that the Vivès edition does not have marginal notes; many, though not all, of the marginal notes from the 1628 edition are included in the Vivès edition as italicised text at the head of paragraphs.

²Numbers in angle brackets indicate page numbers in the Vivès edition for ease of reference, given that it is the most widely used edition.

³I will follow the traditional practice of translating '*malitia*' with 'evil' even though the English term presently tends to be reserved for a narrower class of bad things than the Latin '*malitia*' such that one might well prefer 'badness' as a translation.

⁴When reading Suárez it is important to distinguish between '*debitum*' and '*obligatio*'; I will use 'duty' and constructions using 'ought' to translate '*debitum*' and cognate terms and reserve 'obligation' for '*obligatio*'. For more on Suárez's use of these terms, see Terence Irwin, *The Development of Ethics* (Oxford: Oxford University Press, 2008), vol. 2, §437.

25 tis erunt breviora, omnia comprehendam sub hac
unica disputatione, explicando prius absolute ra-
tionem malitiae, postea vero de obiecto, circum-
stantiis, et fine pauca tractabimus.

25R

SECTIO 1.

*Utrum sit aliquis actus voluntatis ex se, et natura
sua malus etiam seclusa extrinseca prohibitione.*

Praemittuntur
quidem ad
dubitationem
praesentem.

5 1. Primo, quod in voluntate humana sint actus
mali, per se notum est, et D. Thomas satis hoc dis-
putat 1. 2. q. [74] art. 2. <372> Quod autem omnes
actus mali sint prohibiti aliqua lege, saltem divina,
10 est certum, quia hoc ad perfectionem spectat div-
inae providentiae. Rursus certum est apud omnes
Theologos aliquos actus esse malos solum, quia pro-
hibiti sunt, tamen ad explicandum exacte rationem
malitiae oportet in universum explicare quomodo se
15 habeat ad prohibitionem quantum a lege pendeat;
et consequenter, quantum possit esse intrinseca
humanis actibus, quia in hoc potissimum apparet
tota difficultas tractanda. Est autem ratio dubii,
quia nullus actus voluntatis potest ex vi suae en-
titatis positivae habere malitiam, sicut bonitatem;
20 ergo tantum potest illam habere, in quantum deficit
a regula voluntatis, quae est lex; ergo non potest in-
telligi actus malus sine lege extrinseca prohibente.
Antecedens supponitur, quia malum, ut malum,
non potest esse differentia specifica, et positivum

Dubitandi
ratio.

5R

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15R

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the discussions will be briefer by assuming what has already
been said, I will include everything in this one disputation,
first explaining the *ratio* of evil without qualification, and
then afterwards discussing its object, circumstances, and
end in brief.

SECTION 1.

*Whether there is some act of the will that is of itself and by its
own nature evil even apart from an extrinsic prohibition.*⁵

1. First, that there are evil acts in human wills is *notum
per se*, and St. Thomas discusses this sufficiently in *ST* IaI-
Iae.74.2.⁶ Moreover, that all evil acts are prohibited by some
law, at least by some divine law, is certain, since this belongs
to the perfection of divine providence. On the other hand, it
is certain according to all the theologians that some acts are
evil only because they are prohibited. Yet in order to explain
precisely the *ratio* of evil it is necessary to explain how it is
related to prohibition: to what extent it depends on law and,
consequently, to what extent it can be intrinsic to human
acts. For this especially is where the whole difficulty that is
to be discussed comes up. There is, moreover, a reason for
doubt, since no act of will can have evil from the force of its
own positive entity in the way that it can have goodness. It
can, therefore, only have evil to the extent that it falls short
of a rule for will, which is law. It cannot, therefore, be under-
stood as an evil act without an extrinsic law prohibiting it.
The antecedent is supposed because evil qua evil cannot be a
specific difference and a positive being. It is confirmed: for
the evil of an act cannot be understood without an obligation

Some
preliminary
points for the
present doubt
are made.

The reason for
doubting.

⁵This section may be profitably compared with *De legibus* 2.6, which, although structured differently contains numerous parallel passages. Compare, for example, n. 2 with *DL* 2.6.4 and 7 and n. 4 with *DL* 2.6.3.

⁶It is not entirely clear what text Suárez has in mind, since the reference in the first edition is missing the question number. One recent edition supplies '71' as the question number, but the relevance of 71.2 to the present discussion is minimal at best. The obvious candidate as far as content is concerned would be IaIae.18.1 but it has the disadvantage of requiring us to read the supplied article number as erroneous. I have chosen to go with 74.2 on the grounds that its content is relevant and that it matches the supplied article number. My thanks to Justin M. Anderson for suggesting 74.2 as a possibility.

ens. Confirmatur, quia non potest intelligi malitia actus sine obligatione non faciendi, sicut neque e contrario intelligi potest malitia in carentia actus, nisi sit obligatio operandi; sed omnis obligatio oritur
 25 ex lege extrinseca praecipiente, vel prohibente; ergo sine hac nulla est malitia; ergo sicut talis lex non est intrinseca actui, ita neque ulla malitia. Antecedens videtur ex terminis notum, quia nemo peccat nisi omittendo, quod tenetur facere, neque
 30 e contrario, et potest etiam explicari, quia nemo peccat nisi volendo malitiam; non autem vult illam directe, quia *nemo intendens ad malum operatur*; ergo indirecte; ergo oportet, ut intercedat obligatio cavendi illam, quia hoc *voluntarium indirectum*,
 35 moraliter loquendo, non est nisi ubi intercedit aliqua obligatio.

1. Opinio negans.

2. Propter haec quidam dixerunt nullum esse actum voluntatis ita malum, quin possit esse non malus, quamvis libere, et humano modo fiat, quia
 40 putant omnem malitiam pendere ex prohibitione extrinseca saltem divina, quam putant esse liberam, quia pendet ex voluntate Dei, quae libera est in omnibus effectibus ad extra, quorum unus est prohibitio, seu praeceptum, ita Nominales fere sentiunt, Ockhamus in 2. q. 19. ad 3. et 4. Gerson *Alphabeto*
 45 6. litt. E. et *Tractatu de vita spirituali*, lect. 1. et alios refert Almainus tract. 3. *Moralium* cap. 15. et fere consentit Scotus in 4. dist. 26. q. 1. qui tamen exceptit odium Dei; videtur etiam favere D. Thomas 1. 2. q. 71. art. 6. ad 4. Ubi explicans illam distinctionem Theologorum de actibus malis, quod *quidam sunt mali, quia <col. b> prohibiti; alii vero prohibiti, quia mali*, dicit esse intelligendam respectu legis positivae, significans respectu aeternae, et divinae
 50 legis omnes esse malos, quia prohibitos; quod etiam sentit D. Bonaventura in 2. dist. 35. dub. 4. circa litteram. Favet Augustinus 2. *De peccatorum meri-*
 55

to not perform it, just as, conversely, evil cannot be understood in the absence of an act except with an obligation to perform it. But every obligation arises from an extrinsic law that orders or prohibits. Therefore, without this there is no evil. Therefore, just as such a law is not intrinsic to the act, neither is any evil. The antecedent seems known from the terms, since no one sins except by omitting that which ought to be done or conversely [by doing that which is forbidden]. It can also be explained, since no one sins except by willing evil, but no one wills that directly, since ‘no one intends to act for evil’. Therefore, it is willed indirectly. Therefore, it is necessary that an obligation to avoid [performing the action in question] intervene, since this ‘indirectly voluntary [action]’, morally speaking, does not exist except where some obligation intervenes.

2. For this reason some say that there is no act of the will evil in such a way that it cannot be not evil, however much it is done in a free and human way. For they think that every evil depends on an extrinsic prohibition, at least a divine one, which they think is free since it depends on the will of God, which is free with respect to all effects beyond itself. A prohibition or precept is one such effect. This is basically what the nominalists think: Ockham, *Sent.* II, q. 19, ad 3 and 4, and Jean Gerson, *Alphabetum divini amoris* 6, letter E, and *Tractatus de vita spirituali* lect. 1. Jacques Almain refers to others in *Moralia* tract. 3, cap. 15. Scotus generally agrees in *Sent.* IV, dist. 26, q. 1, although he makes an exception for hatred of God. Even St. Thomas seems to favour [this view] in *ST IaIIae*.71.6 ad 4, where in explaining the distinction made by theologians concerning evil acts, namely, that ‘some are evil because they are prohibited, but others are prohibited because they are evil’, he says that the distinction should be understood with respect to positive law, indicating that with respect to eternal and divine law all evil acts are evil because they are prohibited. St. Bonaventure also thinks this in *Sent.* II, dist. 35, dub. 4, around the letter. Augustine

The first opinion, denying.

29 peccat nisi omittendo] peccat omittendo A peccat omni omittendo V

60 *tis et remissione* cap. 16. dicens, *neque praeceptum erit, si quid erit nisi iubeatur, ut non sit.* Et infra, *Quomodo per divinam misericordiam dimittitur, si peccatum non est, aut quomodo per divinam iustitiam non prohibetur, si peccatum est.* Denique lib. 22. *Contra Faustum* cap. 27. [peccatum] definit per hoc, quod sit contra legem; idem Ambrosius lib. *De paradiso* cap. 6. dicens. *Quid est peccatum nisi divinae legis praevaricatio*, imo videtur id docere Paulus ad Romanos 4. *Ubi non est lex, neque praevaricatio*; et cap. 5. *Peccatum non imputabatur, cum lex non esset*; et ideo 1. ad Corinth. 15. *Virtus, inquit, peccati lex.*

2. Opinio extreme contraria.

70 3. Alii vero absurdum existimant, negare aliquos actus ita esse malos, quin habeant inseparabilem malitiam etiam de potentia absoluta, si libere, et humano modo fiant, et nihilominus propter argumenta facta concedunt non posse esse malos sine prohibitione saltem divina; unde concludunt hanc prohibitionem non esse Deo liberam, sed necessariam, quia licet Deus ad extra se nihil simpliciter necessario velit; tamen supposita libera voluntate circa unum non est inconveniens, ut sit necessarium velle aliud, quia haec non est necessitas simpliciter, sed ex libera suppositione; sic ergo inquirunt hoc ipso, quod Deus vult creare hominem, et illum libere vult, et per rationem operari, et cum illo ad hoc concurrere, necessarium est, ut illi prohibeat hos actus habentes ita coniunctam malitiam, tum quia facta dicta suppositione necesse est, ut habeat Deus providentiam hominis, cuius haec est pars potissima, tum etiam, quia absolute necessarium est, ut huiusmodi actus Deo displiceat; ergo necesse est, ut repugnet voluntati

60R favours it in *De peccatorum meritis et remissione* II, cap. 16, [§23.] saying: ‘nor would that be sin, if, whatever it may be, it were not decreed that it should not be’. And further down: ‘How is it forgiven through divine mercy if there is no sin, or how is it not prohibited through divine justice if it is sin?’ Finally, in *Contra Faustum* XXII, ch. 27, he defines sin thus: it is contrary to law. Ambrose says the same thing in *De paradiso* ch. 6, [§30.] saying: ‘what is sin except a transgression of divine law?’⁷ Indeed, Paul seems to teach the same thing in Romans 4[15]: ‘where there is no law, neither is there transgression’. And in Romans 5[13]: ‘sin is not imputed where there is no law’. And for that reason he says in 1 Corinthians 15[56]: ‘the power of sin is the law’.⁸

70R 3. But others think it is absurd to deny that some acts—if they were done freely and in a human way—are evil in such a way that they have an evilness that is inseparable even by absolute power. Nevertheless, on account of the arguments just made, they concede that they cannot be evil without at least a divine prohibition. Hence they conclude that this prohibition is not free for God but necessary. For, although God wills nothing beyond himself with strict necessity, it is, nevertheless, not disagreeable that God will something necessarily on the supposition of freely willing something else. This is not necessity strictly speaking but a necessity resulting from a free supposition. In this way, therefore, they think that from this, that God willed to create human beings and willed them to act freely and through reason and willed to concur with them in this, it is necessary that he prohibit for them those acts that have evil conjoined to them in the way in question. For once the stated supposition has been made, it is necessary that God have providence over human beings, of which this prohibition is the greatest part. Also, because it is absolutely necessary that acts of this sort displease God. Therefore, it is necessary that they are repugnant to his will.

The second opinion, the extreme contrary.

⁷Ambrose repeats the claim in *De paradiso* ch. 8, §39, which is the passage that Suárez cites in *De legibus* II.6.7.

⁸Suárez provides a nearly identical list of citations with some more detail in *De legibus* II.6.7.

eius; ergo et prohiberi; nam haec duo idem sunt, hanc vero opinionem sic explicatam apud nullum scriptorem invenio.

3. Opinio distinctione utens. 95 4. Alii distinctione utuntur cum Gregorio in 2. dist. 34. q. 1. art. 2. Gabriel dist. 35. q. 1. art. 1. 95R Almainus tract. 3. cap. 16. quos sequitur Corduba lib. 3. *Quaestionum* q. 10. ad 2. hi enim auctores concedunt aliquos esse actus intrinsece omnino malos ac necessario, etiam de potentia absoluta; distinguunt autem duplicem legem, aliam indicantem, aliam praecipientem. Prima explicatur tantum per verbum indicativi modi, hoc est faciendum, vel non est faciendum; alia per verbum imperativi, fac hoc, vel non facies. Prima tota est in intellectu, et non pendet a voluntate; consistit enim in iudicio indicante rem ipsam prout est. Secunda vero pendet a voluntate quatenus vult imponere hanc, vel illam obligationem. Unde prima non pendet ex iurisdictione, vel potestate superioris, sed ex re ipsa. Secunda vero requirit potestatem, et iurisdictionem; dicunt ergo omnem actum malum requirere priorem legem, non autem posteriorem.

Praedicta distinctio immerito improbatur a nonnullis. 115 5. Haec distinctio a nonnullis improbatur, quia improprie utitur Gregorius voce *legis*, proprie enim non significat nisi imperium; si tamen res vera est, non esset de voce multum contendendum, praesertim, quia dictamen rectae rationis non admodum improprie per sese dicitur habere rationem legis respectu voluntatis, praesertim in voluntate, quae non est sibi regula suorum actuum, neque est natura sua determinata ad honestum; nam revera tale dictamen est regula, et mensura talis voluntatis: non ergo adeo improprie dici potest lex respectu illius, neque haec significatio huius vocis est admodum inusitata, Augustinus enim lib. 22. *Contra Faustum* resp. 27. sub disiunctione dixit.

Therefore, also that they are prohibited. For these two are the same thing. But I do not find this view explained in this way in any writer.

4. Others use a distinction following Gregory of Rimini in *Sent.* II, dist. 34, q. 1, art. 2, Gabriel in *Sent.* II, dist. 35, q. 1, art. 1, and Almain in [*Moralia*] tract. 3, cap. 16. Antonio de Córdoba follows them in *Quaestionarium theologicum* III, q. 10 ad 2. For these authors grant that there are some acts that are intrinsically entirely evil and necessarily so even with respect to absolute power. But they distinguish between two kinds of law, one indicative, the other prescriptive. The first kind is explained only through a verb in the indicative mode: ‘this is to be done’ or ‘this is not to be done’. The other kind is explained through an imperative verb: ‘do this’ or ‘you will not do this’. The first is wholly in the intellect and does not depend on a will, since it consists in a judgement indicating a thing as it is. But the second depends on a will insofar as it wishes to impose this or that obligation. Hence, the first does not depend on jurisdiction or on the power of a superior, but on the thing itself. But the second requires power and jurisdiction. These authors say, then, that every evil act requires the former kind of law but not the latter.

5. This distinction is rejected by some on grounds that Gregory improperly uses the word ‘law’, for it does not properly signify except where there is authority. Nevertheless, if the matter itself is true, there is no need to contend much about the word, especially since a dictate of right reason is said not all that improperly to itself have the character of law with respect to the will, especially in the will which is not the rule for itself of its acts and is not determined by its own nature to the fine (*honestum*).⁹ For such a dictate really is a rule and measure for such a will. To that extent, then, it can, not improperly, be called a law with respect to the will. Nor is this meaning of this word all that unusual, for Augustine says in *Contra Faustum* XXII, resp. 27, under the break that ‘the eternal law is divine reason or the will of God’

The third opinion, making use of a distinction.

The aforementioned distinction is rejected by some without reason.

⁹For Suárez on the traditional division of good into *honestum*, *utile*, and *delectabile*, see *DM* 10.2.3–29. Roughly, goods that are good for their own sake apart from pleasure are *honestum*. Finding an English term with the same range is difficult.

Lex aeterna est ratio divina, aut voluntas Dei, et
 D. Thomas *loco supra citato* videtur certe hoc modo
 130 uti nomine *legis*, ut patet ex fine illius solutionis,
 dicit enim omne peccatum esse malum, quia pro- 130R
 hibitum, et subdit; ex hoc enim ipso, quod est inor-
 dinatum, iuri naturali repugnat; ubi non dixit, ideo
 esse inordinatum, quia iuri naturali repugnat, sed
 135 e contrario, quia est inordinatum, ideo iuri natu-
 rali repugnare, quod solum est verum sumendo ius 135R
 naturale pro ipso dictamine rationis, sed quidquid
 sit de voce *legis*, nos loquamur de voluntate pro-
 hibente, et de iudicio dictante.

1. Assertio. 140 6. Dicendum primo, aliquos actus voluntatis
 ex se, et ex vi suorum obiectorum esse malos ante 140R
 omnem voluntatem prohibentem et independentem
 ab illa quoad rationem malitiae. Haec conclusio
 sumitur ex D. Thoma 1. 2. q. 100. art. 1. et 8.
 Fulcitur
 auctoritate.
 145 hoc enim sensu definit quosdam actus ita esse
 malos, ut nulla Dei dispensatione fieri posset, ut 145R
 non sint mali, et ita sequitur Cajetanus ibi, et Soto
 2. *De iustitia*. q. 3. art. 10. Victoria *Relectione de*
homicidio, Richardus in 3. dist. 37. art. 1. q. 5. et
 150 ibi Gabriel q. 1. art. 2. <col. b> et Scotus q. 1.
 absolute hoc admittit, licet in particulari iudicio de 150R
 his actibus differat a sententia D. Thomae, quod
 non est huius loci; consentit etiam Durandus in
 1. dist. 47. q. 4. Sumitur etiam ex Augustino 1. *De*
 155 *libero arbitrio* cap. 3. dicente adulterium non esse
 malum, quia prohibitum, sed e contrario, et idem 155R
 dicit de mendacio, *Glossa* Levit. 19.

Probatur
 inductione.
 160 7. Unde probatur primo inductione, quia odium
 Dei ita est malum, ut si libere, et humano modo 160R
 absque ignorantia fiat, non possit non esse malum,
 quod videtur ita ex terminis notum, ut non indigeat
 probatione, nam rationi propositum statim repug-
 nat, idem est de hoc actu, *volo agere contra consci-*

and St. Thomas in the place cited above, [*ST IaIIae.71.6 ad 4,*] certainly seems to use the name ‘law’ in this way, as is clear from the end of that solution, for he says that every sin is evil because it is prohibited, and he substitutes: ‘for precisely in that it is inordinate, it is repugnant to natural law’. He does not say here that because it is repugnant to natural law, therefore it is inordinate; rather, he says the contrary: because it is inordinate, therefore it is repugnant to the natural law. This is only true when taking natural law for the very dictate of reason. But whatever the case may be concerning the word ‘law’, we are talking about a prohibiting will and a dictating judgement.

6. It should be said, first, that some acts of the will are of themselves and their objects evil prior to any will prohibiting them; they are independent of that will with respect to the aspect of evil. This conclusion is taken from St. Thomas, *ST IaIIae.100.1* and 8. For in this sense he defines certain acts as evil in such a way that God cannot give dispensation so that they would not be evil. Cajetan follows this in the same place, as well as Soto in *De iustitia* II, q. 3, art. 10, Victoria in *Relectio de homicidio*, and Richard Middleton in *Sent. III*, dist. 37, art. 1, q. 5. It is also admitted in a strict sense by Gabriel in *Sent. III*, dist. 37, q. 1, art. 2, and Scotus in *Sent. III*, dist. 37, q. 1, although they disagree with St. Thomas in the case of a particular judgement about these acts. But that is not to the point here. Durandus also agrees in *Sent. I*, dist. 47, q. 4. It is also taken from Augustine in *De libero arbitrio* I, cap. 3, where he says that adultery is not evil because it is prohibited, but the other way around. He says the same thing about lying in *Quaestionum in Heptateuchum* III.68.

7. Next it is proven, first, by induction, since hatred of God is an evil such that if it comes about freely, in a human way, and without ignorance, it cannot fail to be evil. This seems so well known from the terms that it does not require proof, for what is proposed is immediately repugnant to reason. It is the same with this act: ‘I wish to act against

The first
 assertion.

It is supported
 by authority.

It is proven by
 induction.

	165	<i>entiam, contra rectam rationem, contra praeceptum superioris. Nam huiusmodi actus non potest mente concipi, quin malus sit, quod argumentum late prosequitur Almainus supra. Potest etiam haec inductio extendi ad ipsam divinam voluntatem, respectu cuius quaedam sunt ita mala, ut non possit</i>	165R	conscience, against right reason, against the precept of a superior'. For an act of this kind cannot be conceived by the mind as other than evil, which argument Almain pursues at length in the [text cited] above. This induction can also be extended to the divine will, with respect to which certain things are evil such that God cannot will them. Willing to deceive, willing not to keep a promise, and so on are such things. This does not result from the will prohibiting them. Therefore, it results from the fact that such willings are <i>per se</i> evil.	
	170	Deus ea velle, qualia sunt velle mentiri, velle non implere promissum, etc. Quod non provenit respectu illius ex voluntate prohibente; ergo ex eo provenit quod talis voluntas per se mala est.	170R		
Probatur a priori.	175	8. Ratio autem a priori est, quia voluntas sumit bonitatem, vel malitiam suam ex obiecto; est autem aliquod obiectum ex se disconveniens naturae rationali, ut sic, absque voluntate superioris prohibentis, ut supra late dictum est; ergo talis voluntas per sese est mala ex vi voluntariae tendentiae in tale obiectum ante voluntatem prohibentem. Confirmatur, et declaratur primo, quia in caeteris rebus, et naturis, quaedam sunt natura sua disconvenientia naturis rerum ante omnem voluntatem, ut calor ex se est disconveniens aquae, similiter in aliis rationibus boni, et mali, verbi gratia, delectabilis, aut contristantis unumquodque est ex se tale natura sua sine respectu ad voluntatem extrinsecam; ergo idem esse poterit in natura rationali ut sic, et in ratione boni honesti, aut mali contrarii. Tandem, quia sicut in speculativis quaedam sunt principia per se nota, quae non pendent ab extrinseco ut vera sint, ita etiam in practicis, qualia sunt, vel illa generalia, <i>honestum est faciendum, turpe vitandum</i> ; vel particularia, <i>non est mentiendum, nemini est facienda iniuria</i> , etc. Haec ergo iudicia semper sunt vera independenter ab omni extrinseco; ergo et voluntas ab illis discordans semper est mala independenter	175R	8. The reason, moreover, is a priori, since a willing takes up its good or evil from its object. There is, moreover, some object that is of itself disagreeable to rational nature as such apart from the will of a prohibiting superior, as was discussed in detail above. ¹⁰ Therefore, such a willing is <i>per se</i> evil from the force of the voluntary tendency to such an object prior to any prohibiting will. It is confirmed and shown, first, because in the other things and natures, some are by their nature disagreeable with the natures of things before any willing, as heat of itself is disagreeable to water. Similarly with other aspects of good and evil, for example, the aspects of delightful and saddening things, each one is of itself such by its nature without reference to an extrinsic will. Therefore, the same would be the case in rational nature as such and in the aspect of the fine or of the contrary evil. Finally, since just as in speculative matters some things are principles <i>nota per se</i> , which do not depend on extrinsic things to be true, so also in practical matters, of that kind are either these general principles—'what is fine should be done', 'what is base should be avoided'—or these particular principles—'one should not lie', 'one should give injury to no one', and so on. These judgements, therefore, are always true independently of everything extrinsic. Therefore, it is also the case that a will discordant with them is always evil independently of	It is proven a priori.
Confirmatur 1.	180		180R		The first confirmation.
	185		185R		
Confirmatur 2.	190		190R		
	195		195R		

¹⁰DBM 2.1?

177 voluntate] voluntatis V

188 natura] naturali V

etiam ab omni extrinseco. Nam illa veritas sumitur suo modo ex [conformitate] <374> ad [appetitum] rectum, vel non rectum; unde si fingeremus hominem invincibiliter ignorantem Deum et omnem superiorem voluntatem prohibentem mendacium, vel adulterium, recte autem utentem naturali iudicio in rebus agendis, intelligeremus illum posse bene, vel male agere; et a voluntate mentiendi, vel adulterandi in tali homine esse inseparabilem malitiam.

2. Assertio.

9. Dicendum secundo, nullum posse esse voluntatis actum malum, quin sit contra dictamen rationis iudicantis malitiam actus, vel obiecti, qui est sensus auctorum tertiae sententiae, et per se constat, quia non potest actus voluntatis esse malus, quin sit illi voluntaria aliquo modo malitia, non erit autem voluntaria nisi sit aliquo modo ratione diiudicata, vel in actu ipso, vel in obiecto, quod perinde est; nec disputo modo, an hoc dictamen debeat, et possit haberi, nam de hoc satis dictum est supra in materia de voluntario, disp. 4. sect. 3.

1. Corollarium odium Dei fore malum, [etsi] non prohiberetur.

10. Atque ex his sequitur primo quid sit iudicandum de hac conditionali, *si Deus non prohiberet odium sui, non esset malum*; quidam enim dicunt utrumque sequi, nam et esset malum, quia esset de turpi obiecto, et non esset malum, quia non esset prohibitum a Deo, ita respondet Medina 1. 2. q. 81. art. 1. et q. 19. in principio, et q. 100. art. 8. tamen si sit sermo de prohibitione non ut spectat ad naturale iudicium, sed ad voluntatem divinam, qua ut superior vult obligare hominem, ut hoc faciat, vel non faciat, dicendum est conditionalem hanc esse veram, *licet Deus non prohiberet, actus esset malus*, et aliam partem omnino esse falsam, neque sequi contradictionem, quia obiectum ip-

Id probatur quando non daretur prohibitio proprie dicta.

199 conformitate] confirmatione ACV (cf. *DBM* 12.2.2)

199–200 appetitum] oppositum ACV (cf. *DBM* 12.2.2)

219 Marginal note: etsi] esto ACV

everything extrinsic. For that truth is taken in its way from conformity to appetite that is right or not right. Hence, if we imagine a human being invincibly ignorant of God and of every superior will prohibiting lying or adultery, but rightly using his natural judgement in matters of action, we would understand him to be able to act well or badly, and in such a human being evil would be inseparable from willings to lie or to commit adultery.

9. It should be said, second, that no act of the will can be evil without it being contrary to a dictate of reason judging the evil of an act or its object. This is the sense of the authors of the third view and it is obvious of itself. For an act of the will cannot be evil unless the evil is in some way voluntary for it. But it will not be voluntary unless it is in some way adjudicated by reason, either in the act itself or in the object that is equally [evil]. I will not discuss now whether this dictate must and can be had, for that was satisfactorily discussed above in *De voluntario et involuntario* 4.3.

10. And from these assertions it follows, first, what should be judged regarding the conditional ‘if God did not prohibit hatred of himself, it would not be evil’.

For some authors say that both things follow, for it would both be evil because it would be about a base object and it would not be evil because it is not prohibited by God. Medina responds in that way in *ST IaIIae.81.1*, *IaIIae.19* in the beginning, and *IaIIae.100.8*. Nevertheless, if the discussion is about prohibition not as it relates to natural judgement but as it relates to the divine will by which God as superior wills to obligate human beings either to do this or not to do it, one should say that the conditional ‘the act would be evil, even though God did not prohibit it’ is true. The other part is entirely false and so no contradiction follows. For the object

The second assertion.

The first corollary: hatred of God would be evil, even if it were not prohibited.

The corollary is proven in the case where there is no prohibition properly speaking.

sum per se sufficit ut actus sit malus; illud autem 230R
 non mutatur etiamsi tollatur prohibitio. Deinde
 235 illud antecedens non est ideo impossibile, ut im-
 plicet contradictionem; non est ergo impossibile,
 ut ex illo sequantur contradictoria. Antecedens
 imprimis patet; si intercedat ignorantia talis pro- 235R
 hibitionis, ut supra in exemplo positum est, nam
 240 respectu ignorantiae perinde est, ac si in re non
 esset prohibitio. Deinde patet ex re ipsa, quia vol-
 untas, qua Deus hoc prohibet, vel intelligitur esse
 naturalis quaedam displicentia talis obiecti, vel ac- 240R
 tus; et haec in primis supponit malitiam iam in
 245 actu, vel obiecto; ergo si per possibile, vel impos-
 sibile <col. b> praescindamus hanc displicentiam,
 ut non sit, erit in tali actu malitia, et deinde non
 constat Deum ex necessitate habere naturalem dis- 245R
 plicentiam, saltem quoad exercitium, quia nihil
 250 est, quod necessitet ad hoc divinam voluntatem.
 Denique ille simplex affectus, ut sic, per se non
 sufficit ad rationem legis prohibentis, sicut neque e
 contrario simplex affectus complacentiae in bonum 250R
 non sufficit ad rationem legis praecipientis, ut patet
 255 in actibus consiliorum; est ergo necessaria aliqua
 voluntas efficax, non qua Deus velit talem actum
 non fieri, sed qua velit teneri inferiorem ad talem
 actum non faciendum; haec autem voluntas nulla 255R
 ratione probari potest convenire Deo necessario
 260 etiam supposita voluntate creandi hominem, nam
 licet sit consentaneum divinae sapientiae et provi-
 dentiae gubernare creaturam rationalem, leges,
 et praecepta ei imponendo per voluntatem suam; 260R
 265 tamen non est ita hoc necessarium, ut contrarium
 implicet contradictionem; sicut etiam est consenta-
 neum, ut retribuat praemia pro bonis actibus, et
 poenas pro malis, et tamen sine contradictione po-

is of itself sufficient so that the act is evil, something that is not changed even if the prohibition is removed.

Next, that antecedent is not impossible on grounds that it implies a contradiction. It is not, therefore, impossible, because contradictories follow from it. The antecedent is especially obvious when ignorance of such a prohibition intervenes, as in the example posited above, for it is the same with respect to ignorance as if it were not prohibited in reality. Next, it is obvious from the matter itself, since the willing by which God prohibits this is either understood to be a certain natural displeasure with such an object or with such an act.¹¹ But this, in the first place, already presupposes evil in the act or object, so that, if we *per possibile* or *impossibile* cut out this displeasure so that it doesn't exist, there will be evil in such an act. Furthermore, it is not obvious that God has such a natural displeasure of necessity, at least with respect to exercise, since there is nothing that necessitates the divine will to this [displeasure].

Finally, that simple affect as such does not of itself suffice for the character of a prohibiting law, just as conversely a simple affect of pleasure for a good does not suffice for a prescribing law, as is clear in the case of acts of giving counsel. Some efficacious willing is, therefore, necessary, not one by which God wishes a certain act not to be but one by which he wishes to bind an inferior to not performing such an act. But this willing cannot by any argument be proven necessarily to accompany God even if willing to create human beings is assumed. For, although it is fitting for divine wisdom and providence to govern rational creatures by imposing laws and precepts on them through his will, this is not, nevertheless, necessary such that the contrary implies a contradiction. Just as it is also fitting that he render rewards for good acts and penalties for evil acts, and yet God could without contradiction refuse to punish such evil acts. In the same way, therefore, he could also leave human beings

¹¹The structure in this section is not entirely perspicuous, especially with respect to the occurrences of 'vel' in this sentence.

tuisset Deus nolle punire talem actum malum; sic 265R
 ergo posset etiam hominem relinquere, ut sua ra-
 270 tione regeretur nullam specialem obligationem per
 voluntatem suam illi imponendo, nam hic etiam est
 quidam moralis effectus ad extra, qui non habet
 necessariam connexionem cum alio effectu, neque 270R
 cum voluntate divina. In hoc ergo sensu nullam
 275 involuit contradictionem illa conditionalis; sed vera
 est pars affirmativa, quod *licet nulla esset externa
 prohibitio talis actus esset malus.*

Quid quando
 talis prohibitio
 non extaret,
 sed solum
 dictamen
 rationis.

11. Alio vero sensu potest intelligi de dictamine
 rationis divinae, vel humanae, et hoc modo per
 280 locum intrinsecum sequitur, si talis actus non iudi-
 caretur malus recta ratione non futurum malum,
 quia non potest esse malum aliquod in actu, nisi
 sit voluntarium: non potest autem esse voluntar-
 ium, nisi aliquo modo sit recta ratione iudicatum,
 285 et quia nostra ratio est quaedam participatio rectae
 rationis, quae in Deo est, ideo etiam recte sequitur,
 si in Deo non esset aeterna lex indicans malitiam
 actuum, cui voluntas nostra repugnaret, non posse
 290 in actibus nostris esse malitiam, quia ablata divina
 ratione, necesse est nostram auferri: Si autem sub
 285R conditionali fingamus manere in nobis dictamen
 rectae rationis indicans malum, et per impossibile
 non esse in Deo, illud sufficeret ad malitiam, quia
 illud sufficit <375> ut voluntas voluntarie tendat
 295 in turpe obiectum.

2. Corollarium
 circa illam
 causalem,
 omnis actus
 est malus quia
 prohibitus, vt 300
 sit, aut non sit
 vera.

12. Secundo intelligitur ex dictis, quid dicen- 290R
 dum sit de hac causali locutione, *Omnis actus
 voluntatis est malus, quia prohibitus saltem lege
 aeterna*; nam si intelligatur de lege proprie impo-
 nente obligationem per voluntatem legislatoris, non
 295R est simpliciter necessaria de potentia absoluta, ut
 ex dictis patet, nec de facto etiam est vera, si in-
 telligatur de prima radice, et causa malitiae, ut

to be ruled by their reason without imposing any special
 obligation on them through his will. For the latter is also a
 certain moral effect beyond himself which does not have a
 necessary connection with the other effect nor with the divine
 will. In this sense, therefore, that conditional involves no
 contradiction. Rather, the affirmative part is true, namely,
 ‘such an act would be evil even though there were no external
 prohibition’.

11. But the prohibition can be understood in another
 sense as a dictate of divine or human reason, and in this
 way the prohibition follows *per locum intrinsecum*. If such
 an act were not judged evil by right reason it would not be
 evil, since it cannot be something evil in act unless it is
 voluntary but it cannot be voluntary unless it was in some
 way judged by right reason. And since our reason is a kind of
 participation in right reason, which is in God, for that reason
 it also rightly follows that if in God there were no eternal law
 indicating the evil of acts to which our will was repugnant,
 there could not be any evil in our acts, since our reason is
 necessarily removed by the removing of divine reason. But
 if along with the conditional we imagine that a dictate of
 right reason indicating the evil remains in us even though,
per impossibile, it is not in God, that would suffice for evil
 because that suffices for the will to tend voluntarily to a base
 object.

What the case
 is when such
 a prohibition
 does not exist,
 but only a
 dictate of
 reason.

12. From what was said, it is understood, second, what
 should be said about the causal statement ‘every act of the
 will is evil because it is prohibited at least by eternal law’. For
 if it is understood of a law properly imposing an obligation
 through the will of a legislator, it is not strictly necessary
 with respect to absolute power, as is clear from what was
 said. Nor is it even true in fact, if it is understood to be
 about the first root and cause of evil, as is also clear from

The second
 corollary
 concerning
 whether the
 causal
 [statement]
 ‘every act is
 evil because it
 is prohibited’
 is true or not.

282 malum aliquod] malum autem aliquod CV

297 de hac causali] de causa causali CV

305 etiam patet ex dictis; potest autem de facto ver-
 300R ificari intellecta de causa sufficienti ad malitiam,
 nempe dictamine intellectus, seu lege aeterna, nam
 licet, nulla alia esset, haec satis esset, ut volun-
 310 tas nostra agens contra illam legem esset mala,
 et hoc modo possent intelligi quaedam testimonia
 Augustini, Ambrosii, et D. Thomae supra adducta
 in n. 2. nam de facto ita est, quod omnis actus
 305R malus est contra legem Dei, et per illam tanquam
 per sufficientem rationem, et clariorem notificatur;
 315 si vero intelligatur solum de lege dictante prout est
 in ratione, facilius verificaretur propositio de inesse,
 quam causalis, est enim voluntas mala agens con-
 310R tra dictamen rationis; tamen non ita proprie dici
 mala videtur, quia agat contra dictamen rationis,
 sed quia voluntarie tendit in malum obiectum, quod
 320 non est malum, quia ratione ostenditur, sed potius
 ideo ratione ostenditur quia ipsum malum est, ut
 315R in principio huius materiae dicebam; potest autem
 aliquo modo verificari illa causalitas. Primo lo-
 325 quendo de ratione divina in quantum est prima
 mensura, et primum exemplar rerum omnium, de
 320R ratione autem nostra, in quantum est necessaria
 conditio, et consequenter aliquo modo causa om-
 nium actuum voluntatis; de utraque vero proprie
 ex parte obiecti, non ex parte actuum intellectus,
 330 est enim voluntas mala, quia discordat ab obiecto,
 prout per rectam rationem proponitur. 325R

3. Corollarium
 quo sensu
 dicantur aliqui
 actus
 intrinsece
 mali.

13. Tertio intelligitur ex dictis, quomodo di-
 cantur aliqui actus intrinsece mali, non enim tales
 sunt, quia malitia sit intrinseca, et physica entitas
 335 eorum de quo postea in sect. 3. neque etiam for-
 tasse, quia non possit entitas physica actus poni
 330R in rerum natura, sine illa malitia, sed dicuntur
 tales, quia non possunt libere, et humano modo
 fieri circa tale obiectum moraliter, et abs- <col. b>
 340 que ignorantia propositum, quin habeant coniunc-

what was said. Moreover, what was understood about the
 sufficient cause for evil—namely, a dictate of the intellect or
 the eternal law—can be verified as being the case in fact. For
 even though there were nothing else, this would be enough so
 that our will would be evil in acting contrary to that law. And
 the kind of testimony of Augustine, Ambrose, and St. Thomas
 that was brought up in n. 2 can be understood in this way.
 For it is in fact the case that every evil act is contrary to the
 law of God, and [is evil] through that as through a sufficient
 reason and it is made more clearly known.

But if it is understood as only about a law that dictates
 insofar as it is in reason, the proposition can be more easily
 verified as assertoric rather than causal, for it is an evil
 will acting against the dictate of reason. Nevertheless, it
 does not thus seem properly to be called evil because it acts
 against a dictate of reason but because it voluntarily tends
 to an evil object, and the object is not evil because it is
 [so] shown by reason, but rather it is [so] shown by reason
 because it is itself evil, as I was saying in the beginning of
 this discussion. That causality, however, can be verified in
 another way. First, by speaking about divine reason insofar
 as it is the first measure and first exemplar of all things, but
 about our reason insofar as it is a necessary condition and
 consequently in some sense a cause of every act of our wills.
 But in each case [the causality] is properly on the part of the
 object and not on the part of the acts of the intellect. For
 a will is evil because it is in discord with the object as the
 object is proposed through right reason.

13. Third, it is understood from what was said in what
 way some acts are called intrinsically evil. For the acts are
 not such because evil is a physical entity intrinsic to them
 (about this later in sect. 3), nor perhaps because the physical
 entity of the act could not be placed *in rerum natura* without
 that evil. Rather, they are called such because they cannot
 be freely and in a human way performed morally directed
 at such an object and without ignorance of the proposed
 object without having a conjoined and innate evil. And so it

The third
 corollary
 about the
 sense in which
 some acts are
 called
 intrinsically
 evil.

Interest inter
 actus
 intrinsece
 malos.

345 tam, et innatam malitiam, itaque repugnat tales
 actus morales sic factos esse bonos, aut manere in-
 differentes, et ideo merito dicuntur mali intrinsece.
 Sed inter hos est advertenda quaedam varietas, et
 latitudo, nam quidam habent adiunctam malitiam
 ex vi directae, et physicae tendentiae in obiectum,
 quod contingit quando vel obiectum habet omnino
 immutabilem conditionem illam ex qua oritur turpi-
 tudo, ut est in odio Dei, aut quando in ipso obiecto
 350 directe voluto proponitur illa conditio, ex qua oritur
 illa turpitudine, ut est in voluntate mentiendi, fu-
 rrandi, etc. Aliquando vero non adiungitur malitia
 ex vi directae vel physicae tendentiae, sed tantum
 ex indirecta: ut cum aliquis vult hanc rem accipere,
 355 vel ad hanc mulierem accedere, et in obiecto voluto
 non ponit conditionem non suae, vel alienae; in-
 ter quos est differentia; nam hic posterior actus
 potest conservari totus sine malitia, si in obiecto
 mutetur conditio, quia ex illa mutatione in obiecto
 360 non sequitur mutatio in actu, quia non tendebat
 directe in illam conditionem: potest autem sequi
 mutatio moralis, quia moraliter mutatur obiectum;
 in alio vero actu non potest mutari obiectum, quin
 mutetur actus propter directam tendentiam, et ideo
 365 non potest eo manente auferri malitia, nisi forte
 interveniente ignorantia; si tamen tam patens sit
 malitia, ut non possit ignorari, ut fortasse est in
 odio Dei, non poterit ille actus esse humanus, quin
 sit malus; et ideo forte Scotus dixit hunc actum
 370 esse specialiter intrinsece malum, de quo nonnulla
 in sect. 3.

Ad rationem
 dubitandi in
 n. 1.

375 14. Ultimo patet ex dictis responsio ad rationem
 dubitandi in principio positam; cum enim dicitur,
 omne malum debere esse contra prohibitionem, vel
 contra debitum, si intelligatur de intrinseco deb-
 ito naturae rationali, ut sic, est verum quod as-
 sumitur, et ex illo debito nascitur iudicium rectae
 rationis, prohibens iudicando convenientiam natu-

is repugnant for such acts performed in that way to be good or to remain indifferent. For that reason they are deservedly called intrinsically evil.

But a certain difference and latitude should be noticed among these acts, for some of them have evil conjoined to them by the force of a direct and physical tendency to the object, which happens either when the object has that condition entirely unchangeably from which the wickedness arises (this is the case with hatred of God) or when in the object itself directly willed that condition from which that wickedness arises is proposed (as in the case of willing to lie, to steal, and so on). But sometimes the evil is not conjoined by the force of a direct and physical tendency but only from an indirect tendency, as when someone wishes to accept this thing or to come near to this woman but does not place either his condition or that of another in the willed object. There is a difference between these two types, for this latter act can be entirely preserved without evil if the condition in the object were to change. For from that change in the object no change in the act follows, since it did not tend directly to that condition. But a moral change can follow, since the object is morally changed. But in the former kind of act the object cannot be changed without the act being changed on account of the direct tendency. And for this reason the evil cannot be removed as long as the tendency remains, except perhaps by the intervention of ignorance. Nevertheless, if the evil is so obvious that one cannot be ignorant of it, as is perhaps the case with the hatred of God, that act could not be a human act without being evil. Perhaps it is for that reason that Scotus said that this act is especially intrinsically evil (some more about this in sect. 3).

14. Lastly, the response to the reason for doubting posited in the beginning is clear from what has been said. For when it is said that every evil must be contrary to a prohibition or contrary to a duty, if this is understood as being about the duty intrinsic to a rational nature as such, what is assumed is true. From that duty arises a judgement of right reason that prohibits by judging agreeability to nature

There is a difference among intrinsically evil acts.

The response to the reason for doubting in n. 1.

380 rae, et malitiam contrariam, non imponendo novam
obligationem; et hoc satis est ad omnia, quae ibi
assumuntur, neque est necessaria alia maior pro- 375R
hibitio exterior, ut dictum est, quamvis de facto
semper haec concurrat ex perfectione divinae prov-
identiae. Ad testimonia iam responsum est in n. 4.
385 et possunt etiam non male exponi de lege indicante.

380R

and the contrary evil. It does not prohibit by imposing a new
obligation. And this is sufficient for everything assumed here
nor is any greater external prohibition necessary, as was said,
although as a matter of fact this external prohibition always
concurrat as a result of the perfection of divine providence.
There was already a response in n. 4 to the cited texts and
they can also be not badly explained as being about indicative
law.