

Probability  
and  
Moral Uncertainty  
in  
Late Medieval  
and  
Early Modern Times

*Schriften der Luther-Agricola-Gesellschaft 32*

---

Probability  
and  
Moral Uncertainty  
in  
Late Medieval  
and  
Early Modern Times

ILKKA KANTOLA

Luther-Agricola-Society  
Helsinki 1994

Luther-Agricola-Seura  
PL 33 (Aleksanterinkatu 7)  
FIN-00014 Helsingin yliopisto  
Finland

© Ilkka Kantola & Luther-Agricola-Seura

ISBN 951-9047-36-0  
ISSN 1236-9675

Vammalan Kirjapaino Oy  
Vammala

## *Abstract*

This dissertation is a study of the concept of probability and solutions of moral uncertainty problem in the late medieval and early modern period. The term *probabile* was frequently used in medieval and late medieval moral thought. Many scholars have argued that the medieval conception of probability did not have much in common with the later modern and scientific notions of probability. It is a common view that the emergence of the modern notion of probability took place during the heated dispute about the moral *probabilism* of the *Jesuits* in the Roman-Catholic Church in the second part of the 17th century. The probabilism discussions included various attempts to present a definition of probability.

Probability was usually defined as the approvability of an opinion by qualified authorities or experts. This interpretation was based on Aristotle's concept of *ἔνδοξον* in the *Topics*. Contrary to what has been maintained this notion was not merely subjective or epistemic. Thomas Aquinas and Boethius of Dacia thought that in some cases this kind of probability was derived from a consideration of objective risks. Probability was understood as synonymous with the quasi-statistical terms *ut in pluribus* and *ut frequenter*, which terms were utilized in connection with the consideration of certain objective risks, *e.g.* in jurisdiction and business.

One explanation for the emergence of moral uncertainty discussions and probabilism dispute is the Franciscan-voluntarist view of the psychology of moral decision-making. Will exerts a certain dominion over intellect. In a condition of uncertainty will is able to affect the ultimate conclusions of practical intellect, *i.e.*, conscience.

In the voluntarist theory of moral action, compliance with law was contrasted with the freedom of an individual more sharply than earlier. This became the general starting point of the 16th and 17th century dis-

cussions about probabilism. This is clear especially in the probabilism of Suárez.

The probabilism of Medina and Suárez tends to give the freedom of an individual preference over an individual's obedience to probable precepts of law. The probabiliorism of Thyrsus González in the 17th century emphasizes the authority of an individual's conscience. Contrary to Medina and Suárez, González does not accept uncertainty about the existence of a prescription of law as a justification for acting free as if that prescription would not exist.

## *Acknowledgements*

I have probably been faced with the problem of moral uncertainty for more than twenty years before I got acquainted with later medieval discussions on the topic, in 1982. Today, more than ten years after I started working on a Master's thesis on the subject, I have decided to publish the present study. Certain views of *John Buridan* regarding the central role of the will on decision-making in a condition of uncertainty have facilitated my decision to stop further "deliberation" and "command action" at this point.

I express my sincere gratitude to Professor Simo Knuuttila who during the deliberation stage has not only directed my attention to essential themes and questions but has also provided fundamental criticism. Without his belief in the importance of this project and confidence in the progress of the same, this study would not have come to an end.

Heikki Kirjavainen and Eero Huovinen are responsible for encouraging me to start the work as a researcher. Risto Saarinen has been one of those able to profoundly discuss on the content of this study. Useful comments and criticism have also been given by Edith Sylla and Sten Ebbesen.

Olli Polo has initiated me into *ut in pluribus* -perfect *Word Perfect*. Olli Hallamaa has given his time and advice when editing the manuscript. The English of the present study has been revised by Paul W. Harrison.

I have visited the Department of Systematic Theology in Helsinki in the frequency of *ut in paucioribus* only. However, I have received kindness and respect more than one could expect, for which I thank all my colleagues and friends working in the Department. Special thanks to Eeva Partio.

My work has been financially supported by the Finnish Cultural Fund, the Emil Aaltonen Foundation, the Leo and Regina Wainstein

Foundation, the Academy of Finland and the University of Helsinki. They have made the study economically possible. I am also indebted to Luther-Agricola-Society, the publisher of this book.

I am deeply grateful to my parents, Pirkko and Jukka and my mother-in-law, Hilikka Polo, for their support and love. My brother Ismo has challenged me to theoretical discussions since as long ago as I remember.

Especially I thank my wife Päivi, who has lived with a man in a permanent moral uncertainty problem all these years; at the moments of doubt concerning this project she never totally lost her belief. Without her confidence the uncertainty problem of her husband would probably have been solved in another way.

I dedicate this book to my daughters, Matleena and Aino-Kaisa, who came into our life during this project.

Lieto 18.6.1994

*Ilkka Kantola*



# *Contents*

ABSTRACT .....	5
ACKNOWLEDGEMENTS .....	7
INTRODUCTION .....	11
1. MEDIEVAL IDEAS OF PROBABILITY .....	15
1.1. Introduction .....	15
1.2. Probability and Degrees of Psychological Certainty .....	20
1.3. Probability and the Approval of Authorities .....	26
1.4. Probability and Risk in Judicial Testimonies .....	34
1.5. Probability, Risk and the Relative Frequency of Good and Evil in the World .....	40
1.6. Probability, Risk and the Teaching of Economic Ethics ...	48
1.7. Objective Probability .....	58
2. THE PSYCHOLOGY OF THE PROBLEM OF MORAL UNCERTAINTY .....	69
2.1. Thomas Aquinas' View on Moral Decision-Making .....	70
2.1.1. Aquinas' Theory of Moral Action .....	70
2.1.2. Aquinas on Moral Uncertainty .....	79
2.2. Moral Decision-Making from the Perspective of Voluntarism .....	85
2.2.1. A View of Radical Voluntarism: Henry of Ghent ...	85
2.2.2. A View of Moderate Voluntarism: Duns Scotus ...	95
2.3. John Buridan's View on Moral Decision-Making .....	103

3. THE RISE OF PROBABILISM FROM THE 15TH TO THE 17TH CENTURY .....	110
3.1. The Situation Prior to 1577: A Combination of Probabiliorism and Probabilism .....	111
3.2. The First Formulation of Probabilism: Bartholome of Medina .....	124
3.3. The Foundations of Probabilism According to Francisco Suárez .....	131
4. THE FOUNDATIONS OF PROBABILIORISM ACCORDING TO THYRSUS GONZÁLES .....	143
4.1. The Psychology of Moral Decision-Making .....	143
4.2. Different Meanings of “Probability” .....	148
4.3. Moral Uncertainty as an Excuse Is Abandoned .....	155
4.4. The Subjective and Intersubjective Nature of Conscience ..	164
4.5. The Authority of an Opinative Conscience .....	170
SUMMARY .....	179
SOURCES AND LITERATURE .....	192
INDEX OF NAMES .....	203

## *Introduction*

The modern notion of probability is usually thought to have emerged in the second part of the seventeenth century through men like B. Pascal, C. Huygens, G. W. von Leibniz, J. de Witt and J. Bernoulli. It is well known that the term ‘probability’ (*probabilitas*) was frequently used in medieval and late medieval moral thought, but many scholars have argued that the medieval conception of probability had either nothing or then only very little in common with the later modern and scientific notions of probability.<sup>1</sup>

In his book *Probability and Opinion*, E. Byrne draws the conclusion that medieval probability was always subjective. Probability was invariably connected with the psychological notion of opinion. Probability was understood as a qualification of a proposition accepted as being true by opinative assent. Like the notion of opinion, the notion of probability, too, was involved with the idea of different degrees of psychological certainty.<sup>2</sup>

In his work *The Emergence of Probability*, I. Hacking emphasizes the distinction between medieval and modern probability. According to him, in the Middle Ages “the primary sense of the word *probabilitas* is not evidential support, but support from respected people”. Hacking says that probability “chiefly meant the approvability of an opinion.”<sup>3</sup> In his ana-

---

<sup>1</sup> Concerning the history of probability, cf. DAVID 1962, WEATHERFORD 1982, SHAPIRO 1983, BYRNE 1968 and HACKING 1975.

<sup>2</sup> BYRNE 1968, introduction, p. XXIII.

<sup>3</sup> HACKING 1975, 22–23; MAHONEY 1987, 136. Cf. also SHAPIRO 1983, 37–8: “During the medieval period, probability found a place in casuistry that dealt with moral choices under conditions of uncertainty, and in dialectic, a nondemonstrative form of reasoning used in argumentation that dealt with opinion. An important feature of both was the proper use of authority, and probability for many generations was associated as much with what was approved as with what was provable.”

lysis of medieval probability, Hacking draws a distinction between two kinds of evidence: evidence of testimony (or, evidence by people) and evidence of things. He states that, in the Middle Ages, an understanding of the latter kind of evidence did not exist. A medieval man did not have any idea of *inductive evidence*, which is central to our modern notion of probability. The only concept of non-conclusive and probable evidence utilized in the Middle Ages was evidence given by people, either by witnesses or authorities. According to Hacking, this view on the nature of non-demonstrative evidence was one reason for the essential difference between medieval and modern probability.<sup>4</sup>

Many historians of thought have attended to the fact that the discussion of the meaning of probability became particularly intensive in connection with the emergence of new solutions to the problem of moral uncertainty in the Roman-Catholic Church, following the latter part of the 16th century. A clear notion of probable opinion was regarded as a prerequisite for a considered view on the criteria for decision-making under conditions of moral uncertainty. It is well known that, during the decades marking the emergence of “modern probability”, *probabilism*, a method of solving a problem of moral uncertainty popular among the *Jesuits*, was criticized by the *Jansenists* because it was seen to represent far too low a standard of moral teaching. Blaise Pascal was one among those who attacked the probabilism of the Jesuits for moral reasons. Pascal’s critical remarks were partially directed towards the interpretation of the term ‘probabile’ among the Jesuits. The “medieval probability” of moral probabilism could not be utilized as the basis of new scientific probability.<sup>5</sup>

My aim in this study is first to show that the supposed distinction between medieval/late medieval and modern understanding of probability does not convey the whole truth regarding the history of probability.

---

<sup>4</sup> Cf. HACKING 1975, 31–33. Hacking states that the distinction between these two kinds of evidence was not made until in 1662 in *The Logic of Port Royal*. In Hacking’s book evidence of people is called *external* or *extrinsic evidence* and evidence of things *internal evidence*.

<sup>5</sup> HACKING 1975, 23–25; BYRNE 1968, 5–6; JONSEN & TOULMIN 1988, 231–49; SHAPIRO 1983, 37–8, MAHONEY 1987, 93, 135–141.

Examples of the understanding of probability as something based on the evidence of things rather than the evidence of people alone, shall be offered in Chapters 1.3., 1.4., 1.5. and 1.6. of this study. It is argued that in addition to the theory of objective probability developed in natural philosophy, there were also attempts to connect this conception with the doctrine of the evidence of authorities in a particular manner.

Late medieval debate on moral probabilism can be characterized as an effort to help people to make a decision in a condition of moral uncertainty, *i.e.*, in circumstances in which one is uncertain of whether a particular line of action is permissible or not, and when there are probable opinions supporting both alternatives (*opinion in favor of freedom* and *opinion in favor of law*). Moral *probabilism* (sometimes called *minusprobabilism*), initially expressed by a Dominican, Bartholome of Medina, taught that in this kind of situation the individual is permitted to follow a probable opinion in favor of freedom and is not obligated to act in accordance with the more probable opinion in favor of law. By contrast, *probabiliorism* taught that, in this kind of situation, one was obligated to follow the more probable opinion in favor of law, and that one is allowed to act in accordance with the opinion in favor of freedom only if the opinion in question is more probable (*probabilior*) than the opposite opinion. *Aequiprobabilism* taught that one was allowed to follow a probable opinion in favor of freedom always when the opinions in favor of freedom and in favor of law had equal probabilities. Fourth, *tutorism* taught that, in this kind of situation, one was always obligated to follow the opinion in favor of law (*opinio tutor*) when there was any degree of probability for the opinion in favor of law.<sup>6</sup>

In this study, I intend to show which kinds of interpretations of probability one can find in the 15th, 16th and 17th century discussions concerning moral probabilism.

The historical background of the development of late medieval “moral systems”, as well as the discussions concerning probabilism have been an object of some recent studies.<sup>7</sup> What has not been sufficiently

---

<sup>6</sup> Regarding the “moral systems”, cf. MAHONEY 1987, 135–47; JONSEN & TOULMIN 1988, 164–75; DEMAN 1936, 417–619.

examined until now is the relationship between the emergence of certain views concerning moral decision-making, and the above-mentioned attempts to present solutions for moral uncertainty. Moral uncertainty did not become a central topic in moral discussions until certain opinions concerning moral action, shared by Aristotle and Thomas Aquinas, had been challenged by thinkers influenced by Franciscan voluntarism during the 13th and 14th centuries.<sup>8</sup>

I shall also examine the discussions related to moral uncertainty before and after the birth of the *minusprobabilism* of Medina showing how the voluntaristic ways of thought of the 13th and 14th centuries affected such discussions on moral uncertainty as well as the various moral systems up to the *probabiliorism* of González at the end of the 17th century.

---

<sup>7</sup> Cf. JONSEN & TOULMIN 1988 and MAHONEY 1987.

<sup>8</sup> In *Ch. 6* of his book, J. Mahoney takes into consideration the role of the Franciscan tradition and voluntarism in the development of probabilism especially during the 17th century. Although I will agree with much that Mahoney states I am, still, convinced that several important aspects of the development of the late medieval discussions regarding moral uncertainty and probabilism have been ignored. Cf. MAHONEY 1987, 225–9.

# 1. Medieval Ideas of Probability

## 1.1. Introduction

Medieval and late medieval attempts to define ‘probability’ usually include references to the writings of Aristotle. The *Topics* of Aristotle may be regarded as one of the most important sources of the medieval and late medieval understanding of ‘probability’. From the point of view of the discussions regarding *moral probabilism* in the early modern period, certain ideas included in the *Nicomachean Ethics* have been of great importance, also.

In the first book of *Topics*, Aristotle says that there are two kinds of reasoning: one is *demonstrative reasoning*, (ἀπόδειξις), and the other *dialectical reasoning*, (διαλεκτικὸς συλλογισμὸς).<sup>1</sup> Demonstration or *demonstrative reasoning* proceeds from premises that represent the kind of propositions which are either essentially *primary and true* or derived from propositions that are “primary and true.” And the fundamental feature of these propositions is that the ultimate justification in respect to them is that they are (or are reduced to) propositions which are basic.<sup>2</sup>

Dialectical reasoning proceeds from premises that represent the kind of propositions referred to as “generally accepted opinions” (ἔνδοξα). These propositions do not necessarily command our reason to accept

---

<sup>1</sup> Besides these two kinds of reasoning, Aristotle also refers to contentious and false reasoning. Cf. *Topics*, I. 1, 100b24–101a22. — All translations are taken from *The Complete Works of Aristotle*. The Revised Oxford Translation, ed. Guy J. Barnes.

<sup>2</sup> For a detailed analysis regarding the premises in a scientific proof, cf. *An. Post.* I. 2.

them, and we can ask for further reasons for their justification.<sup>3</sup>

The premises of dialectical reasoning may be certain or they may imply some psychological uncertainty. However, not every proposition that is uncertain can be classified as an *ἐνδοξον*. In dialectical reasoning we must proceed from “generally accepted opinions” (*ἐνδοξια*), not from miscellaneous uncertain propositions. What distinguishes an *ἐνδοξον* from other uncertain propositions is clear on the basis of the “definition” of *ἐνδοξον* provided by Aristotle:

Generally accepted opinions, on the other hand, are those which commend themselves to all or to the majority or to the wise, that is, to all of the wise or to the majority or to the most famous and distinguished of them.<sup>4</sup>

As far as *ἐνδοξια* do not command our reason to accept them (or refute them), it is possible to dispute their truth. When an *ἐνδοξον* is treated as a “problematic proposition”, and we should decide among opposing problematic propositions, it is, according to Aristotle, reasonable to try to find such opinions whose *ἐνδοξον*-degree is higher than

---

<sup>3</sup> Cf. *Topics* I. 1, 100a28–11b21: “Reasoning is *demonstration* when it proceeds from premises which are true and primary or of such kind that we have derived our original knowledge of them through premises which are primary and true. Reasoning is *dialectical* which reasons from generally accepted opinions. Things are true and primary which command belief through themselves and not through anything else; for regarding the first of science it is unnecessary to ask any further question as to ‘why’, but each principle should of itself command belief.” — In *Posterior Analytics* Aristotle states that demonstrative reasoning proceeds either from necessary premises, those which are always true, or from general premises, those which are true for the most part. If one proceeds from premises that are true not always but for the most part then the conclusion, too, will be true for the most part but not always. Cf. *An. Post.* I. 30, 87b18–27.

<sup>4</sup> *Topics* I. 1, 100b21–23. Cf. also *Topics* I. 10, 104a3–11: “For not every proposition and every problem can be put down as dialectical; for no man of sense would put into a proposition that which is no one’s opinion, nor into a problem that which is manifest to everyone or to most people; for the latter raises no question, while the former no one would accept. Now *dialectical proposition* is a question which accords with the opinion held by everyone or by the majority or by the wise — either all of the wise or the majority or the most famous of them...”



that of the discussed view.<sup>5</sup> For Aristotle, some kind of *degree of approvability*, among people in general or among qualified authorities, is the qualification of an opinion which serves as the criterion for sorting out the most reliable and plausible propositions in respect to all problematic propositions.<sup>6</sup>

Ἐνδοξόν refers to a proposition that may serve as a premise in dialectical reasoning and is a generally accepted opinion. Δόξα is another term that refers to opinion; it can mean any assent to a proposition, which differs from knowledge, and the object of such an attitude. According to Aristotle, the object of scientific knowledge (ἐπιστήμη) is that which is *universal* and *immutable*, that which cannot be otherwise. The assent connected with knowledge implies absolute psychological certainty. The object of opinion (δόξα) is something that is not taken to be immutable, something which may be otherwise, something *contingent*. Therefore, as an assent, opinion implies a certain degree of psychological uncertainty. While having an opinion, one at the same moment believes that the opinion may be false.<sup>7</sup> Knowledge and opinion differ as convictions in the degree of strength. The object of opinion is not necessarily true or

---

<sup>5</sup> *Topics* VIII. 5.

<sup>6</sup> Cf. also *Topics* III. 1, 116a12–22. — For Aristotle's dialectic, see J. D. G. EVANS, *Aristotle's Concept of Dialectic*, Cambridge University Press, Cambridge 1978; for degrees of ἐνδοξόν, see R. BOLTON, "The Epistemological Basis of Aristotelian Dialectic" in D. Devereux et P. Pellegrin (eds.), *Biologie, Logique et Métaphysique chez Aristote*, Paris 1990.

<sup>7</sup> Cf. *An. Post.* I. 33, 89a5–11: "Besides, no one thinks that he is 'opining' when he thinks that a thing cannot be otherwise; he thinks that he has knowledge. It is when he thinks that a thing is so, but nevertheless there is no reason why it should not be otherwise, that he thinks that he is opining; which implies that opinion is concerned with this sort of proposition, while knowledge is concerned with that which must be so." — Actually, Aristotle states that a necessary truth can also be the object of an opinion. This occurs when that necessary truth seems to someone to be a contingent truth or when someone does not know the "scientific explanation" of that truth. One and the same proposition can be an object of knowledge for one person and an object of δόξα for another person at the same time. Cf. *An. Post.* I. 33, 89a18–25. — Cf. KIRJAVAINEN 1986, 26–27.

necessarily false. Therefore, opinion as a mental act is uncertain.<sup>8</sup>

One note of Aristotle in his *Nicomachean Ethics* has had a great influence on the late medieval discussions about moral certainty and probability. In the third chapter of the first book of *Nicomachean Ethics* there is a discussion about the *precision* (ἀκριβεία) of talk or of statements in different discussions. Aristotle says:

Our discussion will be adequate if it has as much clearness as the subject-matter admits of, for precision is not to be sought for alike in all discussions, any more than in all the products of crafts, ... We must be content, then, in speaking of such subjects and with such premises to indicate the truth roughly and in outline, and in speaking about things which are only for the most part true and with premises of the same kind to reach conclusions that are no better ... for it is the mark of an educated mind to look for precision in each class of things just so far as the nature of the subject admits; it is evidently equally foolish to accept probable reasoning from mathematician and to demand from a rhetorician scientific proofs.<sup>9</sup>

It was the view of Aristotle that in ethics, in which our statements are about the variable, one cannot strive for absolute certainty or scientific demonstrations or proofs. One must do with premises about which he or she knows that they are true for the most part and sometimes false. One must proceed from statements that include the risk of error and one must make decisions in the light of conclusions which include a risk of error.

It is not scientific knowledge but opinion which concerns the variable,<sup>10</sup> however, one aspect of opinion is that it may be linked with the notion of ‘what is expected to be the case for the most part’. The

---

<sup>8</sup> *An. Post.* I. 33, 89a3–7. Cf. also *Nicomachean Ethics* VII. 2, 1145b35–36: “But if it is opinion and not knowledge, if it is not a strong conviction that resists but a weak one...” — In *Nicomachean Ethics* VII. 3, 1146b24–35, Aristotle remarks that people are inclined to regard their respective beliefs as certain.

<sup>9</sup> *Nicomachean Ethics* I. 3, 1094b12–26. Translation by Edith Sylla. Cf. SYLLA 1991, 212.

<sup>10</sup> See *Nicomachean Ethics* VI. 6, 1140b27: “...opinion is about the variable...”

Aristotelian notion of opinion (*ἔνδοξον* or *δόξα*) is not connected with a degree of subjective conviction or approvability alone, but also with relative frequencies of objective phenomena.<sup>11</sup> In the *Prior Analytics* Aristotle calls an *ἔνδοξον* a likelihood (*εἰκότις*), if it is about what is known for the most part to happen or not to happen in a certain way.<sup>12</sup>

For Aristotle, opinion (*ἔνδοξον* or *δόξα*) is the bearer of probability and not-demonstrated certainty. This was a well known fact in medieval and late medieval thought.<sup>13</sup> In what follows, I will examine different medieval and late medieval interpretations of the Aristotelian notion of *ἔνδοξον*. The starting point of my way of presentation will be that, in Aristotle, *ἔνδοξον* was linked with (i) a degree of subjective or psychological certainty, (ii) general approvability or approvability by qualified authorities, and (iii) with knowledge of what will be the case for the most part but not always.

---

<sup>11</sup> Schneider says that Aristotle uses the phrase ‘ἐπὶ τὸ πολὺ’ in “anticipation of an understanding of probability independent of the subject and which for a given starting situation describes the subsequent situation that as a general rule is to be expected.” And Schneider goes on: “Aristotle took this concept of the general rule, that is, of that which occurs in most or the majority of cases, from the field of medicine. For example, in the first book of the Hippocratic tract *De Morbis* one finds repeatedly the formulation that a sickness of such and such a kind will ‘in most cases’ end in death. Aristotle links the notion of the general rule with *ἔνδοξον* because the subjective expectation of an event which occurs as a rule is greater than that of the exception of the rule.” Cf. SCHNEIDER 1981, 5.

<sup>12</sup> Cf. *An. Priora* I. 27, 70a3–5. Cf. also *Rhetorics* I. 2, 1357a34–b1. As a result of this kind of likelihood, a statement is likely true, *i.e.*, it can be truly applied to most cases. Cf. *Rhet.* II. 25, 1402b28–33.

<sup>13</sup> It is interesting that even G. W. von Leibniz, who is regarded as one midwife in the birth of modern probability, refers to the *Topics* of Aristotle, where the meaning of *ἔνδοξον* is explained. Cf. SCHNEIDER 1981, 5 and HACKING 1975, 134–142.

## 1.2. Probability and Degrees of Psychological Certainty

According to Thomas Aquinas, we can speak of different degrees of the psychological certainty of reason. The notion of psychological certainty is connected to a notion of probability, in which probability is a qualificative of the object of reason. In what follows I intend to examine how psychological certainty and probability are related to each other.

In his commentary on the *Sentences* Aquinas says:

...certainty is nothing else than that the intellect is determined to one position. But the stronger the determining cause is, the bigger is the certainty.<sup>1</sup>

The text above indicates that there are degrees of the certainty of intellect, and that the degree of certainty varies according to the strength of the cause that determines intellect (more or less) to one position. Psychological certainty means the “firmness of the adhesion of cognitive virtue to its cognizable object.” In a way, the degree of this certainty is a function of the intensity of the act of intellect when assenting to some proposition. When a person has perfect psychological certainty about the truth of some proposition, then the intensity of the assent of intellect is so high that no place is left to doubt.<sup>2</sup> Even though Aquinas sometimes equates the degree of certainty with the intensity of assent, he also

---

<sup>1</sup> *In Sent.* III, d. 23, q. 2, a. 2a, co: “...certitudo nihil aliud est quam determinatio intellectus ad unum. Tanto autem major est certitudo, quanto est fortius quod determinationem causat.” — Cf. also *S. th.* II–2, q. 4, a. 8, co: “... dicendum est quod certitudo potest considerari dupliciter. Uno modo, ex causa certitudinis, et sic dicitur esse certius illud quod habet certiolem causam.” ... “Alio modo potest considerari certitudo ex parte subjecti, et sic dicitur esse certius quod plenius consequitur intellectus hominus.”

<sup>2</sup> See: *In Sent.* III, d. 26, q. 2, a. 1, co: “Certitudo autem importat determinationem respectu ejus ad quod dicitur certitudo.”; *ibid.*, d. 26, q. 2, a. 4, co: “...certitudo proprie dicitur firmitas adhaesionis virtutis cognitivae in suum cognoscibile.” — Cf. also SCHRIMM-HEINS 1991, 167–72.

makes a distinction between certainty in the sense of firmness of assent (*firmitas*) and in the sense of assent, founded on sufficient evidence (*evidentia*).<sup>3</sup>

If the object of intellect is, on the one hand, a proposition that is one of the axioms of science, the object requires intellect to entirely assent to that proposition and, correspondingly, the object makes the intellect perfectly certain of the truth of the axiom in question. This kind of assent is called *understanding* (*intellectus*). When the object of intellect is like a proposition that is syllogistically deduced from axioms, intellect, when it is aware of the deduction, is also entirely required to assent to those propositions. And the assent in question is called *scientific knowledge* (*scientia*). When the object of intellect moves the intellect to assent to the object, the person, when continuing to think about the object, cannot help but assent to those propositions.

On the other hand, there are objects of intellect which do not possess the same amount of “force” as, for example, axioms and scientific truths. These are the objects of *faith* (*fides*) and *opinion* (*opinio*). The objects of faith or opinion do not possess enough force to move intellect to assent to them. These objects include something which tends to move intellect to dissent from them. However, assent becomes possible when the will somehow assists the intellect towards assenting. In the case of faith, assent is performed with certainty. In the case of opinion, some amount of uncertainty is involved. An assent of opinion implies that intellect

---

<sup>3</sup> *De ver.* 14, 1, ad. 7. Cf. also *In Sent.* III, d. 23, q. 2, a. 2c, ra. 1: “Certitudo enim scientiae consistit in duobus, scilicet in evidentia, et firmitate adhaesionis. Certitudo autem fidei consistit in uno tantum, scilicet in firmitate adhaesionis. Certitudo vero opinionis in neutro.” Cf. *ibid.* co.: “...et ideo fides habet majorem certitudinem quantum ad firmitatem adhaesionis, quam sit certitudo scientiae vel intellectus; quamvis in scientia et intellectu sit major evidentia eorum quibus assentitur.”

somehow doubts or is afraid of the possibility that it may err.<sup>4</sup>

There is an important difference between the assent of faith and the assent associated with a non-religious belief. Within the assent of religious belief or faith, the will is moved, or affected, by the “divine authority” or the “light of faith”. In the case of a non-religious belief, the assent is determined by the will which perceives that it is “good or convenient to assent to that side”.<sup>5</sup> In the cases of *intellectus* and *scientia*, the proposition that is the object of intellect is self-evident or supported by conclusive evidence. In the cases of *fides* and *opinio* the proposition that is the

---

<sup>4</sup> “Assentit autem alicui intellectus dupliciter. Uno modo, quia ad hoc movetur ab ipso objecto, quod est vel per seipsum cognitum, sicut patet in principiis primis, quorum est intellectus; vel est per aliud cognitum, sicut patet de conclusionibus, quarum est scientia. Alio modo intellectus assentit alicui non quia sufficienter moveatur ab objecto proprio, sed per quandam electionem voluntarie declinans in unam partem magis quam in aliam. Et si quidem hoc sit cum dubitatione et formidine alterius partis, erit opinio, si autem sit cum certitudine absque tali formidine, erit fides.” *S. th.* II–2, q. 1, a. 4, co. — Cf. also, *Super ad Hebr.* c. 11, l. 1: “Dictum est quod fides facit assensum in intellectu, quod potest esse dupliciter. Uno modo quia intellectus movetur ad assentiendum ex evidētia obiecti, quod est per se cognoscibile, sicut in habitu principiorum, vel cognitum per aliud quod est per se cognoscibile, sicut patet in scientia astronomiae. Alio modo assentit alicui non propter evidētia obiecti a quo non movetur sufficienter; unde non est certus, sed vel dubitat, scilicet quando non plus habet rationem ad unam partem quam ad aliam, vel opinatur, si habet quidem rationem ad unam partem, non omnino quietantem ipsum, sed cum formidine ad oppositum. Fides autem neutrum horum dicit simpliciter, quia nec cum primis est sibi evidens, nec cum duobus ultimis dubitat, sed determinatur ad alteram partem, cum quaedam certitudine et firma adhaesione per quamdam electionem voluntariam. Hanc autem electionem facit divina auctoritas, per quam electionem determinatur intellectus, ut firmiter adhaeret his quae sunt fidei, et eis certissime assentiatur.”; *S. th.* I, q. 79, a. 9, ra. 4: “Opinio enim significat actum intellectus qui fertur in unam partem contradictionis cum formidine alterius.”

<sup>5</sup> *De ver.* 14. 1: “Quandoque vero intellectus non potest determinari ad alteram partem contradictionis neque statim per ipsas definitiones terminorum, sicut in principiis, nec etiam virtute principiorum, sicut est in conclusionibus demonstrationis; determinatur autem per voluntatem, quae eligit assentire uni parti determinate praecise propter aliquid, quod et sufficiens ad movendum voluntatem, non autem ad movendum intellectum, utpote quia videtur bonum vel conveniens huic parti assentire, et ista est dispositio credentis, ut cum aliquis credit dictis alicuius hominis, quia videtur ei decens vel utile.” *Super ad Hebr.* c. 11, l. 1. Cited in the footnote above. — Cf. also *De ver.* 14, 1. ad. 5.

object of intellect is supported by non-conclusive or probable evidence.<sup>6</sup>

As assent, *opinio* includes a degree of psychological certainty. This degree of certainty is supported by some kind of evidence. Probability is a qualificative of evidence, the evidential force of which is able to exert a certain degree of psychological certainty in intellect. The probable evidence in question may be a general statement having an *ἐνδοξον* type

---

<sup>6</sup> “Probable propositions” cannot be objects of *knowledge*; rather, they are objects of *faith* or *opinion*. “Probable propositions” invariably imply some subjective and psychological uncertainty. — Cf. *In Post. Anal.* lib. I. lc. 1, n. 6: “Ita et in processu rationis, qui non est cum omnimoda certitudine, gradus aliquis invenitur, secundum quod magis et minus ad perfectam certitudinem acceditur. Per huiusmodi enim processum quandoque quidem, etsi non fiat scientia, sit tamen fides vel opinio propter probabilitatem propositionum, ex quibus proceditur; quia ratio totaliter declinat in unam partem, licet cum formidine alterius, et ad hoc ordinatur topica sive dialectica: Nam syllogismus dialecticus ex probabilibus est.” — It was also the view of Albert the Great that probable propositions, which imply some psychological uncertainty, cannot be objects of *scientia*. Cf. ALBERTI MAGNI, *Secunda pars Summae de creaturis*, q. 53, a. 1. Ed. BORGNET, 35, 447: “Opinio vero est acceptio unius partis cum formidine alterius, ita tamen quod ad illam quam formidat non habet rationem expressam, formidatur tamen propter debilitatem rationis alterius partis. Fides autem est perfecta persuasio unius partis per multa probabilia. Sed scientia est eorum quae cognoscuntur per causam et quoniam impossibile est aliter se habere.” Cited in: LOTTIN 1948, 386–387, fn. 1. — Cf. also: ALBERTI MAGNI, *Ethicorum lib. X*, ed. Borgnet, l. VII, tr. 1, c. 2, (p. 467): “Opinio autem, quando probabilibus rationibus inclinatur ad unum, timet tamen contradictorium propter rationum infirmitatem. Fides vero fit ex opinione, quando opinio juvatur et confortatur ad unum rationis, ita quod habere incipit ad aliud cum scientia. Scientia vero est quando totam animam in scientia certificat, ita quod nihil dubitat vel formidat de contradictorio.”; ALBERTI MAGNI, *Super Ethica*, ed. KÜBEL, l. VII, lc. I, (p. 523): “Praeterea, opinio est, quae est ex probabilibus;...”

of authority<sup>7</sup>, or it may consist of *signa probabilia*.<sup>8</sup> Inasmuch as psychological certainty is a more or less firm sort of feeling, its connection to the evidence may be loose. It is possible that one and the same proposition appears to some people as evidently true and to other people as a proposition supported by probable evidence. It is possible that one performs an opinative assent to a proposition that is, in fact, a scientific truth. This may happen because of one's subjective impression that there

---

<sup>7</sup> A proposition the opposite of which is based on probable evidence is *propositio inopinabilis*. Cf. *De fallaciis*, c. 3. "...inopinabile vero est contra dialecticam, quae procedit ex probabilibus quae sunt secundum opinionem omnium vel plurium sapientum."

<sup>8</sup> Cf. BYRNE 1968, 55. — According to Aquinas, a judgement which is not absolutely certain or which is called a "probable estimation", can be based on "probable signs". Cf. *In Sent.* III, d. 26, ad. 10: "Ad decimum dicendum, quod amicitia dicitur esse non latens, non quod per certitudinem amor amici cognoscatur, sed quia per signa probabilia amor mutuus hinc inde colligitur; et talis manifestatio potest esse de caritate in quantum per aliqua signa potest aliquis probabiliter aestimare se habere caritatem." Some external acts of love may be effects either of an acquired habit or of an infused habit. Therefore, on the basis of the existence of certain external acts of love we can merely make a probable inference that one who performs such acts possesses *caritas*, but we cannot know, with certainty, that that is really the case. Cf. *De ver.* q. 10, a. 10, co: "Responsio, dicendum, quod aliquis habens caritatem potest ex aliquibus probabilibus signis conijcere se caritatem habere; utpote cum se ad spiritualia opera paratum videt, et mala efficaciter detestari, et per alia huiusmodi quae caritas in homine facit. Sed certitudinaliter nullus potest scire se caritatem habere..."; *ibid.* ad. 2: "Ad secundum dicendum, quod delectatio illa quae in actu relinquitur ex caritate, potest etiam ex aliquo habitu aquisito causari; et ideo non est sufficiens signum ad caritatem demonstrandum, quia ex communibus signis non percipitur aliquid per certitudinem."



is only probable evidence for the truth of the proposition.<sup>9</sup> It depends on the thinking subject whether a proposition is an object of his or her *opinio* or *scientia*. In cases like this, a degree of psychological certainty is based on subjectively experienced evidence.<sup>10</sup>

---

<sup>9</sup> *S. th.* II-2, q. 5, a. 2, co: "Sed si aliquis teneat mente aliquam conclusionem non cognoscens medium illius demonstrationis, manifestum est quod non habet eius scientiam, sed opinionem solum."; *De ver.*, q. 8, a. 2, co: "...si aliquis cognoscat hanc conclusionem: triangulus habet tres angulos aequales duobus rectis, per probabilem rationem utpote per auctoritatem, vel quia ita communiter dicitur, non comprehendet ipsam: non quod unam partem eius ignoret, alia scita, sed quia ista conclusio est scibilis per demonstrationem, ad quam cognoscens nondum pervenit, et ideo non comprehendit ipsam, quia non stat perfecte sub cognitione eius." — Cf. BYRNE 1968, 179: "However related a given proposition may be to the subject matter of the science, it does not enter into the structure of the science as such until it has been so demonstrated. Subjectively speaking, then, a given individual does not know that proposition scientifically unless or until he himself sees it to be necessarily connected with the principles of the science. All propositions not so seen are for him no more than opinions." Cf. also *ibid.* 181: "...a given proposition which is in itself demonstrable might be known only opinionatively. This may be due to misapprehension of a principle or to inadequate or defective reasoning. For example, a mathematical theorem which is in itself demonstrable might be known only on the basis of probable argumentation. ... It is to be noted that the proposition known is in both cases the same; it is rather the mode of knowing which differs."

<sup>10</sup> Aquinas is aware that the subjective nature of the notion of probability causes some problems for dialectical reasoning, problems which do not appear in demonstrative reasoning which is based on "objective" evidence. Cf. *In Post. Anal.* lib. 1, lc. 8, n. 5: "Ex his autem apparet quare dialecticus syllogismus potest esse circularis. Procedit enim ex probabilibus. Probabilia autem dicuntur, quae sunt magis nota vel sapientibus vel pluribus. Et sic dialecticus syllogismus procedit ex his quae sunt magis nobis nota. Contingit autem idem esse magis et minus notum quoad diversos. Et ideo nihil prohibet syllogisum dialecticum fieri circularem. Sed demonstratio fit ex notioribus simpliciter; et ideo... non potest fieri demonstratio circularis."

### 1.3. Probability and the Approval of Authorities

In the medieval Latin World, the Greek terms  $\delta\acute{o}\xi\alpha$  and  $\acute{\epsilon}\nu\delta\omicron\zeta\omicron\nu$  of Aristotle were translated into *opinio*, *probabile* and *opinio probabilis*.<sup>1</sup> Probability was, for one thing, understood as a qualification of an opinion. A probable opinion was either approved by all, by many, or by qualified people, experts and authorities.<sup>2</sup>

Boethius says that a probable opinion is one which is “easily accepted” by reason. As an example he offers the proposition, “If she is a mother, she loves (her) child.”<sup>3</sup> This is a probable proposition because it is easily accepted (or: “readily believable”<sup>4</sup>), but it is not necessarily true, because it can also happen, accidentally, that a mother may not love her child.

As a qualification of a proposition, probability means the relative approvability of a proposition among people. If one wants to know whether a proposition is probable or not, one has to perform a test: he or she has to ask people whether they accept it as true or not. Boethius is

<sup>1</sup> In his *Posteriorum Analyticorum Aristotelis Interpretatio*, Anicius Manlius Severinus Boethius (480–524) has replaced the Greek term  $\delta\acute{o}\xi\alpha$  by the latin *opinio*. Cf. *ibid.* lib. I, cap. XXVI: “Quod scientia et scibile ab opinatione et opinabili discrepent.” In the beginning of his *Topicorum Aristotelis Interpretatio* Boethius has replaced the  $\acute{\epsilon}\nu\delta\omicron\zeta\omicron\nu$  of Aristotle by the latin *probabilia*. Cf. *Topicorum Aristotelis Interpretatio*, Liber I, cap. 1: “Probabilia autem sunt quae videntur omnibus, aut plurimis, aut sapientibus, et his vel omnibus, vel plurimis, vel maxime familiaribus et probatis.”

<sup>2</sup> See Boethius, *De Differentiis Topicis*, lib. I: “Probabile vero est quod videtur vel omnibus vel pluribus, vel sapientibus, et his vel omnibus, vel pluribus, vel maxime notis atque praecipuis, vel quod unicuique artificii secundum propriam facultatem, ut de medicina medico, gubernatori de navibus gubernandis, id praeterea quod videtur ei cum quo sermo conseritur, vel ipsi qui iudicat, in quo nihil attinet verum falsumve sit argumentum, si tantum verisimilitudinem teneat.”

<sup>3</sup> *Ibid.*: “Probabilia vero ac non necessaria sunt, quibus facile mens auditoris acquiescit, sed veritatis non tenent firmitatem, ut hoc: si mater est, diligit filium.”

<sup>4</sup> In her English translation of Boethius’ *De topicis differentiis*, E. Stump provides the term “readily believable” for Boethius’ “probable”. Stump writes: “‘Probable’ is the common but misleading translation of  $\acute{\epsilon}\nu\delta\omicron\zeta\omicron\nu$ . In my translation of *De top. diff.*, on the basis of what Boethius says about the Latin equivalent of Aristotle’s Greek term, I have abandoned ‘probable’ and substituted ‘readily believable.’” Cf. STUMP 1978, 18, fn. 14.

aware that this notion of probability cannot be the only tool when one is looking for the truth. But it is useful in dialectics and in rhetorics, in which one aims to speak persuasively to the audience.<sup>5</sup> For Boethius, probability is primarily not connected to objective truth but to the subjective experience of believability.<sup>6</sup>

During the 12th century, in discussions about the practices of morals and of law, the notion of *inculpable ignorance* was seen to be problematic. The dilemma was: What is the criterion for judging whether ignorance is inculpable or not? One solution presented was that ignorance is inculpable if it is “probable ignorance”, otherwise it is culpable ignorance. The notion of probability was herein based on an interpretation of the Aristotelian conception of *ἔνδοξον*. Ignorance was called probable if it was about a matter that could not be known even by the wisest men. And ignorance was not called probable but rather only “coarse” (*crassa*) and “supine” (*supina*), if it was about something known by many or by

---

<sup>5</sup> Cf. *De Diff. Top.* lib. I: “Patet igitur in quo philosophus ab oratore ac dialectico in propria consideratione dissideat, in eo scilicet, quod illis probabilitatem, huic veritatem constat esse propositam.”

<sup>6</sup> In an anonymous 12th century text which reflects on Aristotle’s *Sophistici elenchi*, we can find reasoning which includes an attempt to distinguish between different meanings of the concept of ‘probability as approvability’ according to different groups of people. The criterion of the probability of opinions held by different people is different in regard to different types of questions. Cf. Sten Ebbesen: *Commentators and commentaries on Aristotle’s Sophistici elenchi* (1981) vol. II, 385: “Probabile pluribus modis dicitur. Probabile est quod videtur <omnibus>, ut ‘oportet obedire patribus’ et ‘bonum prodesse’ et ‘bonum esse appetibile’. Vel quod videtur fere omnibus, ut ‘meliora bona animi quam corporis’ et ‘prudenciam divitiis appetibiliorem esse’. Vel quod videtur maxime sapientibus, ut ‘non oportet plures deos esse’, quia ut dicit Tullius in Rhetoricis, probabile est quod videtur omnibus qui philosophiae dant operam, non arbitrari plures deos esse — ; et probabile est ‘virtutem per se ipsam esse appetibilem’, etsi non Epicuro videatur, et ‘felicitatem a virtute fieri’ similiter ‘non esse aliquod corpus impertibile, neque mundos infinitos’, haec enim pluribus sapientibus probabilia esse videntur. Quae autem probatissimis videntur probabilia, haec sunt ut ‘animam esse immortalem’ secundum Platonem, et ‘quintum aliquod esse corpus’ secundum Aristotelem.” — In the 15th century, Peter Richeri distinguished between different meanings of probability in similar manner to this author. Cf. below, at the end of Ch. 1.3.

nearly everyone.<sup>7</sup> The idea behind this way of thinking may be something of this sort. If not even the wisest of men can know a thing, then it is probable that neither is the common man able to know the thing. On the basis of the fact that even the wisest men are ignorant about a thing, we can infer that it is probable that the common man is ignorant about the same thing. And on the basis of the fact that a thing is generally known, we can infer that it is improbable that the common man would be unable to know that thing if he, at most, desires to know it.

If this interpretation is correct, then the ‘probability’ in question is distinct from the notion of ‘approvability’. The probability of a person’s ignorance in a specific situation is derived from certain objective facts, not from a degree of subjective approvability alone. Ignorance is morally approvable *when* and *because* it is about a matter that one probably could not know even following his or her best attempts to do so.

In the 13th century Thomas Aquinas said, following Aristotle, that in dialectical reasoning one must use, as the premises of his or her reasoning, either the most plausible or credible opinions (*maxime opinabilia*), or probable opinions (*probabilia*). Most plausible opinions and probable opinions are those which are accepted by most people or by the majority of the wise or by the most distinguished of them.<sup>8</sup> Like Aristotle, Aquinas thought that, in dialectical reasoning, it is rational to rely on either the opinions of the wise or at least the majority of them, or, alternatively, the most distinguished of them. The approval of an opinion by the wise makes that opinion probable. Probability in reference to an opinion means its approvability by qualified people.<sup>9</sup>

There are many problems within this notion of probability. In order

<sup>7</sup> Cf., for example, Huguccio of Ferrara (at about 1188): “Ignorantia facti alia est verisimilis et probabilis: hec excusat, quia etiam peritissimos fallit ... alia est crassa et supina, ut cum aliquid factum est in civitate publice et omnes sciunt et tu ignoras: hec non excusat, ut XII q. II.” *Paris Nat. lat.* 3892 f. 46vp. Cited in LOTTIN 1949, 61–2. Also other relevant texts are included in LOTTIN 1949, 57–81.

<sup>8</sup> *In Anal. Post.* lib. 1, lc. 31, n. 4: “...hoc solum est de intentioni dialectici, ut procedat ex his, quae sunt maxime opinabilia, et haec sunt ea, quae videntur vel pluribus vel maxime sapientibus.”

<sup>9</sup> Cf. HACKING 1975, 22–3; BYRNE 1968, 188.

to know what is a probable or most probable opinion, we have to know who should be regarded as either the wisest or the most reliable authorities.<sup>10</sup> In any case, Aquinas took it for granted that if one wishes to find the truth, one must start from the opinions of the wise rather than from the opinions of ordinary people. This is because the wise have arrived at the truth more “certainly” than ordinary people have. If two opposing opinions are accepted by many wise men, then both of them are probable. However, which one of them is worthy of choice? Aquinas says that when we accept or repudiate opinions, we must follow the opinions of those who have arrived more certainly at the truth.<sup>11</sup> However, as Byrne writes, the problem seems to remain that we do not have any criteria as to how to judge particularly who those individuals are who have “more certainly arrived at the truth”.<sup>12</sup>

Independently of this kind of problems, one can see an interesting idea in this notion of probability, interpreting the phrase “we must follow the opinion of those who have arrived more certainly at the truth” to indicate some consideration of *risk* by the expression “more certainly” (*certius*). According to this view, Aquinas regards the objective risk of error as greater in the thinking of ordinary people than in the thinking of the wise, and that the objective risk of error is greater in the thinking of “worldly philosophers” than in the thinking of “saintly theologians”, whose thinking has perhaps been influenced by the Truth Itself.<sup>13</sup>

If this interpretation is correct, then the notion of ‘probability as

<sup>10</sup> According to Byrne, Aquinas, in practical terms, considers the representatives of the “tradition of saints” more reliable authorities than the representatives of the “tradition of philosophers”. Aristotle, however, is an exception: Aquinas regards his opinions as the most probable or even as expressions of the plain truth, as long as they do not contradict the propositions of faith. BYRNE 1968, 97–138.

<sup>11</sup> *In Met.* lib. 12, lc. 9, n. 14. “...quia in eligendis opinionibus vel repudiandis non debet duci amore vel odio introducentis opinionem, sed magis ex certitudine veritatis...” “...oportet nos ‘persuaderi a certioribus’, idest sequi opinionem eorum, qui certius ad veritatem pervenerunt.” — Cf. BYRNE 1968, 109.

<sup>12</sup> BYRNE 1968, 109.

<sup>13</sup> Cf. BYRNE 1968, 130: “The priority of the saintly tradition is, in turn, based upon the assumption that it has attained a deeper understanding of truth than has that of philosophers.”

approvability by qualified people' includes the idea that the probability of an opinion is relative to the objective probability of the supporters of the opinion to err.

Another 13th century writer, Boethius of Dacia, is more explicit when presenting this kind of justification in respect to the notion of probability as approvability by qualified authorities. In the third book of his *Questiones super librum Topicorum*, Boethius of Dacia lays down some rules of thumb that help one to judge what is the best alternative in some problematic situations.<sup>14</sup>

Boethius of Dacia says, among other things, that if we have to choose between a *unanimous opinion of experts* and an opinion opposite to it, it is better to follow the opinion of the experts. This is the case because it is *probable* that a unanimous opinion of the experts is true.<sup>15</sup> Why is it *probable*? The opinion of the experts is probably true because it is *not probable* that all experts are unexperienced or uninformed in a question within their own domain.<sup>16</sup> Boethius of Dacia admits that it is *possible* that, in the case of a very difficult question, all the experts could be in error. Therefore, a unanimous opinion of experts remains within the sphere of *probable*.<sup>17</sup>

In this text of Boethius of Dacia, the notion of 'probability as

<sup>14</sup> *Top.* III, c. 1, q. 14.

<sup>15</sup> *Ibid.* "Dicendum, quod dato quod non sit ita realiter, sicut omnes artifices illius artis dicunt, tamen probabile est ita esse."

<sup>16</sup> *Ibid.* "Consequenter dicit, quod illud est magis eligendum, quod in unaquaque arte eligunt omnes, ut in arte domificandi quod eligunt omnes domificatores et in arte regendi civitatem quod eligunt omnes rectores. Et ratio huius est, quia uniuersique experto in sua scientia credendum est, et non probabile est omnes artifices in arte sua esse inexpertos et ignaros. Sed dicit aliquis: nonne est possibile in aliqua arte multum difficili esse aliquam conclusionem, ad cuius completam cognitionem nullus illius artis artifex attingere potest, ut in astronomia quando et quo modo se habentibus constellationibus erit diluuium universale per aquam, et utrum per ignem potest esse diluuium universale, ut quando omnes stellae calidae habent suas fortitudines omnes, quae sunt eis possibiles? Ergo videtur, quod non est accipiendum, quod in talibus omnibus videtur. Dicendum, quod dato quod non sit ita realiter, sicut omnes artifices illius arti dicunt, tamen probabile est ita esse. Dialecticus autem hoc accipit, quod est probabile, et Aristoteles hic est intelligentus sicut dialecticus."

<sup>17</sup> *Ibid.*

approvability by qualified authorities' is justified by another notion of probability. This form of probability is not a subjective one; rather, it is grounded on universal experience about how things are. It is based on the objective "evidence of things" rather than the subjective "evidence of people".<sup>18</sup>

The medieval notion of 'probability as approvability by qualified authorities' is not excludingly a subjective one. It includes the idea that the objective risk of error in regard to an opinion depends on how widely that opinion is accepted by qualified authorities and experts.

For some later views, let us have a look on how Peter Richeri, in his commentary (circa 1442) on the *Topics* of Aristotle, tries to explain the notion of probability.<sup>19</sup> It is first stated that, according to Aristotle, probable opinions are those that seem to be true to all, many, all of the wise or the majority of them, or to the most famous of them.<sup>20</sup>

Peter Richeri says that a probable proposition is one in regard to the subject of which there is a property which inclines (*proprietas habilitans*) it towards the participation of the predicate, but which does not necessitate it in respect to the same. A probable proposition can be accepted only with the reservation that it may be false.<sup>21</sup> The probability of a proposition depends on the properties of its subject. This is, in a sense, an objective interpretation of probability. A property of the subject is called a sign, and on the basis of this "sign in the subject" one is able to regard a proposition probable and verisimile.<sup>22</sup> Peter Richeri reasoned that it is the nature of this "intrinsic sign in the subject" that determines

<sup>18</sup> Cf. HACKING 1975, 31–38.

<sup>19</sup> Part of the work of Peter Richeri is edited by Niels Jørgen Green-Pedersen in his book *The Tradition of the Topics in the Middle Ages* (1984), 374–9.

<sup>20</sup> Cf. *ibid.* 377: "Pro responsione et declaratione definitionis sciendum est quod Aristoteles declarat seu definit probabilia dicens: probabilia autem sunt quae videntur omnibus aut pluribus aut sapientibus et his omnibus vel pluribus vel maxime notis vel pluribus, id est magis provecis."

<sup>21</sup> *Ibid.* "Et pro horum declaratione sciendum est ulterius quod propositio dicitur probabilis in cuius subiecto est proprietas habilitans ipsum ad praedicatum participandum, non tamen necessitans, quia propositio talis est cum formidine de opposito."

<sup>22</sup> *Ibid.* "Et huiusmodi proprietas dicitur signum per quod creditur talis propositio probabilis et verisimilis habetur."

how we should interpret the definition of probable opinion in the *Topics* of Aristotle. According to him, we should divide probable opinions into five sub-classes.<sup>23</sup>

Firstly, there are probable opinions which are probable because they are accepted by *all* (*probabile apparet omnibus*). In these opinions the “sign in the subject” that supports this opinion is immediately known by the sense perception alone. As an example, the writer offers the proposition “snow is white”.<sup>24</sup> Secondly, there are probable opinions which are probable because they are accepted by *most people* (*probabile apparet non omnibus sed pluribus*). In these opinions the “sign in the subject” cannot be known by sense perception only, but the knowing of it presupposes that there is also some intellectual understanding regarding the substantial nature of the subject.<sup>25</sup> Thirdly, there are opinions which are probable because they are accepted by *the wise* (*probabile dicitur apparet non omnibus nec pluribus, sed solum sapientibus*). In regard to these opinions, the knowing of the “sign in the subject” supposes much rational apprehension and the share of sense perception is rather small.<sup>26</sup> Fourthly, there are opinions which are probable because they are accepted by *the wiser men* (*dicitur probabile apparet non omnibus sapientibus sed sapientioribus*). In respect to these opinions, sense perception hardly provides any assistance towards knowing

---

<sup>23</sup> *Ibid.* “Et secundum hoc quod huiusmodi signum seu proprietas intrinseca est substantialis rerum vel superficialiter apparet, secundum hoc diversificatur probabile secundum quod etiam in definitione Aristotelis praetacta tanguntur probabilium quinque genera.”

<sup>24</sup> *Ibid.* “Quia vel tale signum perceptibile est a sensu comparante sensata ad invicem, et immediate occurrit sensui in superficie rerum; et tunc probabile quod per tale signum accipitur (probabile) dicitur probabile apparet omnibus, ut est nivem esse albam.”

<sup>25</sup> *Ibid.* “Aut tale signum non statim occurrit sensui in superficie rerum sed quodammodo profundatur in substantialibus rerum; et tunc est probabile apparet non omnibus sed pluribus, ut est stellam in cauda minoris ursae existentem esse polum mundi, cuius signum est quia non deprehenditur eius motus singularis; et huius iudicium non sit secundum sensum solum sed secundum intellectum sensui permixtum.”

<sup>26</sup> *Ibid.* “Vel tale signum magis profundatur in substantialibus rerum, sic quod magis remotum est a sensu, magis ad intellectum appropinquatus, eo quod cum causis rerum convertitur; et tunc tale probabile dicitur apparet non omnibus nec pluribus, sed solum sapientibus, ut est lunam moveri in epicyclo, cuius signum est quia est retrograda. Et item adhuc tale signum diversificatur, eo quod adhuc est mixtum sensui et a sensu apprehendi potest; et sic dicitur probabile ... omnibus sapientibus.”



the “sign in the subject”; it is almost known by rational apprehension alone.<sup>27</sup> Finally, there are opinions which are probable because they are accepted only by *the wisest men* (*dicitur probabile apparens non omnibus sapientibus nec etiam pluribus sed maxime notis et in scientia proVectis*). In respect to these opinions, the “sign in the subject” is still farther away from sense perception.<sup>28</sup>

Peter Richeri presents an ascending order of probable propositions, depending on the nature of the questions and the intellectual capacity of the people. In respect to many problems, only qualified people are able to put “probably true” opinions forward, and if one wishes to avoid error, it is better to follow these expert views. In some questions, “the experts” include all people; in other questions, “the experts” include only the wisest men. Therefore, the criterion of the probability of opinions held by different people is different in regard to different types of questions.

---

<sup>27</sup> *Ibid.* “Vel magis a sensu removetur, sic quod quasi totaliter est secundum intellectum cognoscibile; et tunc dicitur probabile apparens non omnibus sapientibus sed sapientioribus.”

<sup>28</sup> *Ibid.* “Vel adhuc ulterius magis a sensu recedit ad intellectum accedens, et tunc dicitur probabile apparens non omnibus sapientibus nec etiam pluribus sed maxime notis et in scientia proVectis.”

## 1.4. Probability and Risk in Judicial Testimonies

According to Aristotle, one group of ἐνδοξια consists in propositions about something contingent, something that happens not always but as a rule, “for the most part” (ἐπὶ τὸ πολὺ). It is characteristic of the propositions of ethics and of political science that the precision they have differs from the precision of mathematical propositions. Ethical propositions prove to be true for the most part but not always.

In his commentaries on the *Nicomachean Ethics* of Aristotle,<sup>1</sup> Albert the Great makes use of the Latin translation made by Robert Grosseteste.<sup>2</sup> Following the translation of Grosseteste, Albert the Great uses the expressions, *grosse*, *figuraliter* and *ut frequentius* when he wants to refer to the peculiar nature of the certainty of statements in ethics.<sup>3</sup> According to Albert, propositions about things and events that are contingent so that they exist or occur as a general rule, *ut frequenter* or *ut in pluribus*, can

---

<sup>1</sup> We have available two commentaries of *Nicomachean Ethics* by Albert the Great. The first commentary, edited by W. Kübel (1968–72), was written in 1248–52 and the second, edited by A. Borgnet (1891), some years later (ca. 1263–7).

<sup>2</sup> *Ethica Nicomachea, Translatio Roberti Grosseteste Lincolnensis sive Liber Ethicorum*, ed. R. A. Gauthier (1972).

<sup>3</sup> *Super Ethica*, ed. Kübel, lib. I, lec. 2, p. 12. — In his translation of the *Nicomachean Ethics* Robert Grosseteste replaces the Greek ἀκριβεια (precision) with the Latin word *certitudo*. The Greek words πᾶχυλῶς and τύπω which mean “roughly” and “in outline” have been replaced by the latin words *grosse* and *figuraliter*. And the Greek phrase ἐπὶ τὸ πολὺ (for the most part) has been replaced by the Latin phrase *ut frequentius*. — Concerning the relationship between ἀκριβεια and *certitudo* in Albert the Great, cf. SAARINEN 1993a, 138–9.

be used as premises when we draw conclusions in ethics.<sup>4</sup> As ethical decision-making may partly be based on statements that are not invariably true, but *ut in pluribus*, some uncertainty is involved.<sup>5</sup>

As with Albert the Great, Thomas Aquinas is aware of the note which Aristotle makes in his *Nicomachean Ethics* about the peculiar precision ( $\alpha\kappa\rho\beta\epsilon\iota\alpha$ ) of ethical statements. When discussing the question of certainty in jurisprudence, Aquinas says that we cannot — and need not try to — have a demonstrative or infallible certainty in such human affairs. In many cases, it is sufficient that the precision we reach in making judgements is such that the principles which are used are true for the most part (*ut in pluribus*), and false in some cases only (*ut in paucioribus*). For this kind of precision, Aquinas assigns the term ‘probable certainty’ (*certitudo probabilis*).<sup>6</sup> Probability is explicitly and conceptually linked with a notion of regular frequency referred to as ‘that which happens for the most part’. The notion of probable certainty could be, in this respect, elucidated by the conception of the risk of error. In the following I shall examine a few texts of Aquinas which reveal his view on the relationship

---

<sup>4</sup> See *Super Ethica*, ed. Kübel, lib. I, lec. 2, p. 12: “...triplex contingens, scilicet rarum, quod committitur fortunae, et ad utrumlibet, de quo est consilium, et ut in pluribus, quae cadunt in artem, sicut sunt etiam naturalia. *Et ex talibus* principiis dicentes, scilicet *talia* et similia eis, *concludere amabile* est.”; also see, *Ethicorum Lib. I*, ed. Borgnet, p. 53: “Et contingens tribus modis est scilicet ut in pluribus, ut sunt opera opinionem efficientia. Circa hoc autem quod aequaliter est ad esse quamvis non sit ars, tamen rationes sunt ad electionem vel fugam indugentes ex talibus propositionibus ambiguis ambas partes contradictionis ambigentibus, ex quibus saepe ostenditur aliquid ad vitam conferens, vel ut nunc, vel ut simpliciter. Circa hoc autem quod est in paucioribus non potest esse ars vel ratiocinatio, sed casus et fortuna, ut secundum hoc quod est pulchre et decenter fortunae vel infortunia ferre, homo moralis ex ratione rationalium principiorum ordinatur. Ex omnibus igitur inductis constat quod amabile est de talibus, et de talibus dicentes (potius quam docentes) grosse et figuraliter veritatem ostendere, et de his quae frequentius contingunt, et ex talibus principiis dicentes, amabile est talia etiam concludere.”

<sup>5</sup> Premises which are true “for the most part” could be understood as *prima facie* rules which minimize the risk of error when one has to make a decision in a condition of uncertainty.

<sup>6</sup> “In actibus enim humanis, super quibus constituuntur iudicia et exiguntur testimonia, non potest haberi certitudo demonstrativa, eo quod sunt circa contingentia et variabilia. Et ideo sufficit probabilis certitudo, quae ut in pluribus veritatem attingat, etsi in paucioribus a veritate deficiat.” *S. th.* II–2, q. 70, a. 2, co. — Cf. also: *S. th.* II–1, q. 105, a. 2, ad. 8, and: *Super ev. Johannis* cap. 8, lec. 2. — Cf. SCHRIMM-HEINS 1991, 178–80; JONSEN & TOULMIN 1988, 165–6.

between risk and probability.

One problem in law-court procedure is the question of the credibility of testimony. What makes a testimony credible? Aquinas discusses this question in three different connections. (i) In his commentary, *Super evangelium Johannis*, Aquinas writes:

...in (judgements in regard to) human acts, people cannot have real certainty, they therefore accept that which they may consider to be the most certain alternative, which depends on the number of witnesses. It is namely more probable that one shall lie than that many shall (lie)...<sup>7</sup>

(ii) In *Summa theologiae* II–1 Aquinas says:

...though it is possible that two or three witnesses may happen to make mendacious statements which are in agreement with each other, it is neither easy nor probable for them to be consistent, and therefore their testimony is accepted as true...<sup>8</sup>

(iii) In *Summa theologiae* II–2 he states:

It is sufficient that you obtain a probable certainty, which means that in most cases (*ut in pluribus*) you are right and only in a few cases (*ut in paucioribus*) are you wrong. However, it is probable that the statement of many witnesses contains more truth than the statement of only one (witness).<sup>9</sup>

---

<sup>7</sup> *Super ev. Johannis*, cap. 8, lec 2. “...in actibus humanis vera certitudo haberi non potest; et ideo accipitur inde id quod certius haberi potest, quod est per multitudinem testium: magis enim est probabile quod unius mentiatur, quam quod multi...”

<sup>8</sup> *S. th.* II–1, q. 105, a. 2, ad. 8: “Ad octavum dicendum quod in negotiis humanis non potest haberi probatio demonstrativa et infallibilis, sed sufficit aliqua conjecturalis probabilitas, secundum quam rhetor persuadet. Et ideo, licet sit possibile quod duos aut tres testes in mendacium convenire, non tamen est facile nec probabile quod convenient; et ideo accipitur eorum testimonium tamquam verum,...” — In his article “On the Prehistory of the Theory of Probability”, O. B. Sheynin refers to this text and notes only that “probability in law was also discussed by Thomas Aquinas”. Sheynin does not, however, refer to any other texts of Aquinas, or have any more to say about this. Cf. SHEYNIN 1974, 108.

On the basis of these texts it is clear that, according to Aquinas, the credibility of a testimony of witnesses increases when the number of witnesses whose statements are in agreement with each other rises.

The reasoning behind Aquinas' view is as follows. We know that there are two possible explanations for a testimony being consistent. The first possible explanation is that it is based on the knowledge of the witness/witnesses of the one, objective truth. The second possible explanation is that though the witness/witnesses does/do not know the truth, he/they is/are willing and able to provide testimony which is consistent. The testimony of one witness is easily consistent, whether it be truthful or mendacious. In other words, it is easy for an individual both to tell the truth and to lie consistently. In the case of three testimonies which are mutually consistent and given by three independent witnesses, the probable explanation of consistency among the testimonies is that every one of the witnesses conscientiously tells the single and objective truth. In the case that three independent witnesses testify by lying, it is not probable that their testimonies will be mutually consistent. Rather, it is probable

---

<sup>9</sup> "Et ideo sufficit probabilis certitudo, quae ut in pluribus veritatem attingat, etsi in paucioribus a veritate deficiat. Est autem probabile quod magis veritatem contineat dictum multorum quam dictus unius." *S. th.* II-2, q. 70, a. 2, co. — I have inserted "more" for "magis", here. Another possible translation is: "... But it is probable that the statement of many witnesses, rather contains the truth than that the statement of one witness would contain it." — Byrne, too, has noted this text. According to him, Aquinas "applies his quasi-statistical criteria in order to justify the juridical policy that the agreement of at least two and preferably three witnesses is required for legal judgment". Cf. BYRNE 1968, 224-5.

that, while lying, their testimonies contradict each other.<sup>10</sup>

A rise in the number of independent witnesses who provide mutually consistent statements reduces the objective risk of falsity in their testimony. Aquinas says that it is possible that three independent witnesses, even when lying, may happen to give mutually consistent statements. But, Aquinas notes, this would be an exceptional event which happens only in some cases (*ut in paucioribus*). For the most part (*ut in pluribus*), the best explanation for agreement between three independent witnesses is that each one of them is deliberately telling the truth. Something is probable when it happens in a frequency referred to as *ut in pluribus*. In most cases, a statement based on the mutually consistent testimonies of three independent witnesses contains more truth than a statement based on the testimony of one witness. In other words, “it is probable that the statement of many witnesses contains more truth than the statement of one (witness).”<sup>11</sup>

---

<sup>10</sup> In her book (1983) Barbara J. Shapiro discusses some 17th century views on the significance of the number of witnesses as the guarantor of the certainty of juridical testimonies. According to Shapiro “...Robert Boyle (1627–1691) indicated that the preference for a larger rather than a smaller number of witnesses was based on considerations of probability”. She quotes Boyle: “...the testimony of several individuals was preferable not because their testimony was individually more credible but because it is thought reasonable to suppose that, though each testimony single be probable, yet a concurrence of such probabilities (which is reason to be attributed to the truth of what they jointly tend to prove) may well amount to a moral certainty, i.e., such a certainty as may warrant the judge to proceed to a sentence.” Cf. SHAPIRO 1983, 187 and 313, n. 107. Cf. also *The Works of Robert Boyle* (London 1772) vol. IV, 182. — Concerning the connections of the concept of ‘concurrence’ with mathematical probability in jurisprudence, see also COHEN 1977, 93–115.

<sup>11</sup> For Aquinas, ‘probability’ refers, on the one hand, directly to certain relative frequency or regularity in regard to the physical world. On the other hand ‘probability’ refers to the relative frequency in which a proposition about the world proves to be true in the long run. Aquinas’ view is that the proposition, “the statement of many witnesses contains more truth than the statement of one”, is probable because it proves, in the long run, to be true in the frequency of *ut in pluribus*. Therefore, we can say that Aquinas applied a notion of probability that shows certain similarity with Venn’s conception of probability as a long run frequency. When it is applied to propositions the probability of a proposition could be characterized as a truth-frequency of a proposition within sequence. Cf. NIINILUOTO 1988, 293–294. This interpretation of probability may be called “a propositional interpretation of probability”. Cf. WEATHERFORD 1982, 162–3.

The notion of probability is connected, in the texts quoted above, to the relatively low degree of the objective risk of falsity, or of the objective possibility of independent witnesses to tell mutually consistent lies. Probability is connected to how things are. The criteria of the probability of an opinion or of “probable certainty” are certain objective features of the world, not just the subjective approvability of an opinion. We know that by using our knowledge of the physical world we can reduce the risk of error and make probable inferences. ‘Probability’ is as objective as our knowledge of the physical world.

## 1.5. Probability, Risk and the Relative Frequency of Good and Evil in the World

In his *Summa contra gentiles*, Aquinas argues on behalf of the view that it is quite correct that some people would voluntarily live in poverty. The problem is that one who lives in voluntary poverty, in other words as a mendicant, is wholly dependent on the will of other people. However, we know that if we take a man at random, we are unable to know whether or not he is willing to give alms to beggars. It therefore appears that one who makes the choice to live as a mendicant assumes quite a strong risk. It is quite uncertain whether or not he can obtain an adequate living. Aquinas, however, examines the situation in another way. He explains that the living of a mendicant

...does not depend on the will of one single man, but rather on the will of many men.

And he continues:

It is, however, not probable that in a multitude of the believers there would not be several men who, with a quickened heart, would support...those whom they respect because of their perfection in virtue.<sup>1</sup>

Not all believers are benevolent or generous; perhaps a significant number of believers are non-benevolent and ungenerous. We therefore know that if we take, at random, one believer, we cannot be sure whether or not he is benevolent. Even so, there is no need to worry: we have got

---

<sup>1</sup> *SCG* I, 3, c. 135. "Licet autem sustentatio eorum qui vivunt de his quae ab aliis dantur, ex voluntate dantium dependeat, non tamen propter hoc insufficiens est ad sustentandam vitam pauperum Christi. Non enim dependet ex voluntate unius, sed ex voluntate multorum. Non est autem probabile quod in multitudine fidelis populi non sint multi qui prompto animo subvenient necessitatibus eorum quos in reverentia habent propter perfectionem virtutis."



a multitude of believers, and it is probable that in a multitude there should be several benevolent believers. When the number of believers (who know the situation of a mendicant) increases, then the probability of there being several benevolent men among them also increases.<sup>2</sup>

The notion of probability in this respect is connected to the consideration of certain objective risks. Aquinas believes, to begin with, that it is an objective feature of the physical world that there are both generous and ungenerous people. There is a certain relative frequency of benevolent men among all people. Secondly, being a mendicant implies a state of affairs in which one's livelihood is dependent, not on the will of one man or woman, but on the will of several people. The degree of the risk that a mendicant would not obtain adequate monetary support, can be inferred from what we know about the factual situation of a mendicant, *i.e.*, what the relative frequency of benevolent men among all people is, as well as the actual number of people who are aware of the mendicant's existence.

What is important here is that Aquinas utilizes a notion of probability when he "calculates" the degree of risk. He comes to the conclusion that the risk of a mendicant is very low *because* it is improbable that, among a multitude of men, there would not be several benevolent men. 'Probability' is explicitly included *in the premise*, rather than in the conclusion. Aquinas' intention is to state that, in the light of our current knowledge of the world, we cannot know whether or not an individual chosen at random is actually a benevolent man, but we know that it is probable that among a multitude of believers there should be several benevolent men.

Aquinas' view is that the probability of a matter (of an event or proposition) is based on the knowledge of the relative frequency of benevolent men among people in general as well as on the knowledge of the size

---

<sup>2</sup> The reasoning is analogous to that in which we claim that, in playing dice, the probability of obtaining one or more times the figure six grows with the number of tosses of dice played. If a mendicant's livelihood were dependent on just one play of the dice, he could not be sure of sufficient financial means. As his living, however, is dependent on a great number of dice throws, it is improbable that, among them, there would not be several throws resulting in the number six.

of the group of men on whose will a mendicant's livelihood is dependent. 'Probability' is not based on subjective approvability but rather on objective or, at least, intersubjectively testable data.<sup>3</sup>

In *De veritate*, Aquinas approaches the question as to whether or not it is true that human acts are governed by Divine Providence through heavenly bodies.<sup>4</sup> The main thesis of Aquinas' answer is as follows: Heavenly bodies do effect an inclination on the souls of men to behave in a certain way, but they do not determine the behaviour of men. By means of virtue a man's will may win the inclination caused by heavenly bodies.<sup>5</sup> Aquinas writes:

...in most cases (*ut in pluribus*) a multitude follows its natural inclinations, inasmuch as people in a multitude respond to their passions. But the wise triumph over their passions and inclinations by reason. So it is more probable (*magis est probabile*) in regard to a multitude that it does that to which it is inclined by the heavenly bodies, than in respect to a singular man, who perhaps through the aid of reason may triumph over the inclination in question.<sup>6</sup>

Aquinas believes that the majority of people are, in certain cases, unable to govern their acts by reason. Wise men as a group are in a minority.<sup>7</sup> If we take an individual at random, we cannot be sure whether or not he or she is able to govern his or her acts.

---

<sup>3</sup> In his study *Probability and Opinion*, Byrne has paid attention to Aquinas' way of making inferences from the relative frequency of good individuals among people as a whole. Cf. BYRNE 1968, 209–13.

<sup>4</sup> *De ver.* q. 5, a. 10. "Decimo quaeritur utrum humani actus gubernentur a divina providentia medianibus corporibus caelestibus."

<sup>5</sup> *Ibid.* q. 5, a. 10, co: "...et ideo ex corporibus caelestibus non inducitur aliqua necessitas, nec ex parte recipientium nec ex parte agentium, in actibus humanis; sed inclinatio sola, quam etiam voluntas repellere potest per virtutem acquisitam vel infusam."

<sup>6</sup> *Ibid.* q. 5, a. 10, ad. 7: "Ad septimum dicendum, quod multitudo ut in pluribus sequitur inclinationes naturales, in quantum homines multitudinis acquiescunt passionibus; sed sapientes ratione superant passiones et inclinationes praedictas, et ideo magis est probabile de aliqua multitudo quod operetur id ad quod inclinat corpus caeleste, quam de uno singulari, qui forte per rationem superat inclinationem praedictam..."

<sup>7</sup> Cf. BYRNE 1968, 209–13.

On the assumption that the relative frequency of “unable individuals” among the set of all people is higher than half, it follows that the bigger the random subset we take, the higher the probability<sup>8</sup> becomes that the majority of the individuals within this subset are “unable individuals”. If we then assume that the behaviour of a multitude is determined by the behaviour of its majority we can draw the same conclusion as that derived by Aquinas: It is more probable in regard to a multitude that it would do that which it is inclined to do under the force of heavenly bodies than that a singular man would. In this connection, ‘probability’ is as objective as one’s knowledge is in respect to the relative frequency of wise people among all people.

Boethius of Dacia discusses the notion of probable proposition in many places of his *Quaestiones super librum Topicorum*. In line with Aristotle, he makes a distinction between a *necessary proposition* and a *probable proposition*. According to Boethius of Dacia, this distinction is based on the difference in how something is predicated to the subject.

In a necessary proposition the subject has a “property which necessitates it to the participation of the predicate.”<sup>9</sup> In a probable proposition the subject has “a property which inclines or induces it towards the par-

---

<sup>8</sup> Note that in the text above Aquinas does not explicitly argue in this manner. Here *probabile* is not included in the relevant premises.

<sup>9</sup> Cf. *Top.*, I, c. 10, p. 75: “Sed si dicatur sic: ‘opacum corpus reflectit lumen’, propositio est necessaria, opacitas enim est proprietas in subiecto necessitans ipsum ad participationem praedicati, et ideo oppositum non potest inesse, nec potest accipi cum formidine alterius partis, nec est propositio dialectica.” — Cf. also *Top.*, I, c. 1, qu. 14 p. 47: ...iudicamus propositionem necessariam, quae habet causam in subiecto, quae habet necessitatem super predicatum et quantum ad productionem et quantum ad conservationem, et illa causa sumpta pro medio concludimus passionem de subiecto demonstrative, ut: ‘omne corpus opacum reflectit lumen; terra est corpus opacum; ergo et cetera’,...”

ticipation of the predicate, but which does not necessitate it to that”.<sup>10</sup> As an example of a probable proposition Boethius of Dacia offers the proposition “mother loves” (*mater diligit*). He says that this is a probable proposition, as “maternity” is a property which inclines the subject towards the participation of the predicate but does not necessitate it to that, and so the opposite alternative is possible.<sup>11</sup>

Boethius of Dacia thinks as follows: “Motherhood” is an attribute which belongs to every mother. However, from this it does not necessarily follow that having this quality makes one loving, but it implies that more than one half of those having it (*magis quam ad utrumlibet*) will be loving.<sup>12</sup> The criterion of the probability of the proposition, “mother loves”, is our knowledge of the relative frequency of loving mothers among mothers as a whole. In this case, probability is derived from general empirical observations, rather than from what is subjectively approvable.

---

<sup>10</sup> Cf. *Top.*, I, c. 10, p. 75: “Et scire debes quod propositio per se probabilis est illa, in cuius subiecto est proprietatis habitans subiectum ad participationem praedicati et non necessitans.” — Cf. also *ibid.*: I, c. 1, qu. 14, p. 47: “...iudicamus propositionem probabilem propter proprietatem aliquam a parte subiecti habitantem subiectum ad participationem praedicati, sed non necessitantem, quae proprietate sumpta pro medio concludimus dialectice praedicatum de illo subiecto.” and *ibid.*: I c. 10, p. 75: “Et ideo omnis propositio probabilis plus habet quam ad utrumlibet et minus quam necessarium. Et dico quod plus habet quam ad utrumlibet, quia in eius subiecto est proprietatis habitans ipsum ad participationem praedicati, et minus habet quam necessarium, quia proprietatis licet habitet non tamen necessitat inhaerentiam praedicati ad subiectum.”

<sup>11</sup> *Ibid.*: “Verbi gratia, si dicatur sic: ‘mater diligit’, propositio est probabilis, quia maternitas est proprietatis habitans subiectum ad participationem praedicati et non necessitans, et ideo oppositum potest inesse.”

<sup>12</sup> This indicates the idea that, in the long run, the proposition “mother loves” shall prove to be true in a frequency greater than *ad utrumlibet* and lower than *semper*. Boethius of Dacia concludes that because of this, the proposition in question may be called a probable proposition. Boethius of Dacia therefore can be said to have applied a notion of probability that shows certain similarity with Venn’s conception of probability as a long run frequency. When it is applied to propositions the probability of a proposition could be characterized as a truth-frequency of a proposition within sequence. Cf. NIINILUOTO 1988, 293–294. This interpretation of probability may be called “a propositional interpretation of probability”. Cf. WEATHERFORD 1982, 162–3.

As an example of an *improbable* proposition Boethius of Dacia offers the proposition “killer loves”. He says that this is improbable due to the fact that:

...in the subject there is a property which inclines it towards the opposite of the predicate, which is to hate, but does not necessitate it to that. Although, namely, it is probable that a killer hates, it is not necessarily the case. We cannot say that in every instance a killer kills of hate, but rather sometimes this occurs out of ignorance or by accident.<sup>13</sup>

The proposition “killer loves” is improbable because we are aware that, in most cases, a killer does the opposite of loving, namely hates. But we also know that in some cases a killer does not kill out of hate. We therefore conclude that the proposition “killer hates” is a probable proposition and, respectively, that the proposition “killer loves” is an improbable one. Here, too, the probability/improbability of a proposition is based on our knowledge of certain relative frequencies or types of incidence in the world.

According to Boethius of Dacia, dialectical probability of a proposition can be characterized as

the attribution of the predicate towards the subject by means of a medium which inclines the subject towards participating with the predicate, or the separating of the predicate from the subject by means of a medium which inclines the subject towards the opposite of the predicate.<sup>14</sup>

---

<sup>13</sup> *Top.*, I, c. 10, pp. 75–76: “Sed si dicatur sic: ‘interficiens diligit’, propositio est improbabilis, quia circa subiectum est proprietatis habitans ipsum ad oppositum praedicati, quod est odire, non tamen necessitans, licet enim probabile sit quod interficiens odiat, non tamen est necessarium, non enim omnis interficiens ex odio interficit, sed ex ignorantia vel ex casu.”

<sup>14</sup> *Top.*, II, c. 1, q. 15, p. 139: “Nunc autem dialectica considerat probabilitatem, hoc est attributionem praedicati ad subiectum per medium, quod habitat subiectum ad participationem praedicati, vel remotionem praedicati a subiecto per medium, quod habitat subiectum ad oppositum praedicati.”

The probability of a proposition is greater the more the property of its subject inclines it towards the participation of the predicate within the proposition.<sup>15</sup> The probability of a proposition depends on the properties of its subject in relation to its predicate. If we possess knowledge of the predicate as well as of the properties of the subject within a proposition, we can derive information in regard to its probability. But how can we obtain such knowledge in respect to the properties of a subject within a proposition? The obvious answer, when we reflect on the examples offered by Boethius of Dacia, is that we come to know the properties of a subject through *induction*. In this manner we come to the conclusion that a mother, in most cases, loves (and that in some cases she does not), or that, in most cases a killer does not love (and that in some cases he or she loves).

The proposition “it is probable that a mother loves” is an inductive generalisation based on a certain kind of empirical evidence acquired by general empirical observation. The idea is that, in the light of our current knowledge of the world, we regard some matters or events as “probable” and some other matters or events as “improbable”. The criterion of the probability of a proposition is our knowledge of the world, not a certain amount of subjective approvability in respect to that proposition.

According to Boethius of Dacia, this probability has implications to our subjective degree of belief. When one accepts a probable proposition or a dialectical proposition as true, there remains a fear in one’s mind that the proposition may be false.<sup>16</sup> If one is aware that the general

---

<sup>15</sup> *Ibid.*: “Et sicut haec proprietas habilitat magis et minus, sic dicitur propositio magis et minus probabilis. Ideo dicitur quod quaedam propositio est probabilis, quaedam magis probabilis, quaedam maxime;...” — Cf. also above, Peter Richeri’s interpretation of probability, Ch. 1.3.

<sup>16</sup> Cf. *Topica*, I c. 10, p. 75: “Et ideo omnis propositio dialectica in quantum talis accepta est cum formidine oppositae partis.” — Cf. also *ibid.* I, c. 1, q. 14, pp. 47–48: “Et illam conclusionem asserimus sive consideramus sub formidine oppositae partis, quia sic sumpsimus propositiones praemissas. Et causa huius est, quia praedicta proprietas non necessario habilitavit subiectum ad participationem praedicati, sed solum probabiliter ut: ‘omnis mater diligit’; maternitas enim in subiecto est proprietas quae multum habilitat ipsum ad diligendum, sed non necessitat. Ideo potest esse in subiecto alia proprietas habilitans subiectum ad contrarium praedicatum.”

proposition “mother loves” is probable, then one knows that, in the case of a randomly chosen mother, one cannot know for certain whether or not she loves. One knows that a decision to act as if the proposition “mother loves” were *always* or in every particular case (*semper*) true would imply the assumption of *risk*. If someone, based on statistical generalisation, decides to accept as true that this randomly chosen mother loves, there remains in his or her mind some anxiety because one knows, at the same time, that one may be wrong. The degree of belief which we have concerning the truth of an inductive generalisation in a random, individual case depends, in a sense, on the objective probability of that generalisation.

## 1.6. Probability, Risk and the Teaching of Economic Ethics

In *Summa theologiae* II–2<sup>1</sup> Aquinas discusses the following question: Under which circumstances are you obligated to give alms to a beggar? According to Aquinas' answer, the obligation sometimes depends on one's wealth. This means that one must estimate or calculate what share of one's wealth is luxury and what may be regarded as relevant to the necessities of life. When estimating this, one must take both what is personally necessary at present and what is likely to be necessary in the future into consideration.

But since part of the natural course of events consists of contingent events, we cannot know what will happen in the future. We are, however, able to make some rough predictions about what is likely to happen in the future. It is the view of Aquinas that there is, in the natural course of events, a certain kind of regularity. This means that the processes of the nature, so to say, intend to their own ends, and that they succeed in this either invariably (*ut semper*) or for the most part (*ut in pluribus*). Sometimes (*ut in paucioribus*) it happens that a process of nature may be hindered due to some accidental cause. Through making empirical observations in respect to the course of events in nature, we can obtain rough statistical knowledge regarding the regularity of natural processes. We know, for instance, that when the “seed of man is projected into the womb of a woman” the consequence of this shall, in most cases, be a perfect human

---

<sup>1</sup> *S. th.* II–2, q. 32, a. 5.



being, but that sometimes, even so, the consequence will be the birth of a “monster”.<sup>2</sup>

Using this statistical knowledge, one is able to make rough, probable predictions regarding the future.<sup>3</sup> Aquinas believes that when one is attempting to resolve the question between what is luxury and what represents the necessities of life, one has to proceed on the grounds of probable predictions:

It must be admitted that there are times when a man mortally sins if he fails to give alms. Such a situation exists, ... when the giver possesses things which are superfluous in the sense of being unnecessary for him at that moment, at least as far as can be judged with any probability. Nor need every future possibility be taken into account... The probable and

---

<sup>2</sup> Cf. *In Anal. Post.* lb. 1, lc. 42, n. 3: “...non autem ex semine olivae generatur oliva ex necessitate, quia potest impediri generatio per aliquam corruptionem.” *SCG* lb. 3, c. 154, n. 11: “...sicut ex semine hominis in matricem proiecto, ut in pluribus, sequitur homo perfectus; quandoque tamen monstra generantur, propter aliquid impedimentum superveniens operationi naturalis virtutis.” — Cf. KNUUTTILA 1990, 225: “As for the efficient causes, Thomas Aquinas makes use of it when distinguishing between necessary and contingent causes. The distinction is based on the view that there are causes which *in statu causae* always produce the effect and causes which *in statu causae* are sometimes hindered from bringing about their effect. The causes *ut in pluribus* are in a few cases hindered from working by accidental impediments.” — Cf. also MAIER 1949, 219–50.

<sup>3</sup> Cf. *SCG* lb. 3, c. 154, n. 11: “Possunt tamen aliqua futura contingentia etiam ab hominibus praecognosci: non quidem in quantum futura sunt, sed in quantum in causis sua praeexistunt: cuibus cognitio, vel secundum seipsas, vel per aliquos effectus earum manifestos, quae signa dicuntur, de aliquibus effectibus futuris potest ab homine praecognitio haberi; sicut medicus praecognoscit mortem vel sanitatem futuram ex status virtutis naturalis, quam cognoscit pulsu, urina, et huiusmodi signis. Huiusmodi autem cognitio futurorum partim quidem certa est: partim vero incerta. Sunt enim quaedam causae praeexistentes ex quibus futuri effectus ex necessitate consequuntur: sicut praeeistente compositione ex contrariis in animali, ex necessitate sequitur mors. Quibusdam vero causis praeeistentibus sequuntur futuri effectus non ex necessitate, sed ut frequenter: ... Primorum igitur effectuum praecognitio certa habetur: horum autem qui posterius dicti sunt, non est praecognitio infallibiliter certa.”

normal course of events is what must guide us in working out what is superfluous and what is necessary.<sup>4</sup>

One is allowed to count, as the necessities of life, that part of one's wealth which shall be personally necessary in the future on the grounds of one's probable predictions of what will happen in the future. But one is not allowed to try to be prepared for all future contingencies. If the well-being of one's neighbour demands it, a true believer must include some economic risks in his or her own life. One is not permitted to attempt to secure one's livelihood in such manner that one would have the necessities of life, no matter what happens in the future. A true believer does not possess the right to eliminate all economic risks from his or her life.

The text just quoted indicates that we may make probable predictions about the future on the grounds of our quasi-statistical knowledge of the regularities in the world. Expressions *probabiliter* and *ut in pluribus* are used here synonymously. Both of them refer to certain kind of natural or objective relative frequency. On the other hand, in the same text, *probabiliter* refers to a manner of reasoning, too. One has to evaluate *probabiliter* what is necessary and not luxurious for oneself in the present situation. In this sense *probabiliter* refers to a degree of subjective certainty or degree of belief. The text is an example of how the notion of probability can be connected, on the one hand, to a degree of subjective certainty and, on the other hand, to certain relative frequencies or incidences of events and "objective" regularities in respect to the world.

The expression *probabiliter* was frequently used in late medieval discussions concerning the usury and the general conditions of a just contract.

---

<sup>4</sup> *S. th.* II–2, q. 32, a. 5, ad. 3: "Ad tertium dicendum quod est aliquod tempus dare in quo mortaliter peccat si eleemosynam dare omittat, ex parte quidem recipientis, cum apparet evidens et urgens necessitas, nec apparet in promptu qui ei subveniat; ex parte vero dantis, cum habet superflua quae secundum statum praesentem non sunt sibi necessaria, prout probabiliter aestimari potest. Nec oportet quod consideret ad omnes casus qui possunt contingere in futurum, hoc enim esset de crastino cogitare, quod Dominus prohibet, Matth. VI. Sed debet diiudicari superfluum et necessarium secundum ea quae probabiliter et ut in pluribus occurrunt."; — English transl. by R. J. Batten O.P. Cf. BATTEN 1975, 255.

In the rest of this chapter I will make some remarks on its uses in these contexts.

It was the general view in the 13th century that lending of a loan at interest was always a sin, and that selling a thing at a higher price than its actual value was invariably a sin. On the other hand, several thinkers were conscious of the fact that the lender was, as a result, unable to make any profit on the money which he has lent to another man or woman. They also realized that, in some cases, the decision to sell a thing at a particular moment implies that one would be unable to sell the same thing at another moment when it could be more valuable. Because of these facts and for the sake of justice, the lender or seller should possess the right to get something in recompense of his or her being unable to make any profit from the money he or she has lent or from the merchandise he or she has sold. This was thought to be normative especially in the case when the lender was, more or less, obligated to lend as well as in the case of unintended delay on the side of the debtor.<sup>5</sup>

The central idea was that the amount of compensation should correlate with the amount of the profit that the lender or seller would have possibly made, if he or she had not lent the sum of money or not sold the commodity in question at that moment. However, the amount of possible profit was thought to be something which it was not feasible to know. The amount of compensation should therefore be inferred from “probable profit”. In Peter John Olivi’s treatise, *De emptioibus et venditionibus, de usuris, de restitutionibus*, there is an example of how the compensation given to the seller (or to the lender) is relative to the probability of the profit that he or she would have made if he or she had not sold the commodity at a particular moment:

When someone, at a time when it is usually worth less, as a special favour offers or sells grain which he firmly intended to store and sell at a time usually and probably more costly, he may charge the same price which at the time of offer or sale is thought likely to obtain at the more costly time. ... And the reason why he may sell or exchange it at that price is

---

<sup>5</sup> Cf. LANGHOLM 1992, 369–73.

both because he to whom it is offered ought to provide him with probable equivalence or preserve him from loss of probable gain, and because that which in the firm intention of its owner is ordained to some probable gain does not possess the character of money or a thing straightforward but beyond this a certain seminal reason of profitability which we usually call capital...<sup>6</sup>

The idea is that one who decides to sell grain at a particular moment, takes the risk that he or she, through making that decision, makes oneself unable to gain the profit which one would have gained if one had sold it at a possibly more auspicious moment. The compensation should be such that it “probably” compensates what the seller would have otherwise gained. It should be *probabiliter equivalens*.<sup>7</sup>

It is difficult to comprehend what, exactly, would be the meaning of ‘probability’ in these remarks. However, in the case of selling grain, it is obvious that what would be the probable price for it on a certain day of the year is resolved on the grounds of the common knowledge of what the price of grain at that time of year has *usually* been. Probability is linked with the knowledge of what usually has been the case. As a matter of fact, the manner in which Olivi uses the expression *communiter et probabiliter* indicates that he believes that a state of affairs which is known to usually take place represents a probable situation. The terms “probably” and “usually” are considered as synonyms.

In another connection, the words of Olivi indicate the following

---

<sup>6</sup> OLIVI, *De emptionibus et...*, b., f. 307r. – b., f. 307v., ed. TODESCHINI (1980), pp. 84–85: “Ex hoc etiam patet quod quando quis ex gratia speciali prestat vel vendit bladum in tempore, quo communiter minus valet quod tamen firmiter proponebat servare et vendere in tempore communiter et probabiliter magis caro, potestidem pretium exigere quod in hora prestationis vel venditionis probabiliter creditur affuturum in illo tempore magis caro. ... Causa autem quare sub tali pretio potest illud vendere vel commutare est, tum quia is cui prestatatur tenetur sibi ad probabiliter equivalens, seu ad preservandum ipsum a damno probabilis lucri, tum quia illud quod in firmo proposito domini sui est ordinatum ad aliquod probabile lucrum non solum habet rationem simplicis pecunie seu rei, sed ultra hoc quamdam seminalem rationem lucrosi quam communiter capitale vocamus...” — English transl. by O. Langholm. — Cf. LANGHOLM 1992, 371. — About the meaning of “probable profit” in the economic thinking of Olivi, cf. also KIRSCHNER & ALIA 1984, 233–86; SPICCIANI 1976, 283–325.

method of reasoning: One who wants to invest his or her money in a manner that will maximize his or her profit will “calculate” the risks involved along with alternative possible investments, relying on his or her knowledge regarding the relative frequencies of damages and gains that have materialized in respect to various investments. This kind of calculation of the risks, which starts from the knowledge of relative frequencies, leads to a “probable judgement” on what would be the best way to maximize profit.<sup>8</sup> This text reveals that, for Peter John Olivi, ‘probability’ was strongly connected with the knowledge of certain statistical frequencies.

That ‘probability’ was, in medieval and late medieval thought, closely connected with certain relative frequencies will be demonstrated even more clearly, when we examine a particular text from Alexander of Alexandria.<sup>9</sup> In his *Tractatus de usuris*, Alexander discusses the question of

---

<sup>7</sup> Cf. KIRSCHNER & ALIA 1984, 256. — Giles of Lessin, too, utilizes the notion of probability when discussing the question of possible compensation in regard to certain financial losses. See AEGIDIUS DE LESSINIA: *De usuris in communi*, (Ed. Parmensis t. XVII, 1864) c. 7: “...Dico quod non committit usuram, licet plus accipiat in spe quam det tempore venditionis, quia illud non accipit causa temporis, sed pro natura rei, quam probabiliter et verisimiliter dubitari potest tantum valituram in tempore pro quo vendidit, etiam si non valuit tantum in tempore pro quo vendidit. Et haec ratio potest applicari ad aliquos alios contractus, etiam quando res minus emitur quam valet tempore emptionis, recipienda tamen alio tempore, in quo verisimiliter potest dubitari utrum plus vel minus sit valitura quam empta sit.” — A. Spicciati has edited a text of Olivi which includes a discussion about the lender’s right for compensation due to the loss of probable profits. Cf. SPICCIANI 1976, 321–25; PETRI IOANNIS OLIVI: *De contractibus usurariis: casus*. Cf. esp. p. 324: “Ad tertium dicendum quod praedictum capitale, in hora qua venditur eius probabile lucrum, valet plus quam valet sola sua ratio secundum quam est simplex pecunia absque ratione capitalis...”, and p. 325: “...constat quod iste tenebitur traditori solvere non tantum capitale sed etiam probabile lucrum, tanto tamen excepto quantum valet probabile lucrum absque periculo capitalis quam valeat cum periculo capitalis.”

<sup>8</sup> OLIVI: *De emptionibus et...*, c., f. 231r., ed. Todeschini, p. 82: “In hoc etiam casu est ut sepius alia ratio usure; quia primus pecunie traditor non acciperet super se periculum maris et itineris, nisi probabiliter praesumeret partem suam cum toto hoc periculo esse tutiorem et utiliorem sibi quam mercatori, pro eo quod rarius in mari vel itinere amittuntur quam per usum mercandi vel commutandi.”

<sup>9</sup> Alexander of Alexandria (1268–1314), known also as *Alexander Bonini* and *Alexander Lombard* was a disciple of *John Duns Scotus*. Cf. LANGHOLM 1992, 430–46.

whether one is allowed to buy a lifelong right for certain income arising from rents.<sup>10</sup>

The general condition of a just or permissible contract was that both the seller's and the buyer's advantages and disadvantages are distributed equally to the contracting parties.<sup>11</sup> In connection with the specific type of contract, the problem was: How do we take into account the fact, based on the natural course of events, that at the moment of making the contract we cannot know how long the buyer will live? What is the correct way to deal with the objective risks that are involved with this kind of contract? According to Alexander, a contract in which the parties do not intend to share the risks unequally is permitted. Whenever there exists the intention to share the risks unequally the contract is illicit.<sup>12</sup> In

---

<sup>10</sup> ALEXANDER OF ALESSANDRIA: *Tractatus de Usuris*, c. 72, Y f. 146r., ed. A-M. Hamelin, p. 152: "Primo enim quaeritur: utrum alicui liceat emere redditur praediales ad vitam, sine vitio usurae?" — Cf. LANGHOLM 1992, 444.

<sup>11</sup> ALEXANDER OF ALESSANDRIA: *Tractatus de Usuris*, c. 72, Y f. 146r., p. 152: "Praeterea quando in contractu notabiliter unus habet meliorem partem, contractus est illicitus." — Cf. LANGHOLM 1992, 444: "The life rent is lawful if the intention is pure on the parts of buyer and seller and if equality is observed between the price and the value of the expected sum of rent payments, considering age and other relevant circumstances."

<sup>12</sup> ALEXANDER OF ALESSANDRIA: *Tractatus de Usuris*, c. 72, Y f. 146r., p. 153: "...sic emens habet favorem suum id quod accidit frequentius et quod est probabilius. Vendens autem in suum favorem quod est raro et sic est inaequalitas in contractu et per consequens contractus est illicitus."; *ibid.*, p. 154: "Talis autem aequalitas potest servari, quando redditus emuntur ad vitam. Hoc autem est quando pretium est tantae quantitatis quod pensatis aetate ementis et sanitate ejusdem, et periculis circa fructus possessionum et labore et solitudine non apparet quis notabilis habeat meliorem partem, utrum emens vel vendens. Si autem talis aequitas corrumpatur, certum est quod contractus non potest fieri, nec est licitus."; *ibid.*, p. 156: "Si enim quis vendat ad vitam ementis possessionis, vendit tempus incertum, quia nescit quantum debeat supervivere emens et cum indeterminatio temporis pendeat a natura <contractus> et non ab homine, ideo est praeter hominis intentione." — It was also the view of Giles of Lessin that risks and uncertainties should be distributed equally to the contracting parties. Cf. AEGIDIUS DE LESSINIA, *De usuris in communi*, ed. Parmensis, c. 9: "...quando enim de natura contractus incidit periculum vel dubium aequaliter, tam ex parte vendentis quam ementis, tunc etiam juste fieret rea quae emitur vel venditur minoris aestimationis in valore, quam si periculum vel dubium non indiceret de natura contractus, cum ex utraque parte similiter dubium sit, utrum minus magisve recipiant vel recepturi sint." — Cf. LANGHOLM 1992, 444: "On the subject of rent contracts Alexander draws heavily on Richard of Middleton as well as on Giles of Lessines and gives his guarded assent to the distinction between present money and the right to receive money in the future."

order to be able to share the risks equally we have to determine what the most probable age of death of the buyer is likely to be.

It is the view of Alexander that we know that in most cases (*frequentius*), a randomly chosen twenty-five year-old man or woman, who does not live in any extraordinary danger, is likely to live more than eight years further and that only rarely (*raro*) does it happen that this variety of man or woman will die before his or her 33<sup>rd</sup> birthday. The text indicates that Alexander's view is that this means that it is more probable (*probabilius*) that a randomly chosen 25 year-old man will die subsequent to his 33<sup>rd</sup> birthday than prior to it. And, therefore, if a man of 25 years of age buys a lifelong right to a certain income derived from rents at such a low price that he gets all his money back before his 33<sup>rd</sup> birthday, the risks in the case concerned would not be shared equally among the contracting parties: the contract would not be just. It is, namely, more probable that the buyer would profit than that the seller would.<sup>13</sup> Alexander considers that the just price for a life rent is relative to the probable life expectation of the buyer. Probable life expectation is relative to the age of the buyer in respect to which it cannot be said as to which one is more probable: that the buyer will die prior to the age in question or that he or she will die subsequent to it.<sup>14</sup>

It is clear that Alexander has an incipient idea of the meaning of statistics of mortality in predicting what is the probable life expectation of a

---

<sup>13</sup> ALEXANDER OF ALESSANDRIA: *Tractatus de usuris*, pp. 152–53: “Sic autem in proposito videmus enim viros et mulieres, viginti quinque annorum emere redditus ad vitam pro tali pretio quod infra octo annos percipiunt sortem et quamvis possint mori infra illos octo annos, probabilius tamen est <quod> possint vivere in duplo; et sic emens habet favorem suum quod accidit frequentius et quod est probabilius. Vendens autem in suum favorem quod est raro et sic est inaequalitas in contractu et per consequens contractus est illicitus.”

<sup>14</sup> *Ibid.*, pp. 156–57: “Ad ultimum argumentum patet solutio praedicta, quia contractus iste non debet judicari illicitus, nisi quando non servatur aequitas juris naturalis inter ementem et vendentem. In casu proposito non videtur servari propter aetatem ementis, quia verisimile est quod debeat tantum supervivere quod multum lucrabitur et quod infra modicum tempus recipiat sortem et sic conditio vendentis est pejor et ementis potior, nisi forte mulier vel homo juvenis emens esset expositus tot periculis et infirmitatibus quod non clare videretur, quod istorum probabilius esset; aut ementem vivere per tantum tempus quod vendens laedatur notabiliter, aut ipsum mori infra octo annos, debent enim pensari et aetas et infirmitas ementis ut licitus sit contractus.”

man or woman of certain age. Probable predictions are based on the knowledge of stable empirical frequencies. The expressions, *quod accidit frequentius*, and, *quod est probabilius*, are used synonymously. For Alexander of Alessandria, ‘probability’ is, not exclusively, a subjective notion. On the one hand, it refers to certain law-like natural regularities<sup>15</sup>; on the other it refers to a degree of belief warranted by statistical evidence<sup>16</sup>.

Bernardin of Siena is known as “one of the most highly acclaimed economic thinkers of the fifteenth century”.<sup>17</sup> In his *Sermons* Bernardin, for one thing, discusses the question of the conditions of a just contract. In the second article of his *Sermon 34* Bernardin deals with some problems that arise if one wishes to buy for oneself a certain life-long right, *i.e.*, something that the seller will re-possess when the buyer dies.<sup>18</sup> Ber-

---

<sup>15</sup> *Ibid.*, p. 153: “...et sic emens habet favorem suum id quod accidit frequentius et quod est probabilius.”

<sup>16</sup> *Ibid.* pp. 152–153: “et quamvis possint mori infra octo annos, probabilius tamen est <quod> possint vivere in duplo;...” — In his book, *The Emergence of Probability*, Hacking has included a chapter about *annuities*. When determining the lump sum which someone must pay for a *life annuity*, one must evaluate, among other things, the number of years the buyer is likely to live further. Thus, the problem is similar to that of Alexander’s discussion. Hacking notes that “*Ulpian*, the third century Roman jurist, has left one table of annuities”, and that “the first serious attempt to derive judicious prices for annuities was presented by *John de Witt* ... in 1671.” Cf. HACKING 1975, 111–112. In the same book, ref. chapter “The Art of Thinking”, Hacking explains that in 1662, “in the concluding pages of the *Port Royal Logic* (ANTOINE ARNAULD & PIERRE NICOLE: *La logique, ou l’art de penser*) the word ‘probability’ was first used to denote something measurable”. Hacking also considers as a novelty that the writer of the book “is well aware that a decision problem requires a calculation of expectation involving not only utility but also probability”. Cf. *ibid.*, 75 and 77.

<sup>17</sup> LANGHOLM 1992, 34.

<sup>18</sup> Cf.: S. BERNARDINI *Senensis Opera omnia 1–9*, Ed. Collegium S. Bonaventurae, Florentiae 1950–65, vol. IV, p. 173.



nardin utilizes the text of Alexander of Alessandria, without making any notable changes as to the understanding of the notion of probability. On the one hand, ‘probability’ refers directly to certain natural or objective frequencies; on the other hand it refers to a certain degree of belief warranted by statistical evidence.<sup>19</sup>

---

<sup>19</sup> *Ibid. Sermo* 34, art. 2, c. 1., ed. Florentiae, vol. IV, pp. 176–7: “Nam saepe contingit quod viri et mulieres viginti quinque annorum redditus emunt ad vitam pro tam parvo pretio, quod infra octo annos percipiunt totam sortem; et licet mori possint infra octo annos praedictos, probabilius tamen est quod in duplo vivere possint. Ex quo patet quod emens habet in favorem suum id quod frequentius accidit, et quod probabilius est; et vendens in suum favorem habet quod rarius evenire solet. Et sic patet quod est inaequalitas in contractu, propterea illicitus esse videtur.” — Regarding the connections between the writings of Olivi and the thoughts of Bernardin of Siena cf. LANGHOLM 1992, and KIRSCHNER ET ALIA 1984, 233–4, 274, 285.

## 1.7. Objective Probability

As has been said above, one medieval interpretation of probability is connected to contingent events taking place with a certain kind of regularity, “usually” and “for the most part”, but not always. In order to be able to say whether or not there was a notion of objective probability in the Middle Ages one must examine what kind of ideas on the nature of contingency existed during that period of time.

When Thomas Aquinas says that some things and events are *necessary* and that other things and events are not necessary but *contingent*, how must we understand the concept of contingency here? Things that are necessary are by their nature such that they cannot but “be” or “happen”.<sup>1</sup> But things that are contingent are by their nature such that they “can be otherwise”. It is possible for them to either “be” or “not be”.<sup>2</sup>

The reason for the distinction between necessary and contingent events is that there are two kinds of efficient causes which may bring about an event coming into existence: necessary causes and contingent causes. The existence of a necessary thing or event is brought about by a necessary cause, and the existence of a contingent thing or event is brought about by a contingent cause. When a necessary cause has produced some particular thing or event, this cannot but be or happen. When a contingent cause produces some thing or event, it is possible for the same thing not to be or for the event not to happen.<sup>3</sup>

---

<sup>1</sup> “...necessarium enim dicitur, quod in sui natura habet quod non possit non esse.” *In Phy.* lb. 2, lc. 8, n. 4.

<sup>2</sup> “...contingens est quod potest esse et non esse.” *S. th.* I, q. 86, a. 3, co. — Cf. also: “...contingens autem ut frequenter, quod possit non esse.” *In Phy.*, lb. 2, lc. 8, n. 4.

<sup>3</sup> “Item, contingens a necessario differt secundum quod unumquodque in sua causa est: Contingens enim sic in sua causa est ut non esse ex ea possit et esse. Necessarium vero non potest ex sua causa nisi esse.” *SCG*, lb. 1, c. 67, n. 3. — Cf. BYRNE 1968, 198: “Both the necessary and the contingent, though, are to be understood in terms of their cause or causes, since whatever is, whether it be necessarily or only contingently, is because of what makes it to be. In this causal point of view, the necessary is *in*, that is, is within the capability of, its causes in such a way that it cannot but be; the contingent, though similarly in its causes, is so in such a way that it can either be or not be.”

According to Aquinas, we must make a distinction between three forms or “grades” of contingency. In the first place, we can see that there are things and events that exist or happen contingently for the most part (*ut in pluribus* or *ut frequenter*) in the same way when their cause exists. These are natural phenomena that usually behave in a regular way, but in which exceptions may occur. Secondly, some other things and events come into existence in the frequency called *ad utrumlibet* when their cause exists; this means that, of these events, we know that when the cause exists it may also happen that they will come to exist or, with the same kind of possibility, that they will not come to exist. These result from “freedom of choice”. Thirdly, there is the class of contingent things and events which come to be or happen rarely, in the frequency called *ut in paucioribus* when a certain kind of cause exists. These are things that happen by change.<sup>4</sup>

What is important here is that in this third class the prevailing cause is not the cause of these *ut in paucioribus* things or events. According to Aquinas, events that happen only in the frequency called *ut in paucioribus* do not possess any cause of their own; they are accidental events.<sup>5</sup> Accidental events are a result of the relative impotency of contingent causes

---

<sup>4</sup> Cf. MAIER 1949, 219–50; JAKOBI 1977, 3–70; KNUUTTILA 1993, 129–33.

<sup>5</sup> *SCG* lb. 3, c. 74, n. 2: “...nam ea quae sunt contingentia ut in pluribus, in hoc solo a necessariis differunt, quod possunt in minori parte deficere.”; *In Met.* lb. 6, lc. 3, n. 22: “...quando enim agens aliquod inducit effectum suum ut in pluribus, et non semper, sequetur, quod deficiat in paucioribus.”; *In Phy.* lb. 2, lc. 13, n. 2: “Omnia quae fiunt naturaliter, aut fiunt sicut semper, aut sicut frequenter: sed nihil eorum quae fiunt a fortuna vel per se a vano, idest a casu, sit semper vel ut frequenter.” — Cf. examples of necessary and contingent events: *In Phy.* lb. 2, lc. 8, n. 2: “...quaedam fiunt semper, ut ortus solis; quaedam sicut frequenter, ut homo nascatur oculatus. Neutrum autem horum dicitur esse a fortuna sed quaedam fiunt praeter haec, idest ut in paucioribus, sicut quod homo nascatur cum sex digitis vel sine oculis. Et omnes dicunt huiusmodi fieri a fortuna. Unde manifestum est quod fortuna aliquid est: cum esse a fortuna et esse ut in paucioribus convertantur...”; *SCG* lb. 3, c. 73, n. 2: “Quod autem voluntas sit causa contingens, ex ipsius perfectione provenit: quia non habet virtutem limitatam ad unum, sed habet in potestate producere hunc effectum vel illum: propter quod est contingens ad utrumlibet.”; *De ver.* q. 8, a. 12, co: “Quidam autem effectus futuri sunt quorum causae indifferenter sa habent ad utrumque; haec autem vocantur contingentia ad utrumlibet, ut sunt illa praecipue quae dependet ex libero arbitrio.”; *In Phy.* lb. 2, lc. 8, n. 3: “...etiam quaedam contingentia sunt ad utrumlibet.”

to produce their own effects always, *semper*. In some cases, *ut in paucioribus*, the effective functioning of a contingent cause is hindered by some matter and then what comes to exist or happen is something accidental: not caused by anything.<sup>6</sup> Actually, the above mentioned “hinder of contingent cause” is, in a way, responsible for the accidental event, but Aquinas does not call this hinder a cause.

According to Aquinas, we can have demonstrative knowledge of things that always, or for the most part, happen but not of that which happens by chance. We cannot have demonstrative knowledge of accidental things or events.<sup>7</sup> We can, however, have demonstrative knowledge of the necessary aspects of contingent things, things that happen *ut in pluribus*. We can use propositions that are true for the most part, *ut frequenter*, as premises in our scientific syllogisms, and we will obtain conclusions that are true, not *simpliciter* and not always, but *secundum quid* and *ut frequenter*. What is important is that we must not expect the conclusion to be more certain or exact than the premises.<sup>8</sup> Contingent things in themselves are not necessary and we cannot have demonstrative know-

---

<sup>6</sup> Cf. *In Anal. Post.* lb. 1, lc. 42, n. 3: “...non autem ex semine olivae generatur oliva ex necessitate, quia potest impediri generatio per aliquam corruptionem.” — Cf. KNUUTTILA 1990, 225: “As for the efficient causes, Thomas Aquinas makes use of it when distinguishing between necessary and contingent causes. The distinction is based on the view that there are causes which *in statu causae* always produce the effect and causes which *in statu causae* are sometimes hindered from bringing about their effect. The causes *ut in pluribus* are in a few cases hindered from working by accidental impediments.”

<sup>7</sup> “...omnis scientia est aut eius quod est semper, aut eius quod est ut in pluribus. Unde cum ens per accidens nec sit semper nec sit ut in pluribus, de eo non poterit esse scientia.” *In Met.* lb. 6, lc. 2, n. 19; “...ideo huiusmodi effectus in causis quidem ad utrumlibet nullo modo cognosci possunt per se acceptis...” *De ver.* q. 8, a. 12, co. Cf. also *In Eth.* lb. 6, lc. 1, n. 12. — Cf. BYRNE 1968, 169: “Thomas follows Aristotle in allowing that there can be demonstration of necessary aspects of what is otherwise contingent, and even more, demonstration with regard to what happens only for the most part (*ut frequenter*).”

<sup>8</sup> “Sic igitur patet quod possunt accipi quaedam immediata principia eorum quae sunt frequenter, ita quod ipsa principia sint aut fiant sicut frequenter. Huiusmodi tamen demonstrationes non faciunt simpliciter scire verum esse quod concluditur, sed secundum quid, scilicet quod sit verum ut in pluribus; et sic etiam principia quae assumuntur, veritatem habent. Unde huiusmodi scientiae deficiunt a scientiis, quae sunt de necessariis absolute, quantum ad certitudinem demonstrationis.” *In Anal. Post.* lb. 2, lc. 12, n. 5. — Cf. BYRNE 1968, 169 and 204.

ledge of them as such.<sup>9</sup>

We know in regard to contingent things *ut frequenter* that they are such that, when the cause of such exists, they come to be in most cases though not always. When the seed of man is projected into the womb of a woman, the consequence of this will in most cases be a “perfect man”; sometimes, however the consequence will be the birth of a “monster”. What happens in most cases happens due to the virtue of nature, but what happens *ut in paucioribus* happens *praeter intentionem naturae* and for the reason that something impedes the work of nature’s virtue.<sup>10</sup>

Aquinas says that we can have certain kind of precognition of future contingents when we know their causes. But though we know their causes, we cannot know the future effect with certainty, as their causes are contingent in character, producing their effects only in the frequency of *ut in pluribus*. The uncertainty of our knowledge in regard to the future contingents is not due to epistemological difficulties in knowing their causes, or the relationship between the cause and effect. It is the metaphysical nature of the contingent cause that is “responsible” for the

---

<sup>9</sup> “Sed certa ratio scientiae hinc accipitur, quod omnes suspicamur de eo quod scimus quod non contingit illud aliter se habere: alioquin non esset certitudo scientis, sed dubitatio opinantis. Huiusmodi autem certitudo, quod scilicet non possit aliter esse, non potest haberi circa contingentia aliter se habere.” *In Ethic.* lb. 6, lc. 3, n. 4.

<sup>10</sup> *SGG* lb. 3, c. 154, n. 11. — See also: *In Phy.* lb. 2, lc 8, n. 8: “Sicut enim effectus per se causae naturalis est quod consequitur secundum exigentiae suae formae, ita effectus causae agentis a proposito est illud quod accidit ex intentione agentis: unde quidquid provenit in effectu praeter intentionem, est per accidens. Et hoc dico si id quod est praeter intentionem ut in paucioribus consequatur: quod enim vel semper vel ut frequenter coniungitur effectui, cadit sub eadem intentione.”

uncertainty of our knowledge in respect to the effects of these causes.<sup>11</sup>

The contingency of the things that we observe is not only subjective or epistemic but is an objective feature of the world. There is a real contingency and indeterminacy in the world. Not everything that happens has a causal explanation. In the processes of nature things happen as results of causes, either invariably or in most cases. By chance, however, things and events come into existence that are not the results of any particular cause.<sup>12</sup>

Aquinas was a theologian and therefore he was obliged to somehow relate God to this kind of contingency. According to Aquinas, God and the intellect of God is the *causa prima* of everything. In His eternal being God knows everything, including future contingents. Future contingents are present to God, and, what is present can be an object of knowledge (*scientia*). Therefore God in his eternal being knows, with certainty, future contingents in their presentiality. In its presentiality a future contingent is

---

<sup>11</sup> Cf. *SCG* lb. 3, c. 154, n. 11: “Possunt tamen aliqua futura contingentia etiam ab hominibus praecognosci: non quidem inquantum futura sunt, sed inquantum in causis sua praexistunt: cuius cognitio, vel secundum seipsas, vel per aliquos effectus earum manifestos, quae signa dicuntur, de aliquibus effectibus futuris potest ab homine praecognitio haberi; sicut medicus praecognoscit mortem vel sanitatem futuram ex status virtutis naturalis, quam cognoscit pulsu, urina, et huiusmodi signis. Huiusmodi autem cognitio futurorum partim quidem certa est: partim vero incerta. Sunt enim quaedam causae praeeistentes ex quibus futuri effectus ex necessitate consequuntur: sicut praeeistente compositione ex contrariis in animali, ex necessitate sequitur mors. Quibusdam vero causis praeeistentibus sequuntur futuri effectus non ex necessitate, sed ut frequenter... Primorum igitur effectuum praecognitio certa habetur: horum autem qui posterius dicti sunt, non est praecognitio infallibiliter certa.”

<sup>12</sup> Cf. KNUUTTILA 1990, 225: “Aquinas interprets the Aristotelian theory of change in the Boethian manner as a theory of an irreducible indeterminacy factor in nature. Accidental impediments occur without having essential previous causes; this was needed to refute the stoic view of causal determinism.”

no more an indeterminate condition to God.<sup>13</sup>

However, contingent events do remain contingent.<sup>14</sup> Their proximate causes (*causae proximae*) are indeed causes, the work of which may be impeded.<sup>15</sup> Those contingent events called *casualia* do not possess any proper cause. They are subject to an accidental cause only. This is an indeterminate factor in the world. This indeterminacy and contingency is

---

<sup>13</sup> Cf. HOENEN 1993, 167: “All temporal beings are present to God’s knowledge, exactly as they are present at some moment in time. This means that contingent things are known to God in their own determinate being, and not only in their indeterminate causes.” Cf. also *ibid.* 173: “Considered in relation to God’s knowledge, the known is necessary. From this it does not follow, however, that it is necessary in itself, or that it is produced by a necessary cause.”; and 183: “Thomas believed that the known is contingent only *outside* of God’s knowledge, inasmuch as it was produced by contingently working causes.”; and 202–203: “According to Thomas, God has certain knowledge because the known is present to him in his eternity. The known remains contingent because its modality of being does not depend on the manner in which it is produced. If the cause acts contingently, then the effect is contingent, even if it is known of necessity in God’s eternity.”

<sup>14</sup> *S. th.* I, q. 14, a. 13, cf. esp. co.: “Unde manifestum est quod contingentia infallibiliter a Deo cognoscuntur, in quantum subduntur divino conspectui sua presentiaitate; et tamen sunt futura contingentia, suis causis proximis comparata.”

<sup>15</sup> *In Pby.* lb. 2, lc. 8, n. 4: “Necessarium enim dicitur quod in sui natura quod non possit non esse. Contingens autem ut frequenter, quod possit non esse. Hoc autem quod est habere impedimentum vel non habere, est contingens. Natura enim non parat impedimentum ei quod non potest non esse; quia esset superfluum.” — Cf. ALANEN-KNUUTTILA 1988, 30: “Even in his attempt to reconcile divine foreknowledge and contingency, Thomas Aquinas is often content with the following argument. God can apprehend the whole history because it is eternally present to him. Things seen as actual are necessary by supposition and they are also necessarily realized in the sense that no thing can prevent the actual providential plan from being carried out. However, historical states of affairs can be called contingent if their proximate causes are not necessary in the statistical sense (*causa ut semper*).”

an objective feature of nature.<sup>16</sup> Casual and accidental events and things cannot be reduced to any natural or proper cause, *causa per se*.<sup>17</sup>

This is a topic in which I disagree with Anneliese Maier's interpretation of Aquinas' notion of contingency. Maier's view in regard to the notion of contingency in Aquinas is that this notion, when it refers to the uncertainty or probability of effects, is subjective or epistemic. It is Maier's opinion that we refer to some effects as contingent or uncertain because we are unable to know, exactly, all the causes of such events. If we only had sufficient knowledge in respect to them, then we could perceive the effects of natural causes as they are wholly determined by pre-

---

<sup>16</sup> *In Periberm.* I, lc 14, n. 22: "Sunt autem differentia entis possibile et necessarium; et ideo ex ipsa voluntate divina originantur necessitas et contingentia in rebus et distinctio utriusque secundum rationem proximarum causarum: ad effectus enim, quos voluit necessarios esse, disposuit causas necessarias; ad effectus autem, quos voluit esse contingentes, ordinavit causas contingenter agentes, idest potentes deficere. Et secundum harum conditionem causarum, effectus dicuntur vel necessarii vel contingentes, quamvis omnes dependeat a voluntate divina, sicut a prima causa, quae transcendit ordinem necessitatis et contingentiae. Hoc autem non potest dici de voluntate humana, nec de alia causa: quia omnis alia causa cadit iam sub ordine necessitatis vel contingentiae; et ideo oportet quod vel ipsa causa possit deficere, vel effectus eius non sit contingens, sed necessarius. Voluntas autem divina indeficiens est; tamen non omnes effectus eius sunt necessarii, sed quidam contingentes." — Cf. also: *In Phy.* lb. 2, lc. 8, n. 8: "Ponit autem differentiam inter causam per se et causam per accidens, quia causa per se est finita et determinata: causa autem per accidens est infinita et indeterminata, ei quod infinita uni possunt accidere." — Aquinas explicitly rejects the view of *Stoicism* to the effect that everything is determined by preceding causal chains. Cf. *In Periberm.* I, lec 14, nn. 9–14.

<sup>17</sup> Cf. *In Periberm.* I, lec. 14, n. 14: "Id autem quod est per accidens, non potest reduci ut in causam per se in aliquam virtutem naturalem, quia virtus naturae se habet ad unum; quod autem est per accidens non est ad unum; ... tamen concursus horum, cum sit per accidens, non potest reduci in aliquam causam naturaliter agentem."



ceding causes.<sup>18</sup>

My view is that, in Aquinas, contingency and probability are not only epistemic notions but also occasionally refer to objective indeterminacy and objective uncertainty. Thus, when Aquinas sometimes terms contingent events that happen *ut in pluribus* as “probable events”<sup>19</sup>, we have good reasons to infer that Aquinas in fact did indeed make use of a notion of objective probability, or of physical probability. His so-called statistical classification of contingent events and things does not always denote to our epistemic difficulties in knowing how the things really are, but often takes into account the various degrees of objective probability in regard to the events and things within the physical world.

Boethius of Dacia, too, is of the view that objective indeterminacy exists in nature and that the notion of contingency is not subjective or epistemic alone. In his *Questiones super librum Topicorum*, Boethius of Dacia asks whether or not it is possible to know of the future.<sup>20</sup> He then lays

---

<sup>18</sup> Cf. MAIER 1964, 452: “Für den modernen Leser der einschlägigen Texte sind diese Begriffe der *necessitas* und *contingentia* im Sinn des *ut semper* und *ut frequenter* leicht zu charakterisieren und ontologisch einzuordnen: es handelt sich hier offensichtlich nicht um die Notwendigkeit oder Kontingenz, mit der die *causa efficiens* als solche wirkt, sondern um die Wahrscheinlichkeit, mit der das Eintreten des Effects erwartet werden kann.”; *ibid.* “...das Ergebnis ist, kurz gesagt, dass die universale Gültigkeit des Kausalprinzips bedingungs- und ausnamlos postuliert wird: jede Ursache wirkt mit absoluter Notwendigkeit; und umgekehrt ist diese Notwendigkeit die einzige, die als solche bezeichnet werden kann. Auch Vorgänge, die nur *ut frequenter* eintreten, folgen mit dieser *necessitas absoluta* aus ihrer Ursache;...” — Cf. also MAIER 1949, 226: “Man kennt die Ursachen im einzelnen nicht, die ein bestimmtes Ereignis hervorbringen, und man begnügt sich darum mit der statistischen Feststellung seines mehr oder weniger häufigen Auftretens und bemisst danach die Notwendigkeit bzw. Kontingenz oder, modern gesprochen, den Grad der Wahrscheinlichkeit, der ihm zukommt.” — Some critical remarks on the position of Maier have been made in S. Knuuttila’s article “Natural Necessity in John Buridan”. Cf. KNUUTTILA 1989, 167: “Maier sometimes speaks about the probability just mentioned as an epistemic probability.”; and *ibid.*, 169: “It is clear from what has been just said that the thirteenth century concept of possibility as natural randomness is not merely epistemic...” According to Knuuttila, it is also the view of Siger of Brabant that there is objective indeterminacy and uncertainty in nature. Cf. *ibid.*, 169.

<sup>19</sup> *S. th.* II–2, q. 32, a. 5, ad. 3. “...Nec oportet quod consideret omnes casus qui possunt contingere in futurum, ... Sed debet diiudicari superfluum et necessarium secundum ea quae probabiliter et ut in pluribus occurrunt.”

<sup>20</sup> See *Top.*, II, c. 4, q. 20, p. 146: “...ideo quaeritur, utrum contingit scire futura.”

down two arguments on behalf of the the negative answer. The second argument is as follows:

That which does not possess determinate causes, cannot be known. There are, however, many future things which do not possess determinate causes. Therefore, there are many future things that cannot be known.<sup>21</sup>

Boethius of Dacia bases his own answer on the Aristotelian distinction between three kinds of events: (i) that which happens as a result of necessary causes, which cannot be impeded, (ii) that which happens as a result of causes which can be impeded, and (iii) that which happens by chance.

Like Thomas Aquinas, Boethius of Dacia states that we can know those future events which possess necessary causes if we carefully examine such causes. In this manner we can obtain the most certain knowledge of future events. If we wish, however, to have knowledge of those future events having causes that can be impeded, the case will be different: we would be obliged to know the entire order of these causes as well as everything that may hinder the effective functioning of these causes. Boethius of Dacia says that this would be a very difficult task for us. He nevertheless appears to be of the view that, in principle, it is in fact possible to know the future events arising from causes that can be impeded. Therefore the difficulty is epistemological in character and the uncertainty of our “knowledge” is only epistemic or mental uncer-

---

<sup>21</sup> Cf. *ibid.*, p. 147: “Quae non habent causas determinatas, illa non contingit scire. Sed multa sunt futura quae non habent causas determinatas. Ergo multa sunt futura quae non contingit scire.”

tainty.<sup>22</sup> If this interpretation is correct, then Boethius of Dacia differs from Aquinas.

Boethius of Dacia, however, maintains that we cannot have any knowledge in regard to casual events since they happen by chance or by fortune (*a casu et fortuna*) and both chance and fortune are “indeterminate causes” (*causae indeterminatae*). Nothing is known except through determinate causes. The ontological status of chance and fortune is “accidental being” (*ens per accidens*), and, as Aristotle says, we cannot have knowledge of such accidental being.<sup>23</sup>

Those future contingents which represent accidental events cannot be known, as they are produced by indeterminate causes. Our difficulties in knowing accidental future contingents are not due to our epistemic inability but, rather, they are due to the objective indeterminacy factor in nature which is “responsible” for the existence of accidental events. The impossibility of our knowing of future accidental events is not a result of our intellectual limits but rather it results from the metaphysical indeterminacy of nature: we cannot know of future accidental events because they do not possess determinate causes.<sup>24</sup>

One question may now be asked. If we cannot have knowledge of accidental future events, is it even in principle possible for us to have cer-

<sup>22</sup> Cf. *Topica*, II, c. 4, q. 20, p. 147: “Dicendum est ad hoc, quod quaedam sunt futura, quae habent causas necessarias, quae non possunt impediri. Et qui diligenter inspexerit tales causas, sciet omnia quae ex eis sunt futura. Et illa pars astronomiae certior est quae ex talibus causis dependet. Alia sunt futura quorum causae impediri possunt. Et qui posset inspicere totum ordinem causarum et etiam omnia ex quibus tales causae impediri possunt, ille posset scire talia futura. Quia tamen valde est difficile totum ordinem causarum inspicere, ideo difficile est talia futura scire. Et illa pars astronomiae quae ex talibus causis dependet difficilior est et minus certa.”

<sup>23</sup> *Ibid.*, p. 147: “Si autem aliqua futura pure contingunt a casu et fortuna, illa penitus sciri non possunt, quia casus et fortuna sunt causae indeterminatae. Nihil autem scitur, nisi per causas determinatas. Et illud quod fit a casu et fortuna est ens per accidens; in VI autem Metaphysicae dicitur quod ens per accidens sciri non potest. Prima ergo futura sciri possunt faciliter; secunda autem non sciuntur nisi cum difficultate nec tanta certitudine; futura autem tertio modo dicta nobis omnino non possunt sciri. Et causa cuiuslibet istorum dicta est.”

<sup>24</sup> *Ibid.*, p. 148: “Ad secundam rationem dicendum: iam solutum est, ipsa enim probat quod illa futura, si quae sunt pure a casu et fortuna, scire non contingit; et hoc verum est.”

tain knowledge of such future contingents as are produced by causes that can be impeded?

In the Aristotelian tradition, it is a common way of thinking that such impeding things represent something that exists accidentally and indeterminately. Thus, if we cannot have knowledge of indeterminate impeding things, then we cannot even in principle possess certain knowledge of the future events resulting from causes that can be impeded. Therefore, the uncertainty of our knowledge of them is a result of the metaphysical indeterminacy of nature rather than the result of the limits of our intellectual ability alone.

On the basis of the objective indeterminacy of accidental events, it in turn follows that contingent events of the type *ut frequenter* are also objectively indeterminate. My view is that, in the thinking of Boethius of Dacia, the expression *ut frequenter* — at least sometimes — is a reference to objective indeterminacy. And, as the expression *probabiliter* is used synonymously with the same<sup>25</sup>, it also refers to objective indeterminacy or to objective uncertainty. For Boethius of Dacia, ‘probability’ is not only subjective and not exclusively epistemic, but sometimes objective as well.<sup>26</sup>

---

<sup>25</sup> Cf. *Topica* I c. 10, q. 28 (p. 75): “...omnis propositio probabilis plus habet quam ad utrumlibet et minus quam necessarium.”

<sup>26</sup> In like manner to Boethius of Dacia, Siger of Brabant experiences difficulties in trying to explain how future contingents are related to preceding causes. In one argument Siger of Brabant expresses his thoughts in a manner which seems to indicate that he regards contingency and probability as epistemic notions, *i.e.*, that we refer to something as probable or contingent because we are unable to know the infinitely long causal chain. If a causal chain exists for every event, then there is nothing objectively indeterminate. Cf. KNUUTTILA 1989, 168–169.

## 2. *The Psychology of the Problem of Moral Uncertainty*

The problem of moral uncertainty became a topic of choice in respect to moral discussions within the Roman Catholic Church from the 15th to the 17th century. In this chapter (2.), I am going to examine what may have been the reasons that made moral uncertainty an important problem of moral thinking.

The question of moral uncertainty is actually a problem related to the psychological process of making decisions. Therefore, I consider it reasonable to assume that it is a change in the view on the psychology of uncertainty in decision-making that is the real reason for the increase in moral uncertainty discussions. The general picture indicates that later medieval probability discussion, as far as it concerns moral questions, is historically connected with some new ways of thinking about moral matters after Thomas Aquinas.<sup>1</sup>

In what follows I shall examine the relevant changes in the views concerning the theory of human and moral action that emerged after Aquinas, but before the rise of probabilism, *i.e.*, the view that in a condition of moral uncertainty, in which one has to make a choice between two opposing probable opinions, one is allowed to follow the less probable opinion and act against the more probable one. The question to be asked in the following examination is: What made the problem of moral uncertainty become so important?

---

<sup>1</sup> In his study *Conscience in Medieval and Reformation Thought*, (1977) Michael G. Baylor points out that the way Thomas Aquinas introduced conscience into his moral theory made it possible — and maybe natural — for him not to be faced with the problem of moral uncertainty in the same way that this problem was confronted later. Cf. BAYLOR 1977, 62–66. — Cf. also MRUK 1963, 777: “Unter der Nachwirkung des Nominalismus setzt sich im 14. und 15. Jh. der Probabiliorismus durch.”

## 2.1. Thomas Aquinas' View on Moral Decision-Making

### 2.1.1. AQUINAS' THEORY OF MORAL ACTION

According to Thomas Aquinas, "human action" (*actus humanus*) and "moral action" (*actus moralis*) mean the very same thing.<sup>2</sup> Human actions are actions which are typical for human beings as human beings. They are actions which are governed or controlled by intellect and will, or, as Aquinas puts it, produced by a "deliberated will" (*voluntas deliberata*).<sup>3</sup>

Aquinas reasons that will is determined in a certain way in its manner of functioning. Will cannot will anything that is not apprehended as good.<sup>4</sup> This good object is either the ultimate end of man or it is a particular good apprehended as the means to the final end.<sup>5</sup> It is characteristic of moral actions that they are done to attain an end.<sup>6</sup> Aquinas regards it as a conceptual truth that every agent acts in order to achieve

<sup>2</sup> "...idem sunt actus morales et actus humani." *S. th.* II-1, q. 1, a. 2, c.

<sup>3</sup> *S. th.* II-1, q. 1, a. 1, c.: "...illae solae actiones vocantur proprie humanae, quarum homo est dominus. Est autem homo dominus suorum actuum per rationem et voluntatem, unde et liberum arbitrium esse dicitur facultas voluntatis et rationis. Illae ergo actiones proprie humanae dicuntur, quae ex voluntate deliberata procedunt."; *De ver.* q. 5, a. 10, c. — Cf. also KLUXEN 1980, 31 and DONAGAN 1982, 643.

<sup>4</sup> *S. th.* II-1, q. 13, a. 5, r. 2. — Cf. BAYLOR 1977, 44: "Good as the end of human action is, for Aquinas, not a matter of choice: it is what the will by its very nature seeks, just as the intellect, by its nature, is concerned with what is true." — Cf. KLUXEN 1980, 112–117.

<sup>5</sup> Aquinas says that whatever a man wills he wills because of the final end. Cf. *S. th.* II-1, q. 1, a. 6, c.: "...necesse est quod omnia quae homo appetit, appetat propter ultimum finem. ... Quod quidem si non appetitur ut bonum perfectum, quod est ultimus finis, necesse est ut appetatur ut tendens in bonum perfectum." — Cf. KLUXEN 1980, 114: "...es gehört aber zum Wesen des Willens, von Zielen bewegt zu werden."

<sup>6</sup> "...dicendum quod finis, etsi non sit de substantia actus, est tamen causa actus principalissima, in quantum movet ad agendum. Unde et maxime actus moralis speciem habet ex fine." *S. th.* II-1, q. 7, a. 4, r. 2.

an end that is taken to be good, and, furthermore, that there is one end for all human beings.<sup>7</sup>

The final end of man is *summum bonum*, and this is what the will ultimately wills. Aquinas interprets this notion of *summum bonum* in a two-fold way: On the one hand, he follows Aristotle and states that, as the natural end of man, *summum bonum* consists of the happiness, which accompanies human perfection. Aquinas regards this as an imperfect end of man. On the other hand, he maintains that, as man is a creature of God, and created to be an image of God, man's ultimate *summum bonum*, and his perfect end, is supernatural in character, and consists of the beatific vision of God (*visio beatifica*).<sup>8</sup> Man's striving towards the final end, whether natural or supernatural, is something that is given to him; final end cannot be an object of choice.<sup>9</sup>

Similar to everything in nature, man also possesses a natural inclination towards the end that is proper to him.<sup>10</sup> The final end, *summum bonum*, is such that, when apprehended, the will — while willing anything — cannot but will it.<sup>11</sup>

The first principles of morality are given to human beings through the

<sup>7</sup> *S. th.* II–1, q. 6, a. 5.

<sup>8</sup> Cf. O'CONNOR 1967, 26.

<sup>9</sup> *S. th.* II–1, q. 1, a. 8, c.: "... Deus est ultimus finis hominis..."; *S. th.* II–1, q. 91, a. 4, c.: "...quia homo ordinetur ad finem beatitudinis aeternae..." — Cf. also *ibid.* q. 13, a. 3, c.: "Sed ultimus finis nullo modo sub electione cadit."; *ibid.* q. 1, a. 5, c.; *ibid.* q. 8, a. 2, c.; *ibid.* q. 1, a. 7, c. — Cf. KENT 1984, 133: "He said, too, that the will always follows the judgement of reason, and that it necessarily wills those things the intellect judges essential to happiness." — Cf. BAYLOR 1977, 62.

<sup>10</sup> *S. th.* II–1, q. 10, a. 1, c. — Cf. LUSCOMBE 1982, 709: "The foundation of Aquinas' classic formulation of the doctrine of natural law is the teleological principle that all beings by their nature have within themselves inclinations which direct them to the end which is proper to them. Good has the nature of an end and evil is its contrary." — Cf. O'CONNOR 1967, 26–27: "There is a final end (*ultimus finis*) for human existence, and indeed only one final end, which is the same for all men. All men's desires are directed to this although they do not know what the final good for man consists in." — Cf. also FARRELL 1930, 72–102.

<sup>11</sup> Cf. *S. th.* II–1, q. 10, a. 2, c.: "...bonum est obiectum voluntatis. Unde si proponatur aliquod obiectum voluntati quod sit universaliter bonum et secundum omnem considerationem, ex necessitate voluntas ad illud tendet si aliquid velit, non enim poterit velle oppositum."

natural light of their own intellect. Within intellect there is an innate dispositional knowledge of the first principles of morality. This infallible and inextinguishable intellectual disposition is referred to as *synteresis*.<sup>12</sup>

From what has been said, it follows that, according to Aquinas, in every human being there is a natural inclination to act in accordance with the first principles of morality which are naturally known through *synteresis*. It is, therefore, unthinkable that anyone would deliberately intend to deviate from them, when they are taken into attention generally enough, because the ultimate end of moral action and an inclination to aim at this are something given. Because of this, it has been noted that the idea of moral obligation and moral duty is, in Aquinas' theory, quite different

---

<sup>12</sup> *De ver.* q. 16, a. 1, c.: "Sicut igitur humanae animae est quidam habitus naturalis quo principia speculativarum scientiarum cognoscit, quem vocamus intellectum principiorum; ita etiam in ea est quidam habitus naturalis primorum principiorum operabilium, quae sunt universalia principia iuris naturalis; qui quidem habitus ad synderesim pertinet. Hic autem habitus non in alia potentia existit, quam ratio.;" *S. th.* I, q. 79, a. 12, c.: "Constat autem quod, sicut ratio speculativa ratiocinatur de speculativis, ita ratio practica ratiocinatur de operabilibus. Oportet igitur naturaliter nobis esse indita, sicut principia speculabilium, ita et principia operabilium. Prima autem principia speculabilium nobis naturaliter indita...pertinent...ad quendam specialem habitum, qui dicitur intellectus principiorum... Unde et principia operabilium nobis naturaliter indita, non pertinent ad specialem potentiam sed ad specialem habitum naturalem quam dicimus synderesim." — Cf. POTTS 1982, 700: "*Synderesis*, according to Aquinas, is a natural disposition of the human mind by which we apprehend the basic principles of behaviour, parallel to that by which we apprehend the basic principles of theoretical disciplines, and in both cases these principles are apprehended without inquiry." — About the history and origins of the term 'synderesis' cf.: POTTS 1980, 1–11. — It has been stated that Aquinas' view was that the first principles of morality, known through *synteresis*, are expressions of the natural and final end of man. The starting point of the formation of moral principles is that which is the object of the natural inclination of man. Cf. *S. th.* II–2 q. 47, a. 6, c.: "Ita in ratione practica praexistunt quaedam ut principia naturaliter nota, et huiusmodi sunt fines virtutum moralium, quia finis se habet in operabilibus sicut principium in speculativis..."; *S. th.* II–1 q. 94, a. 2, c.: "...omnia illa ad quae homo habet naturalem inclinationem ratio naturaliter apprehendit ut bona, et per consequens ut opere prosequenda et contraria eorum ut mala et vitanda." — Cf. BAYLOR 1977, 59–64. — Cf. also KLUXEN 1980, 36: "Mann kann also sagen, dass die Vernunft in der Synderesis die Ziele der moralischen Tugenden immer gegenwärtig hat, und zwar im Sinne einer allgemeinen Richtweisung, nicht jedoch im Sinne konkreten wissens um das hier und jetzt zu Tuende."



from the idea of moral obligation in a more normative moral theory.<sup>13</sup>

In Aquinas' theory of action, deliberation (*consilium*) is taken to start from the end as its first principle and it aims at producing a particular action which serves as the means to attaining that end.<sup>14</sup> When deliberation takes place as an explicitly moral consideration, it may be regarded that practical intellect applies general moral principles to a particular situation, in order to know what one has to do here and now. The conclusive particular judgement, in respect to practical intellect, is the application of moral knowledge to a particular situation. This act of practical intellect is called *conscience*.<sup>15</sup>

---

<sup>13</sup> Cf. KLUXEN 1980, 227: "Er (der Pflichtbegriff) ist tatsächlich in der thomistischen Ethik nirgendwo behandelt, ja man kann sich fragen, ob er in ihr nicht gänzlich zu entbehren ist. Der Begriff der "Obligation", der von manchen Interpreten an seiner Stelle genannt wird, ist selbst kein tragender und auch nicht von solcher Strenge wie der Pflichtbegriff. In keiner Weise ist die thomistische Ethik eine "Pflichtethik". — Cf. also *ibid.* 238. — Cf. O'CONNOR 1967, 60: "Using this doctrine of 'natural inclinations', St. Thomas could have argued that the two senses of 'law', prescriptive and descriptive, can be seen to have a common origin, and therefore not so disparate as modern criticism makes them to appear." — Among researchers there is also a tendency to interpret Aquinas' moral theory as more deontological in character. Cf. POTTS 1980, 56: "What, then, is the presupposed goal in ethical contexts? To Aquinas, this presents no difficulty: it is obedience to God's commands. Aquinas is most explicit about this in his answer to the question whether a mistaken conscience binds."

<sup>14</sup> *S. th.* II-1, q. 14, a. 1, c.: "...necessaria est inquisitio rationis ante iudicium de eligendis, et haec inquisitio consilium vocatur."; *S. th.* II-1, q. 14, a. 4, r. 1: "...dicendum quod electio praesupponit consilium ratione iudicii vel sententiae."; *S. th.* II-1 q. 14, a. 5, c.: "...principium autem in inquisitione consilii est finis..."; *S. th.* II-1, q. 14, a. 6, c.: "Sicut enim finis habet rationem principii, ita id quod agitur propter finem, habet rationem conclusionis. Unde id quod primo agendum occurrit, habet rationem ultimae conclusionis, ad quam inquisitio terminatur." — Cf. also: *In Met.* q. 2, a. 6, r. 13; *S. th.* I, q. 79, a. 11.

<sup>15</sup> Cf. *De ver.* q. 17, a. 1, c.: "Nomen conscientiae significat applicationem scientiae ad aliquid..."; *De ver.* q. 17, a. 2, c.: "...conscientia nihil aliud est quam applicatio scientiae ad aliquem specialem actum."; *De ver.* q. 17, a. 1, r. 3: "Ad tertium dicendum, quod quamvis scientia sit habitus, tamen applicatio scientiae ad aliquid non est habitus, sed est actus; et hoc significatur nomine conscientiae." — *De ver.* q. 17, a. 2, r. 2: "Ad secundum dicendum quod conscientia addit supra scientiam applicationem scientiae ad actum particularem; et in ipsa applicatione potest esse error, quamvis in scientia error non sit." — Cf. POTTS 1982, 700: "*Conscientia*, by contrast, Aquinas holds to be an actualisation, the application of deontic first principles known by *synderesis*." — Cf. BAYLOR 1977, 52: "The judgment of conscience is the final act of the practical reason as it considers the means to be employed in obtaining a given end: the judgment as to what should be done in a specific situation."

Conscience includes the conclusion of a “practical syllogism” or, as Aquinas calls it, “operative syllogism” (*sylogismus operativus*), the major premise of which is known by synderesis, and the minor premise of which is known by intellect.<sup>16</sup> Thus, conscience counsels man as to what the correct way of behaviour is within a particular situation *in the light of* man’s final end, *summum bonum*, as it is expressed in the basic principles of synderesis, such as “good ought to be done and evil avoided” and “God’s precepts should be obeyed”.<sup>17</sup>

Not every conclusion of a practical syllogism can be regarded as conscience.<sup>18</sup> If one draws a conclusion through a practical syllogism the major premise of which is not given by synderesis or may not be derived from a principle of synderesis, then the conclusion in question cannot be regarded as conscience. It is also clear that practical reason may produce conclusions that are in conflict with the judgement of one’s conscience.<sup>19</sup> Although synderesis is infallible, conscience can nevertheless be erroneous, because other premises of practical intellect may be false or derive from invalid reasoning.<sup>20</sup>

What happens when one has an actual judgement of the conscience which precedes an action? Aquinas states that conscience, commanding or forbidding, binds (*ligat*) the will through a “conditional necessity”. He

<sup>16</sup> Cf. O’CONNOR 1967, 42–45 and, BAYLOR 1977, 48–49.

<sup>17</sup> Cf. O’CONNOR 1967, 43.

<sup>18</sup> Cf. O’CONNOR 1967, 45: “There seems no special reason why the subject-matter of a practical syllogism should be specifically moral. Aristotle’s examples were prudential, relating to diet and the like. But it is necessary that at least one of the premises should have what a modern philosopher has called ‘practical force’, that is, it should be concerned with wants, desires, or needs.”

<sup>19</sup> One task of *conscientia antecedens* is to forbid one to do something that one’s practical reason just has concluded to be an appropriate means to an end. Cf. *De. ver.* q. 17, a. 1, c. and ra. 4.

<sup>20</sup> *De ver.* q. 17, a. 2, c. — Cf. BAYLOR 1977, 52: “The conscience is guided by principles which are more specific than the self-evident truths to which the *synderesis* assents. The principle that forms the major term in the judgment of conscience is more accurately viewed as a precept derived from or supplied indirectly by the *synderesis*, rather than the content of the *synderesis* itself. The *synderesis* and conscience are still bound together ontologically and through the general concept of the practical reason. But there is an intermediary between them; this is the major term in the practical syllogism.”

means by this that in having a judgement of conscience, the will has to elicit an action in accordance with that judgement if it wants to achieve the given end that functions as the starting point of practical deliberation.<sup>21</sup> Conscience includes the judgement as to what a necessary action (or omission) is to the attainment of the presupposed end *summum bonum*.<sup>22</sup> "If you aim at this end, *then* you have to behave this way." However, man cannot deliberately give up willing his essential final end, *summum bonum*. Thus, conscience (whether it be true or false) always binds the will. Acting against one's conscience is sin because "in acting against his *conscientia*, he is also acting against his *synderesis*, which is infallible."<sup>23</sup>

Being a conclusion of practical syllogism, conscience tells us what we have to do (or what we may not do) here and now in order to attain *summum bonum*.<sup>24</sup> If one does not follow his or her conscience, he or she acts irrationally. Because of this, one must follow his or her conscience even if false. A command to follow one's conscience is, simply, a command to act rationally. Acting against one's conscience is a sign of disorder and

---

<sup>21</sup> *De ver.* q. 17, a. 3, c.: "Alia vero necessitas est conditionata, scilicet ex suppositione finis; sicut imponitur aliqui necessitas ut si non fecerit hoc, non consequatur suum prae-mium. Prima quidem necessitas, quae est coactionis, non cadit in motibus voluntatis, sed solum in corporalibus rebus, eo quod voluntas naturaliter est a coactione libera. Sed secunda necessitas voluntati imponi potest; ut scilicet necessarium sit ei hoc eligere, si hoc bonum debeat consequi, vel si hoc malum debeat evitare."

<sup>22</sup> Cf. BAYLOR 1977, 52: "The judgement of conscience is the final act of the practical reason as it considers the means to be employed in obtaining a given end: the judgements as to what should be done in a specific situation."

<sup>23</sup> POTTS 1980, 57. — Cf. *De ver.* 17, a. 4, r. 1: "Ad primum igitur dicendum, quod quamvis id quod dicitur erronea conscientia, non sit consonum legi Dei, tamen accipitur ab errante ut ipsa lex Dei, et ideo, per se loquendo, si ab hoc recedat, recedit a lege Dei;..."

<sup>24</sup> In this manner conscience binds men before action. On the other hand, conscience may be a judgement about the moral value of an action made after that action. In that case, conscience "excuses, accuses or torments". Cf. *De ver.* q. 17, a. 1, co.

confusion in respect to one's will.<sup>25</sup>

Acting in accordance with one's false conscience is not good. Even so, it is not always morally bad or inexcusable to act in accordance with one's erring conscience. It is excusable when the error of one's conscience derives from his *invincible ignorance* of some relevant matter. It is bad and wrong, Aquinas says, when someone either on purpose or "voluntarily" is motivated by a false conscience. One then acts maliciously, both when following his or her conscience and even when not following it. The only way out of this dilemma is to put aside one's erring conscience. This is possible for an individual, when his or her ignorance is not invincible.<sup>26</sup>

Like Aristotle, Aquinas thinks that *election* is essentially an act of will

---

<sup>25</sup> *In II lib. sent.* ds. 39, qu. 3, ar. 3, co: "...conscientia enim quoddam dictamen rationis est. Voluntas autem non movetur in aliquid appetendum, nisi praesupposita aliqua apprehensione: obiectum enim voluntatis est bonum vel malum, secundum quod est imaginatum vel intellectum. Intentionem autem boni vel mali ratio ipsa demonstrat. Unde cum actus voluntatis ex obiecto specificetur, oportet quod secundum rationis iudicium et conscientiae, voluntatis actus procedat: et per modum istum conscientia ligare dicitur: ... et ideo sive ratio sive conscientia recte iudicet, sive non, voluntas obligatur hoc modo, quod si iudicium vel dictamen rationis, quod est conscientia, non sequitur actus voluntatis, inordinatus est: et hoc est obligare, scilicet astringere voluntatem, ut non possit sine deformitatis nocumento in aliud tendere, sicut ligatur non potest ire." — Cf. BAYLOR 1977, 53: "He argued that the object of will is the good as it is apprehended by the practical intellect. When the will refuses to accept as good what the intellect perceives as good, or when the will refuses to accept as evil what the intellect apprehends as evil, the will is morally at fault."

<sup>26</sup> Cf. *S. th.* II-1, q. 19, a. 5, c. "...idem est quaerere utrum voluntas discordans a ratione errante sit mala, quod quaerere utrum conscientia errans obliget. ... Unde dicendum est simpliciter quod omnis voluntas discordans a ratione, sive recta sive errante, semper est mala." ... *S. th.* II-1 q. 19, a. 6, c.: "Si igitur ratio vel conscientia erret errore voluntario, vel directe, vel propter negligentiam, quia est error circa id quod quid scire tenetur; tunc talis error rationis vel conscientiae non excusat quin voluntas concordans rationi vel conscientiae sic erranti, sit mala. Si autem sit error qui causet involuntarium, proveniens ex ignorantia alicuius circumstantiae absque omni negligentia; tunc talis error rationis vel conscientiae excusat, ut voluntas concordans rationi erranti non sit mala." — Cf. also: *De ver.* q. 17, a. 3, r. 4: "Ad quartum dicendum, quod tunc conscientia erronea non sufficit ad absolvendum, quando in ipso errore peccat, ut quando errat circa ea quae scire tenetur. Si autem esset error circa ea quae quis non tenetur scire, ex conscientia sua absolvitur..." ; *ibid.* a. 5, r. 4: "...unusquisque enim tenetur actus suos examinare ad scientiam quam ad Deo habet, sive sit naturalis, sive acquisita, sive infusa: omnis enim homo debet secundum rationem agere."

through which the judgement of practical intellect is changed into action.<sup>27</sup> According to Aquinas, the will elicits an action in accordance with the judgement of conscience, if nothing impedes. He considers that, in a certain sense, the choice between alternatives takes place during the deliberation of practical intellect and not through an act of will. During deliberation practical intellect eliminates all the alternatives that are “less good”, until only one remains.<sup>28</sup>

When willing, will is incapable of deciding among alternatives. It is unable to will anything else than what is given to it, as the form of its act, by reason. Will is only the material cause of such election, and the judgement of practical intellect is the formal cause of this election.<sup>29</sup> Aquinas' way of thinking implies that, in one sense, moral choice (or a moral decision) is determined through the deliberation of practical intellect. Will does not have the freedom to choose among alternative good objects

---

<sup>27</sup> *S. th.* II–1, q. 13, a. 5, a. 1: “Ad primum ergo dicendum quod voluntas media est inter intellectum et exteriorem operationem. Nam intellectus proponit voluntati suum obiectum, et ipsa voluntas causat exteriorem actionem.” — Cf. KNUUTTILA 1981, 233.

<sup>28</sup> *S. th.* II–1 q. 13, a. 6, r. 3: “Ad tertium dicendum quod nihil prohibet, si aliqua duo aequalia proponantur secundum unam considerationem, quin circa alterum consideratur aliqua conditio per quam emineat, et magis flectatur voluntas ipsum quam inaliud.” — Cf. also: *S. th.* II–1 q. 17, a. 1, r. 2: “Ad secundum dicendum quod radix libertatis est voluntas sicut subiectum, sed sicut causa, est ratio. Ex hoc enim voluntas libere potest ad diversa ferri, quia ratio potest habere diversas conceptiones boni.”; *ibid.* q. 72, a. 3, r. 1: “Ad primum ergo dicendum quod principia activa in actibus voluntariis, cum non sint determinata ad unum, non sufficiunt ad producendum humanos actus, nisi determinetur voluntas ad unum per intentionem finis;...”; *In sent.* 2, d. 25, q. 1, a. 1, c.

<sup>29</sup> *S. th.* II–1 q. 13, a. 1, c.: “Manifestum est autem quod ratio quodammodo voluntatem praecedit, et ordinat actum eius; in quantum scilicet voluntas in suum obiectum tendit secundum ordinem rationis, eo quod vis apprehensiva appetitivae suum obiectum repraesentat. Sic igitur ille actus quod voluntas tendit in aliquid quod proponitur ut bonum, ex eo quod per rationem est ordinatum ad finem materialiter quidem est voluntatis, formaliter autem rationis.” — Cf. KNUUTTILA 1981, 234: “According to Thomas Aquinas, the material cause of the choice is the will and the formal cause of it is the reason. This means that the will, i.e., the general tendency of the dynamic part of the soul directed towards the general end, gets a specific form through the calculative operation of practical reason. It is thus clear *per definitionem* that the will, when it is willing, cannot will anything else than what is put on it as its form by the reason.” — Cf. KLUXEN 1980, 115.

proposed to it by intellect at a particular moment.<sup>30</sup>

Aquinas, however, emphasizes the freedom of human action. Deliberate and willed moral actions are voluntary and free in character because they are contingent to those conclusions derived by practical intellect in its deliberation when it applies general principles in variable, complicated actual situations. In deliberation, intellect may come to various kinds of conclusion. The conclusions of practical reasoning are not predetermined but they are contingent. We cannot predict those conclusions to which intellect comes. This means, according to Aquinas, that there is a certain sort of *freedom of decision* (*liberum arbitrium*). Human actions are essentially free, because they are reasoned actions.<sup>31</sup> The general picture remains, however, that — following Aristotle — Aquinas did not believe that the will possesses any freedom of indifference, *i.e.*, that at a particular moment *t* it could just as well prefer *a* to *b* as to prefer *b* to *a*.<sup>32</sup>

In Aquinas' theory regarding moral decision-making, practical intellect has the leading role. It has the knowledge of the first practical principles and it applies this knowledge to particular situations. The concluding judgement of practical intellect, *conscientia*, tells the proper action that must be performed to attain the natural end of man. The

---

<sup>30</sup> Cf. O'CONNOR 1967, 53: "St. Thomas' theory seems to entail a consequence that he can hardly accept, namely, that when the rational considerations in favour of a course of action are perfectly complete and decisive *and are seen to be so*, we really have no choice as to whether we accept the course of action which they support." Cf. also KNUUTTILA 1981, 234.

<sup>31</sup> Cf. the title of *S. th.* I, q. 83, a. 1: "Utrum homo sit liberi arbitrii."; esp. cf. *ibid.* c.: "Sed homo agit iudicio; quia per vim cognoscitivam iudicat aliquid esse fugiendum vel prosequendum. Sed quia iudicium istud non est ex naturali instinctu in particulari operabili, sed ex collatione quadam rationis ideo agit libero iudicio, potens in diversa ferri." ... "Et pro tanto necesse est quod homo sit liberi arbitrii, ex hoc ipso quod rationalis est." — Cf. also: *S. th.* II-1, q. 13, a. 6, c.; *ibid.* q. 13, a. 6, r. 3; *ibid.* q. 17, a. 1, r. 2. — Cf. KENT 1984, 133, 139.

<sup>32</sup> Cf. KNUUTTILA 1981, 234: "This idea of alternative act of will cannot be found in Thomas Aquinas. The actual act of will gets its form from the practical reason. If the reason leaves alternatives to the will, the latter cannot make any choice among them. It has no reason for choosing this or that."

choice among alternatives takes place by means of practical intellect; will is not able to choose among alternatives.<sup>33</sup>

In a situation of moral uncertainty in which practical intellect is unable to make a decision between two alternative courses of action, the only recourse is to continue deliberation until intellect becomes able to bring about a decision, *i.e.*, to propose only one eventual alternative to the will. If intellect cannot decide, neither can will choose.

### 2.1.2. AQUINAS ON MORAL UNCERTAINTY

Aquinas assumes that in the psychological process of practical decision-making the two relevant aspects are (i) the end of action and (ii) the deliberation of practical intellect.

The task of practical intellect is to discover the most appropriate means to attaining a specific end. The task of the will is to elect the corresponding action that intellect presents to it, or give up willing the end in question. The final end of man is given to him by nature, and he cannot, by virtue of this fact, give up willing it. Some evidence for the view, presented above, that Aquinas believes that a choice among alternatives always takes place during the deliberation of practical reason, is provided in his comments on the question whether man can be *perplexed* or not, *i.e.*, whether it is possible or not that man in some situation may be unable to make a decision among two courses of action, both of which appear to have evil effects.

According to an opinion, a situation in which one has a culpably erring conscience may imply that one acts sinfully whether one follows one's conscience or not. This situation may also imply that a person who knows that he has a culpably erring conscience is perplexed; it seems to

---

<sup>33</sup> Cf. KOROLEC 1982, 635.

be impossible for him to avoid sinning.<sup>34</sup> This seems to be a situation in which intellect is unable to propose, for the will, a single course of action; it cannot decide. Aquinas admits that the man in question may be *perplexus secundum quid* but not *perplexus simpliciter et absolute loquendo*. His solution is that a man, when he is aware that he has a culpably erring conscience, can put aside his conscience. After that, his intellect will be capable of making the decision.<sup>35</sup>

A situation of the same type is realized when a priest who must officiate at a sacrament is in the condition of mortal sin. On the one hand, he is not permitted to officiate at the sacrament in that situation, but on the other hand he is obligated to do his duty. This seems to constitute a situation in which intellect is unable to decide between two alternatives. Aquinas' solution is as follows: The priest is not *perplexus simpliciter*, but only *supposito quoddam*. He is not obligated to sin, because he can confess and repent of his sin if he does not wish to remain in the condition of mortal sin. After this, he is allowed to officiate at the sacrament.<sup>36</sup>

It is characteristic of Aquinas to assume that when a man is in a situation in which intellect cannot decide among two alternatives, he can, however, find a "third way" which provides some new light on the deliberation, enabling, in a psychological sense, intellect to decide among the relevant alternatives. *Prudence (prudentia)*, the virtue of practical intellect,

<sup>34</sup> *S. th.* II-1, q. 19, a. 6, ag. 3: "Praeterea, voluntas discordans a ratione errante est mala. Si ergo voluntas concordans rationi erranti sit etiam mala, videtur quod omnis voluntas habentis rationem errantem, sit mala. Et sic talis homo erit perplexus, et ex necessitate peccabit, quod est inconueniens. Ergo voluntas concordans rationi erranti est bona."

<sup>35</sup> *S. th.* II-1, q. 19, a. 6, r. 3: "Nec tamen est homo perplexus, quia potest ab errore recedere, cum ignorantia sit vincibilis et voluntaria." Cf. also: *In Sent.* 2, d. 39, q. 3, a. 3, r. 5.

<sup>36</sup> *S. th.* III, q. 64, a. 6. Cf. esp. ag. 3 (this is the view of Aquinas' opponents): "Praeterea nullus videtur esse perplexus, quia sic homo cogereetur desperare, quasi non posset peccatum evadere. Sed si mali peccarent sacramenta tradendo, essent perplexi, quia etiam quandoque peccarent si sacramenta non traderent, puta cum eis ex officio incumbit necessitas. ... Ergo videtur quod mali non peccent sacramenta ministrando." Aquinas' answer to this is (r. 3): "Ad tertium dicendum quod ille qui est in peccato mortali, non est perplexus simpliciter, si ex officio ei incumbat sacramenta dispensare, quia potest poenitere de peccato et licite ministrare. Non est autem inconueniens quod sit perplexus supposito quoddam, scilicet quod velit remanere in peccato."



always helps one to discover some solution in perplexing situations; through its assistance practical intellect aims at producing a judgement regarding what must be done here and now towards the attainment of an end. In the Thomistic theory of virtue-ethics, it is the task of prudence to discover the means to resolve these kinds of problems.<sup>37</sup>

The practice of jurisprudence involves situations in which the judge may find it difficult to decide what the righteous sentence is that must be delivered. Aquinas discusses this topic in several connections. Following Aristotle, Aquinas says that, in human affairs, we must not look for a demonstrative or infallible certainty, but must rather be satisfied with a probable certainty. When a judge is unable to make a judgement that is beyond any possibility of error, then he must be satisfied with a “probable certainty”. A judge is allowed to act on probable conscience, on a conclusive judgment of his practical intellect that is not perfectly certain, but nevertheless the most certain or most probable of the alternatives available. In some decision-making situations, a judge must give preference to that which is the more probable alternative.<sup>38</sup>

Probability, however, cannot be the criterion for decision-making in all problematic decision-making situations in jurisprudence. Aquinas says that when we are judging whether a man is guilty or not guilty, we cannot simply make decisions according to the probabilities of alternative judgements. The evil devolving from a wrong judgement through which an innocent man is declared guilty is so great that, even when it is more probable that the man is not innocent than that he is, it is neverthe-

---

<sup>37</sup> Cf. KLUXEN 1980, 39: “...die Unbestimmtheit muss dann durch die moralische Tugend überbrückt werden.” See also *ibid.*, 220–225. — Cf. BAYLOR 1977, 59–66.

<sup>38</sup> “Probable certainty” is a kind of objective, quasi-statistical certainty. It is a relative frequency in which a kind of solution is believed to prove to be correct in the long run, in a sequence involving those kinds of solutions. When the frequency is such that the solution proves to be correct, in most cases (*ut in pluribus*), then the certainty in question is referred to as probable certainty (*certitudo probabilis*). In the chapter 1.4. within this study, I have analysed this discourse of Aquinas from the point of view of probability.

less better to declare him innocent.<sup>39</sup>

In this connection, Aquinas makes use of some variety of “calculus” in decision-making, in which the utility of an alternative is determined through an evaluation of its probability and goodness. The decision is based on the estimated objective probability of its results as well as their evaluated goodness. This is an example of the way prudent practical intellect functions. It is interested not simply in what is closest to the truth (this is how *speculative intellect* works) but is also interested in what may be the best means to attain the general good.

Lastly, I shall examine some texts in which Aquinas deals with the problem of an uncertain conscience. Aquinas seems to teach that an act of conscience must be, psychologically speaking, as certain as an act of faith.<sup>40</sup> In the work *Quaestiones Disputatae* Aquinas discusses a particular problematic situation posed by the conscience. The situation in question is caused by the fact that there may be two opposing opinions held by the teachers of the Church about whether a certain course of action is to be permitted or not. What should an individual think and do in this kind

<sup>39</sup> Cf. initially the view of Aquinas’ “opponents”, *S. th.* II–2, q. 60, a. 4, ag. 1: “...vide-tur quod dubia non sit in meliorem partem interpretanda. Iudicium enim magis esse debet de eo quod in pluribus accidit. Sed in pluribus accidit quod aliquid male agunt..., ergo dubia magis debemus interpretari in malum quam in bonum.” Aquinas’ answer, cf. *ibid.*, co., is as follows: “Respondeo dicendum quod, sicut dictum est, ex hoc ipso quod aliquis habet malam opinionem de alio ipso absque sufficienti causa, iniuriatur ei et contemnit ipsum. Nullus autem debet alium contemnere, vel nocumentum quodque inferre, absque causa cogente. Et ideo ubi non apparent manifesta indicia de malitia alicuius, debemus eum ut bonum habere, in meliorem partem interpretando quod dubium est.”; Cf. esp. *ibid.* ra. 1: “Ad primum ergo dicendum quod potest contingere quod ille qui in meliorem partem interpretatur, frequentius fallitur. Sed melius est quod aliquis frequenter fallatur habens bonam opinionem de aliquo malo homine, quam quod rarius fallatur habens malam opinionem de aliquo bono, quia ex hoc sit iniuria alicui, non autem ex primo.” — Aquinas does not use the term *probabile* in this connection but by the use of the terms *in pluribus*, *frequentius* and *rarius*, he actually refers to degrees in respect to a kind of frequency-probability that implies relative degrees of epistemic probability.

<sup>40</sup> Aquinas is bound to a tradition that interprets the apostle Paul’s words in *Romans 14:23* regarding faith (*fides*) as a reference to conscience. Paul’s injunction that everyone must act in accordance with one’s faith (*ex fide*) is understood as meaning that one must act in accordance with one’s firm judgement of conscience. Cf. *Super Rom.* c. 14: “...unde in glossa cum dicitur: opus omne quod non est ex fide, peccatum est, sic est intelligendum: omne quod est contra fidem vel contra conscientiam, peccatum est.”

of a situation? Is he allowed to take that course of action or not?

Aquinas' answer is as follows. (i) If the action in question is objectively bad, then performing that action is morally bad whether doing it may be in accordance with one's conscience or not. In this case the error of conscience is a culpable error. One namely has the possibility of putting aside one's erring conscience, because one is not ignorant of those opinions held by these teachers who were in opposition to one's conscience. (ii) If the action concerned is not objectively bad, then performing that action is morally permitted, but only to one who, in his or her conscience, is perfectly certain about the goodness of the action in question. (iii) If, however, the agent's knowledge of the disagreement in the teachers' opinions results in any uncertainty in his or her conscience, then he or she is not allowed to perform that action. Performing that action under the latter circumstances would represent the voluntary action of taking the risk of sin, but, according to the rule *opus omne quod non est ex fide, peccatum est*, this represents sin.<sup>41</sup>

Acting on the basis of an uncertain conscience is the same as taking

---

<sup>41</sup> Cf. *Quodl.* n. 8, q. 6, a. 3. "Utrum, quando sunt diversae opiniones de aliquo facto, ille qui sequitur minus tutam, peccet, sicut de pluralitate praebendarum."; *ibid.* co.: "Respondeo, dicendum, quod duobus modis aliquis ad peccatum obligatur: Uno modo, faciendo contra legem, ut cum aliquis fornicatur; alio modo, faciendo contra conscientiam, etsi non sit contra legem: Ut si conscientia dictat aliqui, quod levare festucam de terra sit peccatum mortale. Ex conscientia autem obligatur aliquis ad peccatum, sive habeat certam fidem de contrario ejus quod agit, sive etiam habeat opinionem cum aliqua dubitatione. Illud autem quod agitur contra legem, semper est malum; nec excusatur per hoc quod est secundum conscientiam. Et similiter quod est contra conscientiam est malum, quamvis non sit contra legem. Quod autem nec contra conscientiam nec contra legem est, non potest esse peccatum. Dicendum est ergo, quod quando duae sunt opiniones contrariae de eodem, oportet esse alteram veram et alteram falsam. Aut ergo ille qui facit contra opinionem magistrorum, utpote habendo plures praebendas, facit contra veram opinionem; et sic cum faciat contra legem Dei, non excusatur a peccato, quamvis non faciat contra conscientiam. Sic enim contra legem Dei facit. Aut illa opinio non est vera, sed magis contraria, quam iste sequitur, ita quod vere licet habere plures praebendas: et tunc distinguendum est: quia aut talis habet conscientiam de contrario, et sic iterum peccat contra conscientiam faciens, quamvis non contra legem; aut non habet conscientiam de contrario secundum certitudinem, sed tamen in quamdam dubitationem inducitur ex contrarietate opinionum: et sic si manente tali dubitatione plures praebendas habet, periculo se committit, et sic proculdubio peccat, utpote magis amans beneficium temporale quam propriam salutem; aut ex contrariis opinionibus in nullam dubitationem adducitur, et sic non committit se discrimini, nec peccat."

on the risk of sinning. It also implies acting in an irrational manner, because if one has to choose among two courses of action — one that does not imply any risk of sinning and one that implies the risk of sinning — intellect always concludes that the first one is the alternative to be preferred. Aquinas' view was that, in some problematic situations of conscience, we must follow the formal rule *in dubiis tutior pars eligenda est*. In terms of the later discussions about probabilism, we could say that Aquinas was a representative of *tutiorism*.<sup>42</sup>

---

<sup>42</sup> Cf. DEMAN 1936, 424–425; cf. also: DE BLIC 1923–28, 306–12. — In his attack on probabilism, Thyrus González presented a correct analysis of this Aquinas' discourse. Cf. GONZÁLEZ 1694, Diss. IX, 16–26. — In his article, Deman presents some other texts of Aquinas which seem to indicate tutiorism: *In Sent.* 4., d. 21, q. 2, a. 3.: “Ad tertium dicendum quod quando aliquis dubitat de aliquo peccato an sit mortale, tenetur illud confiteri dubitatione manente: quia qui aliquid committit vel omittit in quo dubitat esse mortale peccatum, peccat mortaliter discrimini se committens. Et similiter periculo se committit qui de hoc quod dubitat esse mortale negligit confiteri: non tamen debet asserere illud esse mortale, sed cum dubitatione loqui et iudicium sacerdotis expectare, cuius est discernere inter lepram et lepram.”; *In Sent.* 4., d. 38, q. 1, a. 3; *ibid.* q. 1, r. 6.: “Si autem dubitet quomodo se in vovendo habuerit, debet tutiorem viam eligere ne se discrimini committat.”; *S. th.* II–2, q. 83, a. 6, r. 3.: “Ubi difficultas occurrit, semper est accipiendum illud quod habet minus de periculo.” Cf. DEMAN 1936, 425–426.

## 2.2. Moral Decision-Making from the Perspective of Voluntarism

In this chapter, I intend to consider the views of two representatives of the voluntaristic tradition, Henry of Ghent and John Duns Scotus, in respect to the psychology of moral action, with particular emphasis on the problem of moral uncertainty. I shall comment on a tradition that is usually regarded as in opposition to some views of Thomas Aquinas, without maintaining that every Franciscan friar or voluntarist philosopher possessed the same way of thinking as either Henry of Ghent or John Duns Scotus.<sup>1</sup>

### 2.2.1. A VIEW OF RADICAL VOLUNTARISM: HENRY OF GHENT

Henry of Ghent may be regarded as a representative of so-called radical voluntarism.<sup>2</sup> I shall discuss his views regarding the psychology of human action, the relationship between intellect and will and his attack on the views of Aquinas, as they are included in his *Quodlibetales*.<sup>3</sup>

In *question 14* of the first *Quodlibet*, Henry discusses the problem of “whether will as a potency is superior than intellect, or on the contrary”<sup>4</sup>. Henry stresses the superiority of will. What is interesting is that he states that will is superior because it commands intellect and determines how

---

<sup>1</sup> Concerning the relationship between Aquinas and Franciscan-voluntarist tradition in moral thought cf. STADTER 1971, KNUUTTILA 1981, KOROLEC 1982, KENT 1984 and HOLOPAINEN 1991.

<sup>2</sup> Cf. KENT 1984, 123.

<sup>3</sup> Cf. esp. HENRICI DE CANDAVO, *Quodlibet I*, and *Quodlibet IX*, In: *Henrici de Candavo opera omnia*, vol. V and XIII. (Ed. R. Macken, O.F.M.)

<sup>4</sup> HENRICI DE CANDAVO, *Quodlibet I*, q. 14, p. 83: “Utrum voluntas sit potentia superior intellectu vel e converso.”

much it consults intellect in making its decisions.<sup>5</sup>

Intellect does not move will in a proper way but only “metaphorically”; it does not command will, but only shows something good to it. Will is superior in the sense that it moves intellect through commanding it.<sup>6</sup> Will, however, is not independent of intellect. One cannot will anything without having any idea of the object. Every act of will presupposes some intellectual cognition (*cognitio intellectus*).<sup>7</sup>

In *question 16*, Henry discusses the question of “whether will, when intellect has put a major good and a minor good in front of it, is capable of choosing the minor good.”<sup>8</sup> This is taken as a question regarding the nature of the *freedom of decision (liberum arbitrium)*.<sup>9</sup> In his solution, Henry first presents an opinion (the view of Aquinas) which places the freedom of decision in the deliberation of intellect. According to this view, will always chooses what intellect has concluded to be the best alternative. But, when the deliberation in question is concerned with contingent things, it is possible that intellect may come to different conclusions (*potest in diversa ferri*). In other words, the conclusions of practical intellect in regard to human action do not usually have a necessary connection to universal moral principles. Intellect does not necessarily assent to contingent conclusions. Therefore will, too, has some freedom when it follows the judgements of intellect. Not every act of practical intellect or of will

---

<sup>5</sup> “Unde voluntas rationi imperat ut consideret, ratiocinetur, et consiliatur quando vult et de quibus, et similiter facit ut desistat.” *Ibid.* p. 86. — Cf. also p. 89: “Absolute ergo dicendum quod voluntas superior vis est in toto regno animae, et ita ipso intellectu.”

<sup>6</sup> Cf. *ibid. ad argumenta*, p. 89.

<sup>7</sup> “Absolute igitur dicendum quod voluntatis actionem necessario praecedit cognitio intellectus, sine qua praevia nihil potest velle, unde in amentibus in quibus est corruptio-intellectus, nullus est appetitus voluntatis, sed solum sensibilis brutalis.” *Ibid. quaestio 15*, p. 93.

<sup>8</sup> *Ibid.* p. 94: “Utrum propositis ab intellectu maiori bono et minori, possit voluntas eligere minus bonum.”

<sup>9</sup> Concerning the problems of translating “liberum arbitrium” cf. KOROLEC 1982, 630.

is necessarily connected with the final end of man, and thus a kind of *liberum arbitrium* is in effect.<sup>10</sup>

This view concerning *liberum arbitrium* does not satisfy Henry. He maintains that this kind of freedom of decision or of human will would not be essentially different from the freedom expressed by the desires of animals.<sup>11</sup>

According to Henry, a choice is constituted by the “proposal of two eligible things *ex parte intellectus*” and of the “preference of one of them *ex parte voluntatis*”. If the will freely prefers the one which intellect has proposed as the better alternative, the choice is virtuous, but — as Henry emphasizes — the will does not need to prefer this.<sup>12</sup> Intellect in itself does not have any freedom. Henry states that, strictly expressed, we

---

<sup>10</sup> Cf. *ibid.* q. 16, p. 98: “Quidam enim opinantur quod, quia in homine iudicium istud circa particularia operanda non est ex naturali instinctu sicut in brutis, sed ex collatione quadam quae potest in diversa ferri, quod ideo homo dicitur agere libera voluntate quia potest in illa diversa secundum rationis determinationem inclinari, quamquam voluntas ipsa non possit se divertere ab eo quod intellectu et ratione iudicatum est. Ut sic naturam liberi arbitrii consideremus ex electione includente liberum discursum rationis...” — Also cf. *ibid.*, p. 99–100: “Ita quod solum pro tanto homo dicatur esse liberi arbitrii, quia motus voluntatis non est ex pura naturali inclinatione sicut est motus formarum naturalium, et quia iudicium rationis in ipso non est ex naturali instinctu, ut sic voluntas feratur cum impetu in aliquod particulare bonum statim apprehensum, sed expectat iudicium rationis, quae consiliando libero iudicio potest in diversa et contraria ferri. Circa contingentia enim in quibus cadit consiliatio, ratio habet viam ad opposita, et omnia operabilia particularia contingentia quaedam sunt.” — Cf. *ibid.*, p. 100: “Et sicut contingentes propositiones non habentes necessariam connexionem ad prima principia ut ad earum destructionem sequatur destructio principiorum, potest intellectus negare nec de necessitate eis assentit, similiter nec conclusionibus post principia quousque connexionem earum ad principia cognoscat, sic voluntas particularia operabilia quae non habent necessariam connexionem ad ultimum finem, quia sine illis potest aliquis ipsum obtinere, similiter et illa quae habent ad illum connexionem necessariam, sine quibus finis haberi non potest, non de necessitate vult, priusquam iudicio rationis constet, sive vero sive erroneo, quia sine illis finis haberi non possit.”

<sup>11</sup> Cf. *ibid.* p. 103: “...patet plane quod si ita est ut dicit illa opinio, nihil plus libertatis est in voluntate humana distincta contra intellectum quam in appetitu brutali. Ille enim diversa potest appetere secundum quod sensus diversa delectabilia potest proponere, et voluntas similiter secundum quod ratio potest diversa appetenda iudicare.”

<sup>12</sup> Cf. *ibid.* p. 104: “Est igitur sciendum quod ad actum electionis concurrunt, ex parte intellectus scilicet, duo eligibilia proponere, ex parte voluntatis, alterum alteri praeferre, et si virtuosa sit illa electio, illud praeferre libere quod per consilium rationis iudicatum est esse melius. Non autem quod simpliciter oporteat illud praeferre, quod tamen illi dicunt.”

must say that freedom of choice is in will and no way is it in intellect. If intellect seems to have some ability to investigate different objects, this freedom has its roots in the will, which in turn moves intellect.<sup>13</sup> Freedom of will does not derive from intellect but rather from the will itself.<sup>14</sup> The will is able to choose, from two alternatives, the “minor good”. However, will is incapable of choosing anything *sub ratione mali*, and thus a choice of a bad alternative is always performed “*sub ratione boni*”.<sup>15</sup>

The choices of will are not predetermined by intellect. Will itself is the “cause” of its choices.<sup>16</sup> It is the “first mover” in the making of decisions.<sup>17</sup> The will is able to prefer that alternative which intellect has judged to be the second best alternative.<sup>18</sup>

In *question 17*, Henry discusses the question of “whether the disorder of intellect is the cause of the disorder of will or on the contrary.”<sup>19</sup> Henry comes to the conclusion that the ultimate cause of the disorder of intellect as well as the disorder of the will that follows intellect is the dis-

<sup>13</sup> Cf. *ibid.*, p. 107–108: “Unde si proprie et stricte volumus loqui de electionis libertate, ipsa in sola voluntate est et nullo modo in ratione, nisi quatenus libere movetur ad diversa investiganda, a voluntate. Ratio enim cognitiva inquantum huiusmodi, libera non est.”

<sup>14</sup> *Ibid.*, p. 108: “Nullo ergo modo voluntas principium libertatis a ratione habet sed a se ipsa primo, et sic electio libera.”

<sup>15</sup> *Ibid.*, p. 110: “Et ex tali principio defectivo potest, malo et bono proposito, praeeligere malum, sub ratione tamen alicuius apparentis boni (quia nihil omnino potest eligere, sive bona sive mala electione, neque omnino velle, nisi sub ratione alicuius boni), et maiori bono et minori proposito, praeeligere minus bonum, et aequalibus bonis propositis alterum praeferre eo modo quo in exemplo *Augustini* duorum aequaliter dispositorum unus potest idem eis propositum eligere, alter vero respuere.”

<sup>16</sup> *Ibid.*, p. 112: “In praeeligendo ergo inter aequalia bona alterum, vel minus bonum magis bono, vel bonum ut nunc bono simpliciter, sola voluntas sibi in hoc causa est, etsi aliquando sumit occasionem a sententia rationis vel ex tractu passionis vel ex habitus inclinatione...”

<sup>17</sup> *Ibid.*, p. 114: “Et quod amplius est, si essent duo apprehensa in omnibus aequalia, et aequalis experientia in eis habenda eidem proposita, tamen ex libertate illa qua voluntas est primus motor in eligibilibus, posset unum assumere et reliquum dimittere.”

<sup>18</sup> *Ibid.*, p. 113: “Dicendum igitur absolute quod bono et meliori proposito potest eligere minus bonum voluntas.”

<sup>19</sup> *Ibid.*, q. 17, p. 115: “Utrum deordinatio voluntatis causetur a deordinatione rationis vel e converso.”



order of will itself.<sup>20</sup> This is due to the fact that there is a crucial difference between intellect and will. Intellect is a *passive potency*: it is moved by the truth that it sees in its objects. However, will is a *free potency*: it is able to choose between various good objects and is moved by itself in its actions.<sup>21</sup> Henry adds that man *in statu innocentiae* before sinning had a firm judgement and knowledge of moral affairs. However, he writes, if every sin comes from the disorder of intellect then we have to conclude that *in statu innocentiae* man was unable to sin. This is an absurd conclusion and thus we have to dismiss the premise and admit that the disorder of will is the ultimate cause of sin.<sup>22</sup>

In *question 5* of his *Quodlibet IX*, Henry discusses the problem of “whether will is moved by itself”.<sup>23</sup> Henry comes to the conclusion that, in the act of willing, will is moved by itself and not by anything else.<sup>24</sup> Because of its freedom nothing is, as a mover, superior than will itself, with the exception of God.<sup>25</sup> The vision of *summum bonum* is the only thing that compels human will to will the object proposed by intellect.<sup>26</sup>

Because of its inherent freedom, will is able to refuse what intellect proposes to it. However, the conclusions of one’s practical intellect can put a burden on human will, which inclines it to choose what intellect

<sup>20</sup> Cf. *ibid.*, p. 129: “Dicendum igitur est absolute, et aliter sana fide stante dici non potest, quod omnis deordinatio per errorem in ratione causaliter procedit ex deordinatione voluntatis per pravam affectionem, et non e converso, nisi occasionaliter, in quantum cognitio praevia est ad voluntatem, ut praedictum est.”

<sup>21</sup> Cf. *ibid.*, pp. 125–128.

<sup>22</sup> *Ibid.*, pp. 128–129. This resembles what Henry states in *quodlibet IX* q. 7. regarding the question as to which one is first, a command of will or a command of reason? Cf. *ibid.*, pp. 148–149: “...primum velle nullo modo imperatur voluntati a ratione, sed potius per ipsum voluntas imperat rationi, ut ipsi concedunt, secundum etiam velle secundum ipsos non causatur ab ipsa voluntate se ipsam movente, sed potius ab intellectu et a bono cognito secundum eos...”

<sup>23</sup> *Quodlibet IX*, q. 5: “Utrum voluntas moveat se ipsam.”

<sup>24</sup> *Ibid.*, p. 131: “...simpliciter ergo dicendum quod voluntas in actum volendi a nullo alio, sed a se ipsa sola movetur.” — Cf. also *ibid.*, p. 137: “Sic ergo ad quaestionem dicendum est quod voluntatem ad actum volendi non movet nisi ipsa se ipsam, secundum quod dictum est...”

<sup>25</sup> *Ibid.*, p. 131: “...voluntas virtus sit superior intellectui, et per consequens omnibus moventibus secundum modos praetactos, et nihil sit propter libertatem eius superior ea praeter Deum,...”

commands. Will cannot *directly* put aside this burden. It can, nevertheless, remove the burden of intellect indirectly.<sup>27</sup> First, human will can command intellect to discover reasons for a contrary practical conclusion, and then the burden will perhaps be removed. Next, intellect proposes exactly what the will, in and of itself, wished to choose. Second, if the will cannot do this (or if intellect cannot obey this command of will) then the will can compel intellect to believe in a manner contrary to what it believed before the command of will. This is possible, however, only when the conclusion of intellect is not determined by demonstrative and evident reasons. Intellect cannot be compelled to conclude something for which it does not have any reasons.<sup>28</sup>

The radicalism of Henry's view, which almost appears to make intellect a slave of will, is applied in an interesting way in terms of his view regarding the authority of conscience. In *question 8* of his *Quodlibet I*, Henry discusses the problem of "whether a will that deviates from an

---

<sup>26</sup> *Ibid.*, p. 136: "...quantumcumque enim proponatur propositio factiva per bonum, nisi sit de summo bono aperte viso, non necessario statim operatur, immo potest libere repellere propositum." — Cf. also *ibid.*, p. 127: "...voluntas sic determinari non potest a quocumque determinato per intellectum citra bonum summum immediate visum, unde in haec vita non potest sic determinari nisi in generali, secundum quod homo non potest non velle esse beatus..."

<sup>27</sup> *Ibid.*, p. 136: "...quantumcumque tale conclusio demonstrativa voluntati determinetur, libere potest illud repellere, licet imponat ei onus quo inclinatur ad illud faciendum, quo incipit voluntati informari conscientia quod illud debeat facere, quod tamen non obstante conscientia potest non facere. Nec potest voluntas hoc onus repellere directe ... Voluntas enim, et licet ex se posset movere secundum actum volendi in bonum cognitum absque illo onere inclinante, non tamen ita efficaciter, est etiam secundo activa ad depulsionem illius oneris indirecte..."

<sup>28</sup> *Ibid.*, p. 136–137: "...quia enim illud onus ipsi impressum a ratione, ex eo quod via ratiocinationis determinavit bonum esse volendum, voluntas suo imperio rationem sive intellectum potest impellere ad inviendum aequae efficacem ad contrarium, vel si non poterit, poterit eam compellere ad credendum contrarium, si tamen ratio non sit determinata medio vere demonstrativo et evidenti, sed tamen non sine aliqua ratione ad illud credendum compellitur." — Cf. also *ibid.*, q. 6, p. 144: "Non enim intellectus potest oboedire voluntati si praecipiat intelligere quod est supra suam potestatem, ut veritatem supernaturalem, vel si praecipiat ei dissentire conclusioni demonstrationis manifestae, licet eum suo imperio possit retrahere ne de illa cogitet."

erroneous judgement of intellect is malicious”.<sup>29</sup> The traditional solution was that, as far as the judgement of intellect is regarded as *conscience*, the will — when it deviates from intellect — is malicious. Henry, however, makes an innovative distinction between conscience and a judgement of practical intellect concerning particular actions.<sup>30</sup>

The judgement of practical intellect represents the *right reason* in regard to particular action; it is formed through applying universal moral principles within a particular situation. Thus *right reason* means particular moral knowledge. Henry, however, states that having this particular moral knowledge does not necessarily imply having a conscience in regard to a particular action. One may have moral knowledge of a particular action without necessarily having a conscience in relation to that action.<sup>31</sup> According to Henry, this means that neither does having an *erroneous moral reason* imply having an *erroneous conscience*. Right reason and conscience differ in the sense that while the right reason pertains to the cognitive part of the soul, conscience is relevant to the affective part of the soul.<sup>32</sup>

According to Henry, an analogy exists between the cognitive and the

<sup>29</sup> Cf. *Quodlibet I*, q. 18, p. 150: “Utrum voluntas discordans a ratione errante sit mala.”

<sup>30</sup> Cf. LOTTIN 1948, 245–247, esp. 245: “Dans son *Quodlibet I* ... Henri de Gand émet sur la conscience une théorie toute nouvelle.” — Henry represents the third alternative view regarding the question of whether *synteresis* and *conscience* belong to intellect or will. According to Aquinas, both belong to intellect. According to some representatives of the Franciscan tradition, e.g., Bonaventura, *synteresis* belongs to will and conscience to intellect. Henry’s view was that both belong to will. Concerning the view of Bonaventura cf. LOTTIN 1948, 203–210.

<sup>31</sup> *Quodlibet I*, q. 18, pp. 151–2: “Ex universalibus enim regulis operandorum quae sunt de dictamine legis naturae, quasi ex propositione maiori, et particularibus operandis sumptis sub illis regulis universalibus consilio rationis, quasi ex minori propositione, formatur ratio recta operandorum particularium. Sed nondum ex hoc habetur operandi conscientia, quia tunc omnis habens operandorum haberet de operando conscientiam, et habens maiorem notitiam haberet strictiorem de operando conscientiam. Quod falsum est, quoniam saepius videmus habentes maiorem operandorum notitiam, minorem habere operandorum conscientiam.”

<sup>32</sup> *Ibid.*, p. 152: “Unde e contra ratio erronea non est idem cum erronea conscientia, et hoc ideo quia conscientia ad partem animae cognitivam non pertinet, sed ad affectivam.”

affective part of the soul. In the cognitive part there is, on the one hand, natural law functioning as a universal rule of action and, on the other hand, there is right reason functioning as a particular rule of action. In the affective part of the soul or on the part of will, there is a “universal motor which stimulates action in accordance with the universal rules of natural law”. This “universal motor which stimulates”, called *synderesis*, is “a kind of natural choice in the will, which always exerts stimulation in accordance with the natural dictates of natural law”. On the other hand, there is “a kind of particular motor which stimulates action in accordance with the dictates of right reason”. This “particular motor which stimulates”, called *conscientia*, is “a kind of deliberative choice in human will, which always exerts stimulation in accordance with the dictates of right reason”.<sup>33</sup>

What is interesting is that while *synteresis* is a natural choice, conscience is not. Henry says that conscience is always formed through “free choice and consent of the will”. Though conscience is always formed in accordance with the dictates of intellect, correct or erroneous, it is nevertheless always formed through free choice of will. From this it follows that having particular moral knowledge does not imply having a conscience in regard to a particular action.<sup>34</sup>

On the basis of the theory that conscience is a free act of will, it may be stated that one always has two ways to avoid acting against conscience. The first and traditional (or trivial) way is to act in accordance with right reason and conscience. The other way is that although one

---

<sup>33</sup> *Ibid.*, p. 152: “Sicut enim in cognitiva sunt lex naturalis ut universalis regula operandorum et ratio recta ut particularis, sic ex parte voluntatis est quidam universalis motor stimulans ad opus secundum regulas universales legis naturae, et dicitur ‘synderesis’, quae est in voluntate quaedam naturalis electio semper concordans cum naturali dictamine legis naturae, ... et quidam motor particularis stimulans ad opus secundum dictamen rationis rectae, et dicitur ‘conscientia’, quae est in voluntate quaedam electio deliberativa semper concordans cum dictamine rationis rectae...”

<sup>34</sup> *Ibid.*, p. 152: “Et semper formatur conscientia a consensu et electione liberae voluntatis iuxta iudicium et sententiam rationis, ut si sit ratio recta, recta est et conscientia, si sit ratio erronea, erronea est conscientia. Et quia conscientia non formatur nisi ex volentis libera electione, licet iuxta notitiam rationis, ex hoc contingit quod aliqui multam notitiam operandorum habentes, nullam vel modicam habent in se conscientiam de operando secundum scientiam...”

decides to perform action against right reason, he or she at the same time decides to avoid forming a conscience that would be in accordance with the right reason. If one takes the first way, one can avoid the pricking of both synteresis and conscience. If one takes the latter way, one can avoid the pricking of conscience but not the pricking of synteresis, because synteresis is not a free choice, and it shall never be extinguished.<sup>35</sup>

Henry is of the view that acting against conscience and intellect is more malicious than acting against intellect alone. This is the case because one who acts against his or her conscience acts against both his or her intellect and the inclination of his or her will. One who acts against a particular moral rule deviates only from intellect, not from the inclination of his or her will.<sup>36</sup>

Henry appears to be of the conviction that a particular moral rule becomes an object of conscience through the free commitment of a man to that rule. Acting against one's conscience means that one acts against one's will to obey a moral rule. One's crime is therefore more serious in such a case than when one acts against a particular moral rule to which one has not committed oneself in this way.

Even so, Henry arrives at the conclusion that "a will that deviates from an erroneous judgement of intellect is always malicious" because "the goodness and badness of will depend on the object presented to it

---

<sup>35</sup> *Ibid.*, p. 153: "Unde omnes tales agunt contra scientiam sine omni conscientia remordente aut modica, solum habentes remorsum synderesis, quae omnino extingui non potest."

<sup>36</sup> *Ibid.*, p. 153: "Non est igitur idem quantum ad propositam quaestionem, voluntatem discordare a ratione erronea et a conscientia erronea, quamvis omnis discordans a conscientia erronea discordet a ratione erronea, eo quod omnis conscientia sive recta sive erronea formatur iuxta rationem rectam aut erroneam. Potest enim voluntas discordare a ratione erronea, licet non a conscientia erronea, quia forte errans non habet conscientiam formatam iuxta rationem. Nec tamen restat quoad propositam quaestionem, nisi quod semper magis peccat contra erroneam conscientiam peccans quam solum contra erroneam rationem, eo quod magis contemnit. Agens enim contra conscientiam contemnit iudicium rationis et voluntatis inclinationem simul. Agens autem contra erroneam rationem tantum, non contemnit nisi iudicium rationis tantum, non inclinationem voluntatis, nisi quoad synderesim, ut dictum est."

by intellect".<sup>37</sup> If will acts against what intellect erroneously judges to be morally good, it sins because the action is based on a bad intention.<sup>38</sup> Not only is acting against one's conscience malicious but acting against one's particular knowledge of morality is malicious as well.<sup>39</sup>

Although Henry's final conclusion is traditional in character, his theories of conscience and the psychology of human action have some interesting implications. In questions where some uncertainty always exists will can successfully command intellect to arrive at those conclusions that the will prefers. It is evident that moral deliberation is usually concerned with questions that involve some uncertainty. The moral uncertainty of intellect gives the will an opportunity to have an influence on deliberation in such a way that intellect comes to such conclusions that the will itself prefers. Henry's theory of conscience implies that a person can freely avoid developing a conscience, despite the fact that he or she may have all the relevant moral knowledge concerned. Developing a conscience may indicate that one has decided to will oneself to act in accordance with the judgement that one's intellect has at that point reached. Through committing oneself to that judgement, one gives up any attempts to try to change the judgement in question.

---

<sup>37</sup> *Ibid.*, p. 154: "Quoniam vero bonitas et malitia voluntatis proprie dependet ab obiecto in quantum ei per ratione proponitur, ut voluntas eo modo dependeat ratione ostendente ei obiectum quo dependet ab ipso obiecto, propter hoc voluntas discordans a ratione errante semper est mala, etsi non propter obiectum per suam naturam, tamen secundum quod ei mediante iudicio rationis proponitur."

<sup>38</sup> *Ibid.* p. 154.

<sup>39</sup> Cf. Henry's answers *ad argumenta*, p. 155: "Argumentum in oppositum, quod *omne quod non est ex fide* (hoc est *ex conscientia*) *peccatum est*, bene procedit, praeter hoc quod ibi non sumitur conscientia proprie, sed large pro rationis putatione."

2.2.2. A VIEW OF MODERATE VOLUNTARISM:<sup>1</sup> DUNS SCOTUS

Like Henry of Ghent, Scotus emphasizes the distinction between the two active potencies, *nature* and *will*.<sup>2</sup> “Nature” is a potency which, in its actions, is always determined from without. Whenever it elicits actions, it cannot fail to act when not impeded from without. But “will” is a potency that is of itself not determined in that manner, “but can perform either this act or its opposite, or can either act or not act at all.”<sup>3</sup>

According to Scotus, intellect (*intellectus*) as a potency belongs to the class of *natural potencies*.

“It is of itself determined to understanding and does not have it in its power to both understand and not understand; or as regards to propositional knowledge where contrary acts are possible, it does not have the power to both assent and dissent.”<sup>4</sup>

Because of its inherent freedom, will is not a natural potency.

---

<sup>1</sup> While the opinions of Henry of Ghent may be seen as a representative of radical voluntarism, the views of John Duns Scotus are usually regarded as more moderate. The moral theoretical views of Scotus may be regarded as the result of a lengthy development in Franciscan thought. Cf. STADTER 1971, 285–317 and 329.

<sup>2</sup> Cf. KENT 1984, 225–226. Kent notes that Scotus has intellectually inherited this distinction between freedom and nature from Peter John Olivi. Cf. *ibid.* 226: “The one doctrine that the later Scotus probably drew from Olivi is the stark contrast between nature and freedom.”

<sup>3</sup> See SCOTUS, *Quaestiones in Methaphysicam*, IX, q. 15: “De primo, sciendum est quod prima distinctio potentiae activae est secundum diversum modum eliciendi operationem. ... Iste autem modus eliciendi operationem propriam non potest esse in genere nisi duplex: aut enim potentia ex se est determinata ad agendum, ita quod quantum est ex se, non potest non agere quando non impeditur ab extrinseco; aut non est ex se determinata, sed potest agere hunc actum vel oppositum actum, agere etiam vel non agere. Prima potentia communiter dicitur “natura”, secunda dicitur “voluntas”. Unde prima divisio principiorum activorum est in naturam et voluntatem.” Cited in WOLTER 1986, 150. — Engl. transl. by Allan B. Wolter. See WOLTER 1986, 151.

<sup>4</sup> *In met.* IX, q. 15: “...intellectus continetur sub natura. Est enim ex se determinatus ad intelligendum et non habet in potestate sua intelligere et non intelligere; sive circa complexa, ubi potest habere contrarios actus, et non habet etiam illos in potestate sua assentire et dissentire...” Cited in WOLTER 1986, 154. — Engl. transl. by Allan B. Wolter, cf. *ibid.* 155.

“The will, however, has the ability to elicit an act proper to itself in opposite ways, as was stated earlier.”<sup>5</sup>

Being a natural potency, the intellect necessarily assents to what it apprehends as true. What is apprehended as including more truth moves the intellect more to assent in that direction, rather than towards what is apprehended as including less truth.

Will, however, is not a natural potency, and it is incorrect to say that it necessarily assents to what is apprehended as including maximal good. Will freely assents to any good whatsoever, and it possesses the freedom to prefer either a major or a minor good.<sup>6</sup> Will is a *free potency* (*potentia libera*), and therefore its acts cannot be regarded as similar to the acts of a natural potency. It is in the power of will to act in either this or that way,

---

<sup>5</sup> *In met.* IX, q. 15: “Voluntas autem ad proprium actum elicendum opposito modo se habet, ut dictum est prius.” Cited in WOLTER 1986, 154.

<sup>6</sup> *Ibid.*: “... non tenet similitudo quantum ad actualem volitionem, quia intellectus necessario assentit vero sibi proportionaliter ostenso, quia est agens naturaliter, agens secundum ultimum suae potentiae, — non sic autem voluntas. Unde quanto aliquid est magis verum, tanto verius movet intellectum ad assentiendum sibi si perfecte sibi ostendatur, sed non quanto est aliquid maius bonum tanto magis movet ad sibi assentiendum.” — Cf. also *Ordinatio* I, dist. 1, pars 2, q. 2, pp. 97–98: “Ad primum dico quod illud simile concluderet multa falsa, quia concluderet quod sicut assentimus conclusionibus propter principia necessario, sic necessario asserentimus illis quae sunt ad finem propter finem, quod est falsum. Ideo dico quod simile est quoad duo, videlicet quoad ordinem istorum et illorum comparando inter se, et quoad ordinem illorum comparando ad potentias ordinare tendentes in illa: intelligo sic, quod sicut est ordo inter illa vera in se, sic et inter ista bona, et sicut illa vera ordinate sunt cognita, sic et ista bona essent sic ordinate volenda. Sed non est simile quantum ad ordinem necessitatis in uno et in alio, comparando ad potentias absolute. Non enim oportet quod voluntas servet illum ordinem in actibus suis qualem volubilia nata sunt habere ex natura sua; neque est assensus similis hic inde, quia necessitas est in intellectu propter evidentiam obiecti necessario causantis assensum in intellectu: non autem bonitas aliqua obiecti causat necessario assensum voluntatis, sed voluntas libere assentit cuilibet bono, et ita libere assentit maiori bono sicut minori.” — Cf. also KENT 1984, 225: “In apprehension, then, the intellect acts naturally and necessarily.”; *Ibid.* 226: “The will, on the other hand, is a free rational power. It determines its own actions.”



to either perform or not perform a certain action.<sup>7</sup> Will wills an end freely, and not by natural necessity or by any other necessity.<sup>8</sup>

Even so, the apprehension in respect to the final end, or *beatitudo*, restricts, in one sense, the freedom of the will. If the will wishes to elicit an act in respect to the final end, this implies eliciting an action towards willing the ultimate end. It cannot elicit the act of nilling (*nolle*) the final end, because there is nothing defective or bad in the ultimate end. It can, however, refrain from eliciting any act in respect to the ultimate end and refrain from willing it (*non velle*).<sup>9</sup> This, in addition, is true of every particular action. Will is capable of refraining from eliciting any action at all.<sup>10</sup>

Scotus states that in actual fact will, in most cases, wills both general and particular happiness. This occurs because “the will, for the most

<sup>7</sup> Cf. *Ordinatio* I, dist. 1, pars. 2, q. 1. p. 50: “Hic autem isti assensus non sunt ex distinctione obiectorum, sed ex distinctionem actu potentiae liberae, sic vel sic acceptantis eius obiectum, quia, sicut prius dictum est, in potestate eius est sic vel sic agere, referendo vel non referendo...” — Concerning the distinction between the natural and “unfree” reason and the free will cf. also STADTER 1971, 314–316.

<sup>8</sup> Cf. *Ordinatio* I, dist. 1, pars 2, q. 2. p. 60: “Necessitas naturalis non stat cum libertate. Quod probro: quia natura et voluntas sunt principia activa habentia oppositum modum principiandi, ergo cum modo principiandis voluntatis non stat modus principiandi naturae; sed libere voluntas vult finem, ergo non potest necessitate naturali velle finem, nec per consequens aliquo modo necessario.”

<sup>9</sup> Cf. *Lectura* I, dist. 1, pars 2, q. 2. p. 100: “Item dico quod duo sunt actus voluntatis positivi, scilicet nolle et velle; et licet nolle sit nisi respectu alicuius quod habet rationem mali, vel respectu obiecti defectivi, tamen voluntas potest negative non velle obiectum in quo est nihil mali nec ratio obiecti defectivi, quia sua libertas est ad contradictoria; unde licet non potest nolle beatitudinem, potest tamen non velle illud.”

<sup>10</sup> Cf. *Ordinatio* IV, suppl. dist. 49, q. 9–10: “Si dicas quod si voluntas nec necessario velit beatitudinem, nec necessario odit sive detestatur beatitudinem, qualem ergo actum habet voluntas circa beatitudinem quando sibi ab intellectu ostenditur; dico quod ut in pluribus habet actum volendi, sed non necessario aliquem actum. Unde potest suspendere se ab omni actu, ostensa beatitudine. Unde quodlibet obiectum potest voluntas non velle nec nolle, et a quolibet actu in particulari potest se suspendere circa hoc vel illud.” Cited in WOLTER 1986, 194. — Cf. WOLTER 1986, 44: “...there is some limitation on what the will can will or nill. For, if it is presented with something good, it is free to will it or refrain from willing it, but it cannot elicit an act of hatred towards it. Similarly, when confronted with something evil, it can refrain from hating or nilling it or, as he points out elsewhere, will it under the aspect of apparent good, but one cannot — it seems — love evil as such.” — Cf. also KENT 1984, 96–98; STADTER 1971, 305–309.

part, follows the inclination of its natural appetite.”<sup>11</sup> The “natural appetite” or the “natural will” as such, being natural, “is neither a will nor a potency, but refers to the inclination the potency has to *tend* towards its proper perfection, not the inclination to act in this way”.<sup>12</sup> Will has the natural inclination to *tend* to its perfection but this does not imply that will acts naturally and not freely. Though the will, for the most part, acts in accordance with this natural inclination, it can also act against it because it neither is nor has a natural inclination to *act* in a certain way.<sup>13</sup>

From what has been said above it follows that Scotus’ view is that will has dominion in human decision-making. Due to its inherent freedom, will can, in and of itself, choose whether it shall elicit an action in keeping with the intellect or not. Moral decisions represent decisions based on free will, and they are not bound to the judgements made by practical intellect.

From the point of view of moral theory, this view on the freedom of will implies that the questions of *moral obligation* and *moral duty* become relevant. While practical intellect is thought to be that aspect which informs of moral norms, and will is thought to be free to elicit an action that may deviate from intellect, *obligation* is required to make free will choose action in accordance with moral norms. With this kind of moral theory, the nature of moral statements thus changes from that of a

<sup>11</sup> *Ordinatio* IV, suppl. dist. 49, q. 9–10: “Quod autem ut in pluribus voluntas velit beatitudinem, hoc ideo est quia voluntas ut in pluribus sequitur inclinationem appetitus naturalis...” Cited in WOLTER 1968, 190. — Engl. transl. by Allan. B. Wolter. Cf. *ibid.* 191.

<sup>12</sup> *Ordinatio* III, dist. 17: “Dico quod voluntas naturalis sic, et ut naturalis non est voluntas ut potentia, sed tantum importat inclinationem potentiae ad tendendum in propriam perfectionem suam, non ad agendum ut sic...” Cited in WOLTER 1986, 182. — Engl. transl. by Allan. B. Wolter. Cf. *ibid.* 183.

<sup>13</sup> *Ordinatio* IV, suppl. dist. 49, qq. 9–10. — Cf. KENT 1984, 96: “...Scotus begins by distinguishing natural will from free will. The first he reduces to the natural inclination of anything toward its own perfection. In this sense, he concedes, man does *desire* happiness necessarily. He does not concede that man *wills* it necessarily. The case of free will is different. In one sense, free will wills naturally whenever it follows natural inclination *without* deliberation. Nevertheless, Scotus argues, such willing is free because the will freely follows the inclination of natural appetite.”

teleological *description* of practical intellect to that of a normative *prescription*.<sup>14</sup>

Like Henry of Ghent, Scotus thinks that when the will does not prefer what the intellect informs one to be the best alternative, it can command intellect to refrain from thinking about that object. In this manner will is able to choose whatever good it wants without acting against intellect.<sup>15</sup> Will can exercise a certain kind of thought control. Scotus states that in the intellect there can be many “imperfect” and “confused” intellects at the same time. This gives will an opportunity to have an effect on what the intellect comes to think about more intensively. Will can bring about the result that the intellect concentrates on thinking about such an object that pleases the will. When the will is displeased by some

---

<sup>14</sup> Concerning the differences between the Aristotelian-thomistic “a-normative” ethical tradition and the “voluntaristic-normative” tradition cf. KLUXEN 1980, KNUUTTILA 1981, HOLOPAINEN 1991 and FARRELL 1930.

<sup>15</sup> Cf. *Lectura*, dist. 1, pars 2, q. 2, p. 93: “...in potestate voluntatis est actus intellectus ut sit et non sit circa finem, quia potest avertere intellectum a consideratione finis; igitur actus voluntatis magis est in potestate voluntatis ut possit non velle finem.” Also cf. *ibid.*, pp. 96–97: “...non est necessarium voluntatem frui fine ultimo in universali ostenso et obscure viso, quia sicut est in potestate voluntatis avertere intellectum a cognitione finis sic cogniti, et ita per consequens frui eo, ita etiam in potestate voluntatis est quod non fruatur tali fine, licet sibi ostendatur ab intellectu, quia nihil est tam in potestate voluntatis sicut suus actus proprius...” — About the same theme cf. *Ordinatio*, I, dist. 1, pars 2, q. 2, pp. 66–67: “...in potestate voluntatis est velle et non velle finem mediante actu intellectus; ergo hoc est in potestate voluntatis immediate. Minor patet, quia in potestate voluntatis est avertere intellectum a consideratione finis, quo facto voluntas non vult finem, quia non potest habere actum circa ignotum.” *Ibid.*, pp. 82–83: “Responsio: dum stat consideratio finis, et per consequens velle eius, offertur aliud confuse, cuius consideratio imperatur a voluntate, et sic indirecte avertit intellectum a consideratione finis; et pro nunc pro quo avertitur cessat prius natura consideratio et posterius natura ipsa volitio.” *Ibid.*, p. 84: “...experimus quod ita libere voluntas convertit intelligentiam a consideratione finis ad aliud obiectum sicut in aliis obiectis. Ita, intellectus quantum est de se semper staret in consideratione finis, quia est obiectum maxime motivum; ergo si quandoque cesset, hoc erit per imperium voluntatis.” — Cf. KENT 1984, 311: “The will does not merely command the intellect to present the forbidden act in some favorable light: it commands the intellect to consider *arguments* favoring that act. At the same time, it prevents intellect from dwelling on the right judgment.”

intellection, it can cause the intellect to stop reflecting on it.<sup>16</sup>

The view that confused and imperfect intellections provide the will with a special opportunity to have an effect on the judgements of the intellect is intriguing from the point of view of the problem of moral uncertainty. A situation of moral uncertainty may be regarded as a situation of confused intellection, affording the will, therefore, with an opportunity to have an effect on practical intellect in relation to particular judgements.

If will acts in a morally correct manner when it moves the inferior potencies, then the acts of these potencies will also be morally correct. But if will moves those potencies in an unrighteous way, they will no longer be actions that are morally right. The moral quality of acts of thinking, speaking or of the external actions, depends on the moral qual-

---

<sup>16</sup> Cf. *Opus oxoniense* II, dist. 42, qq. 1–4; nn. 10–11: “Dico igitur quod una intellectione intellectus existente perfecta possunt ibi esse multae confusae et imperfectae, nisi illa intellectio esset ita perfecta et actualis quod non pateretur secum aliam; illis ergo confusis et imperfectis ibi existentibus potest voluntas, secundum propositionem secundam, complacere in qualibet earum, etiamsi illa intellectio non fuerit cognita ut obiectum actualiter, et tertia, voluntate complacente in aliqua intellectione confirmat illud et intendit. Illa igitur, quae fuit remissa et imperfecta, fit per istam complacentiam perfecta et intensa, et sic potest imperare cognitionem et convertere intellectum ad illam. Voluntate autem nolente aliam intellectionem, et non complacente in ea, illa remittitur vel desinit esse; et sic dicitur voluntas avertere intellectum ab intellectione illius...” Cited in WOLTER 1986, 174. — The idea of the wills ability to exercise a kind of thought control is familiar among most Franciscans. Kent writes on Olivi (KENT 1984, 201): “He seems rather to be saying that the will is responsible for the intellects representation of the object. In a sense, the intellect does specify the wills act by presenting the object. But since the will itself controls the intellect, it can be regarded as specifying its own acts.” Kent writes on Walter of Brugge (*ibid.* 297): “Walter accordingly gives the will control over decision, that intellectual act which immediately precedes choice.” and on William de La Mare (*ibid.* 303): “The will determines what is actually considered by reason. Man thinks about what he wills to think about. If he stops thinking, that, too, is because he wills to do so.”

ity of the will commanding these acts.<sup>17</sup> From the point of view of moral decision-making in a state of uncertainty, it is important to note Scotus' view to the effect that will is, in one sense, responsible for the rightness of moral deliberation.<sup>18</sup> Will guides the moral deliberation of practical intellect. The judgements realized by practical intellect are, in a sense, various expressions of individual wills. This way of thinking deviates to a great extent from the view of Thomas Aquinas, who believes that intellect functions as a guide for the will.

Finally I shall make some remarks in regard to Scotus' view on the moral notion of *conscience*. In *Ordinatio* II, dist. 39, Scotus discusses the question of whether synderesis is in the will or not.<sup>19</sup> He comes to the conclusion that synderesis is not in the will but in the intellect. Synderesis is thought of as something "having an elicited act that necessarily and at all times inclines one to act justly and resist sin". However, he writes that within the will there is nothing which is necessarily or naturally inclined to such kinds of action. Therefore, synderesis cannot be found in the will but is indeed within the intellect. Synderesis is habitual knowledge of

---

<sup>17</sup> Cf. *Opus oxoniense*, II, qq. 1–4, nn. 1–2: "Malice is primarily and formally only in some act of the will...Although sin can not be formally in anything other than the will or its act, materially it can be in the aforesaid acts, namely, thought, word and deed, because according to Anselm (*On Original Sin*), the will is the motor or moving cause throughout the whole realm of the soul, and all else obeys it. Just as the will is bound to have rectitude in its own act, therefore, so it is required to have it in all the exterior acts in which it cooperates as moving cause. Thus by moving the inferior potencies rightly, their acts become right by a participated rectitude, and so also in the opposite way, by not moving them rightly, the rectitude the will ought to give them is lacking and they are not right. And thus by moving them in an unrighteous way, the will deprives them of that rectitude." Transl. by WOLTER 1986, 38.

<sup>18</sup> Cf. KENT 1984, 312: "In any case, the point of Scotus' remarks is abundantly clear. It is the same point we have made often enough by the Franciscans. When the intellect comes to an erroneous practical judgment, it is not because it has been influenced by passion or because it has made some innocent mistake. The intellect is subservient to the will. When it judges wrongly, it is because the will commands it to do so. Intellect's erroneous judgment is a culpable error rather than a mistake."

<sup>19</sup> Cf. WOLTER 1986, 196: "...utrum synderesis sit in voluntate."

principles because it is always right.<sup>20</sup>

Conscience, too, is specific to the intellect. It is “the habit of making proper practical conclusions.”<sup>21</sup> It can be said that it “stimulates” the free will towards good. If will decides to follow the judgement of conscience this constitutes right and good volition. Will, nevertheless, can deviate from the “firm” and “perfect” practical conclusions made by one’s conscience.<sup>22</sup> If will were unable to refuse acceptance of the judgements of conscience, then it would not be free; rather, its actions would be naturally elicited and necessary.<sup>23</sup> Scotus explicitly abandons the view of Henry of Ghent to the effect that both synderesis and conscience are in will.<sup>24</sup>

---

<sup>20</sup> Cf. *Ordinatio*, II, dist. 39: “Si synderesis ponatur aliquid habens actum elicited semper necessario tendentem in actum iustum et resistentem peccato, cum nihil tale est in voluntate, non potest ibi poni; igitur est in intellectu; et non potest aliud poni quam habitus principiorum, quia semper est rectus.” Cited in WOLTER 1986, 200.

<sup>21</sup> *Ibid.*, 203: “Secundum hoc etiam conscientia potest poni habitus proprius conclusionis practicae...”

<sup>22</sup> *Ibid.*: “...et ita dicitur stimulare ad bonum, in quantum liberum arbitrium totum habet causam partialem recte dispositam, et sequeretur recta volitio et bona, nisi esset defectus alterius causae partialis concurrentis respectu voluntatis.” — Cf. also *ibid.*, 200: “...patet quod peccatum aliquod committi potest contra conscientiam, et tunc sequitur quod stante conscientia perfecta, voluntas potest velle oppositum eius quod dicitur secundum illam...”

<sup>23</sup> *Ibid.*: “Item, aut necesse est voluntatem agere secundum istud pondus datum aut non. Si sic, non est libera, quia agens huiusmodi ponderis est naturalis causa; ergo et effectus eius erit forma naturalis; igitur necessario agens secundum istud pondus, non libere agit, quia non est in potestate eius sic et aliter agere...”

<sup>24</sup> Cf. WOLTER 1986, 197–205.

## 2.3. John Buridan's View on Moral Decision-Making

After having studied the view of Thomas Aquinas and the views of two influential Franciscans, Henry of Ghent and Duns Scotus, we shall take a look at what is John Buridan's view in regard to the psychology of the problem of moral uncertainty. Buridan's views deserve to be studied for two reasons: first, he appears to have been a thinker who, in an original manner, attempted a compromise between Aquinas' views (*via antiqua*) and the voluntarists (*via moderna*). Second, his commentary on the *Nicomachean Ethics* has been very influential.<sup>1</sup>

Buridan's consideration of the problem of *incontinence* (*incontinentia*) provides a discussion which includes intriguing views on decision-making and the problem of moral uncertainty. Like Scotus and Ockham, Buridan makes the distinction between natural and voluntary agents. Human actions are voluntary in character and, according to Buridan, this means that some activity of will is always required when voluntary actions take place.<sup>2</sup> According to Buridan, will can, at a given moment, make a choice between impossible ways of acting. Buridan states that this freedom of opposition within the will must be presupposed, because otherwise we accept determinism and the teachings of faith and moral responsibility shall be frustrated.<sup>3</sup>

---

<sup>1</sup> Cf. SAARINEN 1986, 112; KOROLEC 1982, 639. — My commentary on the views of Buridan is based substantially on the study by Risto Saarinen: *Moral Weakness and Human Action in John Buridan's Ethics*. In: *Faith Will and Grammar* ed. Heikki Kirjavainen. Publications of Luther-Agricola-Society, B 15. Helsinki 1986. Gerhard Krieger's study: *Der Begriff der Praktischen Vernunft nach Johannes Buridanus*, (Beiträge zur Geschichte der Philosophie und Theologie des Mittelalters. Neue Folge, Band 28.) Aschendorff, Münster 1986 is also used. Cf. KRIEGER 1986. — Simo Knuutila has noted that the discussions of probabilism during the 17th century obviously possess some connection to Buridan's discussion on the subject of decision-making in a state of uncertainty. Cf. KNUUTILA 1984, 139–140.

<sup>2</sup> SAARINEN 1986, 116–117.

<sup>3</sup> *Ibid.*, 113–118. — Cf. also RISTO SAARINEN: *Weakness of the Will in Medieval Thought from Augustine to Buridan* 1993 (forthcoming), c. 3.6.2..

Buridan believes that we must presuppose that the will has some activity of its own, *i.e.*, some ability to choose or decide among various possibilities at a given moment. In this respect Buridan differs from Aristotle and Aquinas, who appear to be of the conviction that it is invariably the intellect that makes decisions between alternatives.<sup>4</sup> We have pointed out above that both Duns Scotus and Henry of Ghent theorize that will is able to freely choose, even in opposition to the preferences of intellect. Their view was that will is capable of preferring, in regard to two unequal goods, the minor good, *i.e.*, that which the person until the moment of decision had regarded as the minor good. Buridan did not say this. According to him, the activity of the will is manifested in its *freedom to defer its action*.<sup>5</sup> We can see what the position of the will's deferring of its action is in the entire psychology of human action, when we examine what Buridan's view is in regard to the interaction of will and intellect in human action.

Buridan is convinced that all acts of volition presuppose a judgement of intellect.<sup>6</sup> However, a judgement of intellect does not immediately lead to an act of volition. There is, within the will, an act or disposition which precedes the act of volition. This act or disposition is a natural and non-free act of will. It is a consequence of the judgement of practical intellect; it is determined by the judgement of practical intellect. It is either an act of "complacency" or "displacency" within the will, in regard to the object of such a judgement, deriving from practical intellect. In many cases, a judgement of intellect leads to both an act of com-

---

<sup>4</sup> Concerning the views of Aquinas cf. chapters 2.1.1. and 2.1.2. of this study. — Cf. SAARINEN 1986.

<sup>5</sup> SAARINEN 1986, 119. — Cf. also KRIEGER 1986, 175. Cf. SAARINEN 1993 (forthcoming) Ch. 3.6.2.: "But although the idea of not-willing (*non velle*) was not unknown to earlier scholastics as a foundation of a freedom of the will, Buridan makes it a cornerstone of his ethical theory."

<sup>6</sup> SAARINEN 1986, 119.



placence and an act of displacence of will on a simultaneous basis.<sup>7</sup>

This first act of will may be followed by a second act of will.<sup>8</sup> A judgement made by practical intellect concerning the goodness or badness of an object results, as mentioned, in an act of complacence or of displacence within the will. When the first act of will is an act of complacence and a second act follows, the second act may be an act of acceptance by which the action to achieve the good is initiated. In the case that the first act of will is an act of displacence, the second act of will may be an act of refutation.<sup>9</sup> Buridan's view is that will is able to discontinue the "process" that begins from the apprehension of an object by intellect, continues further to the making of a judgement in respect to that object, and still onwards to the first act of complacence or displacence of the will which, after eventual deliberation of how the object will be achieved, may be followed by the second act of will, leading to voluntary action. Will is active in interrupting the psychological process that tends to cul-

---

<sup>7</sup> SAARINEN 1986, 123; KRIEGER 1986, 165–171. Cf. esp. 166: "Durch ein Urteil also werden Gefallen oder Missfallen ausgelöst, und sie sind sogar gleichzeitig im Willen möglich, wenn ihm ein Objekt sowohl als gut wie als schlecht vorgestellt wird. ... Der Akt des Gefallens und Missfallens über ein und dasselbe Objekt ist also nicht in sich widersprüchlich, da er sich aufgrund eines Urteils unter verschiedenen Hinsichten (rationes) ergibt." Cf. SAARINEN 1993 (forthcoming) Ch. 3.6.2.: "Different and even opposite first acts of will are, therefore, compossible, whereas the second act can only be a single act."

<sup>8</sup> *Ibid.*: "The generation of the first act is a necessary prerequisite for the second act, but is not a sufficient pre-condition of it."

<sup>9</sup> JOHN BURIDAN, *Quaestiones super decem libros Ethicorum*, fol. 42 rb.: "Ita iudicium, vel anima informata iudicio de bonitate vel malitia obiecti, primo generat in ipsa voluntate complacentiam quandam in obiecto vel displicentiam in obiecto, mediantibus quibus ipsa voluntas acceptare potest obiectum vel refutare, quae quidem acceptatio vel refutatio sunt iam actuales inclinationes voluntatis, ad quas motus consequitur, si non fuerit impedimentum." Cited in SAARINEN 1986, 120, fn. 37.

minate in an action.<sup>10</sup>

It can interrupt this process at any stage. It is trivial that deliberation is not continued, when it is realized that the *prima facie* attractive alternative is not as good as it was thought to be.<sup>11</sup> It is more interesting that the will does not necessarily accept the alternative which is well considered. Buridan's view is that as long as the person is not sure that this is the best alternative, the person may choose another alternative: He may prefer to deliberate further.<sup>12</sup> Buridan states that the "purpose" of this ability to defer to accept or refuse an object, is not to make us capable of avoiding decision-making in general. The purpose of this freedom is to make it possible for us to thoroughly inquire into all the aspects of goodness and badness relevant to such objects before either accepting or refusing

---

<sup>10</sup> *Ibid.*, fol. 42 rb–va.: "Complacentia enim et displicentia circa idem opus non opponuntur, si fuerint secundum diversas rationes in tempore illo compossibiles in eodem. Sed quia acceptatio et refutatio sunt impetus ad actum prosequendum et fugiendum, et isti motus, scilicet prosequitio et fuga, propter contrarietatem sunt impossibiles in eodem, ideo etiam non possunt simul in voluntate fieri huiusmodi acceptatio vel refutatio, sed voluntas libere potest acceptare opus illud sine refutatione, vel refutare sine acceptatione, et etiam nec refutare nec acceptare, sed differre, ut videtur michi quod quasi quilibet homo experiri potest in seipso." Cited in SAARINEN 1986, 121. — Cf. also KRIEGER 1986, 175.

<sup>11</sup> *Ibid.*, fol. 42 va.: "...libertas, secundum quam voluntas potest non acceptare quod sibi presentatum fuerit sub ratione boni vel non refutare quod presentatum est sub ratione mali, prodest valde nobis ad vite directionem pro tanto, quia in multis, in quibus prima facie sunt aliquae rationes bonitatis apparentes, latent sepe mille malicie, vel annexae vel consequentes, propter quod acceptare illud quod apparebat bonum esset nobis inconueniens et damnosum." Cited in SAARINEN 1986, 122.

<sup>12</sup> *Ibid.*, fol. 145 rb.: "Sexto, si quis iudicaverit aliquid esse sibi bonum secundum rationem integre bonitatis, ita scilicet quod illud appareat bonum secundum omnem rationem bonitatis sic quod omnis ratio maliciae excludatur, videtur michi, si iudicium fuerit dubium, quod nunquam voluntas necessario acceptabit illud." Cf. also *ibid.* fol. 143 rb.: "Quoniam sepe, ut mihi videtur, expertus sum, quod cum rationes viderem ad utramque partem probabiles, tamen ad neutram partem iudicii determinabam me, etiam neque novis rationibus ad unam partem vel ad aliam supervenientibus, sed in suspensio tenebam me. Et iterum videmus non omnes eque cito nec eque intense consentire apparentiis. Imo prudentis est prius examinare consilia." Cited in SAARINEN 1986, 130.

them, and make a firm decision after that.<sup>13</sup>

Buridan writes that the will cannot will anything that the intellect has not judged to be good in one sense or another, and it cannot nill (*non potest nolle*) anything that the intellect has failed to judge bad.<sup>14</sup> According to him, human will is even unable to will to defer its own act of volition — and transfer intellect to a further deliberation — if intellect has not judged further deliberation to be good. This kind of judgement is possible for the intellect when the deliberation has come to an uncertain conclusion. In a condition of uncertainty the intellect may judge a further deliberation to be good, because it regards this as a means to a higher degree of certainty.<sup>15</sup> When the intellect has judged a further deliberation to be good, the will is able to choose this instead of choosing something on the basis of the uncertain *prima facie* judgement.

It is remarkable that this kind of freedom is enjoyed by the will only when the judgement of practical intellect is, in some way, uncertain. If a firm judgement exists in intellect to the effect that willing a particular thing is good for the will, and it does not include any evil, then the will

---

<sup>13</sup> *Ibid.*, fol. 145 rb—va: “Potestas enim non acceptandi bonum apparens vel non refutandi malum apparens non prodest nobis finaliter, ut in huiusmodi non acceptatione vel non refutatione sistamus, sed ut ante obiecti acceptationem vel refutationem inquiramus de omni bonitate vel malicia, quae illud obiectum consequitur vel ei annectitur, ut tandem, quod est simpliciter melius, acceptemus et quod est simpliciter peius, refutemus. Ergo inquisitione facta plenarie sic quod iudicium sit perfecte creditum omni sublata formidine, nichil ultra prodest potestas non acceptandi sed obest, quia per ea possumus frustrari bono nostro, etiam nobis manifeste ostenso.” Cited in SAARINEN 1986, 136, fn. 42.

<sup>14</sup> SAARINEN 1986, p. 122.

<sup>15</sup> BURIDAN, *Quaestiones*, fol. 44 vb: “Similiter etiam dico quod voluntas nunquam movet intellectum ad consiliandum, nisi intellectus preiudicaverit quod considerare illud obiectum est bonum. Nec est inconveniens quod intellectus actus cognoscat aliquod obiectum sub unam rationem et dubitet de eo sub alia, et quod tunc iudicet bonum esse considerare ultra ipsum.” Cited in SAARINEN 1986, 123, fn. 48. — Cf. also KRIEGER 1986, 181. Cf. SAARINEN (forthcoming) Ch. 3.6.2.: “Postponement of a volition takes place if and only if the agent has some reason to believe that a further consideration might be useful. This is the case, however, only when the first act of will generates both complacence and displacence. If present are two impossible alternatives, then present also according to Buridan is a third one, the postponement of a decision for the sake of further deliberation.”

cannot refrain from willing it.<sup>16</sup> But when the judgement of practical intellect is uncertain or based on probable reasons, the will is able to defer its second act and command intellect to consider the object further. When the human will actually wills, it can command intellect to go on in its deliberation until it reaches a firm judgement. This freedom of will makes it possible for one to reach greater certainty in his or her practical judgements before eliciting actions in accordance with them, but it also makes it possible to postpone almost any decision.<sup>17</sup>

For the purpose of this study, it is interesting that Buridan's analysis of will is considerably concentrated on the question of the certainty of deliberation. As long as the result of practical consideration is uncertain, it is possible that a person prefers further deliberation. This seems to be, rationally speaking, no less justifiable than following the consideration in question. But when this line of thought is applied to moral thinking, subjective certainty appears to become a factor of great importance; its role tends to be more decisive than the authority of rules. What is right or wrong in a particular situation appears to be partially dependent on whether the judgement of conscience or practical reason is regarded as certain or not.

It was characteristic of the voluntarist view on the psychology of moral action that practical decision-making always takes place in the presence of several different ends. In a decision-making situation reasons always exist for alternative choices and, therefore, one is aware that by the aid of will he or she is always able to choose something else instead of a given alternative. In a decision-making situation, the presence of more than one actual alternative makes it difficult for an individ-

---

<sup>16</sup> BURIDAN, *Quaestiones*, fol. 145 rb.: "Septimo, si praedictum iudicium fuerit certum omnino, videlicet quod homo credat firmiter sufficienter vidisse omnes circumstantias et combinasse et secundum earum combinationem credat firmiter illud esse sibi bonum secundum omnem rationem bonitatis et nullo modo malum, puto quod voluntas necessario acceptaret illud." Cited in SAARINEN 1986, 135, fn. 89.

<sup>17</sup> Cf. also SAARINEN 1986, 136: "The utility of this freedom is based on the fact that we are free in order to inquire into all possible consequences before the act of acceptance or refutation. Through this inquiry we can reach a perfect judgement which is firmly believed and does not include any doubts concerning the outcome of the action."

ual to achieve psychological or subjective certainty.

The view (shared by John Buridan, John Duns Scotus and Henry of Ghent) to the effect that an individual will can affect the deliberation of practical intellect implies that conscience must be understood as a radically more individual phenomenon than had been previously imagined. This opens the way to disagreement between variant individual consciences. This, on its part, raises the obvious question of the moral authority of the individual conscience. A need for new effective solutions to aid in the moral guidance of the individual emerged through the development of these new moral theories, following the tradition of the Franciscan-voluntarists. In discussing these new solutions, the problem of moral uncertainty was a particularly crucial question.

### 3. *The Rise of Probabilism from the 15th to the 17th Century*

In the late medieval period, the new Franciscan views concerning the psychology of human action had resulted in a situation in which the problem of moral uncertainty had become an important topic in discussions about morals. According to Thomistic moral theory, the most basic moral principle is of the form: “Perform acts which you believe to contribute to the Good and avoid performing acts which you believe shall hinder the Good.”<sup>1</sup> If one, following the judgement of his or her conscience, performs a materially evil act due to an inculpable ignorance of his or her conscience, it is only this inculpable ignorance which functions as an *excuse* for him or her, and he or she will not be blamed for having performed a materially evil action.

The presence of moral uncertainty, or the uncertainty of conscience, makes a situation more complicated. Moral uncertainty means that one is not sure about whether a certain action hinders the Good or not. This implies that you, through performing a particular action, take the risk of performing a materially evil action. The following question arises: Are you allowed to take this risk? In other words: if you take the risk and your action results in a materially evil effect, is there anything that could function as an excuse for you?

As we have noted above,<sup>2</sup> Aquinas’ “tutoristic” view was that it is sin to consciously take the risk of performing a materially evil act. One has no excuse if one has not based one’s action on a perfectly certain judgement of conscience.

---

<sup>1</sup> *S. th.* II–1, q. 94, a. 2.

<sup>2</sup> Cf. above Ch. 2.1.2.

In what follows, I will examine some “non-tutoristic” solutions to moral uncertainty from the point of view of how the acceptance of risk-taking is justified. What was regarded as an adequate excuse for one who performs a materially evil action following his uncertain conscience? *Probabilism* (also called *minusprobabilism*) may be regarded as the most radical moral system representing an attempt to resolve the problem of risk and moral uncertainty. Probabilism is usually thought to have emerged through a representant of the Dominican order, Bartolome of Medina, in 1577. Before examining the views of Bartholome of Medina, I shall examine some less radical solutions that were presented prior to him.<sup>3</sup> In closing, I shall study the views of Francisco Suárez, who is sometimes regarded as “the second father of probabilism”.<sup>4</sup>

### 3.1. The Situation Prior to 1577: A Combination of Probabiliorism and Probabilism

As stated above,<sup>5</sup> Aquinas’ solution to the problem of the opposing opinions of authorities in regard to the allowability of a course of action was that, in problematic cases, one must follow the safer (*tutior*) of the opposing opinions. Aquinas was of the view that the existence of disagreement among the authorities in regard to a specific moral question should be understood as a sign of the possibility of doing wrong because

---

<sup>3</sup> Cf. DE BLIC 1923–28, 315: “C’est entre 1400 et 1570 que se fait l’élaboration rationnelle du probabilisme.”

<sup>4</sup> Cf. SCHMITT 1904, 119: “In jeder Beziehung aber hat Franz Suarez ... dem Probabilismus treffliche Dienste geleistet, indem er ihn nicht nur intensiv, sondern auch extensiv zu einer gewissen Vollendung brachte, alles, was die Früheren Gutes geleistet, anerkannte und verwertete, die Mängel aber beseitigte und verbesserte, so dass er wohl den Namen eines Zweiten Begründers und Vaters des Probabilismus verdiente.”

<sup>5</sup> Cf. Ch. 2.1.1. of this study.

of the complicated nature of the question, and particularly in regard to the risk involved in following the more liberal of the two opinions presented. Taking this risk was, according to Aquinas, both a morally bad and irrational action.

During the 15th century, when the problem of uncertainty had become a more contemporary issue, we can find writers that give a new and more liberal solution to this problem. As examples, I will provide a presentation of the relevant thoughts of Jean Gerson (d. 1429), John Nider (d. 1438), and St. Antonin of Florence (d. 1459).

Gerson, Nider and St. Antonin were familiar with Aristotle's view in the *Nicomachean Ethics*, to the effect that in human and moral affairs we are forced to be satisfied with a "probable certainty".<sup>6</sup> All these writers seem to interpret this probable certainty to mean a certain degree of subjective and psychological certainty: the degree of inclination in assenting to a proposition. When one possesses a high probable certainty about the truth of a specific proposition, one's intellect is strongly inclined to assent to that proposition, but at the same time there remains, within the intellect, some tendency to refute the same proposition. This is due to the fact that, simultaneously, one sees some probability for the contradiction of the same proposition.<sup>7</sup>

These writers allowed for moral decision-making which involves a certain degree of psychological uncertainty. In their consideration of acceptable action with a non-absolutely certain conscience, they accepted taking the risk of performing a materially evil action. However, this was not an easy matter to accept. Nider and St. Antonin found it dif-

---

<sup>6</sup> Cf. GERSON, *Opera*, tom. II, p. 120; NIDER, *Expositiones decalogi*, I, 5; ST. ANTONIN, *Summa*, I, t. III, c. 10. — In regard to Gerson, Nider and St. Antonin concerning the problem of moral uncertainty, cf. DEMAN 1936, 442–449, DE BLIC 1923–28, 315–316.

<sup>7</sup> GERSON, *Opera*, tom. III, 181: "...quae certitudo non removet in una parte omnem probabilitatem vel opinionem alterius partis, licet magis declinat ad istam vel ad aliam; quod sufficit..."; NIDER, *Consolatorium*, III, 13: "Sumendam esse certitudinem figuraliter et grosse quae certitudo non removet omnem improbabilitatem vel opinionem alterius partis licet magis declinat ad istam quam ad aliam quod sufficit..."; ST. ANTONIN, *Summa*, I, III, 10: "Ex hiis igitur sequitur quod in humanis agibilibus quae tantam habent varietatem, teste Aristo. et experientia, sufficit talis certitudo quae non semper scrupulus omnes abjiciat, sed sufficit ut contemnat seu superat eos."



difficult to admit that one may be allowed to act on the basis of a non-absolutely certain conscience. Therefore, their theory of the psychological process of moral decision-making included a “leap” from probable premises to an absolutely certain conclusion. They thought that a judgement of conscience may be based on probable premises. At the same time, however, they insisted that a judgement of conscience must always be absolutely certain, the same way that an assent of faith is.<sup>8</sup>

This appears problematic. How is it possible to attain an absolutely certain conclusion through probable premises? From where is the certainty of conscience derived? Nider and St. Antonin did not reply this question. Their view was that subjective moral certainty (implied in the premises) and the certainty of conscience (the conclusion) are different matters. The solution of Gerson, Nider and St. Antonin can be referred to as a sort of *subjective probabiliorism*. In problematic cases regarding the allowability of a course of action, one is allowed to follow that probable opinion which is subjectively more probable to him or her. One is allowed to choose on the basis of the subjective probability of opposing opinions and one does not need to make the choice on the basis of the relative safety (*tutitas*) of opposing opinions.

However, the main point of these writers, in their attempt to solve the problem of moral uncertainty, is that they emphasize the importance of a sufficient and diligent moral deliberation, as well as the consideration of

---

<sup>8</sup> On the one hand, cf. NIDER, *Consolatorium*, III, 11: “Sunt enim aliquando de aliquibus materiis moralibus doctores opinionum contrariae et tunc scrupulosi dubitant quam partem possunt cum bona conscientia eligere per enodacione huius difficultatis. Notandum in primis quod cum bona conscientia potest quis tenere unam partem alicuius opinionis et secundum eam operari saltem excluso scandalo quae pars habet pro se notabiles seu notabiliores doctores dummodo talis opinio non sit contra expressam auctoritatem sacrae scripturae nec contra determinacionem sacrae ecclesiae catholicae dummodo quod ex contrarietate talium opinionum non inducatur quis ad dubitandum, sed bonam conscientiam seu fidem sibi formet de probabiliori parte precipue in tali casu quando quis adhibet diligenciam inquirendo an liceat nec invenit aliquid quod eum sufficienter moveat ad hoc quod sit illicitum...” — On the other hand, cf. ST. ANTONIN, *Summa*, I, III, 10: “...omne illud quod sit contra conscientiam, etiam si sit bonum, peccatum est. Unde apostolus *Rom 14*: Omne quod non est ex fide, peccatum est. Super quo verbo *Amb. in glo.*: Omne quod etiam si in se et de se sit bonum, et tamen non sit ex fide, id est contra conscientiam, ut scilicet credamus esse malum, peccatum est.”

all relevant *pro*- and *con*-arguments of the solution prior to actual decision-making. This view shares considerable similarity with the views of John Buridan on moral uncertainty. A thorough investigation brings one, perhaps, closer to the truth. The more carefully one considers the question, the smaller the share of will becomes and the more substantial the share of intellect becomes in moral decision-making. This, on its part, means that, through deliberation, one is able to diminish the subjective and in a sense the arbitrary nature of moral decisions in a condition of uncertainty.

Besides the emphasis on deliberation, there is another factor that helps to minimize the influence of individual will on moral decisions in a condition of uncertainty. These writers were familiar with the Aristotelian notion of *probability as approvability by qualified authorities*.<sup>9</sup> In a situation of moral uncertainty, one must first take a look at which opinion or opinions is/are probable by having the approval of qualified authorities.

If only one opinion is supported by the authorities, then there is no disagreement among such authorities. In that case, only one opinion is probable, and it is rational to follow that opinion. However, when two opposing opinions are probable by reference to the approval of authorities, one is then obliged to make a decision among them. According to Gerson, Nider and St. Antonin, when there are two probable opposing opinions, it does not matter which one of them one follows if it happens *bona conscientia*. Each one of them is supported by the authorities; each one of them has, in itself, a kind of objective or intersubjective support

---

<sup>9</sup> Cf. NIDER, *Consolatorium*, III, 22: "Dicitur autem probabile quod pluribus et maxime sapientibus apparet verum."; ST. ANTONIN, *Summa*, I, III, c. 10: "Non enim consurgit certitudo morale ex evidētia demonstrationis, sed ex probabilibus coniecturis grossis et figuratilibus magis ad unam partem quam ad aliam se habentibus, dicitur autem probabile quod pluribus et maxime sapientibus apparet verum."

and *extrinsic probability* and, therefore, each one of them can be licitly followed.<sup>10</sup>

This means that when one, in a situation of moral uncertainty, initiates moral deliberation in order to decide between two opposing opinions, each one supported by qualified authorities, one is to regard both of them at first as *potentially acceptable*. This view may be said to represent a variety of *extrinsic probabilism*. Either one of the two opposing probable opinions is potentially acceptable for a person, because it has been accepted by several qualified persons. After this, it is the task of diligent moral deliberation on the part of an individual to find out the relevant differences between the opinions concerned. Through this deliberation, one comes to see or gets an impression of which one of them is subjectively more probable. Then one accepts this one, refusing the other. Someone else may very well come to an opposite decision between the two opinions, through *his or her* deliberation. And he or she is allowed to follow that opinion which *he or she* considers more probable. According to the extrinsic probabilism of Gerson, Nider and St. Antonin, when two people experience opposing judgements of conscience, both of them are allowed to follow his or her conscience if both follow an opinion which enjoys adequately support and probability by means of the approval of qualified authorities.

We can now see how these 15th century teachers have made up *a combination of subjective probabiliorism and extrinsic probabilism*. The idea behind this solution was that, in a state of moral uncertainty, moral decisions must be based on opinions that must pass two tests: (i) An opinion must endure the critique of qualified authorities; it must obtain sufficient support from the same. This represents a type of intersubjective test. (ii) An opinion must endure the critical evaluation one has applied oneself; it must reach the status of subjectively/psychologically more probable

---

<sup>10</sup> GERSON, *Opera*, tom. III, s. 181: "Ponamus alius casus qui est creberrimus, quod dubium sit apud Doctores aliquos ex una parte quod hoc debeat agi, dicentibus aliis in pari numero, quod oppositum fieri debet, sicut in facto schismatis de Papatu saepe fuit. Rursus in materia Fidei cum Doctores dissentiant, licitum est ante determinationem Ecclesiae saepe tenere unam partem vel alteram.;" cf. also: NIDER, *Consolatorium*, III, 11 and St. ANTONIN, *Summa*, I, III, c. 10.

opinion within one's own intellect. This, on the other hand, represents a form of subjective test. Expressed in another way: One has to *know* that the opinion in question has adequate support by qualified authorities and he or she must *feel* the opinion to be more probable than its opposite. Through these "tests" one "acquires" a probable opinion which may be used as the basis for one's "leap" to absolute certainty of conscience. If one happens to perform a materially evil action when one follows this kind of opinion, then the person's *excuse* will be based on the fact that the uncertain, opinative judgement of conscience concerned is based on an opinion that has essentially passed these two tests, and in this case the person shall not be blamed.

The combination of extrinsic probabilism and subjective probabilism as a solution to the problem of decision-making in uncertainty became more effective in the beginning of the 16th century, when Cajetan (d.1534) introduced the distinction between *speculative* and *practical uncertainty*.<sup>11</sup>

According to Cajetan, *speculative intellect* does not "state anything about a particular action", although it includes general moral knowledge. The uncertainty of speculative intellect is not the same thing as the uncertainty of conscience. Speculative intellect includes general moral knowledge, and conscience is the act of applying this knowledge to a particular situation. Therefore, with certain kind of practical moral questions, we need not consider the degrees of certainty in regard to speculative intellect. When we demand the certainty of conscience, we demand the psychological certainty of practical intellect in its act of applying moral knowledge in a particular situation. According to Cajetan, we are

---

<sup>11</sup> Cf. DE BLIC 1923–1928, 316: "C'est Cajetan ... qui a le mérite d'ouvrir la voie nouvelle. Peu importe l'intensité de doute, écrit-il en 1521 à Köllin; ce qu'il faut préciser, c'est sa relation à l'acte: *Pratique* en effet, ou tombant directement sur l'action, il oblige au plus sûr; mais purement *spéculatif*, il n'empêche pas d'agir, si le jugement de conscience est par ailleurs certain. Cette distinction marque un tournant décisif: au probabiliorisme direct, elle va permettre de substituer un probabilisme réflexe." — Cf. DEMAN 1936, 450–451; MRUK 1963, 777.

allowed to act with speculative uncertainty but not with practical uncertainty of conscience.<sup>12</sup>

Together with the view that moral opinions, which were extrinsically probable by means of the approval of authorities, were regarded as objects of speculative intellect, the distinction between speculative and practical uncertainty possessed an interesting implication. As these opinions were general propositions and not applications of moral knowledge in particular situations, the probability and relative uncertainty of these opinions were regarded as representative of the uncertainty of speculative reason, distinct from the uncertainty of conscience.

In the beginning of the 16th century, the idea of combining extrinsic probabilism with subjective probabiliorism was applied in Church-related confessional practice. Dominicus Soto (d.1560) presented an illustrative solution to the problem that arises when a confessant and his

---

<sup>12</sup> CAJETANUS: *Opuscula Omnia*, t. I, tr. XXXI, resp. 13, dub. 7: "...intellectus siquidem speculativus nihil dicit de operando. Non est ergo in hoc quaesito spectandum ad haesitationem magnam vel parvam, ad fidem certam vel incertam de licito vel illicito absolutem, sed ad rationem operandi ad singulari. Si enim applicatio ad operandum certa est, quicquid tam in ratione, quam in appetito fluctuat, scrupulus est, quo stante licite oppositum operamur. Si autem applicatio ipsa ad opus fluctuat circa rectam vel ad obliquum moris, scrupulus est conscientiae, contra quem illicite agitur, et obliquitas moralis incurritur. Ratio autem norma est, quia in proposito conscientia non significat scientiam, sed applicationem cognitionis ad exercendum." — Cf. also DEMAN 1936, 451: "Cajétan rapporte les deux opinions qui lui semblent avoir cours le sujet: ceux qui distinguent la quantité d'ambiguïté et permettent d'agir selon ce que l'on croit davantage licite, où nous reconnaissons le groupe précédemment étudié; ceux qui exigent une certitude absolue en faveur du parti moins sûr, faute de quoi on se jette dans le péril: si l'on peut agir à l'encontre de son scrupule, c'est qu'il n'est pas une hesitation véritable mais apparente... Cajetan pour son compte propose une distinction où peut être sauvée la vérité de chacune des deux parties: celle du doute spéculatif et du doute pratique." — Cf. also DE BLIC 1923–28, 316. — Cf. SCHMITT 1904, 22: "Ich aber bin der Ansicht, dass man, gleich viel ob das Bedenken vom Verstand oder vom Willen komme, ob es gross oder klein sei unterscheiden müsse, ob es spekulatives oder praktisches sei, d.h., ob der Zweifel sich auf die Erlaubtheit an sich, oder auf die die Erlaubtheit in diesem Falle und unter solchem Umständen bezieht. Bin ich praktisch gewiss, dass mir unter diesen Umständen erlaubt ist, so vorzugehen, so sündige ich nicht, mag der Zweifel über die Erlaubtheit an und für sich auch gross sein; und umgekehrt, bin ich auch sicher über die Erlaubtheit an und für sich, zweifle aber, ob mir in dieser Lage die Handlung erlaubt sei, so sündige ich; denn der Intellectus speculativus gibt kein Urteil ab über die Handlung... Die Grund ist, dass in dieser Sache Gewissen nicht ein Wissen bedeutet, sondern eine Anwendung des Wissens auf die Handlung."

or her confessor support opposing views regarding the moral status of a certain course of action.<sup>13</sup> It is supposed that these views as such are opinions having the status of speculative moral opinion.

According to Soto, if both views represent opinions which are probable by the approval of qualified authorities, then the confessor is obliged to allow the confessant to perform an action which the confessor regards as a morally reprehensible action. The confessant is allowed to act in accordance with opinions which are extrinsically probable, *i.e.*, those which are supported by qualified authorities, even against another probable opinion if the first one is considered, subjectively speaking, more probable to him or her than the latter one, in the sense that after diligent examination of the question he or she is more definitely inclined to assent to that opinion than to its opposition. The confessant need not worry about the uncertainty of speculative opinions as such.

If the confessor opinatively assents to the opposing probable opinion, he is not allowed to follow the opinion of the confessant which he has allowed the confessant to follow. The idea is that any of the opposing opinions, which our speculative intellect considers probable, is *potentially an adequate moral norm*. Nevertheless, the individual moral deliberation of each person determines which one of these opinions becomes the object of an opinative assent of his or her intellect. Individual moral deliberation and the act of conscience determine which one of these norms will be *actualized* for each person and for each particular situation. Therefore, it is only natural that a confessant and his or her confessor may have opposing views on some questions. The confessor in his capacity as confessor must not pass judgement in accordance with his own conscience but rather in accordance with what he speculatively knows is a probable opinion; and what he knows is assented to by a deliberated, opinative assent by the confessant.<sup>14</sup>

<sup>13</sup> SOTO: *In quartam sententiarum commentarii*, dist. 18, q. 2, a. 5. Cf. TERNUS 1930, 40–42.

<sup>14</sup> SOTO: *In quartam sententiarum commentarii*, dist. 18, q. 2, a. 5: “Nam facere contra conscientiam, non est facere contra speculativam scientiam, sed contra id, quod qui operaret, putat licitum esse facere. Et quamvis sacerdos existimet opinionem poenitentis esse falsam, non tamen inde existimare debet, sibi non licere ipsum absolvere, siquidem propter probabilitatem excusatur ille a culpa.” Cited in TERNUS 1930: 41.

Like Gerson, Nider and St. Antonin, Soto emphasizes the importance of a sincere and diligent moral deliberation when one is about to make a decisive choice among opposing speculative and probable opinions. One's decision must rely on an opinion which is extrinsically probable and which, after a sincere and diligent inquiry, appears to be clearly more probable than its opposite. One is allowed to follow one's individual conscience only when one has based it on reasonable grounds.<sup>15</sup>

Soto comes to this solution through starting from the traditional, "tutoristic" view to the effect that, when moral doubt is understood as a situation in which one can neither assent nor dissent in regard to the rightness of a certain course of action, one must not "perform action against moral doubt".<sup>16</sup> In other words, in a situation of moral doubt one is not allowed to decide to act according to one's wishes. One must not assume the risk of performing a materially evil action.<sup>17</sup> This is the principal rule, but there are exceptions to this rule. Before proceeding to these exceptions, I will explain what the meanings of the notions *pericula* and *rationes*, which Soto uses in this connection, are.

"Danger" or "risk" (*periculum*) refers to the amount of evil in the possible effects that may result from performing a specific action. The lesser the evil included in the possible effect of an action, the lower the risk implied in performing that action. The more substantial the possible sin

---

<sup>15</sup> SOTO, *De dubio et opinione*. A treatise of Soto which is included in the manuscript of his commentary of the *Prima secundae* of the *Summa theologiae* of Thomas Aquinas. An edition of the treatise is included in TERNUS 1930, 47–67. — See *De dubio et opinione* clm. 28 110, fol. 96b; "Quia si quis habeat rationabilem opinionem, quod licet facere talem contractum, vel quis licet habere duo beneficia parva propter aliquas rationabile causas, quia viri docti et timorati dixerunt mihi, dico quod, licet aliquis generet mihi scrupulum, quod non licet, possum facere contra scrupulum, licet illa pars sit tuta. Et hoc regulariter. Et ratio est, quam debent notare scrupulosi: quia in moralibus non sunt exigendae demonstrationes, sed satis est agere coniecturis; alias non possent homines tuto vivere in conscientia." Cited in TERNUS 1930, 60.

<sup>16</sup> "Supponamus ex dialectica, quod dubium est illud, de quo nullum habemus assensum nec dissensum. ... Tunc conclusio est omnium quod non licet facere contra dubium absolute loquendo." SOTO, *De dubio et opinione*, clm 28 110, fol. 95a; Cf. TERNUS 1930, 55.

<sup>17</sup> "Dico quod, quantumcumque habeant plurimas rationes pro parte non tuta, dummodo non habeant assensum, tenentur sequi partem tutam, licet nulla sit ratio pro illa." SOTO, *De dubio et opinione* clm 28 110, fol 95a. Cited in TERNUS 1930, 56.

implied in an action, the less safe the action itself.<sup>18</sup> It appears to be Soto's view that to acquire knowledge of the risks of alternative actions in this sense is not a difficult task for a moral agent. In a condition of moral uncertainty, this knowledge of risks is distinct from the agent's cognition of the various "reasons" (*rationes*) for the justification of alternative courses of action. "*Rationes*", in this sense, do not include our knowledge of the amount of possible harm implied in alternative actions. Rather they represent a kind of probable evidence on the grounds of which we may have a more or less firm belief that, through a particular action, the possible evil effects will not follow. A person may, at the same time, (i) *know* that a specific action *may* have evil effects and (ii) *have good reasons to believe* that it *will not* have these effects.<sup>19</sup> "Equal risk" in alternative actions means that the effects possibly implied in both of them are equally evil. "Equal doubt" in respect to alternative actions refers to the impression of the person that the actions are equally well justified, *i.e.*, that probabilities of the absence of evil effects of alternative actions are equal.<sup>20</sup>

According to Soto, the rule *non licet facere contra dubium* does not apply to situations of speculative moral doubt, because this does not necessar-

---

<sup>18</sup> "Sed quid, si neutra pars est tuta? Tunc est ... conclusio: quod teneor sequi partem magis tutam. V.g. dubito an teneor mentiri pro salvanda vita hominis. Si mentior est periculum veniale; si non mentior, est periculum homicidii. Tunc dico quod teneor mentiri. Eodem modo, si utrumque est periculum mortale, sed maius unum quam aliud; ut dubito an teneor peirare pro salvanda vita hominis; sed scio quod maius periculum est peirare quam occidere. Teneor non peirare." SOTO, *De dubio et opinione*, clm 28 110, fol. 95a. Cited in TERNUS 1930, 56–57.

<sup>19</sup> "Eodem modo dubito an liceat habere plura beneficia et nullum est periculum non habere. ... Sed quid si non est aequaliter dubium? Ut si habeo plures multas apparentias quod liceat plura bebeficia habere, quia Romae sit et multi habent. Dico quod, quantocumque habeant plurimas rationes pro parte non tuta, dummodo non habeant assensum, tenentur sequi partem tutam, licet nulla sit ratio pro illa." SOTO, *De dubio et opinione* clm. a28 110, fol. 95a. Cited in TERNUS 1930, 56.

<sup>20</sup> Cf. SOTO, *Dubio et opinione*, clm. 28 110, fol. 95a: "Distinquunt communiter inter doctores, an dubium sit aequale vel inaequale. Sed dubium est, penes quid debeat attendi ista aequalitas dubii vel inaequalitas, vel utrum solum penes rationes quae sunt aequales vel inaequales ex utraque parte, vel per comparationem peccatorum vel periculorum." Cited in TERNUS 1930, 55.



ily lead to practical doubt.<sup>21</sup> Secondly, it does not apply to situations where both alternative choices imply the taking of risk; in such cases it is impossible to avoid taking risks. In these kinds of cases, one must choose the safer alternative, *i.e.*, that which seems to include less risk.<sup>22</sup> Expressed in another way, if one must choose between two courses of action in regard to which one realizes that both of them may exert an evil effect, then one should choose that from which a “lesser” evil is likely to result.<sup>23</sup> When the alternative courses of action are not equally safe, and when one remains in doubt, *i.e.*, when one cannot assent in respect to either of them, one must not decide on the basis of which alternative has more reasons, but rather one has to choose the safer alternative.<sup>24</sup> When both alternatives appear to include a risk of equally evil effects (*aeque periculosae*), one has to base one’s choice on the “reasons” for the justification of the alternatives; one must choose the alternative in respect to which the justification appears to support more reasons (*plures rationes*).<sup>25</sup> If the risks indicate equally evil effects, and if the reasons for the justification of the alternative courses of action are equal, one may then,

---

<sup>21</sup> “Sed nihilominus, licet conclusio ponatur absolute, quod non licet facere contra dubium, patitur nihilominus exceptiones. ... Sit prima propositio: quod dubium vocamus in proposito dubium practicum et non mere speculativum. V.g. ego possideo domum ex hereditate patris. Aliquis petit a me et ego incipio dubitare an sit mea. Non propterea sequitur quod dubito an teneor dare; quia non sequitur: non est mea, ergo tenetur dare. Nam postquam possideo legitime, non teneor dare quoadusque constiterit quod non est mea.” SOTO, *De dubio et opinione*, clm 28 110, fol. 95a.; TERNUS 1930, 55.

<sup>22</sup> “Sed quid, si neutra pars est tuta? Tunc est ... conclusio: quod teneor sequi partem magis tutam.” SOTO, *De dubio et opinione*, clm 28 110, fol. 95 a. Cited in TERNUS 1930, 56–57. — By the alternative of the lower risk, Soto means the alternative in respect to which the harm possibly caused is lesser than the harm possibly caused by the other alternative.

<sup>23</sup> As an example Soto presents a case in which one has to choose between lying or not lying, when lying may save someone’s life. According to Soto, the evil that possibly follows from lying in an instance of this kind is nevertheless lesser than the evil that follows from telling the truth. Cf. *ibid.*, TERNUS 1930, 56–57.

<sup>24</sup> “Quando enim partes non sunt aeque tutaе, non debeo respicere pro qua parte sunt plures rationes, dummodo semper sit dubium.” SOTO, *De dubio et opinione*, clm 28 110, fol. 95b.; TERNUS 1930, 57.

<sup>25</sup> “Sed quid, quando sunt aeque periculosae ex utraque parte? Dico quod tunc sequenda est pars, ubi sunt plures rationes.” SOTO, *De dubio et opinione*, clm 28 110, fol. 95b. Cited in TERNUS 1930, 58.

according to Soto, choose freely from among them. In this case the *excuse* will be that one was inculpably perplexed: one was *invincibly ignorant* of any facts that could help him or her to reach a rational decision from among them.<sup>26</sup>

Soto's view was that in the first place it is the amount of evil in the possible effects of alternative courses of action that determines what is a rational choice when one is in moral doubt. Either the totally non-evil or the lesser of evil effects must be preferred. Only when there is no difference between the amount of the evil relevant to possible effects shall the choice be determined by the probability of the effects caused by the various alternatives.

According to Soto, when the uncertainty is not of the type of *dubium* but that of *scrupulum*, another criterion for rational decision-making may be used. In the condition of "anxiety" (*scrupulum*) one is able to assent opinatively to the rightness of one course of action, although one at the same time is aware of some evidence for the rightness of the alternative action. If it seems to a person, after a critical inquiry, quite probable that one course of action does not have evil effects to the extent that he has a "reasonable opinion" of it, though reasons do exist for the view that it may have evil effects, this person is allowed to take the course of action in question; and he or she is not bound to take the safer course of action, about which he or she knows that there is no implication of risk in regard to evil effects. If one's action, in this kind of circumstances, results in materially evil effects, then the excuse for the agent in question is that one has acted in accordance with what he or she has opinatively assented to after a thorough examination of all the relevant aspects of the ques-

---

<sup>26</sup> "Sed ubi sunt omnia paria, paria pericula et rationes et omnia, dico quod potest quis sequi utram partem maluerit, et quamcumque sequatur, nullo modo peccabit, nec venialiter, dummodo sit ignorantia invincibilis. Sed contra: quia facit contra dubium. Dicimus, quod excusatur, quando est periculum ex utraque parte, quia alias esset perplexitas sine culpa mea, postquam ignorantia est invincibilis." SOTO, *De dubio et opinione*, clm 28 110, fol. 95b. Cited in TERNUS 1930, 58.

tion. One is not obligated to have demonstrative certainty in all particular moral decisions.<sup>27</sup>

---

<sup>27</sup> Cf. SOTO, *De dubio et opinione*. clm 28 110, fol 96a.: “Sed quid de scrupulo? Utrum liceat facere contra scrupulum? ... Non est idem scrupulus et dubium. ... Nam aliud est, quod ego nullum habeam assensum et quod habeam scrupulum.” *Ibid.* clm 28 110, fol 96b.: “...dico quod scrupulus est suspicio vel formido de opposita parte opinionis. ... Sed tamen est hic notandum, quod non est eadem omnino ratio faciendi contra scrupulum et contra dubium. Quia si quis habeat rationabilem opinionem, quod licet facere talem contractum, vel quis licet habere duo beneficia parva propter aliquas rationabile causas, quia viri docti et timorati dixerunt mihi, dico quod, licet aliquis generet mihi scrupulum, quod non licet, possum facere contra scrupulum, licet illa pars sit tuta. Et hoc regulariter. Et ratio est, quam debent notare scrupulosi: quia in moralibus non sunt exigendae demonstrationes, sed satis est agere coniecturis; alias non possent homines tuto vivere in conscientia.” Cited in TERNUS 1930, 60.

### 3.2. The First Formulation of Probabilism: Bartholome of Medina

In the 19th question of his “*Expositiones in primam secundae Divi Thomae*” (1577), Bartholome of Medina discusses the question of whether an erroneous conscience obligates one or not. In the same connection, he also discusses the problem of the uncertainty of conscience.<sup>1</sup>

Like Cajetan and Soto, Medina draws a distinction between *speculative* and *practical uncertainty*. If one speculatively doubts something, one does not need to worry about that doubt in situations of practical decision-making: One does not sin in acting against one’s *speculative doubts*.<sup>2</sup> However, if one experiences *practical doubt* in regard to whether a certain action that one is going to perform is permitted or not, this means that doubt exists in one’s conscience and that one must choose the safest (*tutior*) course of action.<sup>3</sup> Following the thinking of Soto, Medina admits that one is allowed to act with speculative uncertainty, but that one is not allowed to act on the basis of uncertainty of conscience.

Soto reasoned that it is the task of diligent moral deliberation to bridge the gap between the *factual situation* of speculative moral uncertainty and the *ideal* of certainty of individual conscience. Only after a thorough deliberation is one able to make a rational and well justified choice among opposing, probable opinions. In this respect Medina does not follow Soto’s way of thinking. The starting point of Medina’s argu-

---

<sup>1</sup> MEDINA, *Expositiones in primam secundae Divi Thomae*, ed. Venetiis 1580; (1. ed. 1577). Cf. *ibid.* q. 19, a. 5: “Utrum voluntas discordans a ratione errante sit mala?”; q. 19, a. 6: “Utrum voluntas concordans rationi errante sit mala?” — Cf. DEMAN 1936, 463.

<sup>2</sup> MEDINA, *Expositiones in primam secundae*, q. 19, a. 6: “Dubium est duplex: speculativum et practicum: Speculativum est cum dubito an haec est mea, hic est meus fundus. Practicum, faciendum est hoc, teneor facere, et unico verbo definitio: practicum est quando dubito hic et nunc, operationem quam facio esse peccatum vel non esse. ...Facere contra dubium speculativum non est peccatum.” — Cf. also: TERNUS 1930, 69; DEMAN 1936, 464; SCHMITT 1904, 45–47.

<sup>3</sup> MEDINA, *Expositiones in primam secundae*, q. 19, a. 6: “In dubiis tutior pars eligenda est.”

mentation is the question

...whether we are obliged to follow the more probable opinion abandoning the probable one, or is it sufficient that we follow the probable opinion?<sup>4</sup>

Medina's way of presenting the question in this connection is a novelty.<sup>5</sup> He draws a basic distinction between two kinds of moral opinions: those that are probable, and those that are improbable. Referring to Aristotle, Medina states that probable opinions are those which are confirmed by many arguments as well as the authority of the wise. Improbable opinions lack the support of both arguments and authorities.<sup>6</sup> If one follows an improbable opinion or an opinion about the probability of which one is not sure, one sins.<sup>7</sup>

Medina is aware that standard views regarding decision-making in a condition of uncertainty indicate a solution according to which one is

---

<sup>4</sup> MEDINA, *Expositiones in primam secundae*, q. 19, a. 6: "Sed ex hoc nascitur magna quaestio: utrum teneamur sequi opinionem probabilioem, relicta probabili, an satis sit sequi opinionem probabilem." — Cf. TERNUS 1930, 83–84, SCHMITT 1904, 55–62, DEMAN 1936, 466–468.

<sup>5</sup> Cf. DEMAN 1936, 466: "Sous cette forme distincte et dans cette généralité, la question est nouvelle, posée ici pour la première fois dans l'histoire de la théologie morale."

<sup>6</sup> MEDINA, *Expositiones in primam secundae*, q. 19, a. 6: "...opiniones sunt duplici differentia: quaedam sunt probabiles, quae confirmantur magnis argumentis et sapientum auctoritate, ... aliae sunt opiniones omnino improbabiles, quae nec firmantur argumentis, nec maiorem auctoritate... Ita definit Aristot. 1. Topi. capit. 1. et 1. Ethicorum capit. 4. Tertio, opinio probabilis est conformis recta rationi et existimationi virorum prudentum et sapientum..." — Cf. TERNUS 1930, 85: "Eine 'opinio probabilis' ist eine solche nicht auf irdendwelche Scheingründe hin, auch nicht kraft der Tatsache schlechthin, dass sie Vertreter und Verteidiger für sich hat — 'nam isto pacto omnes errores essent opiniones probabiles' — sie ist vielmehr nur dann eine wirklich probable Meinung, wenn sie von 'viri sapientes' zu der ihrigen gemacht wird und sich auf sehr gute Gründe stützt..."

<sup>7</sup> MEDINA, *Expositiones in primam secundae*, q. 19, a. 6: "Prima conclusio est: si quis agat secundum opinionem, de qua dubitat, an sit probabilis, peccatum committere. ... Ex haec conclusione sequitur evidentissime peccare qui sequuntur opiniones, quas cognocunt vel cognoscere debent esse omnino improbabiles..." Cited in TERNUS 1930, 82. Cf. also DEMAN 1936, 465.

obliged to follow the more probable opinion.<sup>8</sup> He, nevertheless, presents, with intent, a different solution. His famous words are:

It seems to me that if an opinion is a probable one, then one is permitted to follow that opinion, even if the opposite one is more probable.<sup>9</sup>

Medina's first argument on behalf of this view is that, because we are allowed to follow probable opinions on the speculative level without any danger of error, we are also allowed to follow probable opinions on the practical level without the danger of sinning.<sup>10</sup> What this refers to, is that on the level of theoretical thinking one is allowed to defend less probable opinions against those which are more probable, without this implicating any special danger of error. The same principle must also be applied on the practical level, in Medina's view. Thus, on the level of practical action we could very well follow a less probable opinion and act against a more probable one.<sup>11</sup>

The question remains, however: why should one accept the view that the method of using probable opinions in theoretical reasoning should also be applied on the level of practical reasoning? If, in accordance with practical reasoning, a certain action is more likely an adequate means to an end than another particular action, why would it be acceptable to follow, *indifferenter*, an opinion leading to the one action as well as an opin-

<sup>8</sup> Medina refers to an observation by Soto (SOTO, *De Iustitia et iure*, lib. III, q. 5, a. VI) to the effect that one must follow the more probable opinion when its opposite is less probable. Cf. MEDINA, *Expositiones in primam secundae*, q. 19, a. 6. — Cf. TERNUS 1930, 84. See also JONSEN & TOULMIN 1988, 164.

<sup>9</sup> MEDINA, *Expositiones in primam secundae*, q. 19, a. 6: "Mihi videtur, quod si est opinio probabilis, licitum est eam sequi licet opposita probabilior sit."

<sup>10</sup> MEDINA, *Expositiones in primam secundae*, q. 19, a. 6: "Nam opinio probabilis in speculativis ea est, quam possumus sequi sine periculo erroris et deceptionis, ergo opinio probabilis in practicis ea est quam possumus sequi sine periculo peccandi."

<sup>11</sup> In this connection Medina chooses not to follow Soto. Cf. SOTO, *De Iustitia et iure*, lib. III, q. VI, a. V: "Igitur in primis necessarium semper est, sententiam secundum probabiliorum opinionem subscribere, etiamsi altera sit probabilis. In speculabilibus namque scholarum disputationibus nullum inde conflatur periculum quod quispiam minus probabilia ingenij gratia defendat: in practicis vero quae aliena iura respiciunt, nefas est iudici infirmiorum opinionem sectari..."

ion leading to the other action?<sup>12</sup> As will be seen, Medina did not think that, in a situation of practical decision-making, one should be more certain than at the theoretical level, when having opposite principles of which both are probable.

Medina's second argument is that the notion of 'probable opinion' implies that a probable opinion may be followed without reproach. To state that an opinion is probable and, at the same time, that we are not allowed to follow it, implies a contradiction.<sup>13</sup> This argument supports the view to the effect that the term *opinio probabilis* is actually synonymous with the term *opinio approbabilis*. The probability of an opinion is synonymous with its approvability by qualified authorities and probable opinion is therefore approvable (*approbabile*) on the part of an individual as well. Medina's third argument shares some similarity with the second one. He states that in following a probable opinion no sin is involved, because a "probable opinion" is in accordance with *right reason* as well as the opinion of prudent and wise men. If a particular opinion is against reason, then, *per definitionem*, it does not represent a probable opinion. The notion of 'probability' is connected with the notion of 'right reason'.<sup>14</sup>

Medina considers that it is possible that both of two opposing probable opinions are simultaneously in accordance with right reason. His view is that the opinion that is more probable is more in accordance with right reason than the opposite one. He admits that it may be a "more

---

<sup>12</sup> Cf. DEMAN 1936, 467–468; JONSEN & TOULMIN 1988, 166–7.

<sup>13</sup> MEDINA, *Expositiones in primam secundae*, q. 19, a. 6: "Secundo: Opinio probabilis ex eo dicitur probabilis, quod possumus eam sequi sine reprehensione et vituperatione: ergo implicat contradictionem, quod sit probabilis, et quod non possumus eam licite sequi. ... opinio non dicitur probabilis ex eo, quod in eius favorem adducantur rationes apparentes et quod habet assertores et defensores, nam isto pacto omnes errores essent opiniones probabiles, sed ea opinio probabilis est, quam asserunt viri sapientes, et confirmant optima argumenta, quae sequi nihil improbabile est."

<sup>14</sup> MEDINA, *Expositiones in primam secundae*, q. 19, a. 6: "Tertio, opinio probabilis est conformis recta rationi et existimationi virorum prudentum et sapientum; ergo eam sequi non est peccatum, consequentia evidens est, et probatur antecedens; nam si est contra rationem, opinio probabilis non est sed error manifestarius." — Cf. TERNUS 1930, 86.

perfect” method of action to follow the opinion more in accordance with right reason, but he says that this is not obligatory, because “no one is obligated to that which is better and more perfect.”<sup>15</sup>

It is interesting in this connection that the *degree of perfection* in regard to the method of action, in accordance with an opinion, is directly related to the *degree of probability* of that opinion. The more probable an opinion one follows, the more perfect the way one behaves. In addition to this, because probability in this respect denotes the approvability of an opinion by authorities, Medina’s view appears to be that the most perfect method of action is that which has won the widest acceptance among the authorities.

According to Medina, ‘probability’ is a reference to the degree of conformity a proposition has with right reason. We may ask how it is possible to state, as Medina seems to do, that both two contradicting opinions conform — to some degree — to right reason at the same time. Medina does not explicitly reply to this question but he seems to think that the group of wise men represents right reason and that the opinions put forward there have a share with right reason. Medina thinks that opinions of right reason are formulated from the point of view of the final end of moral action. Probable opinions concerning the final end refer to various means of attaining this end. Some means are surer than others; therefore, they are more approvable (*approbables*) as well as more probable (*probables*). Medina supports the view that it is morally sufficient that we choose good means, but that we are not obliged to choose the best means to an end. To follow a probable opinion is good enough and adequately safe; one is not obliged to take the “best”, or safest, way.<sup>16</sup>

It is interesting that Medina considers that intersubjective or extrinsic probability, *i.e.* probability by authorities, also renders an opinion

---

<sup>15</sup> MEDINA, *Expositiones in primam secundae*, q. 19, a. 6: “Sed dices, esse quidem rectae rationi conformem, tamen quia opinio probabilior, est conformior et securior, obligamur eam sequi. ... Nemo obligatur ad id quod melius et perfectius est, perfectius est esse virginem, quam esse uxoratum...”

<sup>16</sup> *Ibid.*



“safe” (*tuta*). In the case that two contradicting probable opinions exist, both are, essentially speaking, safe; the more probable opinion is more safe, but this does not imply that the less probable one is not safe to a degree.<sup>17</sup> This represents a new way of using the term *safety* (*tutitas*). According to standard medieval interpretation, “safety” is conceptually connected to the risk of performing a materially evil action. According to the same interpretation, this risk is invariably actualized when the moral status of a certain action is dubious. If the existence of a norm (a precept or a prohibition) is dubious, it is safer to suppose that it exists. Safety as such does not correlate to probabilities. Between two contradicting opinions, one which is more probable than the other can, at the same time, be less safe than the other.

What makes a probable opinion safe, Medina reasons, is not that it is connected to the avoidance of a materially evil action. Therefore, that which is a truly probable opinion is, for Medina, a safe opinion, but not necessarily an *objectively* safe opinion. Medina’s view is that it is *morally* safe, because one who follows such an opinion can be sure that one has an *excuse* if it so happens that a materially evil action results from following that opinion. The excuse will be that one must not be blamed for having behaved in precisely the same manner as those wise men who certainly are allowed to follow probable opinions.<sup>18</sup> If one follows a less probable opinion, one may take a risk of performing a *materially* evil action, but, according to Medina, one does not assume the risk of performing a *morally* evil action.<sup>19</sup>

---

<sup>17</sup> “Verum esse quod in dubiis tutior pars est eligenda, quando utraque periculosa est; caeterum licet opinio probabilior tutior sit, probabilis est secuta et tuta, et non habet periculum.” MEDINA, *Expositiones in primam secundae*, q. 19, a. 6.

<sup>18</sup> MEDINA, *Expositiones in primam secundae*, q. 19, a. 6: “...cum posse sequi opinionem probabilem apud viros sapientes certum sit, qui operatur secundum opinionem probabilem, non se exponit periculo peccandi.” — Cf. SCHMITT 1904, 59–60.

<sup>19</sup> Cf. DEMAN 1936, 467: “L’argument principal de Medina est que l’opinion moins probable, bien qu’il y ait avec elle, pour ainsi dire sur le marché, une opinion plus probable, conserve sa probabilité. L’une a plus de chances d’être vraie, mais il reste à celle-là toutes les siennes. Dire que l’on peut choisir la moins probable — ainsi raisonne-t-il — n’est qu’une conséquence de ce qu’on a toujours dit, peut-être même une autre façon de le dire, savoir que l’homme peut agir selon une opinion probable.”

The idea that a less probable but nevertheless truly probable opinion is morally safe implies that one can base his or her firm judgement of conscience on less probable, speculative moral opinions. Thus Medina's statement, "if an opinion is a probable one, then one is permitted to follow that opinion, even if the opposite one is more probable", can be utilized as a formal principle, a *general reflex principle*, by which anyone can bridge the gap between speculative moral uncertainty and the certainty of conscience.<sup>20</sup>

This new way of solving problems in regard to moral uncertainty includes the view according to which one is allowed to stop moral deliberation immediately after one has noticed that there are two opposing, truly probable opinions concerning the moral status of an action. One does not need to continue deliberation until one is able to assent to one of them as more probable. Subjective probabilities in respect to opposing opinions do not seem to be critical to Medina's solution.<sup>21</sup> The knowledge regarding the extrinsic, or intersubjective, probabilities of opinions is what has significance. Medina's formal principle of *minusprobabilism* replaces individual moral deliberation.<sup>22</sup>

---

<sup>20</sup> Cf. SCHMITT 1904, 45: "Die Grundlage des Systems nun ist bei Medina ... dass die letzte und eigentliche Norm des sittlichen Handelns nur die direkt oder indirekt erlangte Gewissheit (wenigstens certitudo moralis) über die Erlaubtheit der Handlung ist." *Ibid.*, 47: "Wir kommen zu einem weiteren Kernpunkt im probabilistischen System, dem Übergang von spekulativer Unsicherheit zu praktischer Gewissheit." *Ibid.*, 56: "So ist erwiesen, dass Medina nicht nur für den Zweifel partikuläre Reflexprinzipien kennt, die zu praktischer Gewissheit führen können, sondern auch für den Zustand der meinung ein allgemeines *principium reflexum* kennt in der Form: 'Sequi opinionem probabilem non est peccatum;?...'" — Cf. also: TERNUS 1930, 87–88: "Das spezifisch Neue bei Medina ist die bewusst systematische Wende zum Probabilismus, wie sie in der Minusprobabilitätstheorie ihren betonten Ausdruck findet."

<sup>21</sup> Cf. TERNUS 1930, 99–100: "Es finde sich kein ausdrücklicher Anhaltspunkt bei Medina, dass er von der *subjektiv* geringeren Wahrscheinlichkeit rede. Die objektiv geringere Wahrscheinlichkeit kann ja sehr wohl subjektiv als die grössere erscheinen."

<sup>22</sup> Cf. DEMAN 1936, 467: "Il est clair maintenant quae les opinions sont ici traitées *comme des choses étrangères à l'esprit*. On se passe de l'adhésion intellectuelle. On adopte une morale sans pensée. L'esprit n'est plus de la partie."

### 3.3. The Foundations of Probabilism According to Francisco Suárez

Like Cajetan and Medina, Suárez is of the view that there are two kinds of moral judgements: speculative and practical. According to Suárez, the term “conscience” (*conscientia*) denotes both a speculative judgement of intellect and a practical judgement of intellect. As a practical judgement, “conscience” refers to an act of judging the moral status of a particular action here and now.<sup>1</sup> As a speculative judgement, “conscience” refers to an act of judging the truth of some condition or general principle upon which the moral status of a particular action depends.<sup>2</sup>

Suárez reasons that it is possible that the speculative judgement of conscience may be false<sup>3</sup> and the practical judgement of conscience true at the same time. On the theoretical level, one may err in respect to some fact that is involved with the premises of practical reasoning. At the same time, one may draw a practically true conclusion basing it, erroneously, on a false premise. Suárez thinks that one may, following one’s true practical judgement of conscience, perform an action that is, in fact, evil. This can conceivably happen whenever one’s speculative judgement of

---

<sup>1</sup> SUÁREZ, *De bon. et mal.*, disp. XII, sec. I, n. 5: “Dicendum tertio conscientiam esse actuale et practicum iudicium intellectus discernentis de rebus agendis inter bonum et malum, turpe et honestum, praeceptum et prohibitum.” Cf. also *Ibid.*, disp. XII, sec. I, n. 6: “Quando vero dicimus debere esse iudicium practicum, advertendum est interdum hoc iudicium posse versari proxime circa actionem ipsam humanam, ut hic et nunc pensatis omnibus existimata honestam, vel turpem, et hoc est proprie conscientiae iudicium, quod practicum dicitur, quia iudicat de actione in particulari cum omnibus circumstantiis ejus in ordine ad executionem...” — Concerning Suárez’ view in respect to moral probabilism, cf. DEMAN 1936, 473–81; ABELLÁN 1948, 35–59.

<sup>2</sup> SUÁREZ, *De bon. et mal.*, disp. XII, sec. I, n. 6: “...interdum vero potest esse iudicium de aliqua conditione, vel principio, ex quo pendet honestas vel turpitudine actionis, ut est utrum haec res ista mea, vel aliena, ex quo pendet, an actio sit iusta, vel iniusta, et hoc solet appellari iudicium conscientiae, et hoc iudicium formaliter magis est speculativum, quam practicum, et interdum sufficit, ut actio mala moraliter censeatur, ideo nomen conscientiae retinet.”

<sup>3</sup> Note that “speculative judgement of conscience” is not the same as “synteresis”, which never errs. Cf. *De Legibus*, lib. II, c. VIII, n. 5.

conscience errs. In other words, if some of the premises of practical reasoning are false, the practical action may be evil in itself. Even so, if the falsity of the (speculative) premises is a result of the persons's *invincible ignorance*, his or her practical judgement of conscience results in an honest act of will, and, Suárez thinks that this means the practical judgement made by the person is, in itself, true.<sup>4</sup>

According to Suárez, there are degrees of certainty both in the speculative and practical conscience.<sup>5</sup> For our purposes, it is sufficient to look at what he has written about decision-making in uncertainty when one has a *doubtful conscience*, on the one hand, and when one has a *probable conscience*, on the other. Having a doubtful conscience in regard to a particular action means that one cannot make any positive judgement on the moral status of that action. In this case one has a “formally” or *intrinsically doubtful conscience*. There is doubt in the practical judgement of the conscience.<sup>6</sup> If there is doubt in one's speculative judgement of conscience, doubt in regard to the truth of some premise of practical reason-

---

<sup>4</sup> See *De bon. et mal.*, disp XII, sec. II, 5: “Atque hinc constat dupliciter posse esse conscientiam veram, aut falsam, speculative et practice, interdum enim vel utroque modo vera est, vel utroque modo falsa: scilicet quando, et rei ipsi secundum se et secundum intrinseca ejus principia, et in particulari, ut hic et nunc, comparatur ad operantem, conformis est, vel difformis; aliquando vero est vera practice, et falsa speculative, quo modo conscientia, quae vocatur erronea invincibiliter falsa est, quatenus erronea est: est autem practice vera, quia, ut supra dictum est, appetitus, qui ex illa sequitur, revera rectus est, unde ejus veritas est practica, quia sumitur in ordine ad appetitum sic operantis cum his circumstantiis, et cum illo habet veram conformitatem.” Cf. an example of the use of this distinction: *ibid.*: “...ut quando Jacob judicavit licitum sibi esse petere debitum a Lia, illud judicium erat vera practice, id est, comparatum ad objectum ut hic et nunc sibi propositum, tamen comparatum ad personam Lia secundum se, et secundum conditionem, quam in re ipsa habebat, erat falsum, quia vere non erat propria uxor.”

<sup>5</sup> “Tertio dividitur conscientia in certam, dubiam, probabilem et scrupulosam, cum enim conscientia sit actus cognitionis et iudicii proprii, et per se, dividitur per proprietates cognitionis, unde sicut ex ordine ad materiale objectum dividitur per veram et falsam, ita ex ordine ad formale, seu ad medium iudicandi dividitur per certam, dubiam, probabilem et scrupulosam.” *De bon. et mal.*, disp. XII, sec. II, n. 6.

<sup>6</sup> *De bon. et mal.*, disp. XII, sec. II, n. 7: “Hinc secundo conscientia dubia dupliciter contingere potest: uno modo practice in illo iudicio ultimo de actione, et hanc volo formaliter et intrinsece dubiam; haec tamen conscientia, ut ab aliis distinguitur, revera non includit positivum practicum, sed potius carentiam, vel suspensionem circa honestatem, vel turpitudinem actionis,...”

ing, in that case one has an *extrinsically doubtful conscience*. Suárez points out that having an extrinsically doubtful conscience does not imply having an intrinsically doubtful conscience.<sup>7</sup>

The first general rule of Suárez for decision-making in uncertainty is that “every doubt and danger must be excluded” from the practical judgement of conscience. One must be sure in one’s practical judgement of conscience of the allowability of a course of action that one is going to take, before one starts taking action.<sup>8</sup> Because doubt in the speculative judgement of conscience does not necessarily result in doubt in the practical judgement of conscience, one is allowed to act with a speculatively doubtful conscience. Suárez says that the “natural conditions of man” are such that, on many occasions, one must act although one cannot be sure of the truth of the premises, in regard to one’s practical decision. Therefore, speculative uncertainty must be allowed.<sup>9</sup> He thinks, however, that it is not without complications to maintain that we may legitimately

---

<sup>7</sup> *Ibid.*, disp. XII, sec. II, n. 7: “...alio vero modo illud iudicium practicum denominatur dubium solum extrinsece, quae dubitatio non excludit certitudinem practicam in ipso ultimo iudicio, sed tantum speculativam circa rem aliquam, quae ante illud iudicium supponit, ut quando aliquis dubitans an emiserit, vel non emiserit votum, iudicat sibi esse licitum non implere: haec conscientia est practice certa formaliter, extrinsece vero potest denominari dubia, ut dictum est.”

<sup>8</sup> *Ibid.*, disp. XII, sec. III, n. 2: “Dicendum primo, ut voluntas sit recta, necessarium esse ut sequatur iudicium conscientiae practice certum de honestate objecti et actionis:... ergo, ut homo recte moraliter operetur, oportet excludere omne dubium et periculum malitiae: hoc autem non fit sine iudicio certo saltem practico.” — Cf. also *ibid.*, disp. XII, sec. III, n. 5: “Dicendum secundo ad malam operationem non requiri iudicium certum de malitiae, sed satis est, quod homo voluntarie operetur sine iudicio certo de honestate.” and *ibid.*, disp. XII, sec. V, n. 2: “...ergo conscientia sic dubia formaliter et intrinsece non potest sufficere ad bene operandum...”

<sup>9</sup> *Ibid.*, disp. XII, sec. V, n. 4: “Secundo certum est conscientiam practice certam, quamvis extrinsece dubia sit in aliquo principio speculativo, vel in cognitione alicujus rei, ex qua videtur pendere honestas actionis, nihilominus sufficere ad honeste operandum...”; *ibid.*: “Ratio est, quia regula voluntatis humanae est conscientia practica: ergo si illa certa est et vera, et necesse est, ut appetitus illi conformis est rectus...atque ratio hujus rei sumitur ex ipsa naturali hominis conditione, quia saepe est illi impossibile iudicare, quod in re verum sit, cum tamen illi moraliter necessarium sit nihilominus operari; ergo oportet ut saltem practice possit determinari.”

have a doubtful speculative conscience and a sure practical conscience at the same time.<sup>10</sup>

At first, he draws an important distinction between speculative *doubt of law* (*dubium iuris*) and speculative *doubt of fact* (*dubium facti*). An example of the former is when someone is in doubt of whether something is a command or not, and an example of the latter is provided when one is in doubt of whether a thing is in his ownership or not.<sup>11</sup>

The general rule in a situation of doubt of law is that “a doubtful law does not bind”. Suárez offers two reasons for this solution. Firstly, there is, in the *Canon Law*, the principle: *In doubtful cases the lot of the owner should be preferred (in dubiis melior est condicio possidentis)*. This rule must be applied so that *the freedom of an individual* must be assigned as a substitution to “the lot of the owner”.<sup>12</sup> Therefore, when doubt exists as to the existence of a command or prohibition, the freedom of an individual must be preferred and must not be restricted by that possible command or prohibition. Another reason for this solution is that, according to Suárez, no law is binding unless it has been *sufficiently promulgated*. Thus, reasonable doubt in regard to the existence of a command implies that the command in question is not sufficiently promulgated and therefore does not bind.<sup>13</sup>

Suárez’ thinking implies that if it happens that in acting against a doubtful command, one performs an evil act, one will not be blamed.

<sup>10</sup> *Ibid.*, disp. XII, sec. V, n. 5: “Quomodo non obstante dubio extrinseco possit formare conscientia certa?”

<sup>11</sup> *Ibid.*, disp. XII, sec. V, n. 6: “...distinguere possumus, duplex dubium: unum juris, ut, an hoc sit praeceptum, necne: aliud facti, ut, an res sit mea, necne...”

<sup>12</sup> *Ibid.*, disp. XII, sec. V, n. 7: “Et tunc generalis regula est non obligare: ratio peti potest ex illo principio, quod in dubiis melior est condicio possidentis; homo autem continet libertatem suam...” — Suárez view was that an individual’s right of *dominium* over his or her liberty represents one natural right. Cf. *De Legibus*, p. 159: “If, however, we are speaking of the natural right of *dominium (ius naturali dominativo)*, it is then true that liberty is a matter of the *ius naturale* in a positive and not merely negative sense, since nature itself confers upon man the true *dominium* of his liberty.” Cited in TUCK 1979, 56. — Concerning the history of the theories of natural rights and the understanding of liberty as a natural right of man during the Renaissance, cf. TUCK 1979 33–57.

<sup>13</sup> *Ibid.*, disp. XII, sec. V, n. 7: “...vel certe ex illo, quod in materia notandum est, quod lex non obligat, nisi sit sufficienter promulgata: quamdiu autem rationabiliter dubitatur, an lata sit, non est sufficienter promulgata.” — Cf. also JONSEN & TOULMIN 1988, 169.

An excuse, namely, is available: one has acted with speculative doubt in respect to the existence of that command, but one has been, in conscience, practically certain that one as a free individual is allowed to perform that action. Although one has performed an action that is evil in itself, one has not broken any command of law. The person has not taken any moral risk of acting against a command of the law, because the doubtful command in question was not a sufficiently promulgated command.<sup>14</sup> Reasonable doubt in connection with the existence of a command implies that the command in question is insufficiently promulgated. Acting against an insufficiently promulgated command does not imply assuming moral risk.

However, when there is reasonable *doubt of some fact* upon which one's moral decision depends, *this* doubt does not make the question about that fact irrelevant or indifferent. Doubt in relation to fact must always be taken very seriously. The general rule is that when there is factual doubt, one must take the safest course of action. One must not assume any risk of performing a materially evil action.<sup>15</sup>

After discussing the problem of doubtful conscience Suárez tries to provide a solution to the problem in respect to *probable conscience*.<sup>16</sup> Probable conscience must be based on a probable opinion and, according to Suárez, only such opinions are probable which are accepted by at least some notable authorities and which “do not contradict the truths of the Catholic Church or evident reason, or the common teachings of the doctors of the Church”. The wider acceptance among authorities an opinion

---

<sup>14</sup> Cf. *De bon. et mal.*, disp. XII, sec. II, n. 7: “Quaeres quomodo in re dubia, vel probabili potest fundari certitudo? Respondetur, quia non fundatur in illo tanquam in principio, sed solum tanquam in solo simplici termino, seu extremitate syllogismi, ex quo conficitur certum aliquod principium practicum in hinc, vel similem modum. In tali dubio vel probabilitate licitum est sic operari; sed hic intercedit tale dubium, vel probabilitas: ergo licitum est, etc.; illae enim praemissae non sunt dubiae, vel probabiles, sed evidentes, et certae, vel assumunt dubium, vel probabilitate tanquam medium, vel extremitate syllogismi.”

<sup>15</sup> *De bon. et mal.*, disp. XII, sec. V, n. 8: “Circa dubium facti primo servanda est illa regula iuris: *In dubiis tutior pars est eligenda*”.

<sup>16</sup> *Ibid.*, disp. XII, sec. VI: “Quomodo sit utendum conscientia opinanti, seu probabili ad recte operandum?”

enjoys and the more compatible with the teachings of the Church it is, the more probable it is.<sup>17</sup> Suárez is familiar with the Aristotelian notion of ‘probability as approvability by qualified authorities’.

Opinative assent always includes some fear (*formido*) that one may assent erroneously. Probable opinative assent represents an uncertain judgement as well. Suárez maintains that the intrinsic and practical conscience must always be certain and he comes to the conclusion that an honest action may not be based on a *probable practical judgement of conscience*.<sup>18</sup> Nevertheless, a *probable speculative judgement of conscience* is sufficient for honest action. A speculative opinion that “has reached the grade of probability” is sufficient for “forming a practically certain and correct conscience”. Conscience must be founded on opinions that enjoy some kind of intersubjective or extrinsic probability, *i.e.*, sufficient support by qualified authorities.<sup>19</sup> According to Suárez, one is allowed to base one’s practical conscience on probable, speculative judgements, when surer judgements are unavailable.<sup>20</sup> When both opposing speculative opinions are as probable and as safe, one is then allowed to freely choose from among them.<sup>21</sup> Because of human conditions from which we cannot expect demonstrative certainty in respect to moral judgements, a sure

---

<sup>17</sup> *Ibid.*, disp. XII, sec. VI, n. 1: “Nobis nunc satis est, illam existimari opinionem probabilem, quae etiam nititur auctoritate aliqua digna fide (quae in re morali multum habet ponderis) et non repugnat, aut veritatibus ab Ecclesia receptis, aut evidenti ratione: neque etiam temere contradicit communi, et receptae doctrinae doctorum: unde quo plus opinio participaverit utramque harum rationum, eo erit probabilior.”

<sup>18</sup> *Ibid.*, disp. XII, sec. VI, n. 2: “...conscientiam intrinsece et practice formidosam, non sufficere ad honestatem actionis.”

<sup>19</sup> *Ibid.*, disp. XII, sec. VI, n. 4: “Tertio est certum, probabile iudicium speculativum, quando contrarium nihil certius, vel probabilius occurrit, sufficere ad conscientiam practicam veram, et certam formandam.” Cf. also *ibid.* n. 3: “Secundo est certum, opinionem speculativam, quae non attingit gradum probabilitatis, per se non sufficere ad formandam conscientiam certam et rectam practice... Et ratio est, quia talis opinio non sufficienter determinat intellectum ad prudens iudicium ferendum.”

<sup>20</sup> *Ibid.*, disp. XII, sec. VI, n. 4: “...homo prudenter operatur juxta probabilem cognitionem, quando aliam meliorem consequi non potest.”

<sup>21</sup> *Ibid.*, disp. XII, sec. VI, n. 4: “...si in omnibus aequales sunt, libera est optio sine difficultate.”



conscience may be based on probable speculative judgements.<sup>22</sup>

What is, then, Suárez's solution to that problematic situation in which one must make a decision among two opposing probable opinions, of which the one is more probable than the other? Suárez is familiar with the general formal principle of Medina's *minusprobabilism*<sup>23</sup> and he is aware of Soto's probabilioristic solution.<sup>24</sup>

At first, Suárez makes a distinction between the *probable opinions of law* (*opiniones circa ius*) and the *probable opinions of fact* (*opiniones circa res*).<sup>25</sup> When there are two opposing probable opinions in regard to the existence of a command of law, and one opinion supports the view that such a command does not exist, one is, according to Suárez, able — and allowed — to form a sure practical judgement of conscience, basing it on this probable opinion.<sup>26</sup> Suárez appears to believe that one is allowed to assume the risk of acting against the law. He states that it would be unfair to require that everyone should make comparisons between different probable opinions in order to be able to decide which one of them is the most probable one. It is sufficient that one knows which opinions are probable and which are not.<sup>27</sup>

Suárez's view is that one can proceed in one's practical reasoning in the following way: "I know that there is a probable opinion to the effect that this kind of action is not prohibited, therefore I am certain that I am

---

<sup>22</sup> SUÁREZ, *De Legibus*, lib. VI, cap. VIII, n. 6: "...iudicium probabile in rebus moralibus sufficit ad prudenter operandum, praesertim ubi regula certa applicari non potest, ut ex materia conscientia suppono. — Item quia alius modus operandi est ultra humanam conditionem, et prudentiam, cum omnis fere cognitio humana coniecturalis sit et praesertim in rebus agendis."

<sup>23</sup> *De bon. et mal.*, disp. XII, sec. VI, n. 5.

<sup>24</sup> *Ibid.*, disp. XII, sec. VI, n. 6.

<sup>25</sup> *Ibid.*, disp. XII, sec. VI, n. 8.

<sup>26</sup> *Ibid.*, disp. XII, sec. VI, n. 8: "Dum est opinio probabilis aliquam actionem non esse prohibitam aut praeceptam nec intrinsece malam, potest quis formare sibi conscientiam certam vel practicam tali opinioni conformem."

<sup>27</sup> *Ibid.*, disp. XII, sec. VI, n. 8.

allowed to perform that action.”<sup>28</sup> One is allowed to discontinue one’s moral deliberation after one has discerned that a probable opinion for both alternative choices exists.

One can easily bridge the gap between the factual speculative uncertainty of probable opinions and the ideal practical certainty of the judgement of conscience by applying the following formal principle: *Law does not bind unless it is sufficiently promulgated*. Suárez, namely, states that when there is a probable judgement that no law prohibiting or commanding a certain action exists, then that law is insufficiently presented or promulgated to people.<sup>29</sup> If it happens that one who follows a probable opinion and acts against a more probable opinion performs, in fact, an evil act, he or she will not be blamed because he or she has an excuse: The law was not sufficiently promulgated to him or her.

When there are two opposing *probable opinions of the facts*, then one must always choose either the most probable, the most certain or the safest alternative.<sup>30</sup> Sometimes, according to Suárez, this means that one must act against what is considered more probable when the expected

---

<sup>28</sup> *Ibid.*, disp. XII, sec. II, n. 3: “Respondetur hoc argumentum declarare practicam certitudinem necessariam, quia si cum probabili iudicio speculativo excluditur periculum malitiae, profecto ut homo rationabili, et humano modo operetur, oportet ut hoc ipsum cognoscat et iudicet; sed hoc ipso habet iudicium practice certum de honestate suae actionis, quia ex principiis certis iudicat, hic et nunc se operari sine periculo malitiae. Unde sumitur confirmatio: nam semper potest homo facili negotio habere hanc certitudinem, quia si faciat moralem diligentiam et iuxta probabilem opinionem comparatam operetur, iam est certus practice de honestate actionis.” — Cf. SCHMITT 1904, 121.

<sup>29</sup> *Ibid.*, disp. XII, sec. VI, n. 8: “...quia quamdiu est iudicium probabile, quod nulla sit lex prohibens, vel praecipiens actionem, talis lex non est sufficienter proposita, vel promulgata homini...”

<sup>30</sup> *Ibid.*, disp. XII, sec. VI, n. 10: “Quando opiniones versantur circa red ipsas, an sit talis naturae vel conditionis, saepe tenetur homo praeferre opinionem certam probabili, et probabiliorem minus probabili, quando scilicet ex justitia, vel charitate tenetur vitare damnum, vel incommodum, quod in re ipsa subest, vel periculum ejus. ... Declaraturque exemplis, nam medicus sine dubio tenetur praeferre certam medicinam dubiae, et sic aliis...”

*utility* is more significant in the less probable alternative than in the more probable instance.<sup>31</sup>

It is interesting, on the one hand, that in problems of speculative moral *uncertainty of law* the recognition of uncertainty implies freedom. When we recognize that there is uncertainty in regard to the existence of a command of law, we realize that we are free to behave as if that command were not in existence at all. The formal principle that Suárez uses reveals that when we act with *speculative uncertainty of law* we do not really assume any risk at all. This uncertainty specifically indicates that a command of law against which we could possibly act does not exist. From this it follows that the possibility of our action being, in fact, an evil action also does not exist.

According to Suárez, the essential nature of law presupposes a will that commands us to obey the indicative statements stating what is good and what is evil.<sup>32</sup> Such a will is represented in the will of the legislator and it is made known to people by the promulgation of the law itself. If there is insufficient promulgation of a command to follow a certain

---

<sup>31</sup> *De bon. et mal.*, disp. XII, sec. VI, n. 11: “Interdum licet uti probabili opinione circa actum, ommissa probabiliore, propter aliquam utilitatem, vel quia in re ipsa tutior est ad aliquem finem honestum...” — Suárez makes a distinction between the notions of probability and safety. Cf. *ibid.*, disp. XII, sec. VI, n. 2: “Advertendum est, aliud esse opinionem esse probabilem, aliud tutiorem: nam primum illud dicitur in ordine ad veritatem magis, vel minus ostensam: hoc autem secundum videtur dicere ordinationem ad aliquam finem, seu majorem utilitatem ad illum...”

<sup>32</sup> See *De Legibus*, lib. II, c. VI, n. 5: “Dico ergo primo; lex naturalis non tantum est indicativa mali et boni; sed etiam continet propriam prohibitionem mali et praeceptionem boni.”; *ibid.*, lib. I, c. V, n. 24: “...spectando ad rem ipsam melius intelligi et facilius defendi, legem mentalem (ut sic dicam) in ipso legislatore esse actum voluntatis iustae et rectae quo superior vult inferiorem obligare ad hoc vel illud faciendum.” — Cf. also: *ibid.*, lib. I, cc. IV, VI and VII. — Cf. FARRELL 1930, 51: “This act of judgment is followed immediately by an act of election on the part of the will by which the legislator accepts the judgment of the intellect, chooses it and wills that it be observed by his subjects. *In this act of election precisely consists the essence of law?*” — Cf. also LUSCOMBE 1982, 715–8; LUNDBERG 1966, 133–138.

indicative statement, such a command in turn does not exist.<sup>33</sup> When the command in question does not even exist, there is *prima facie* nothing evil in acting in one way or other in relevant situations.

It is intriguing, on the other hand, that the *uncertainty of some facts* that affect our moral decisions does not imply that we are able to freely choose between various alternatives or that the risk of an evil action is excluded. This shows that Suárez is aware of a *distinction between facts and values expressed in laws*. Laws come into existence through their sufficient promulgation to people by the will of the legislator. The existence of laws depends on people being made aware of them. Even so, the existence of facts does not depend on whether people have knowledge of them or not. Therefore, our uncertainty of facts does not “weaken” their existence; nor does it denote that someone has not “sufficiently” rendered them into existence.<sup>34</sup>

Our uncertainty in regard to facts indicates that we know that some relevant facts may exist; therefore, we conclude that, in some cases, the risk of performing a materially evil action exists. Faced with uncertainty in respect to facts, we must always choose either the best, the safest or the most probable alternative. Otherwise, we intentionally put ourselves in danger of performing a materially evil act. Uncertainty of facts when one is making a practical decision implies specific uncertainty as to what the best means for the attainment of the end aimed at actually are. This is why it is unreasonable to assume risks or choose a less probable alternative.

---

<sup>33</sup> *De Legibus*, lib. I, c. XI, n. 3: “...ergo donec promulgetur, non est vera lex, ac subinde promulgatio est de ratione legis.” — See also *ibid.* lib. I, c. XII, n. 5, in which Suárez presents the definition of law: “Law ... is a common, just and stable precept, which has been sufficiently promulgated.” (“Lex ... est commune praeceptum, iustum ac stabile sufficienter promulgatum.”) — Cf. COPELSTON 1983, 381 and WILENIUS 1963, 39.

<sup>34</sup> Cf. *ibid.* disp. XII, sec. II, n. 10: “... confirmatur ex differentia inter iudicium de jure, vel de re, nam primum dicit ordinem ad operantem, et omnino tollit periculum malitiae: secundum vero dicit ordinem ad rem ipsam, et non tollit periculum detrimenti, quod est in ipsa re. Unde in priori est sufficiens excusatio, seu ratio sequendi probabile iudicium, quia nondum est lex sufficienter proposita, et non expedit hominem obligationibus operari: hic autem nulla est sufficiens excusatio, cum satis constet periculum in re ipsa manere, et consequenter inde obligationem oriri.”

It is worth pointing out that this way of thinking is, in a sense, similar to what Aquinas teaches in his solutions to moral uncertainty. For Aquinas, moral norms are descriptive statements concerning what an adequate manner of action is, in a particular situation, in order to attain the end aimed at. This may also be one reason why Aquinas does not believe that the uncertainty of the existence of a command implies the freedom to choose whatever one wants. With Aquinas, moral values and facts are not separated as they are in the philosophy of Suárez.<sup>35</sup> Because of his *voluntaristic view* of man as an agent<sup>36</sup> and because of his more *deontological theory of ethics*,<sup>37</sup> Suárez comes to a solution in connection with the problem of moral uncertainty that essentially differs from the solutions presented by Aquinas.

Late medieval attempts to present solutions for problems of moral uncertainty clearly show that at least two distinct interpretations of ‘probability’ were familiar to teachers of morals during that period. On the one hand there was the conception of ‘probability as approvability by qualified people’, in respect to which the criteria of probability were sociological or, in a sense, intersubjective ones. On the other hand, there was a conception of psychological or subjective probability in respect to

---

<sup>35</sup> About Aquinas cf. above Ch. 2.1.1. and Ch. 2.1.2.

<sup>36</sup> SUÁREZ, *Summa et Compendium* vol. I, tom. IV, tract. II, disp. 1, sec. 2: “De fide est in humanis actionibus haberi libertatem non tantum in coactione, sed etiam a necessitate, in qua includitur indifferentia, seu potestas agendi et non agendi, atque agendi hoc vel illud contrarium.” — *Ibid.*, vol. I, tom. IV, tract. II, disp. 8, sec. 4–5. “Si sunt plura media omnino aequalia in bonitate, voluntas pro sua libertate quodvis illorum potest eligere... Si autem sint inaequalia sive in propria bonitate id est materialiter, sive in utilitate ad finem, id est formaliter: sive utroque modo: tunc etiam potest voluntas eligere minus bonum aut minus utile, semper tamen iuxta mensuram intentionis.” — SUÁREZ, *Disputationes Meta-physicae*, XIX, sect. VI, n. 13: “Judicium itaque de meliori vel utiliori medio non determinat voluntatem ad illud volendum. Dixi autem, ex vi iudicii, quia ex vi prioris actus intentionis voluntatis fieri potest ut omnino determinetur ad eligendum utilius medium, si illa major utilitas necessaria sit ad consequendum finem prout fuerat intentus; nam tunc jam non est tantum utilius, sed necessarium ad talem intentionem explendam. At si illa major utilitas non sit necessaria ad intentionem finis, iudicium illa non determinabit voluntatem, ut omnino tale velit medium.” — Cf. also LUNDBERG 1966, 103; MAHONEY 1987, 225–9.

<sup>37</sup> Regarding the differences between the ethical theories of Aquinas and Suárez cf. LUSCOMBE 1982, 715–8; FARRELL 1930 and LUNDBERG 1966.

which a person's subjective feeling of intellect's disposition to assent to a proposition serves as the criterion for probability. In the light of the sources of this study, the view concerning objective justifications for 'probability as approvability by qualified people' does not occur among the debates on probabilism and probabiorism during the 15th and 16th century.

## 4. *The Foundations of Probabiliorism* *According to Thyrsus González*

Thyrsus González is known as one of the most renowned opponents of the moral probabilism of the Jesuits. The book *Fundamentum theologiae moralis* (1694) contains his thoroughly critical views on the subject of probabilism, as well as his arguments on behalf of a variety of probabiliorism.<sup>1</sup>

As a superior general of the Jesuits, González did not explicitly argue against the “fathers of probabilism”, *i.e.*, *Medina* or *Suárez*. As his main opponent, González took on the “modern” interpretation of probabilism relevant to the second part of the 17th century. Nevertheless, González’ critical notes on the probabilism of his time clearly reveal some central problems featured in the probabilism of *Medina* and *Suárez* as well. This is not the only reason why the views of González deserve to be studied. The other reason is that some views of González appear to resemble “pre-probabilism” -solutions of moral uncertainty, which we have already examined in Ch. 3.1. of this study.

### 4.1. The Psychology of Moral Decision-Making

In Ch. 2. above, the late medieval views about the psychology of moral

---

<sup>1</sup> About the history of González’s attack on probabilism cf. VON DÖLLINGER & REUSCH 1968, 120–273; and DEMAN 1936, 534–546.

decision-making were examined. It was stated that the new views concerning the interaction between intellect and will constituted one reason for the rise of discussion on moral uncertainty. According to these new views, a situation of moral uncertainty weakened, in a sense, the role of intellect, and strengthened the role of will in decision-making. González was aware of this development and allowed quite a lot of space for the presentation of his moral psychological views. They have important implications in connection with his solution of the problem of decision-making in a condition of moral uncertainty.

According to González, intellect (*intellectus*) is “a necessary potency”. This means that intellect is not a free potency: it cannot choose its objects, but it naturally and necessarily tends to assent to what is apprehended as true, and dissents from what seems to be false. If its object seems to be an evident truth, intellect cannot help but assent to it.<sup>2</sup> If the object of intellect is not evident but only probable (*probabile, verisimile*) it does not “necessitate” the intellect to assent to it. However, with some qualifications, intellect *can* assent to a probable object. As intellect naturally aims at the attainment of truth, it cannot assent to a proposition that is less probable than its contradiction. In addition, because intellect is not a free potency, it can assent to neither one nor the other of two contradicting and equally probable propositions.<sup>3</sup> This kind of situation

---

<sup>2</sup> GONZÁLEZ, *Fundamentum theologiae moralis*, *Diss.* III 87: “...finis intellectus sit veritas.”; *Diss.* VII 10: “Intellectus naturaliter refugit deceptionem et errorem et amat veritatem...”; *Diss.* VI 27: “Est enim intellectu potentia necessaria, et in suis assentibus tendat sub ratione veri.”; *Diss.* X 25: “...siquidem objectum evidens rapit intellectum ad sui assensum.”

<sup>3</sup> *Diss.* XII 23: “...probabilitas, et verisimilitudo opinionem non necessitet intellectum ad illis praestandum assensum...”; *Diss.* VII 47: “Non potest autem prudenter assentire (imo nec imprudenter) aliqui opinioni, ubi non magis fundamentum habet ad existimandum esse veram, quam ad existimandum esse falsam.”; *Diss.* VII 38: “Nam ubi probationes contrariae proponuntur intellectui, ut aequo verisimiles, necesse est intellectum manere suspendum in quaestione facti, ubi probationes sunt aequales pro utraque parte...”



is a “position of doubt”.<sup>4</sup>

Intellect is able to assent to probable propositions only by the assistance of will. González follows the traditional view that opinion (*opinio*) represents an assent to a probable proposition which the intellect performs partly by means of apprehending the evidence for the truth of the proposition, and partly by means of the command of will.<sup>5</sup> Even so, González emphasizes, intellect cannot — even with the assistance of will — assent to a proposition that is not more probable than its contradiction.<sup>6</sup> When the object of intellect is evident, assenting to it is independent of the will, and when the object of intellect is probable then assenting to it depends both on the object and on the will. But the will cannot *directly* make the intellect assent “contranaturally”, *i.e.*, to a proposition that seems to be not more probable than its contradiction.

Will can, however, indirectly bring about the condition in which the intellect comes to assent to such propositions that the will actually prefers. This is possible for will because intellect is subservient to will, not “in assenting”, but rather “in apprehending and thinking”.<sup>7</sup> Although intellect is a *necessary potency* and is moved by the truth it sees in its objects, the will is able to direct the intellect to reflect on certain objects and refrain from reflecting on some other specific objects. Thinking of

<sup>4</sup> *Diss.* VII 3: “Quandoque intellectu noster non inclinatur magis ad unum, quam ad aliud, vel propter defectum moventium, sicut in problematibus, de quibus rationes non habemus, vel propter apparentiam aequalitatem eorum, quae movent ad utramque partem; et ista est dubitantis dispositio, qui fluctuat inter duas partes contradictionis.”

<sup>5</sup> *Diss.* X 94: “Assentit autem alicui intellectus dupliciter. Uno modo, quia ad hoc movetur ab ipso objecto, quod est vel per seipsum cognitum, sicut patet in principiis primis, quorum est intellectus; vel est per aliud cognitum, sicut patet de conclusionibus, quarum est scientia. Alio modo intellectus assentit alicui non quia sufficienter moveatur ab objecto proprio, sed per quandam electionem voluntarie declinans in unam partem magis quam in aliam. Et si quidem hoc sit cum dubitatione et formidine alterius partis, erit opinio, si autem sit cum certitudine absque tali formidine, erit fides.” Cf. also *Diss.* I 3. — Cf. Aquinas: *S. th.* II–2, q.1, a.4, co.

<sup>6</sup> *Diss.* VI 10: “Quia cum intellectus tendat sub ratione veri, nequit ex imperio voluntatis flectere, ut consequenter iudicat esse verum id, quod antecederet ad imperium voluntatis apparebat minus verisimile seu magis falsissimile.”; *Diss.* I 8: “Opinari est accipere unam partem contradictionis, ob maiorem verisimilitudinem, et relinquere aliam...”

<sup>7</sup> *Diss.* VI 23: “...intellectus non potest subdi voluntati in assentiendo, sed solum in apprehendo et cogitando.”

an object is a necessary condition for assenting to it and will is able to direct the thinking of the intellect. This is why the will is able to move, “mediately”, intellect to assent to a proposition which, at first sight, appears to be less probable than its contradiction.<sup>8</sup> González’ view on the interaction between intellect and will is highly similar to the view of Duns Scotus, which we studied previously in Ch. 2.2.2.. In situations of uncertainty, when the assent of intellect depends on the will, will exerts dominion over the intellect: with some qualifications, will can cause intellect to come to assent to such propositions that will wants to be assented to. Therefore, decisions made in uncertainty are always dependent on what the will in fact wills.

But what determines what the will shall will? According to González, will has two different ways of action, namely “loving” (*amare*) and “choosing” (*eligere*). Will cannot “love” anything but that which is, apparently, good. Will loves what is presented to it *sub ratione boni*. General good is its formal object. Will cannot love anything *sub ratione mali*.<sup>9</sup> Will is, however, able to choose freely among different objects which are presented to it as good. This freedom is possible because the general good appears to us in three different kinds of particular good referred to as *honesty* (*honestas*), *pleasure* (*delectabilitas*) and *utility* (*utilitas*).<sup>10</sup> Will is able to choose among different kinds of good, even when each one of them “moves” will by an equally great amount of general good. González states that, in a particular situation, will can in and of itself provide a rea-

---

<sup>8</sup> *Diss.* XIV 105(a): “Unde poterit voluntas applicare intellectum, ut quaerit motiva, quibus majorem veri speciem apud ipsum habet sententia. ... Hinc imperium voluntatis supra intellectum non est ad extorquendum assensum immediate circa partem quae in actu 1. apparet minus verisimilis, sed ad movendum illum mediate.”

<sup>9</sup> *Diss.* XII 18: “...voluntatem tendentem sub ratione boni, et impotentem amare aliquid objectum, nisi quia apparet bonum aliquo genere bonitatis...”

<sup>10</sup> *Diss.* VII 16: “Objectum enim formale illius est bonum abstrahens ab honesto, delectabili et utili.”

son by which it prefers one object and one kind of general good over the other.<sup>11</sup>

González' thoughts on the freedom of will demonstrate apparent similarity with Scotus' thinking. Will is an active power which is in and of itself able to govern its actions. A departure from the Thomistic theory of human action is clear. The choices of human will are not "pre-determined" through the inclination of will towards the general good nor through the deliberation of practical reason.<sup>12</sup>

---

<sup>11</sup> *Diss.* VII 40: "...habet autem locum in bonis aequalibus differentibus specie, id est in bonis aequaliter moventibus, et diversis specie...Potest nihilominus eligere potius delectabile quam honestum, quia videt in illo aliquem rationem boni, quam non videat in honesto." "Quamvis enim bona illa aequaliter movent, si tamen sunt diversa, potest voluntas dare rationem, cur amat unam potius quam aliud; nimirum quia unum habet aliquam bonitatem quae caret aliud." Will cannot make a choice among two objects both of which are of the same kind of good and which seem to be equally good. Here will cannot of itself give a reason for preferring one instead of another. Cf. *Diss.* VII 17.

<sup>12</sup> Cf. *Diss.* III 87–90 and *Diss.* VII 15–19, 38–40. Cf. STADTER 1971, 298–299; COPELSTON 1962, 263.

## 4.2. Different Meanings of “Probability”

According to González, his book, *Fundamentum theologiae moralis*, is a “theological treatise on the right use of probable opinions”.<sup>1</sup> González conceives that *there is a way* by which probable opinions can be utilized in decision-making, in a condition of moral uncertainty. His aim is to show *what* the only correct way of using probable opinions in moral decision-making is. His principal idea rests in the conviction that one can base his or her moral decision, as well as his or her conscience, on probable opinions, if the notion of ‘probable opinion’ has been given correct interpretation.<sup>2</sup> What, then, are the different possible meanings of “probable opinion” and “probability”?

According to González, the term “probability” (*probabilitas*) has several interpretations. Firstly, it means a kind of *subjective probability* of a proposition, which can also be referred to by the term “verisimilitude” (*verisimilitudo*). Secondly, it means the *approvability* of a proposition by prudent assent. From the point of view of a thinking subject one proposition possesses more or less verisimilitude, but one proposition is either approvable or not.<sup>3</sup>

The two meanings of probability are closely interconnected. As we noted some lines above, González is convinced that it is impossible for intellect to assent to a proposition that is not more probable than its contradiction. Therefore, only those propositions which are more probable (*probabilior, verisimilior*) than their contradictions are *approvabiles*. The subjective probability or subjectively experienced evidence of a proposi-

---

<sup>1</sup> Cf. the title page of González’ book: “Fundamentum theologiae moralis, id est, tractatus theologicus de recto usu opinionum probabilium, in quo ostenditur...”

<sup>2</sup> Cf. esp. *Diss.* I, *Diss.* II and *Diss.* XII; Cf. EBERLE 1947, 314, 318.

<sup>3</sup> *Diss.* I, 37: “Bifariam itaque accipitur probabile. Primo ut idem sit ac *verisimile*, et in hoc sensu, quia ex duabus partibus contradictionis, una potest esse verisimilior alia, una potest esse altera probabilior. Et sicut utraque est verisimilis respectu ejusdem intellectus, ita utraque est probabilis ejusdem. Secundo, ut idem sit ac *approvabile* per prudentem assensum. Et in hoc sensu solum est absolute probabilis respectu alicujus illa pars contradictionis, quem ipse potest approbare ut veram per prudentem assensum.”

tion tends to move the intellect to assent to that proposition.<sup>4</sup> Probability as approvability is connected to the degree of subjective probability that a proposition possesses.<sup>5</sup> For González, this probability as approvability represents a kind of absolute probability which has two aspects. Firstly, a proposition is said to be “objectively approvable” and “absolutely probable in itself” if it is widely accepted by the prudent assent of “the wise”. Secondly, it is said to be “subjectively approvable” and “absolutely probable to an individual”, if he can accept it by prudent assent. In this case, a proposition can be designated as “practically probable” to that individual.<sup>6</sup> It should be noted that, in both cases, “prudent assent”, which acts as the criterion for absolute probability, represents assent based on a diligent and sincere inquiry and examination of the question concerned.<sup>7</sup>

A proposition which is absolutely probable in and of itself is practically probable, *i.e.*, subjectively approvable, necessarily for some individuals but not necessarily for all individuals: particularly not for those who are under the impression that the proposition is not subjectively more

---

<sup>4</sup> *Diss.* I 4: “...moveatur ad opinandum a verisimilitudine objecti...”; *Diss.* I 8: “...opinari est accipere unam partem contradictionis, ob majorem ipsius verimilitudinem, et relinquere aliam, quae ob suam minorem verisimilitudinem minus impellabat in sui assensum...”

<sup>5</sup> *Ibid.*: “Unde cum solum possit prudenter approbare ut veram eam partem contradictionis, quae apud ipsum est verisimilior, ea solum apud ipsum manet absolute et simpliciter probabilis quae omnibus inspectis apparet ipsi verisimilior quam ejus contradictoria.” Cf. also *Diss.* VII 106: “...probabilitas nihil aliud sit, quam tam magna verisimilitudo, et apparentia veritatis ut vir prudens ab illa possit moveri ad ferendum iudicium de veritate...”

<sup>6</sup> *Diss.* I, 37 and 42.

<sup>7</sup> *Diss.* I 27: “Assero primo, dari opinionem vere et certo probabilem absolute et in se de honestate vel licentia actus nihil aliud esse reipsa et seclusa contentione de nomine, quam aliquos viros probos et sapientes post diligentem veritatis inquisitionem, id est, post accuratum studium, et diligens examen rationum et fundamentum pro una et altera parte, citra passionem et culpam iudicasse illum actum esse honestum, vel saltem licitum, et lege Divina non prohibitum...”

probable than its contradiction.<sup>8</sup> Absolute probability in regard to a proposition denotes that it is approvable in and of itself. It has some kind of objective approvability, which means that it is *extrinsically probable*.<sup>9</sup> Thus, one can put forward that proposition *A* is approvable in itself, or extrinsically probable, independently of how *verisimile* it appears to him or her.

González is familiar with the traditional *endoxon*-related notion of ‘probability as approvability by qualified authorities’. He refers to the *Topics* of Aristotle and says that, on the basis of the definition presented by Aristotle, we can infer that “the bigger number of fathers and the more notable fathers support an opinion, the more probable it is considered to be.”<sup>10</sup> Respectively, as well: “the sentence supported by fewer notable authors, who have discussed the matter *ex professo*, is commonly thought to be less probable.”<sup>11</sup> This means that it is only from the point of view of an individual that we can say that a proposition either is approvable or not. In “objective” and extrinsic consideration, it can be said that a proposition possesses more or less approvability and absolute probability. Some opinions are more widely accepted, and they offer a higher degree of absolute probability than other opinions do.

---

<sup>8</sup> *Diss.* I, 37: “Unde qui ob fundamenta sibi verisimiliora et urgentiora iudicat contractum A esse illicitum, licet possit dicere sententiam contrariam esse absolute in se probabilem, quia scit illam approbatam fuisse ut veram a viris probis et sapientibus, non potest vere affirmare esse probabilem sibi, quia illam ipse non potest tunc approbare ut veram, ... Hinc illa opinio tunc non manet practice et exercite probabilis respectu illius, licet reflexe possit speculative vere enuntiare illam in se et respectu aliorum esse vere probabilem.” — For those who can prudently assent to an absolutely probable opinion this opinion is “their *own* probable opinion” and for those who cannot prudently assent to that opinion it is an “alien probable opinion”. Cf. *Diss.* I, 2 and *Diss.* IV, 84 – 85. Cf. EBERLE 1947, 314; DEMAN 1936, 539.

<sup>9</sup> González sometimes calls this aspect of probability “material probability”. Cf. *Diss.* XII, 15.

<sup>10</sup> *Diss.* I 27: “...eo (opinio) censetur probabilior, quo plures et graviore habuerit patronos. Id autem recte collogitur ex definitione probabilium tradita ab Aristotele 1. Topica cap. 1. Nam iuxta Philosophum ea sint probabilis, quae videntur omnibus, aut pluribus, vel sapientioribus; et iis vel omnibus, vel plurimis, vel maxime notis et illustribus.”

<sup>11</sup> *Diss.* I, 27: “...ea sententia in communi aestimatione censebitur minus probabilis, quae pro se pauciores habuerit Authores graves, quia ex professo rem disputarunt.”

It has already been stated that the approvability of a proposition depends on the subjectively experienced evidence for its truth. A proposition cannot be approved by prudent assent unless it appears to be more probable than its contradiction, *i.e.*, unless there seems to be more evidence for its truth than for its falsehood. González’ important idea is that the acceptance of a proposition by the authorities points to the evidence that there is for the truth of the proposition, to the evidence that has moved their intellects to assent to that proposition. Mere approval of a proposition by the authorities does not increase the probability of a proposition; probability of a proposition is connected to the evidence emphasizing its truth.<sup>12</sup>

González’ view is that, on the basis of the fact that a proposition has been accepted by many notable doctors, we can infer that there either must be or probably is considerable evidence, not to mention good reasons, to support its truth. The more substantial the unanimity among learned men there is for the acceptance of a particular proposition, the more solid foundations we should assume it to have.<sup>13</sup> A great amount of extrinsic probability of a proposition points to the *intrinsic probability* it possibly has. In several cases, we cannot directly see the evidence on behalf of opposing opinions, but the approval of an opinion by qualified authorities is *a sign* that suggests that there such “objective” evidence exists. González concludes that the approval of an opinion by qualified authorities somehow either reduces or completely eliminates the probability/possibility that the opinion in question is not a well founded one.

González’ manner of thinking resembles the body of the thought of Boethius of Dacia, as presented above in Ch. 1.3.. A unanimity of experts or of qualified authorities in regard to a particular question minimizes the possibility, or probability, that their view represents an error. If

---

<sup>12</sup> *Diss.* V, 12: “...nulla enim sententia est probabilis propter autoritatem Doctorum, quin sit probabilis propter fundamenta rationis...” Cf. MAUSBACH 1947, 173.

<sup>13</sup> *Diss.* I, 27: “Nam quo plures et doctiores conveniunt in aliqua sententia afferenda eo graviore fundamenta illa niti censenda est. Unde quamvis probabilitas opinionum praecipue fumatur a fundamentis intrinsicis rationis; haec fundamenta praesumuntur esse validiora, dum scitur ob ipsa in talem sententiam plures sua sponte conspirasse Doctores.”

we randomly take one expert or one representative of “the wise”, we cannot be sure whether or not he or she is a good one. But if we take many or all of them, the probability that their unanimous opinion is a correct one increases. It is therefore improbable that an opinion widely accepted by “the wise” is not a well-founded one. González reasons that when we know *who* the experts in moral questions are, it is rational to follow those moral opinions which have been accepted by the largest and most distinguished part of these experts. The notion of ‘probability as approvability by qualified authorities’ has, in a sense, objective grounds in the thinking of González as well as with Boethius of Dacia.

What about the right use of probable opinions? In the beginning of the *diss. II* of his book, González provides two interpretations of the term “probabilist”. In the first interpretation, “probabilist” is the special name given to “those lenient authors” who teach that one is allowed, in moral decision-making, to incorporate such opinions in regard to which one knows they are probable, and one does not need to assent to the truth of the opinions which one follows.<sup>14</sup> These probabilists state that one is allowed to follow a probable opinion, even when it seems to be less probable (*minus verisimilis*) than its opposite.<sup>15</sup>

On the other hand, González says, “probabilist” is the name of all those moral teachers who admit that probable certainty is enough in moral affairs in cases in which absolute certainty cannot be reached. In this case, the group of probabilists also includes “probabiliorists”, such as González himself, who teach that one is allowed to follow a “less

---

<sup>14</sup> *Diss. II*, 1: “Speciali autem titulo Probabilistae nuncupantur Authores illi benigni, qui ad usum licitum opinionis probabilis minus tutae dicunt, non requiri quod operans probabiliter assentiatur ejus veritati; sed satis habent, quod reflexe sciat illum esse probabilem.”

<sup>15</sup> Cf. the title of *Diss. II*: “...uniquique licitum esse sequi opinionem minus tutam, si sciat, esse absolute probabilem, quamvis ei in actu primo appareat minus verisimilis quam opposita...”



safe” opinion if it is nevertheless more probable than its opposite.<sup>16</sup>

González says that probabiliorists, as well, can accept the basic principle of the probabilists to the effect that one is allowed to follow a less probable and less safe opinion instead of a more probable and more safe opinion. But this is possible only when the principle in question has been assigned a correct interpretation.<sup>17</sup> A probabiliorist can accept this principle if by ‘probability’ is meant the extrinsic probability of the opinion in and of itself. According to González, the traditional view was that one would be allowed to follow a less safe opinion which is less probable “specificatively” as well as “materially”, *i.e.*, which is less widely accepted and supported by the authorities, if this opinion seems, to the agent, more probable than its opposite to the extent that he or she can assent to it.<sup>18</sup>

If by “probability” is meant the subjective probability (*verisimilitudo*) of an opinion, probabiliorists in turn are unable to accept the “probabilistic” view. González says that this represents a new interpretation of the principle, interpretation offered by the “modern” probabilists.<sup>19</sup> González therefore concludes that one is allowed to follow a less safe

---

<sup>16</sup> *Diss.* II, 1: “Nam si nomine Probabilistarum intelligamus Doctores afferentes non requiri certitudinem, sed sufficere opinionem de honestate actionis, ut illam licite exerreamus, saltem si illa opinio sit absolute probabilior et sensibilter magis verisimilis...” Cf. also *ibid.* “...quos brevitatis causa Probabilistas appellamus, ut distinguamus a Probabilioristis, seu ab illis, qui requirunt nobiscum majorem probabilitatem in opinione minus tuta, ut illa licite uti possimus.”

<sup>17</sup> Cf. the title of *Diss.* II.

<sup>18</sup> *Diss.* XII, 15: “...loquuntur de minus probabilis spesificative, et materialiter, id est de opinione minus tuta, quae pro se habet minorem auctoritatem extrinsecam, et communiter censetur minus probabilis, quam sententia tutior, quamvis operanti apparuerit verisimilior, et propterea ab ipso fuerit iudicata vera...”; *Diss.* XII 3: “...plerosque ex Doctoribus hujus saeculi, doctentibus, licitum esse sequi opinionem minus probabilem et minus tutam, nobis contrarios non esse; solum enim docent, licitum esse sequi opiniones reipsa minus probabiles, seu quae communiter minus probabiles reputantur, non docent autem licitum esse operanti eligere sententiam minus tutam, et minus probabilem apud ipsum, id est sententiam, quam ipse operans cognoscit esse minus probabilem opposita, stante pro praecepto.”

<sup>19</sup> *Diss.* X 15: “...in sensu Recentiorum, nimirum de minus probabili formaliter relate ad operantem, id est, de opinione minus tuta, quae ipsi operanti appareat in actu primo minus verisimilis quam sententia tutior...” Cf. also: *Diss.* II 25; *Diss.* XII 18 and *Diss.* XII 9–10.

and “objectively” or extrinsically less probable opinion, but not allowed to follow a less safe and subjectively less probable opinion.

He also discusses another principle of the probabilists according to which “one is allowed to follow whatever practically probable opinions he wishes”.<sup>20</sup> This principle can be given two interpretations. González states that, according to the traditional and correct interpretation, “probable opinion” means in this connection any opinion that is subjectively approvable and approved by the reason of the agent. Therefore, one is allowed to follow any probable opinion that is subjectively more probable than its contradiction, to the extent that the agent can prudently assent to it. According to “modern” and false interpretation “probable opinion”, in this connection, refers to an “objectively” and extrinsically probable opinion, an opinion which is, *absolute et in se*, widely approved, but which, however, need not be an object of the agent’s assent.<sup>21</sup>

González makes a distinction between subjective probability (= subjectively experienced evidence for the truth of a proposition) and “objective” or extrinsic probability (= approvability of a proposition by qualified authorities) and by the aid of this distinction he attempts to demonstrate that he does not contradict the teaching of the “honoured fathers” of traditional probabilism but rather only the excessively lenient doctrine of the “modern probabilists”.

---

<sup>20</sup> *Diss.* II 2: “...licitum esse sequi quamcumquae opinionem practice probabilem...” Cf. also *Diss.* II 4, 8, 13–14; *Diss.* XII 3, 15.

<sup>21</sup> *Diss.* II, 4: “...non loquantur de opinione objective sumpta, sed subjective...” Cf. also *Diss.* II 10, 12. — González states that Suárez, in his Probabilistic teaching, mainly follows the same lines as he does himself. Cf. *Diss.* II, 4. — Rassler, who immediately applied heavy criticism against González’s book, seems to be correct when he states that González provides a wrong interpretation in regard to the thoughts of Suárez. Regarding the thoughts of Rassler, cf. EBERLE 1947, 317–318, and EBERLE 1946, 205–208.

### 4.3. Moral Uncertainty as an Excuse Is Abandoned

González is aware of the basic distinction between speculative and practical intellect as made by Cajetan.<sup>1</sup> Probabilism relied on the principle that it is possible to be speculatively uncertain of the moral status of an action and practically sure about the moral status of the same action at the same time.

González rejects this principle. Speculative uncertainty concerning the moral status of an action necessarily leads one to practical uncertainty in regard to the moral status of that action.<sup>2</sup> If we (speculatively) doubt the moral status of a general type of contract then we, of necessity, (practically) doubt the moral status of any particular contract that is, in every respect, of that specific type.<sup>3</sup> To say that intellect can simultaneously hold a general judgement supporting the conviction that a type of action is to be prohibited, as well as the judgement that a particular action of that variety is permitted, is to absurdly maintain that intellect is able to assent to contradictory propositions at the same time.<sup>4</sup>

In some cases, however, a speculative judgement concerning the moral status of a particular type of action appears to differ from a practical judgement in regard to the moral status of an action of the same type. González states, however, that the reason for this is that in that case the particular action in question differs in some respect from other actions of that variety. The general and speculative judgement of intellect repre-

---

<sup>1</sup> *Diss.* X, 106: “Quod vero dicebat Cajetanus, iudicium singulare esse rationis practicae, universale autem esse rationis speculativae...” Cf. also *Diss.* X 102.

<sup>2</sup> *Diss.* VII, 61, 70 and 84. — In this connection, González departs from the thinking of Cajetan, Medina and Suárez. According to Schmitt, Antonin of Cordova was of the view that from speculative doubt, practical doubt necessarily follows. Cf. SCHMITT 1904, 25.

<sup>3</sup> *Diss.* VII, 61: “Nam cum rationes universales non distinguatur a singularibus, idem est dubitare, an aliquis contractus in genere sit malus, et peccaminosus, ac dubitare an hic et ille contractus particularis participans illam rationem specificam, sit peccaminosus...”

<sup>4</sup> *Diss.* VII, 62.

sents a sort of *prima facie* norm. One is allowed to depart from this norm when the circumstances under which the norm is applied to a particular action are exceptional. These particular circumstances constitute a reason (*ratio*) which brings about a situation in which the particular judgement and speculative judgement, although in opposition, are nevertheless no longer contradictory.<sup>5</sup>

Unusual conditions relevant to a particular action may result in a situation in which one's practical judgement differs from his or her speculative judgement in respect to the moral status of that type of action. A situation in which one is uncertain about the lawfulness of a specific type of action in general does not constitute such unusual circumstances to the extent that one would be able to make a certain practical judgement, within those circumstances, to the effect that a particular action of that type is lawful.

As noted above, in Ch. 3.2., the probabilists have bridged the gap between the uncertainty of general judgement and the certainty of particular judgement by the application of formal principles (or so called "reflex principles"). González is aware of the importance of these principles in the reasoning of the probabilists.<sup>6</sup> He accepts the traditional use of these principles in the realm of jurisdiction, *i.e.*, in the context of decision-making in court. He nevertheless rejects the use of these principles in the realm of conscience.<sup>7</sup> Contrary to the teachings of probabil-

---

<sup>5</sup> *Diss.* VII, 62: "Quare nisi adsit aliqua ratio particularis, probans, hanc rationem in particulari non contineri sub illa ratione specifica, quae in communi iudicata est illicita, impossibile est, ut iudicium particulare circa hanc actionem discordet a iudicio speculativo, eandem rationem attingente in communi. Si autem illa ratio particularis adesset, tunc nulla esset contradictio; nam iudicium illud universale non attingeret tamquam obiectum materiale hanc actionem particulare tali circumstantia vestitam; Quia solum affirmaret, esse illicitam in genere omnem actionem carentem illa circumstantia. Sic cum hoc iudicio universali, quod illicitum est, comedere carnes in die veneris, recte componitur iudicium particulare, quod liceat Petro aegretanti. Nam Petrus aegretans, non continetur in illo iudicio universali, utpote quod solum respicit personas habentes bonam valetudinem."

<sup>6</sup> *Diss.* VI 29.

<sup>7</sup> *Diss.* VI, 31: "Illud enim axioma: *In dubiis melior est condicio possidentis*, solum habet locum in materia iustitiae,..." *Diss.* VII 71: "Ut autem constet non bene argui a possessione in materia iustitiae ad possessionem in materia aliarum virtutum, examinanda est ratio, cur melior sit conditio possidentis in materia iustitiae." Cf. also *Diss.* VII, 68, 69, 73.

ism, González states that these principles do not offer any excuse if one happens to perform an evil action after having taken the less safe (*minus tuta*) course of action.<sup>8</sup>

At first, González examines the formal principle “in doubtful cases the lot of the owner must be preferred” (*in dubiis melior est condicio possidentis*). The probabilists interpret this principle in such manner that they put “the freedom of an individual” in place of “the lot of the owner”. After that they are able to state that, in a condition of moral doubt, an individual is even allowed to take the less safe course of action.<sup>9</sup> González says that situations of moral doubt must be solved by means of the following principle: “In doubtful cases, the safer course of action must be taken” (*in dubiis tutior est eligenda*).<sup>10</sup> González maintains that taking the less safe course of action when one is in doubt is, in essence, “acting against synderesis and the evident judgement of intellect, which holds that one is not allowed to place oneself in danger of sinning.”<sup>11</sup> To will to act against one’s conscience is traditionally regarded as a sin, and González stipulates that the willingness to take the less safe course of action, in a condition of doubt, is an equally significant sin.<sup>12</sup> Apostle

---

<sup>8</sup> *Diss.* VI 30: “Nec sufficit ulla reflexio assignatis a Terillo, ad excusandum, a culpa eum, qui faceret rem objective in se malam, et prohibitam, sequendo opinionem minus tutam et sibi minus probabilem. ... Quo supposito, omne iudicium reflexum ab ipso formato, vi cuius iudicat illum contractum esse sibi licitum, est insufficiens ad ipsum excusandum a culpa; cui operetur rem in se intrinsece malam et prohibitam, ut supponimus (supponimus enim esse falsam opinionem benignam afferentem illum contractum esse licitum ex se) atque operetur reclamante conscientia.” — Eberle notes that González has no use for reflex principles as González overrates the notion of *opinio* and underrates “moral certainty”. Cf. EBERLE 1947, 318–319. Deman also notes that González rejects “reflexive certainty”. Cf. DEMAN 1936, 540.

<sup>9</sup> *Diss.* VI 31. Cf. PALLAZZINI 1966, 810.

<sup>10</sup> *Diss.* VII 57. — This principle, too, is included in the *Canon Law*. Cf., for example, *Decretal. Gregor. IX. lib. V, tit. XII, De homicidio*, c. 12. Cf. SCHMITT 1904, 7. — González notes that some doctors consider this only as a counsel (*consilium*) but he himself regards this as a precept that obligates all members of the Church. *Diss.* VII, 58.

<sup>11</sup> *Diss.* VII 59: “...qui operetur in illo dubio, agit contra synderesim et iudicium evidens rationis dictans, quod nemo debeat se exponere periculo peccandi.”

<sup>12</sup> *Diss.* VI 31: “Est enim evidenter illicitus uterque hic actus: Ego iudico hunc contractum esse in se malum, et prohibitum, et tamen volo illum facere. Et ego dubito, utrum hic contractus in se sit malus et prohibitus, et tamen volo illum facere.”

Paul writes (*Romans*, 14:23) that “everything that does not derive from faith is a sin”. Thus, if one acts while in doubt, one does not have a firm belief in the allowability of action and therefore one’s behaviour is sinful.<sup>13</sup>

González says that people are obliged to love and serve God and that they must be obedient to God. Therefore, people must both refrain from such actions which they *know* (or believe) shall hurt “a friend, the Lord and the legislator” and from such action which they *doubt* may hurt the same.<sup>14</sup>

González’s view is that man can freely choose between different alternatives *sub ratione boni*. In a particular situation, will may prefer pleasure to honesty. Man may will pleasure instead of acting in accordance with God’s commands. Due to his or her inherent freedom, man is essentially a subject of God. This is why the freedom of an individual must not be given preference over an individual’s obedience to the will of God when the individual in question is in doubt with regard to a particular moral obligation.<sup>15</sup> The freedom of man is not a *prima facie* right, but his obedience to God is his *prima facie* duty. Therefore, in a condition of moral doubt one cannot refer to the principle of, “freedom of an individual must be preferred”, but rather one must follow the principle “in

---

<sup>13</sup> *Diss.* VII 58: “Probatur autem primo: quia qui operatur stante illo dubio, operatur sine dictamine conscientiae, quod hic et nunc sibi liceat operari, quia implicat illum esse dubium, an actio sit vel non sit licita, atque suspendere assensum circa utramque partem et tamen judicare, sibi esse licitum hic et nunc illam actionem exercere. At *omne, quod non est ex fide*, id est ex dictamine conscientiae, *peccatum est*, ut tradunt Patres ad illa Apostoli verba... Ergo qui operatur in illo dubio, peccat.”

<sup>14</sup> *Diss.* VII: “...quia cui operetur cum illo dubio peccat contra legem amicitiae cum Deo, et contra legem servitutis et subjectionis apud Deum ut supremum Dominum et Legislatorem. Haec enim lex postulat ut abstinemus non solum ab illis actionibus, quibus certo scimus, Amicum, Dominum, vel Legislatorem esse offendendum, sed etiam ab illis, quibus dubitamus, an sit offendendus.”

<sup>15</sup> *Diss.* VI 72: “Nam quando est dubium prudens propter rationes graves utrimque aequaliter moventes, an sit, vel non sit lex prohibens aliquam actionem, possessio libertatis non est titulus ad censendum, non esse latam illam legem; quia cum homo ratione sua libertatis essentialiter sit subditus Deo, nequit titulus libertatis quidquam conducere ad iudicandum non extare legem prohibentem illam actionem.”

moral doubt do not take the risk of acting against God's will".<sup>16</sup>

Secondly, González examines the reflex principle, "a doubtful law does not bind" (*lex dubia non obligat*). As noted above, Ch. 3.2., in connection with Suárez's probabilism, this principle of jurisprudence had been applied in the following manner: In a situation in which there are two opposing probable opinions regarding the existence/non-existence of a specific command and in which the less probable opinion supports the view that the command in question does not exist, the inference may be made that the command as such is insufficiently promulgated. Because, in addition, an insufficiently promulgated law is not binding, it is clear that one is allowed to act in accordance with a less probable, less safe opinion.<sup>17</sup>

González admits that this principle "may have an adequate enough place" in respect to human law. It is conceivable that a human legislator, on the spur of a moment, could wish to enact a law and promulgate it in order to obligate people to obey it, and afterwards change his or her mind to the extent that he or she no longer desires to promulgate the law just enacted. In this case, the law in question is not binding, due to the fact that it does not even exist.<sup>18</sup>

We cannot, however, apply this principle in respect to Natural Law or the Law of God. God does not do anything in vain and therefore, he does not bring any law into effect which He does not intend to sufficiently promulgate. If God enacts a law, He certainly intends to promulgate it adequately. In addition, if He wishes to promulgate a law to a sufficient degree, He is without a doubt able to do so, as He is omnipo-

<sup>16</sup> Cf. *Diss.* VII 70, 71, 72.

<sup>17</sup> Cf. *Diss.* VI, 32–37. As an example of the reasoning of probabilists, González provides the following argument: "Nulla lex obligat, nisi sufficienter promulgetur. At quoties adsunt rationes probabiliter suadentes, partem minus tutam esse licitam, lex praecipiens partem tutiorem non est sufficienter promulgata. Ergo illa lex neminem obligat, quamdiu certo probabile est, partem minus tutam non esse prohibitam." *Diss.* VI, 34.

<sup>18</sup> *Diss.* VI 37: "...hoc argumentum ad summum potest habere locum in lege humana. Nam potest Legislator humanus, v.g. Rex vel Summus Pontifex legem concipere et habere voluntatem illam promulgandi, et obligandi subditos suos, et postea mutare consilium, et suspendere ab illius promulgatione: quo in casu lex non datur, nec potest dari violatio etiam materialis illius."

tent.<sup>19</sup> From the fact that a probable opinion supported by some distinguished authorities exists to the effect that a particular precept does not exist it does not follow that the precept in question is not sufficiently promulgated.<sup>20</sup> If one, taking the risk of acting in opposition to Natural Law, happens to act in fact against it, one does not have an excuse for such behaviour on the basis of the insufficient promulgation of Natural Law, as every command and prohibition in relation to Natural Law *is* sufficiently promulgated.

On the other hand, González says, in the case that a specific law is not promulgated enough, the effect is that the law does not actually exist at all. In that case, there is no possibility of sinning, materially speaking, by breaking that law, and neither is there any need for an excuse. Where there is no material sin there is no need to be absolved of a formal sin.<sup>21</sup>

González considers that the existence of disagreement among authorities regarding the existence of some commands and prohibitions of law is not a sign of insufficient promulgation of law, since the promulgation of natural moral law is, in essence, an *individual-related act*. The existence, or sufficient promulgation of a command of moral law must be evaluated from the perspective of individuals rather than from that of the multitude of moral authorities. No matter whether or not the multi-

---

<sup>19</sup> *Diss.* VI, 37: “Quare conficitur hoc argumentum: Vel Deus legem condens et statuens, praecise voluit legem facere et non voluit illam satis promulgare (et hoc implicat quid sic frustra legem fecisset; finis enim condendi legem est obligare subditos ad aliquid faciendum vel omittendum, et cum sufficienter promulgatio sit essentialiter requisita ad obligandum, frustra fecisset legem si noluisset legem sufficienter promulgari) vel Deus legem condens et statuens, voluit illam sufficienter promulgare et non potuit; et hoc repugnat cum sit omnipotens. Ergo repugnat legem naturalem, vel divinam a Deo condi et non sufficienter promulgari.”

<sup>20</sup> *Diss.* VI, 37: “Ergo est aperte falsum asserere, legem non esse sufficienter promulgatam per hoc, quod aliqui Authores graves affirmant non dari talem legem, eorumque opinio censetur probabilis.”

<sup>21</sup> *Diss.* VI, 36: “Nam ipsi Probabilistae, ... manifeste supponunt, ... eum, qui sequitur opinionem illam minus tutam, reipsa violari legem et materialiter peccare, si lex reipsa detur, et (si) falsa sit opinio illa minus tuta, illam tamen violationem legis ipsi non imputari, ac proinde non peccare formaliter. Ergo supponunt dari talem legem, et habere vim obligandi in actu primo. Nam ubi lex non est lata, vel sufficienter promulgata, nequit dari violatio legis etiam materialis. ...cum manifestum omnibus sit, contra leges non sufficienter promulgatas nullum dari peccatum.”



tude of these authorities are able to achieve agreement in regard to the existence of a command, if an individual is able to make a prudent, though opinative, judgement to the effect that a specific command exists, then it may be seen as sufficiently promulgated to him or her.<sup>22</sup> González reasons that a situation in which moral law does not appear quite clear and evident to us, but rather only as probable opinions, represents a situation willed by God. This means that God wishes everyone to obey such commands of law which one, “after a diligent inquiry into the truth”, judges as more probable to exist than that they do not exist.<sup>23</sup>

Thirdly, González criticizes the reflex principle, “ignorance of law is an excuse”.<sup>24</sup> According to some probabilists, a situation in which one is unable to make a decision between two equally probable alternatives, even after one’s best attempts to do so, is equivalent to a situation of invincible ignorance. Therefore, it is stated, in a situation in which one must decide between two opposing, but equally probable, opinions, one is allowed to prefer that which is less safe, as one may offer the excuse of

---

<sup>22</sup> *Diss.* VI, 32: “Durissimum autem est judicare, quod non sit sufficienter promulgata, et intimata lex homini potenti prudenter judicare dare talem legem et non potenti judicare oppositum. ... At quando facta sufficiente diligentia ad inveniendam veritatem invenit majus fundamentum autoritatis et rationis ad judicandum extare talem legem quam ad judicandum oppositum, prudenter potest judicare dari legem prohibentem, nec potest judicare oppositum: ergo tunc respectu ipsius lex est sufficienter promulgata.” — On the basis of the disagreement among the “Theologians” about whether a contract is prohibited or not, one cannot make an inference to the effect that the prohibition in question does not exist. Cf. *Diss.* VI, 35.

<sup>23</sup> *Diss.* VI 32: “Cum enim Deus voluerit ut lex illa non sit patens et clara, sed ut maneret sub opinionibus, frustra illam imposuisset, si non voluisset obligare illos qui post diligentem veritatis inquisitionem judicant verisimilium esse, quod detur talis lex.” Cf. also *Diss.* VI, 31: “Et haec sensibiliter major probabilitas, est quaedam certitudo moralis, et sufficit ad excusandum a culpa: quia in rebus dubiis, quas Deus voluit manere sub controversia, et in quibus non possumus assequi evidentiam, sufficit, quod per argumenta valde verisimilia et urgentiora oppositis, nobis persuademus rem non esse prohibitam.” González refers here to the *De legibus* of Suárez.

<sup>24</sup> *Diss.* VI, 38–39 and *Diss.* VII 63–67.

“invincible ignorance”.<sup>25</sup>

González points out that the falsity of this reasoning by the probabilists rests on the fact that they have not made the distinction between *doubt*, which results from ignorance, and *action*, which will be performed within that condition of doubt. González admits that, in this kind of situation, one has an excuse for an inability to make a decision between the two opposite opinions. This, however, does not mean that one would have an excuse for performing a materially evil act if one decides to follow the less safe opinion.<sup>26</sup>

One shall not be blamed for unwillingly being incapable of making a judgement as to whether or not a particular course of action is prohibited, but one shall indeed be blamed if one decides to take that course of action while one is in doubt. There exists namely a “sure and natural precept” to the effect that one must not assume the risk of acting against the Law of God as well as against the formal principle, “in doubtful cases the safer course of action must be taken.”<sup>27</sup> The possibility of using invincible ignorance as an excuse presupposes that, in the moment just before performing the action, the agent is ignorant in regard to the possibility that his or her action may be evil. González says:

Such a man can be said to have performed an act which is evil in itself, having invincible ignorance about the badness of it, into whose mind, without negligence, does not come a thought as to whether or not it is evil, or to whom there does not occur any reason for prudent doubt as

---

<sup>25</sup> González offers a quotation of Matthaecus of Moya: “...ignorantia quae facta sufficienti diligentia vinci non potest, aequivalet ignorantiae invincibili. Dubium autem quod facta sufficienti diligentia vinci non potest, ignorantiam invincibilem constituit: Ergo qui post sufficientem diligentiam ad inquirendam veritatem de existentia praecepti naturalis, vel divini, vel humani, dubius adhuc manet, nequit operando delinquere; quia ignorantiam invincibilem exusare a peccato, fide sanctum est.” Cf. *Diss.* VII, 63.

<sup>26</sup> *Diss.* VII 66: “Fallacia autem consistit in eo, quod ad actionem transfert excusationem, quae solum habet locum respectu scientiae. Aliud enim est, mihi non imputari ad culpam defectum scientiae,... Aliud, non imputari ad culpam operationem subsecutam ad illam dubitationem.”

<sup>27</sup> *Ibid.*

to whether or not it is evil.<sup>28</sup>

Being in doubt as to whether a course of action is prohibited or not does not fulfil these requirements. Therefore, to carry an inference from a basis of invincible doubt to invincible ignorance should be regarded as invalid.<sup>29</sup> Involuntary and invincible doubt cannot be used as an excuse, if one happens to perform a materially evil act whilst taking the course of action which is less safe. Uncertainty concerning the existence of a prohibition or command of the Law of God cannot be used as an excuse if one happens to act against this Law, when taking the risk of acting against it. An individual is obliged to act in accordance with those probable moral opinions which one can accept by prudent assent as well as in accordance with the evident commands and prohibitions of the Law of God. Not only is he or she obliged to follow his or her firm judgement of conscience, but also to act in accordance with such moral knowledge he or she possesses, by which he or she may form an opinative judgement of conscience. González' view is that *potential conscience obligates in like manner to an actual judgement of conscience*.<sup>30</sup>

---

<sup>28</sup> *Diss.* VII, 66: "Ille enim operatur aliquam actionem reipsa malam cum ignorantia invincibili malitiae ipsius, cui inculpabiliter non venit in mentem, an illa actio sit mala; vel saltem cui nulla umquam occurrit prudens dubitandi ratio, an sit mala."

<sup>29</sup> *Ibid.*: "At non dicitur agere cum ignorantia invincibili malitiae, qui agit, prudenter dubitando, an sit malum id, quod operetur." — Suárez's view is that one is allowed to act freely in a condition of involuntary doubt when that doubt has proved to be invincible after sufficiently thorough attempts to vanquish it. Cf. above Ch. 3.3.. DEMAN states that Suárez errs in that he confuses doubt and ingorance: "There is a gap between doubt and ignorance." Cf. DEMAN 1936, 476.

<sup>30</sup> *Diss.* III, 119: "Ergo certissimum est non requiri ad obligationem praecepti, quod ejus existentia sit manifesta et evidens operanti, sed sufficit, quod prudenter judicet, vel judicare possit tale praeceptum existere. Deus enim habet certissimum jus, ut homo faciat ejus voluntatem, quoties prudenter judicare valet existere praeceptum Divinum obligans ad operandum." Cf. also *Diss.* VI, 22: "Non enim ut lex obliget singulos, requirit cognitionem evidentem in singulis."; *Diss.* III, 114: "Dicere autem quod lex non obliget nisi ejus existentia sit cognita certo, et evidenter ab operante, est res absurdissima."

#### 4.4. The Subjective and Intersubjective Nature of Conscience

One of the most frequent phrases in González' book takes the form: "...that opinion which, after a diligent and sincere examination, appears to the agent as more probable than its opposite, so that he can assent to that..."<sup>1</sup> The problem that intrigues González is the problem of decision-making as it relates to an individual in a condition of uncertainty.<sup>2</sup> Answers are given to an agent and his or her uncertain, individual conscience, and the solutions found are based on what seems to be the more probable alternative to him or her, subjectively speaking.<sup>3</sup> González does not consider as sufficient the fact that an individual may act in accordance with opinions which are "objectively", "inter-subjectively" or extrinsically probable by means of the approval of qualified authorities. Neither does he accept the view that it suffices that one may rely on the moral judgements of other people. González requires that everyone

---

<sup>1</sup> Cf., e.g., books sub-title: "...quod post diligentem veritatis inquisitionem, ex sincero desiderio non offendendi Deum susceptam, opinio illa ipsi appareat, attentata ratione et autoritate, vel unice verisimilis, vel manifeste verisimilior quam opposita..."

<sup>2</sup> Cf., e.g., *Diss.* I, 41, where González presents the framing of a question of the controversy about the Probabilism: "...an ex duabus opinionibus practicis probabilibus, quarum una affirmat actionem aliquam esse in se malam, et lege Divina prohibitam, v.g. aliquem contractum esse usurarium, et hoc pacto stat pro lege, quia movet ad ejus observationem; alia idipsum negat, et hanc ratione favet libertati adversus legem, quatenus non imponit homini obligationem abstinendi ab illa actione, sed liberum ipsi relinquit, ut sine peccato illam possit exercere. An, inquam, ex ijs duabus opinionibus oppositis, possit quis licite amplecti illam, quae favet libertati adversus legem, quamvis sit minus probabilis, quam opposita; an vero teneatur sequi illam, quae stat pro lege adversus libertatem, si sit probabilior?"

<sup>3</sup> Cf., e.g., *Diss.* II, 5: "Conscientia enim est iudicium proprium operantis: ergo loquitur de opinione subjective existente in mente operantis; haec autem semper formaliter et relative ad illum est magis probabilis, licet absolute in se sit minus probabilis."; *Diss.* VIII, title of the diss.: "...nemini licitum esse sequi sententiam faventem libertati adversus legem, quin post diligentem veritatis inquisitionem citra passionem et culpam appareat ipsi in actu primo, vel unice verisimilis, vel clare et sensibiliter verisimilior opposita stante pro lege adversus libertatem..."

makes his or her own judgements.<sup>4</sup>

One's uncertainty, as well as the awareness of the existence of contradicting probable opinions, do not in themselves imply that one could be allowed to discontinue one's moral deliberation: quite the opposite. In a case of that kind, one is obliged to perform thorough and sincere moral deliberation as well as examination of all relevant matters and aim at the attainment of the truth.<sup>5</sup> When this is not possible, one is allowed to decide on the basis of what seems to be the more probable and prudently acceptable alternative.<sup>6</sup> One is allowed to follow an "objectively", "inter-subjectively" and extrinsically probable opinion provided that the opinion in question appears to him or her as more probable than its opposite so that he or she is able to assent to that opinion.

González' view caused some difficulties for him. There were situations in which a *superior* of an individual commanded the latter to act in accordance with a certain extrinsically probable opinion, the opinion which, however, appeared to that individual as being less probable than

---

<sup>4</sup> González's negative attitude towards the use of reflex principles in morals shows how much he emphasizes the importance of the subjective and personal judgement of conscience. Cf. above Ch. 4.3. Cf. also *Diss.* I, 46: "Et in hoc sensu verissimum puto, licitum esse sequi quamcumque opinionem vere et certo probabilem subjective existentem in mente operantis, etiamsi sit minus tuta." *Ibid.* 47: "Si autem quaestio intelligatur in secundo sensu, nempe de opinione aliena existente in aliorum mente, quae in se sit vere et certo probabilis, non potest esse universaliter verum, licitumesse sequi quamlibet opinionem probabilem de honestate actus; solum enim est verum sub conditione, quod post diligentem veritatis inquisitionem, illa opinio cum tanta apparentia veritatis mihi proponatur, ut citra passionem et culpam, illam iudicem esse veram et legi Divinae conformem." Cf. also *Diss.* III, 106.

<sup>5</sup> *Diss.* XIV, 14: "Manet igitur fixum, probabilitatem non esse regulam recte operandum, sed veritatem; id est, non sufficere ad recte operandum, quod quis iudicat opinionem esse probabilem, sed requiritur, ut iudicat esse veram."; *Diss.* XIV 15. "Noster itaque scopus, in quam collimur, et stella polaris, quam inspicere debemus, est veritas."

<sup>6</sup> *Diss.* III, 121: "Qui enim quaerit opinionem propter veritatem, eam amplecti debet, in qua majora videt indicia et argumenta veritatis. Ergo sententia Probabilistarum affirmans licitum esse sequi sententiam minus probabilem in occurso longe probabilioris, de medio tollit studium quaerendi veritatem..."; Cf. the title of *diss.* XI: "...ad usum licitum sententiae minus tuta non requiri, quod operans formet iudicium omnino certum de honestate objecti..." Cf. also. *Diss.* VIII 18; *Diss.* IV, 85; *Diss.* V 16, 21; *Diss.* XIV 90; *Diss.* X-XI.

its opposite. How could an individual in this situation cope if he or she is obliged to act, as González insists, in accordance with what seems, to him or her, more probable? At first sight, it appears that there is a clear disagreement between González' view of decision-making and the principle, "subjects must be obedient to their superiors".<sup>7</sup>

González' solution to this dilemma is to make use of his theory of the interaction between intellect and will. According to González, will can, in moral uncertainty, exercise dominion over intellect. Will can perform a kind of "thought-control". Although will cannot directly indicate what opinions the intellect must assent to, will can indirectly provoke intellect to think about certain arguments as well as stop thinking about other arguments. In such manner will is able to cause intellect to consider certain opinions as more probable than others, even if, before the control of will, it had just made opposite evaluations.<sup>8</sup> González is familiar with the thesis, for example, of Buridan, that in a condition of uncertainty, in which both sides are probable, intellect very easily changes sides while

---

<sup>7</sup> *Diss.* XIV, 90: "Subditum probabiliter opinantem, actum imperatum esse peccaminosum, non posse obedire, licet Superior opinetur, eum esse licitum. ...ostensum est, quod quivis in formanda conscientia debeat sequi opinionem propriam contra alienam."

<sup>8</sup> *Diss.* XIV, 91: "Verum hoc discursum solum probat, non posse subditum obedire in sensu composito opinionis propriae, qua iudicat, actum imperatum esse peccatum; non autem, quod non possit, ac debeat obedire absolute, deponendo scilicet propriam opinionem et se conformando iudicio Superioris prudenter iudicantis rem esse honestam, et ex hoc iudicio illam imperantis."; *Diss.* XIV 103: "Ut autem Subditus, accepto praecepto Superioris, non solum suspendat assensum suum, quo opinabatur, rem esse illicitam; sed etiam mente ipsa sequatur iudicium Superioris, suamque faciat illius sententiam, debet quarere rationes, ob quas iudicet rem praeceptam esse licitam sicut Superior iudicat..."; *Ibid.* 105: "Unde poterit voluntas applicare intellectum, ut quaerat motiva quibus majorem veri speciem apud ipsum habeat sententia Superioris. Neque enim S. Ignatius intendit, posse voluntatem flectere intellectum, ut veram iudicet sententiam Superioris in sensu composito cognitionis, qua existimat oppositam esse verisimiliorem... Hinc imperium voluntatis supra intellectum, non est ad extorquendum assensum immediate circa partem quae in actu 1. apparet minus verisimilis, sed ad movendum illum mediante."

judging which alternative is more probable and worthy of assent.<sup>9</sup>

The duty of obedience of a subject to his or her superior is not a problem for González in respect to probable opinions. If an individual so wills, he or she can change the judgement of his or her conscience so that it will be in agreement with the extrinsically probable view of the superior. However, if one does not wish to change one's conscience and remains in opposition to the superior, in that case one's conscience binds one to a greater degree than the command given by the superior.<sup>10</sup>

Although González stresses the individual and personal nature of conscience, he does not consider an individual's conscience as a completely subjective and private matter. An individual's conscience should not be based on whatever opinion seems to him or her more probable than its opposite. One does not have a "safe" conscience if one's conscience offers judgements that are quite contrary to the judgements of all others. In problematic cases, one must follow an opinion that has a sufficient amount of "objective", "inter-subjective" and extrinsic probability; probability derived from the approval of opinion by authorities.<sup>11</sup> In a particular situation in which one's conscience counsels that a certain course of action is to be prohibited, and in regard to which one knows that all teachers of morals regard that course of action as permissible, one should disregard one's conscience and realize that it is in error.<sup>12</sup>

González' view is that the starting point of moral decision-making in

---

<sup>9</sup> Cf. *Diss.* III, 113: "Deinde hoc ipso, quod non sit certa existentia praecepti, poterit mentem applicare ad quaerendas rationes suadentes rem esse licitam; facile occurrit ratio aliqua dubitandi, quae ipsi gravis videatur: quoties enim aliquid certum non est, facile occurrit ratio verisimilis in contrarium. Hinc autem procedere potest ad iudicandum dari sententiam probabilem absolventem actionem illam a ratione culpae..." Regarding Buridan's view, cf. *Libri ethicorum*, 143, ra: "Dicam ergo quod sicut in aqua complete generata remote sunt omnes contrarie dispositiones, ita in completo iudicio de veritate partis omnes ablate sunt apparentie ad partem oppositam sic quod nullam habent vim super intellectum. Sed sicut nubes, licet verius sit aqua quam aer, tamen aliquam reservat aeris apparentiam et virtutem, ita in debile iudicio salvatur effectus apparentie partis opposite, reddens iudicium debile et faciliter in oppositum mutabile, vel adhuc et ad ampliorem determinationem." Cited in SAARINEN 1986, 126. — González states that even the recognition alone of the command of a superior exerts such an effect that the view of one's superior begins to appear more probable than the view opposite to it. Cf. *Diss.* XIV, 102: "...unde iam cognitio praecepti facit, ut appareat verisimilius et absolute verum illud, quod seclusa illa cognitione apparebat minus verisimile et absolute falsum."

a condition of uncertainty is that one examines what are “objectively” and extrinsically probable opinions, *i.e.*, opinions which are, to some extent, intersubjectively accepted among people who are capable of critical and diligent moral thinking. Subsequent to this, one has to exercise one’s own examination and balance the opposing opinions against each other, making at that point the decision on behalf of the alternative

---

<sup>10</sup> *Dis.* XIV, 91. — It is interesting that, in Walter of Brugge’s (b. 1267) *Quaestiones disputatae*, we find a discussion on the relationship between the authority of a command of a superior and the authority of conscience. Walter says that the authority of conscience is greater than that of a Prelate, in regard to those acts which are necessary for salvation. However, in regard to those acts which are indifferent, *i.e.*, which have nothing to do with either one’s salvation or damnation, the commands of a Prelate bind one more than one’s individual conscience. Indifferent acts belong to the “jurisdiction” of the Prelate, not to the “jurisdiction” of conscience. Cf. WALTER OF BRUGGE: *Quaestiones disputatae*, tome X, q. XVIII, responsio ad 13um: “...dic quod consentia plus habet super hominem in necessariis ad salutem, ut sunt praecepta et prohibitiones Dei vel regulae professae, quia in iis non subest praelato, sed conscientiae et Deo, et in iis, invito praelato, potest conscientia damnare et salvare; sed in indifferentibus plus potest praelatus super subditum quam conscientia, quia illa sunt jurisdictione praelati, non conscientiae, nisi quantum praelatus illi commiserit, et ideo in iis non potest conscientia salvare hominem, invito praelato, quia in iis conscientia subditi subest praelato,...” — Probabilism (of Medina and Suárez) appears to support the view that a situation involving conflicting probable opinions implies that the question is morally indifferent in character. One is allowed to act freely, following any one of probable opinions. But, if a question is morally indifferent, then there is no conflict between an individual conscience and the command of superior in opposition to it. Probabilism therefore provides a system of morals which eliminates the possible conflicts between an individual conscience and the command of a superior. González, even so, more strongly appreciates the authority of conscience. Therefore, in order to present a solution to such conflicts between the individual conscience and the command of a superior, he is compelled to refer to the ability of the will to exercise “thought control”.

<sup>11</sup> *Dis.* IV 85: “Dum autem dicimus posse operantem formare dictamen ultimum conscientiae certum, reflectendo supra propriam opinionem; propria opinio non accipitur, quasi sit privative opinio illius solis; hoc enim foret fundare securitatem in iudicio privato, quo quis ex suo cerebro contra omnium aliorum iudicium, censeret rem esse licitam; quod esset valde inordinatum: sed dicitur propria, quamvis sit communis aliis, quia operans illam fecit suam, dum motus autoritate et rationibus authorum benignorum iudicet cum ipsis rem esse licitam; et sic operatus, non praecise, quia scit alios asserere rem esse licitam, sed quia ipse censet hoc esse verum: ac proinde operatus ex opinione sua...”

<sup>12</sup> *Dis.* V, 30: “Ad ultimum respondeo, eum qui contra communem omnium aliorum Doctorum iudicat esse illicitum id, quod omnes Doctores censent esse licitum, prudenter posse deponere suum iudicium et credere se falli...”



which seems to be worth assenting to, *i.e.*, that which appears subjectively more probable than its opposite.

González' understanding of conscience as both a subjective and an intersubjective judgement is clearly revealed in his special interpretation of the notion of "probable opinion" (*opinio probabilis*). As stated above, in Ch. 4.2., "probable opinion" refers to an opinion that possesses quite a large degree of "objective" and extrinsic probability, *i.e.*, to an opinion that is widely accepted among qualified authorities. According to González, one is allowed to follow an opinion that is probable in and of itself and which "exists subjectively in one's mind", *i.e.*, appearing to him or her as more probable than its contradiction, in such manner that one may assent to it.<sup>13</sup>

---

<sup>13</sup> Cf. *Diss.* I and *Diss.* II.

## 4.5. The Authority of an Opivative Conscience

The solution as presented by González to the problem of moral uncertainty in a situation involving probable opinions is quite similar to the solution presented by Gerson, Nider, St. Antonin of Florence and Soto. These 15th and 16th century moralists regarded an agent's ability to assent prudently to a proposition as the main criterion of deciding among opposing probable opinions. The solution of González, too, represents a kind of combination of extrinsic probabilism and subjective probabiliorism: in problematic cases, the judgement of one's conscience must, on the one hand, have extrinsic probability, though it *need not be extrinsically probabilior* than its opposite, and, on the other hand, it *must be subjectively more probable* than its opposite.<sup>1</sup>

On the one hand, Gerson and St. Antonin seem to have accepted the view that one's conscience may be based on probable premises, and, on the other hand, they emphasized that conscience should always be absolutely sure, in similar manner to the assent of faith. They apparently did not provide information as to how one may bridge the gap between the probability of premises and the absolute certainty of conscience. Probabilists, then, bridged the gap by means of their reflex principles and, in that way, they could preserve the demand for the absolute certainty of conscience.<sup>2</sup> González rejected these reflex principles. What is his answer to the problem of how to advance from probable premises to an absolutely certain judgement of conscience?

González accepted the use of probable premises in moral decision-making. He accepted a kind of extrinsic probabilism, and rejected tutiorism. When there are opposite probable opinions in respect to the existence/nonexistence of a command, then one is allowed to follow the opinion which is less safe; one does not need to take the safest course of

---

<sup>1</sup> Regarding Gerson, Nider, St. Antonin of Florence and Soto cf. above, Ch. 3.1.

<sup>2</sup> Cf. Ch. 3.2. and Ch. 3.3. of this study.

action.<sup>3</sup> According to González, the use of probable premises in moral reasoning implies that the ultimate judgement of conscience remains in the sphere of probability, also. One cannot reach an absolutely certain judgement of conscience in cases where one's reasoning relies on probable premises. González seems to give up the demand for an absolute certainty of conscience.

A probable and opinative judgement of conscience includes a sufficient certainty of conscience, but not without qualifications. For González, it is a *qualified opinative judgement* that functions as the criterion for sufficient moral certainty and for adequate certainty of conscience. The principal qualification is that the opinative judgement should be a "prudent judgement". It should be prudent subjectively, *i.e.*, prudent from the point of view of the subject who is making that judgement. The criteria of a subjectively prudent opinative judgement are that the judgement in question should be preceded by a diligent and sincere examination of the truth, and that after this the judgement shall appear to the agent as considerably more *verisimile* than the opposite judgement.<sup>4</sup> A prudent opinative judgement should be prudent from the "objective" or intersubjective point of view, as well. This means that it should rely on reasons that any prudent man would be motivated by in order to make the same judgement.<sup>5</sup>

Thus, a prudent opinative judgement includes the following: (i) Hav-

---

<sup>3</sup> *Diss.* II, 1 and 2; *Diss.* XII, 15. *Diss.* X, in whole.

<sup>4</sup> *Diss.* X, 25: "...ergo non est de conceptu prudentiae, quod iudicium ab ea imperatum semper sit logice verum. Ergo certum est, posse intellectum ex imperio voluntatis prudenter iudicare, objectum esse secundum se licitum, quando post diligentem veritatis inquisitionem, citra omnem culpam, illa pars proponitur ut sensibiliter magis verisimilior opposita."

<sup>5</sup> *Diss.* X, 26: "Confirmatur ulterius: quia ubi homo post maturam deliberationem, et debitam diligentiam, ex sincero amore veritatis susceptam, citra passionem et culpam, censet contractum aliquam v.g. esse licitum secundum se, quoniam pro illa parte occurrit illi aliqua ratio valida praeeminens clare rationi et fundamentis partis oppositae, illud iudicium, quamvis sit fallibile, et ex se non excludat omnem formidinem partis oppositae, tamen nec ex parte subjecti, nec ex parte objecti est imprudens. Non ex parte subjecti; cum sine praecipitatione et praemissa sufficienti diligentia sit latum. Non ex parte objecti; cum sit conceptum ob motivum grave, et tale, ut in negotio magni momenti vir prudens simile motivo induci possit ad resolutionem sumendam; ergo esset prudens."

ing control over one's irrational passions, one aims at knowing the truth of the relation of a particular action in regard to either natural moral law or to the Law of God, (ii) one relies only on evidence one believes is in some sense objective or intersubjective, and (iii) by means of will, one assents to an alternative proposition as considerably more probable than its opposite.

Opinative assent includes, *per definitionem*, some amount of subjective uncertainty. According to Thomas Aquinas, opinative assent implies that one who "opines" that a proposition is true simultaneously doubts (*dubitat*) as to whether or not it is true.<sup>6</sup> If opinative assent is interpreted in this manner, then acting in accordance with a proposition that is less safe, in the case that one has opinatively assented to it, would imply acting in accordance with the proposition that is less safe, while in doubt. This would be akin to acting against the principle, "in doubtful cases the more safe course of action must be taken". González could not accept this.<sup>7</sup>

According to González, a qualified opinative assent does not involve doubt.<sup>8</sup> González draws a distinction between two degrees of uncertainty. More significant uncertainty possesses the names "doubt" (*dubitatio*) and "hesitation" (*haesitatio*). Smaller uncertainty possesses the name

---

<sup>6</sup> Cf. *S. th.* II–2, q.1, a.4, co: "Assentit autem alicui intellectus dupliciter. Uno modo, quia ad hoc movetur ab ipso objecto, quod est vel per seipsum cognitum, sicut patet in principiis primis, quorum est intellectus; vel est per aliud cognitum, sicut patet de conclusionibus, quarum est scientia. Alio modo intellectus assentit alicui non quia sufficienter moveatur ab objecto proprio, sed per quandam electionem voluntarie declinans in unam partem magis quam in aliam. Et si quidem hoc sit cum dubitatione et formidine alterius partis, erit opinio, si autem sit cum certitudine absque tali formidine, erit fides." — Cf. KIRJAVAINEN 1986, 68–70.

<sup>7</sup> González is aware of the problems relative to the definition of opinative assent presented by Aquinas. Cf. *Diss.* X, 93 and 94.

<sup>8</sup> González admits that an "imperfect" opinative assent includes doubt, but he emphasizes that he is talking about a perfect opinative assent. Cf. *Diss.* X, 12: "...eos Autores sub nomine *Opinionis*, quam a regula operationis excludunt, non comprehendere opinionem perfectam, quae ad ingenerandam moralem certitudinem sufficit, sed imperfectam in genere opinionis, quae non solum formidinem logicam, sed moralem, id est, dubitationem aliquam, fluctuationem et anxietatem animi secum habet admixtam..."

“fear” (*formido*).<sup>9</sup> If an opinative assent includes doubt, this doubt implies a reasonable moral doubt within which one must not take the less safe course of action.<sup>10</sup> The probability of a proposition that is the object of a qualified opinative assent should be so high, in comparison with the probability of the opposite proposition, that every doubt is excluded from the assenting mind. However, even a qualified opinative assent includes the awareness of some reasons for the truth of the opposite proposition as well as of the possibility that the proposition assented to is false. According to González, this awareness results in a fear within the assenting mind. It is not a moral fear but “only” a “logical fear”. It is a “logical” implication based on the awareness that one does not assent to an evident proposition.<sup>11</sup>

This “logical fear” is an essential aspect of *opinio*, and it is precisely in this respect that *opinio* differs from faith (*fides*) and knowledge (*scientia*).<sup>12</sup> González does not demand that the certainty of conscience should be like the certainty of faith. This is where he differs from the doctrine of Nider and St. Antonin of Florence.<sup>13</sup> A moral decision, based on a qualified opinative assent, involves sufficient moral certainty. González says that the use of probable opinions is, with qualifications, compatible with

---

<sup>9</sup> *Diss.* X, 13: “Quo circa duo sunt diligenter notanda. Primum est, aliud esse formidinem, aliud vero haesitationem et dubitationem.”

<sup>10</sup> *Diss.* X, 12 and 93.

<sup>11</sup> *Diss.* X, 97: “...sit fundata in tanta verisimilitudine, ut omnem expellat anxietatem et timorem a voluntate, et solum relinquit formidinem logicam, consistentem in iudicio de possibilitate, seu non-repugnantia falsitatis...”; *Diss.* X 86: “Hanc igitur cognitionem non-repugnatiae ad oppositum, et fallibilitatis mediorum, quibus ad opinandum movemur, appellamus formidinem.”

<sup>12</sup> *Diss.* X, 97: “...nam haec formido logica est essentialis opinioni, quatenus distinguitur a scientia et a fide.”

<sup>13</sup> Cf. *Diss.* X, 14.

moral certainty.<sup>14</sup>

González makes a distinction between two degrees of moral certainty. The first degree of moral certainty is implied when one believes something on the grounds of a human authority so credible and famous that every last fear is excluded from such assent. The second degree of moral certainty is effected when one, relying on probable reasons, opts for a qualified opinative assent including “logical fear” to a moral proposition. In the first case, moral certainty is similar to the certainty found in an assent of faith; in the second case, the certainty is similar to the certainty of opinion.<sup>15</sup>

González assigns moral authority not only to a firm judgement of conscience but also to an opinative conscience. In problematic cases, in which an absolutely certain conscience cannot be attained, one is allowed to act with a “sufficiently firm opinative judgement” of conscience.<sup>16</sup> In moral decision-making, one must not demand demonstrative certainty but rather be satisfied with probable certainty. González was aware that this is an idea that is, *via* Thomas Aquinas, based on the *Nicomachean Eth-*

---

<sup>14</sup> *Diss.* X, 98: “...quamvis enim illa opinio non egrediatur extra sphaeram probabilis, tamen habet certitudinem quamdam moralem; quae certitudo non opponitur cum conceptu essentiali opinionis probabilis...” Cf. the title of *Diss.* X: “...ad usum licitum sententiae minus tutae non requiri, quod operans formet iudicium omnino certum de honestate objecti, sed satis esse, quod iudicio opinativo prudenti, ex se non excludente omnem formidinem malitiae, sibi persuadet, objectum esse honestum, vel saltem non prohibitum.” — Cf. EBERLE 1947, 309–312.

<sup>15</sup> *Diss.* X, 14: “Secundo notandum est, duplicem esse gradum moralis certitudinis... Primum habent ea, quae creduntur ob auctoritatem humanam, sed tamen ita confirmatam et celebrem, ut omnem formidinem prorsus excludat... Alium gradum moralis certitudinis habent illa, quae tot signis et conjecturis nituntur, ut securum hominem reddant et anxietatem excludant; non tamen formidinem omnem expellant: atque huiusmodi certitudo opinionis est potius, quam fidei.”

<sup>16</sup> *Diss.* X, 27: “...sufficit, quod sententia favens libertati proponatur mihi ut manifeste probabilior opposita, ut ego formem iudicium opinativum satis firmum, quod hic et nunc liceat operari.”

ics of Aristotle.<sup>17</sup>

It is interesting that González makes use of the subjective interpretation of this idea as presented by St. Antonin of Florence. As noted above, in Ch. 3.1., St. Antonin interpreted Aristotelian “probable certainty” to mean a subjective or psychological certainty, or probability. St. Antonin appears to have emphasized that subjectively probable certainty is sufficient in *moral decision-making*; González, however, considers that this represents a justification for the view that probable certainty of conscience is adequate.<sup>18</sup> Conscience includes a moral judgement, and in morals we must be satisfied with probable judgements. Therefore, authority must be given to an opinative and probable conscience.

However, in like manner to St. Antonin of Florence and Nider, González has difficulties accepting the authority of opinative conscience. In the Roman-Catholic Church there was a long-held tradition as to the interpretation of St. Paul’s words, “everything that is not from faith is sin”, (*Romans*, 14:23), *i.e.*: “Only a conscience that is absolutely certain has authority.” This is, perhaps, why González introduces a kind of reflex principle, by means of which one may bridge the gap between the uncertainty of a qualified opinative judgement and the certainty of conscience. The reflex principle introduced by González is: “I am allowed to do that which I prudently judge is to be permitted to all.” (*Mibi licet facere, quod prudenter judico esse omnibus licitum.*) According to González, this principle is derived from natural synderesis.<sup>19</sup> If in that case a qualified opinative judgement is conceptually connected with a prudent judgement, one can then form an absolutely certain judgement of the allowability of a

---

<sup>17</sup> *Diss.* X, 88: “Ut enim inquit S. Doctor in corpore articuli: *Secundum Philosophum I Ethic, certitudo non est similiter quaerenda in omni materia. In actibus enim humanis, super quibus constituuntur iudicia, et exiguntur testimonia, non potest haberi certitudo demonstrativa, eo quod sunt circa contingentia, et variabilia: et ideo sufficit probabilis certitudo, quae ut in pluribus veritatem attingat, et sic in paucioribus a veritate deficiat.*” — Cf. Aquinas, *S. th.* II–2, q.70, a.2, co. — Cf. Aristotle, *Nicomachean Ethics*, I, 3, 1094b 12–26.

<sup>18</sup> *Diss.* X, 87: “Ut enim explicat cum Cersone S. Antoninus ... *Notandum: Certitudo quae i materia morali reperitur, non est certitudo evidientia, sed probabilis conjectura; non enim consurgit certitudo moralis ex evidientia demonstrationis, sed ex probabilibus conjecturis grossis, et figurilibus, magis ad unam partem, quam ad aliam se habentibus.*”

<sup>19</sup> *Diss.* X, 27.

specific course of action in regard to which one holds a qualified opinative judgement. González assumes that this is the case, and this is his answer to those who assign moral authority to an absolutely certain conscience only.<sup>20</sup> For González, a prudent opinative judgement of conscience possesses authority. But if one does not agree with González, then the reflex principle may be utilized, *i.e.*, “I am allowed to do that which I prudently judge is permitted to all.” One shall no longer have any uncertainty in one’s final practical judgement, *i.e.*, in one’s conscience.

González rejects the tutoristic solution to the problem of moral uncertainty. His view is that one is allowed to assume the risk of acting against the Law of God, if the risk is so low that, in one’s mind, only a small, “logical” fear exists supporting the possibility that one’s action may be, in fact, against the law. González admits that, in a state of uncertainty in regard to the existence of a prohibition, it is preferable to take the safer (*tutior*) course of action. However, a norm dictating one to choose the safer course of action, even when one can make an opinative judgement for the less safe course of action, is not a precept (*praeceptum*) but rather only a counsel (*consilium*).<sup>21</sup>

---

<sup>20</sup> There is some evidence for the view that González leaves the question of whether or not a probable conscience must be given authority open. His own view appears to be “yes”, but in *Diss.* X, 27 he demonstrates that his solution is easily applicable, also for those who require absolute certainty of conscience. Cf. *ibid.*: “Ex hoc capite sic argumtor: quia vel ad honeste operandum sufficit, quod dictamen ultimum practicum ... sit probabile, ... vel requiritur quod sit certum et evidens. Si primum, sufficit, quod sententia favens libertati proponatur mihi ut manifeste probabilior opposita, ut ego formem iudicium opinativum satis firmum, quod hic et nunc mihi licet operari. Si secundum, etiam sufficit mediate illa probabilitas sententiae benignae, ad formandum dictamen reflexum certum, et evidens, quod hic et nunc liceat operari: nam illa major probabilitas sufficit, ad formandum iudicium directum opinativum prudens de honestate operationis, quatenus motiva illa directe movent vehementius ad assensum de honestate operis, quam motiva opposita sententiae movent ad assensum de inhonestate. Hoc autem iudicium directum reflexe cognitum movere potest ad dictamen reflexum certum et moraliter evidens, quod hic et nunc liceat operari.” — Cf. EBERLE 1947, 323.

<sup>21</sup> *Diss.* X, 53: “At quando una pars est quidem tutior et caeterum opposita est sensibiliter et clare probabilior et verisimilior; consilium quidem, est tutiorem sequi ad evitandum omne periculum, etiam remotum, transgressionis materialis legis divinae; at non est praeceptum...”



What then is a justifiable excuse for one who happens to disregard the Law of God after having taken the risk of acting against it? González says that not even the holiest and wisest teachers of the Church enjoy any privilege to err in what they teach in regard to “*Ius naturale*”.<sup>22</sup> The prevailing situation of the Roman-Catholic Church, within which notable moral authorities support contradicting propositions in regard to some particular applications of natural moral law, implies, according to González, that some of them do indeed err.<sup>23</sup> However, if those teachers do not sin when teaching false propositions, neither does an individual sin when following, while relying on his or her own prudent opinative judgement, the propositions supported by the same teachers who have followed their own prudent opinative judgement.<sup>24</sup>

If we think that those teachers have an acceptable excuse due to invincible ignorance, we must then accept that also those individuals, who follow the views of these teachers have a justifiable excuse, due to their invincible ignorance.<sup>25</sup> It is peculiar that González, in this connection, appears to refer to invincible ignorance as an excuse though he has said, in his criticism of the probabilists, that ignorance is essentially different from acting in a condition of uncertainty caused specifically by that ignorance.

The tone of González’ solution indicates that God Himself is

<sup>22</sup> *Diss.* XI, 22: “Certissimum est, nullum Doctorem, quantumvis sanctum et sapientissimum, habere privilegium numquam errandi in iis, quae docet circa Ius naturale.”

<sup>23</sup> *Diss.* X, 20.

<sup>24</sup> *Diss.* XI 21: “Nam si Doctor non peccavit, tradens illam opinionem, quamvis reipsa sit falsum, ita nec peccabit homo, qui illam sequitur, eo quod post diligentem veritatis inquisitionem illi apparet vera sicut apparuit suis Authoribus.”; *Diss.* XI, 22: “Certissimum est, Doctores sanctos, quando disputatur, an aliquid sit illicitum Iure naturae, vel non, saepe habere opiniones oppositas; et sine peccato abijse in sententias illas. Ergo certum est, Doctorem aliquem sanctum et doctum posse tradere opinionem probabilem reipsa falsam circa Ius naturale.”

<sup>25</sup> *Diss.* XI, 24: “Ergo si contingere potest ut Doctores excusantur per ignorantiam invincibilem, quamvis tradant doctrinam falsam circa fidem et bonos mores, quoad conclusiones remotas, quae non nisi post diligens studium aliciuntur ex primis principiis morum, et ex veritatibus expresse revelatis, quas omnes fideles tenetur credere, ita poterit excusari a peccato per ignorantiam invincibilem, cui ejusmodi opiniones in praxi sectantur.”

responsible for the prevailing situation in the Church. God allows some Doctors of the Church to teach erroneously. God allows us to make decisions while relying on our opinative judgements. Therefore, we shall not be blamed if we do happen to act against the Law of God in following our prudent opinative judgement and taking the less safe course of action.<sup>26</sup> Not only a firm judgement of conscience, but also a prudent opinative judgement of conscience constitute a *bona fide* excuse. We can *bona fide* take the less safe course of action when, at the same time, we are aware that we may be acting against the Law of God.<sup>27</sup>

---

<sup>26</sup> *Diss.* XI, 20–42. Cf., for example, *Diss.* XI, 27: “Hinc constat, Deum imposuisse hominibus obligationem non tradendi doctrinas falsas circa fidem, et bonos mores. Et nihilominus hoc praeceptum, licet obligat ad inquirendam veritatem et non docendum, nisi eas opiniones, quae post diligentem veritatis inquisitionem apparuerint verisimiliores, non obligat ad tradendas doctrinas reipsa veras, ita ut tradi non possint opiniones falsae sine peccato. Ergo similiter in ordine ad operandum, solum tenebitur homo ad inquirendum diligenter, quid Deus requirat a sese, et ad non sequendum partem faventem libertati, nisi illa ipsi appareat sensibilibiter verisimilior, et idcirco iudicetur vera.”; *Diss.* XI, 40: “Potest (Deus) igitur velle ut lex sua integre ab omnibus sciatur et ne materialiter quidem ex ignorantiae violetur; et nihilominus permittere, ut aliquando citra ullam hominis culpam, contingat hic defectus, non moralis, sed physicus; scilicet legem suam quoad aliquem casum in ipsa invincibiliter ignorari, et materialiter violari, ac inverti.”

<sup>27</sup> *Diss.* XI, 12: “Unde si contingat opinionem benignam esse falsam et rem illam in se revere esse intrinsece malam; tunc transgressio legis non imputatur operanti; quia illam transgreditur bona fide, existimans inculpabiliter rem illam esse licitam.”

## Summary

My aim in this study has been first to show that the medieval understanding of probability was not entirely distinct from the modern understanding of the concept. Secondly, I have formulated the interpretations of probability which were central to the 16th and 17th century discussions about moral probabilism. Thirdly, I have delineated how the Franciscan and voluntaristic ways of thought of the 13th and 14th centuries affected the discussions of moral uncertainty, as well as the various moral systems, from the solutions of the 15th century up to the probabiliorism of González at the end of the 17th century.

It may be true that the most frequent medieval use of the term *probabilitas* as a qualificative of a proposition supported by all or by most experts and qualified authorities was subjective or psychological. This kind of probability, in which it is extrinsic evidence (evidence of testimony) that makes something probable, is distinct from the objective notion of probability, according to which it is intrinsic evidence (evidence of things) that makes something probable.

In the first part of the study, I referred to Aristotle's conception of probable non-demonstrable propositions ( $\epsilon\nu\delta\omicron\zeta\alpha$ ) and a certain kind of irregularity in natural events as the background of medieval discussions. I examined the question of how the notion of probability connected with  $\epsilon\nu\delta\omicron\zeta\alpha$  was developed.  $\epsilon\nu\delta\omicron\zeta\omicron\nu$ , for Aristotle, is a probable proposition which is supported by all, or the largest part, or by at least many qualified authorities. In the Middle Ages, the terms *opinio* and *opinio probabilis* replaced the Greek term  $\epsilon\nu\delta\omicron\zeta\omicron\nu$ . In the late medieval definitions of probability, the definition of  $\epsilon\nu\delta\omicron\zeta\omicron\nu$  in the *Topics* of Aristotle is usually referred to. In these connections, probability of a proposition was understood as the approvability of the proposition by qualified authorities. The evidence on which the probability of a proposition was thought to

depend was extrinsic evidence.

This sense of probability was connected with a view on different degrees of subjective or psychological certainty. It was, for example, Thomas Aquinas' view that accepting a proposition as probable includes a specific kind of assent. *Opinio* or *assensus opinativus* was regarded as mentally or psychologically less certain than the assent of knowing (*scientia*). The intensity of the inclination of reason to assent to a non-demonstrable proposition was thought to correlate with the reason's subjective impression of the amount of probable evidence supporting the proposition. Aquinas thought that one and the same proposition may have different psychological probability for different people.

Some statements of Aquinas and Boethius of Dacia reveal that they tried to present a rational basis for the notion of probability, in which probability means the approvability of a proposition by qualified authorities. Aquinas implicitly and Boethius of Dacia explicitly state that the risk of presenting erroneous statements is higher in the case of the opinion of one man than in the case of a unanimous opinion of experts; it is more probable that one man would err than that a unanimous opinion of experts would be false. This probability is not based on evidence of testimony (extrinsic evidence) but depends on how things are in the world (intrinsic evidence). The notion of probability Boethius of Dacia used when he attempted to provide a rational basis for "medieval probability", *i.e.*, probability as approvability by qualified authorities, exemplifies a common medieval idea of probability which was connected with the conception of risk.

The view that probability was connected with risk had its background in the thinking of Aristotle. According to Aristotle, there is a certain kind of irregularity in the natural course of events. There is a class of contingent events in which a specific effect results from a specific cause not always, but in most cases (*ἐπι τὸ πολὺ*). In the Middle Ages the Greek *ἐπι τὸ πολὺ* became replaced by the Latin *ut in pluribus* (and, alternatively, *ut frequenter*). This term was sometimes used by Aquinas synonymously with the term *probabile*. Already in the works of Albert the Great the specific precision of opinions about things which were supposed to take place in

a certain way — not always but *ut in pluribus* — was called “probable certainty” (*certitudo probabilis*). The idea that a kind of *ut in pluribus* degree of precision is sufficient in moral affairs is expressed in the first book of the *Nicomachean Ethics* of Aristotle. Through Robert Grosseteste’s translation of this and Albert’s commentary of the same, this ἐπι τὸ πολὺ -precision received the term “probable certainty”.

Aquinas’ discussions regarding the credibility of judicial testimonies include the view that the risk of false testimony can be eliminated or reduced with the rise in the number of independent witnesses giving testimony. The method of minimizing risk is based on Aquinas’ view of what is more probable in the light of our current knowledge of how things are in the world. In the light of our knowledge of the world, it is more probable that the testimony of one witness would be false than that a consistent testimony of three independent witnesses would be false. Aquinas states that a testimony of three witnesses is probably and for the most part (*probabiliter et ut in pluribus*) more reliable than that of one witness. Accidentally (*ut in paucioribus*), the opposite may take place. In addition to Aquinas, Boethius of Dacia states that events that are usual and take place in the same way *ut in pluribus* may be called probable. By calling an event probable — for example, “a mother loves her child” — Boethius of Dacia makes a statement which is based on observing individual cases of motherhood. As a matter of fact, for Boethius of Dacia, a probable statement such as “a mother loves her child” is an inductive generalisation, and the notion of probability is connected with inductive statements. Boethius’ view is that assenting to an inductive generalisation in a particular situation is connected with a certain degree of certainty and probability.

Late medieval teaching of economic ethics raised questions of how to define what is a just contract and what is usury in particular situations involved with the uncertainty, irregularity and unpredictability of various matters. An intuitive idea of statistical probability was introduced in solutions to these kinds of problems. It was thought that, in regard to a great amount of contingent phenomena, we can acquire some rough statistical information about how things generally happen in the world. By means

of this information we can make probable statements or predictions about what will happen in the future. By *probabile*, Alexander of Alexandria and Bernardin of Siena refer on the one hand to the probability of a proposition that is warranted by empirical, statistical evidence, and on the other to certain statistical frequency related to a phenomenon itself. An expression *quod accidit ut frequentius* is synonymous with *quod est probabilius*.

In the examples mentioned, the intuitive idea of frequency-probability was not considered as merely *epistemic*. It was also regarded as *objective* probability. The background of this view is as follows. Aquinas and Boethius of Dacia thought, as did many others as well, that not everything that happens is an effect of a *causa proxima*. Although God is *causa remota* for every event, this does not imply that there would not exist objective indeterminacy in the world. Contingent phenomena which are *accidental* events do not have any proximate cause. The existence of an accidental event cannot be reduced to any finite cause. For Aquinas and Boethius of Dacia, contingent events which are included in the class of what happens *ut frequenter* are objectively contingent and objectively probable phenomena. By expressions *ut frequenter* and *probabiliter* they sometimes refer to a certain degree of objective indeterminacy.

In the discussions about moral probabilism and probabiliorism during the 15th, 16th and 17th centuries the most important interpretation of probability was the εὐδοξία-related conception of ‘probability as approvability by qualified authorities’. In a condition of uncertainty, in which one should make a decision among opposing opinions, one should at first distinguish between opinions which are probable, *i.e.*, supported by the evidence of testimony, and those which are not. This is a general principle accepted by all major parties in the discussions about moral probabilism. A sufficient amount of extrinsic probability is regarded as the necessary condition of an acceptable moral position. The use of this probability as a criterion of moral decision-making in a condition of uncertainty meant that before acquiring the status of a normative sentence a moral opinion would have to pass a kind of inter-subjective test. The moral opinions of an individual do not have this normative sta-

tus until they have been approved by several qualified authorities.

Thyrsus González was most explicit in this respect. In the *Fundamentum theologiae moralis* (1694) he seems to assume, like Aquinas and Boethius of Dacia, that the justification of the notion ‘probability as approvability by qualified authorities’ is based on the presumption that the risk of error can be reduced when one follows the opinion which has been accepted as true by the wisest, after they have examined the question with diligence and sincerity. González may have thought that the risk of error is more substantial in a statement by one individual than in a unanimous statement of several teachers of morals.

Bartholome of Medina tried to justify the principle of *minusprobabilism*, i.e.: “if an opinion is a probable one, then one is permitted to follow that opinion, even if the opposite one is more probable.” He emphasizes the connection between the terms “probable” (*probabile*) and “approvable” (*approbabile*) saying that if a moral opinion is a probable one, then it is morally approvable as well. A sufficient criterion for the moral approvability of an opinion is that it is probable; it does not have to be more probable than its opposite.

The question concerning different degrees of subjective certainty and psychological probability became central in the moral discussions about probabilism and probabiliorism. Much of the discussion concentrated on the question of what a sufficient degree of subjective certainty in moral decision-making is. The traditional answer, presented by Aquinas among other persons, and often justified by *Romans 14:23*, was that, in his or her conscience, everyone must have absolute certainty. Due to new views on moral decision-making introduced by voluntarism during the 14th century, traditional moral *tutorism* could not represent an adequate solution to practical problems of moral uncertainty anymore.

In the 15th century, some scholars, such as Jean Gerson, John Nider, St. Antonin of Florence and Dominicus Soto, argued for *subjective probabiliorism* and stated that it is sufficient that one follows the opinion which he subjectively feels is more probable than the opposite, and which he can therefore opatively assent to. A degree of subjective certainty or psychological probability thus became a criterion for decision-making.

This view was expressed more explicitly by González in his 17th century critique of probabilism. In his book, González carefully attends to different interpretations of ‘probability’, making a clear distinction between psychological or “mental” probability and extrinsic probability, which he sometimes calls objective probability. An individual is allowed to follow an extrinsically less probable opinion if it is, for him, subjectively more probable than its opposite, so that he can opinatively assent to it. In the *minusprobabilism* developed by Medina and Suárez in the 16th and 17th centuries, this sense of subjective certainty or psychological probability was not a central conception, although minusprobabilism includes the idea that perfect subjective certainty is a prerequisite of “safe” conscience.

The 15th, 16th and 17th century discussions concerning moral probabilism and probabiliorism utilized the traditional medieval interpretations of probability. We cannot discover any new conception of probability which may be regarded as an explanation for the development of these discussions about probabilism at precisely that period of time. An explanation may be found in the change in regard to views on the psychology of the moral uncertainty problem. In the second part of this study I have examined the views of Thomas Aquinas, Henry of Ghent, John Duns Scotus and John Buridan concerning the psychology of decision-making in a condition of uncertainty.

The question of moral decision-making in a condition of uncertainty was not an urgent one for Aquinas. The reason for this can be found in Aquinas’ theory of moral decision-making. According to Aquinas, every agent acts in order to achieve an end that is taken to be good. Man’s striving to the final end is something that is given to him; the final end cannot be an object of choice. In Aquinas’ theory of action, the deliberation of practical intellect is taken to start from the end as its first principle, and it aims at producing a particular action which serves as the means to attaining that end. When deliberation takes place as an explicitly moral consideration, it is the conclusive particular judgement of practical intellect, called *conscientia*, which applies general moral knowledge to a particular situation and tells us what we have to do (or what we



may not do) here and now in order to attain our final end, *summum bonum*. A command to follow one's conscience is simply a command to act rationally.

Following Aristotle, Aquinas thinks that *election* is essentially an act of will through which the judgement of practical intellect is changed into action. He considers that, in a certain sense, the choice between alternatives takes place during the deliberation of practical intellect, not through an act of will. Aquinas' way of thinking implies that, in one sense, moral choice (or a moral decision) is determined through the deliberation of practical intellect. Will does not have the freedom to choose among alternative "good objects" proposed to it by the intellect at a particular moment.

In Aquinas' theory of moral decision-making, practical intellect has the leading role. In a situation of moral uncertainty in which the practical intellect is unable to reach a decision between two alternative courses of action, the only reasonable recourse is to continue deliberation until intellect becomes able to bring about a decision, *i.e.*, to propose only one eventual alternative to the will. If intellect cannot decide, neither can will choose. Aquinas' view seems to be that those actions of man which do not result from a decision of practical intellect simply represent irrational behaviour.

It is characteristic of Aquinas to assume that when a man is in a situation in which intellect is unable to decide among two alternatives, he can, however, find a "third way" which provides some new light on the deliberation, enabling intellect, in a psychological sense, to decide among the relevant alternatives. "Prudence" (*prudentia*), the virtue of practical intellect, always helps one to discover some solution in perplexing situations; through its assistance practical intellect aims at producing a judgement regarding what must be done here and now towards the attainment of an end.

Concerning the psychological theory of human action, the Franciscan-voluntarist tradition came into opposition with Thomism. Both Henry of Ghent and Duns Scotus believed that, in decision-making, it is the will that has the leading role. The will is not bound in its decisions to

accept that which is proposed by practical intellect as the best alternative. Will was regarded as a free power, being able to choose autonomously among variant alternatives proposed to it at a particular moment. These choices may manifest a change of preferences. Concerning the view on the nature of moral norms, this view on the freedom of will resulted in the opinion that moral norms are prescriptive in character in telling people their moral duties. Morally good behaviour could be promoted through restricting the freedom of will by commands of law. Voluntarist and Franciscan thinking resulted in a view on morality which emphasizes contrariness between freedom and moral law.

It was the view of Henry and Scotus that a condition of uncertainty in decision-making offers the will an opportunity to control and direct the deliberation of the practical intellect. In situations in which the deliberation of intellect has not come to a definite conclusion, will is able to direct the intellect to examine matters, so that after deliberation the intellect comes to a conclusion that pleases the will. Henry's original view of conscience was that a particular moral judgement by a person's practical reason reaches the status of conscience through the commitment of the person's will with it.

In his influential commentary on the *Nicomachean Ethics* of Aristotle, John Buridan also indicated that the will has some activity of its own, *i.e.*, some ability to choose or decide among various possibilities at a given moment. The activity of the will is manifested in its freedom to defer its action. Buridan's view was that, in a condition of uncertainty, the will does not necessarily accept the alternative which appears to be the best one. As long as the person is not sure that this is the best alternative, the alternative that further deliberation is in order may be chosen. If a firm judgement exists in intellect to the effect that willing a particular thing is good for the will and does not include any evil, then the will cannot refrain from willing it. However, when the judgement of practical intellect is uncertain or based on probable reasons, the will is able to defer its second act and command intellect to consider the object further, until it reaches a firm judgement. This freedom of will makes it possible for one to reach greater certainty in his or her practical judgements, but it also

makes it possible to postpone almost any decision. Buridan's analysis of will is considerably concentrated on the question of the certainty of deliberation. Subjective certainty tended to become a factor of great importance in moral decision-making and to have a role more decisive than the authority of rules.

The views of Henry, Scotus and Buridan show why moral uncertainty concerning moral decision-making became an important problem of moral thinking. It was possible to think that free will affects the moral conclusions of an individual. A dictate of conscience could be radically individual and subjective. The need for a thoroughgoing discussion about the adequate criteria of solving varying problems of moral uncertainty emerged among the teachers of morals in the Roman Catholic Church.

Before Bartholome of Medina, the 15th and 16th century solutions to the problem of moral decision-making in uncertainty included the view that a sufficiently certain opinative assent of a person's practical intellect is decisive for what is morally right or wrong to him or her. However, the assent in question was supposed to have moral authority only in the condition that the assent relies on a sufficiently careful deliberation and examination of the question. In the case that one is uncertain of whether there is a specific law restricting one's freedom or not, one is obliged to suppose that the law actually exists. However, if one, after careful deliberation, is able to assent opinatively to the proposition which, in that specific case, prefers freedom to law, one is allowed to suppose that the law does not exist. It was the view of Soto, for example, that at a particular moment, two persons may assent "honestly" to opposing views regarding the lawfulness of a specific course of action. In that case, subjective certainty in the conscience of each person is what determines what is right or wrong to each one.

The most important idea of Medina's probabilism was that the subjective certainty of one's conscience, which allows the conscience its moral authority, can be acquired by using a certain *reflex principle*. Medina reasoned that a member of the Church was not obliged to examine and deliberate on variant moral questions until he or she acquires a suffi-

ciently certain judgement of conscience. In respect to problematic questions disputed among the teachers and moral authorities, people are allowed to follow whatever truly probable opinion. One does not need to make the decision by means of one's practical intellect. One is allowed to make the decision between freedom and law by the application of will. In these problematic cases one's conscience seems to remain uncertain, but Medina's idea was that through believing in the reflex principle of minusprobabilism, *i.e.*: *if an opinion is a probable one, then one is permitted to follow that opinion, even if the opposite is more probable*, one's practical intellect (conscience) obtains perfect certainty about the lawfulness of the choice that the will has made.

Francisco Suárez' probabilism is clearly based on his view of the nature of moral law. According to Suárez, the essential nature of law presupposes will, which commands us to obey those indicative statements stating what is good and what is evil. Such a will is represented in the will of the legislator and it is made known to people by the promulgation of the law itself. If there is insufficient promulgation of a supposed command, such a command in turn does not exist. Suárez' first reflex principle is: *Law does not bind unless it is sufficiently promulgated*. When the command in question does not even exist, there is *prima facie* nothing evil in acting in one way or another in relevant situations. Suárez' second reflex principle is a traditional principle of jurisdiction: *In doubtful cases the lot of the owner should be preferred*. Moral law and the freedom of the individual are in opposition with each other. It is Suárez' view that the freedom of an individual should be preferred unless there is a sufficiently promulgated law that restricts freedom.

For Suárez, these two reflex principles provide important assistance when a person, in problematic cases, wishes to acquire certainty in his or her conscience in regard to the lawfulness of a specific action. Through believing in these principles in a specific problematic situation, one becomes sure that the decision one has made by will is morally right. Suárez draws a careful distinction between facts and norms. The existence of norms depends on the legislator and promulgation, *i.e.*, on our knowledge about commands. However, the existence of facts is inde-

pendent of anyone's knowledge of them. Therefore, a person's uncertainty in regard to the existence of specific facts does not imply that he or she could acquire the certainty of practical reason by recourse to the above-mentioned reflex principles. Suárez' view is that in being uncertain in regard to some facts having implications in regard to moral decision-making, one is obliged to choose the safest or most probable interpretation.

Similar to the view of Suárez, the general tone of González' view of the psychology of moral decision-making is voluntarist. The will is not bound in its actions to that which is apprehended as the best or most probable alternative by the practical intellect. Will is able to govern its own acts within certain limits. Will is unable to choose anything *sub ratione mali*, but is able to make a choice among good alternatives that are presented to it at a particular moment. Following the views of Henry of Ghent and Duns Scotus, González emphasizes the ability of will to exert dominion over the intellect in situations of uncertainty. Being a *potentia necessaria*, intellect is passive in the sense that it is moved to assent by the truth it sees in its objects. Will, however, is able to direct the intellect to reflect on certain objects, as well as refrain from reflecting on some other specific objects. Will is able to move — “mediately” -intellect to assent to a proposition which, at first sight, appears to be less probable than its contradiction.

An interesting application of this view was González' solution in regard to the question of the duty of obedience by a subject to his or her superior. It may happen that a person's own probable opinion is in contradiction with a command of his or her superior, which also relies on a probable opinion. What should the person in this case do? Act against his or her conscience, or refuse to obey the command of his or her superior? González' view was that if the person so wills, he or she can command the intellect to continue the deliberation and think about specific aspects of the question, in order to change the judgement of one's conscience so that after the deliberation it will be in agreement with the probable view of the superior.

The main point of González' critique of probabilism was the rejec-

tion of the use of reflex principles. A sufficient degree of subjective certainty or probability is a necessary condition for a normative conscience. González accepted the use of reflex principles in *jurisdiction*. His view, however, was that the certainty of an individual's *conscience* must not be acquired by reflex principles. Conscience is essentially an individual matter in character. Everyone's conscience should be based on everyone's own sincere deliberation and diligent examination of the truth. Every person should act in accordance with his or her own conscience. González' view was that the promulgation of a command of moral law is sufficient to an individual invariably when he or she, after diligent examination of the question, remains unable to assent to the proposition that a specific command of moral law does not exist. According to González, neither general nor individual moral uncertainty may be regarded as a sign of insufficient promulgation of the law.

Although González in his probabiliorism stresses the individual and personal nature of conscience, he does not consider an individual's conscience as a completely subjective and private matter in character. The starting point of moral decision-making in a condition of uncertainty is that one examines what are "objectively" and absolutely probable opinions, *i.e.*, opinions which are, to some extent, inter-subjectively accepted among people who are capable of critical and diligent moral thinking.

Probabilism required an absolute certainty of conscience; its reflex principles made it possible for an individual to acquire this absolute certainty, also in problematic situations. González seems to give up the demand for an absolute certainty of conscience. He is of the view that a probable and opinative judgement of conscience includes sufficient certainty. The opinative conscience of an individual possesses moral authority to him or her if the person's intellect is strongly inclined to assent as a result of a diligent and sincere examination of the truth, and if the judgement assented to may also be approved by any prudent man for the reasons that are available. Opinative assent always includes awareness of the possibility that the assent in question may be erroneous. González allows an individual to act on an uncertain judgement of conscience.

González' probabiliorism is very similar to 15th and 16th century

views prior to the probabilism of Medina: In problematic cases, a certain degree of subjective moral certainty, combined with *assensus opinativus* acquired through personal moral deliberation, is the necessary condition for a normative conscience. It may be said that the probabilism of Medina and Suárez expresses the tendency to give the freedom of an individual preference over the precepts of law. González' probabiliorism may be seen as the result of a pessimistic view of man; it may be regarded as the expression of a tendency to prefer an individual's experience of the Law of God to the freedom of an individual.

# *Sources and Literature*

## Abbreviations

- DThc Dictionnaire de Theologie catholique. 2. ed. Paris.  
DMC Dictionarium Morale et Canonicum. Roma.  
LThK Lexicon für Theologie und Kirche. 2. Aufl. Freiburg.

## Sources

AEGIDIUS OF LESSIN

*De usuris in communi*. Ed. Parmensis. 1864.

ALEXANDER OF ALESSANDRIA

*Tractatus de usuris*. Ed. A-M. Hamelin in his study: *Un Traité de morale économique au XIV<sup>e</sup> siècle*. (Analecta Medievalia Namurcensia, 14) Louvain 1962.

ALBERT THE GREAT

Opera omnia, ed. A Borgnet. Vol. VII: *Ethicorum Lib. X*. Paris 1891.  
Vol. XXXV *Secunda pars Summae de creaturis*. c. 1240–1242.

Opera omnia, ed. Kübel. Vol. XIV: *Super Ethica, commentum et quaestiones*.  
Aschendorff 1968–72.

ST. ANTONIN OF FLORENCE

*Summae Sacra Theologiae, Iuris Pontificij, et Caesarei*. Venetiis 1571.



## ARISTOTLE

*The Complete Works*. Ed. J. Barnes. (The Revised Oxford Translation). Princeton University Press, Princeton. 1985.

*Aristotle in Twenty-Three Volumes*. Loeb Classical Library. Ed. E. h. Warmington. Harvard University Press, Cambridge, Mass.. 1973.

## BERNARDIN OF SIENA

*S. Bernardini Senensis Opera omnia* 1–9, Collegium S. Bonaventurae, Florentiae 1950–65.

## BOETHIUS, ANICIUS MANLIUS SEVERINUS

*In Posteriorum Analyticorum Aristotelis interpretatio*. Ed. J.-P. Migne (Patrologia Latina, 64), Paris 1891.

*In Topicorum Aristotelis Interpretatio*. Ed. J.-P. Migne (Patrologia Latina, 64), Paris 1891.

*De Differentiis Topicis*. Ed. J.-P. Migne (Patrologia Latina, 64), Paris 1891.

## BOETHIUS OF DACIA

1976 *Quaestiones super librum Topicorum*, ed. N. J. Green-Pedersen and J. Pinborg. (Corpus Philosophorum Danicorum Medii Aevi, 6) Gad.

## CAJETAN, (THOMAS DE VIO)

*Opuscula Omnia Thomae de Vio*, 1582

## GERSON, JEAN

*Opera omnia*. Ed. E. du Pin, vol. 1–5, Hague 1728.

## GONZÁLEZ, THYRSUS

*Fundamentum theologiae moralis, id est tractatus theologicus de recto usu opinionum probabilium*. Dilingae 1694.

## HENRY OF GHENT

Henrici de Candavo Opera Omnia. (Ancient and Medieval Philosophy, series 2) Vol. V: *Quodlibet I*. Ed. R. Macken. Brill, Leiden 1979. Vol. XIII: *Quodlibet IX*. Ed. R. Macken. Leuven University Press 1983.

## JOHN BURIDAN

*Super decem libros ethicorum*, Paris 1513. Reprint Minerva, Frankfurt 1968.

## JOHN DUNS SCOTUS

*Opera omnia*. Ed. L. Wadding. Lyons 1639. Reprint Olms, Hildesheim 1968. (See also John Duns Scotus, *Opera omnia studio et cura Commissionis Scotisticae*. Civitas Vaticana 1950–.)

John Duns Scotus, *On the Will and Morality*, ed. A. Wolter. The Catholic University of America Press, Washington 1986.

MEDINA, BARTHOLOME OF

*Expositiones in primam secundae Divi Thomae*. Venetiis 1580.

NIDER, JOHN

*Expositiones decalogi*. Coloniae ca. 1473.

*Consolatorium timoratae conscientiae*. Coloniae ca. 1473.

PETER JOHN OLIVI

*De emptiōibus et venditiōibus, de usuris, de restitutionibus*. Ed. by Giacomo Todeschini in his study: *Un trattato di economia politica francescana: il "De emptiōibus et venditiōibus, de usuris, de restitutionibus" di Pietro di Giovanni Olivi*. 51–108 (Istituto Storico Italiano per Medio Evo Studi Storici). Roma 1980.

*De contractibus usurariis*. Ed. by A. Spicciani in his article: "Gli scritti sul capitale e sull'interesse di fra Pietro di Giovanni Olivi." 321–323 – *Studi Francescani* 73. 321–323. 1976.

PETER RICHERI

*Top. Ar.* [*A Commentary on the Topics of Aristotle*]. Ed. by Niels Jørgen Green-Pedersen in his work: *The Tradition of the Topics in the Middle Ages*. 364–376. München 1984.

SOTO, DOMINICUS

*De dubio et opinione*. Ed. by J. Ternus in his study: *Zur Vorgeschichte der Moralsysteme von Vitoria bis Medina. Neue Beiträge aus gedruckten und ungedruckten Quellen*. 54–61. (Vorschungen zur Christlichen Literatur- und Dogmengeschichte, 16.) Paderborn 1930.

*De iustitia et iure*. Antverpiae 1567.

*In quartam sententiarum commentarii*. Salamanca 1557.

SUÁREZ, FRANCISCO

*Disputationes Metaphysicae, 1–2*. Paris 1866. Reprint Hildesheim 1965.

*Opera Omnia*. Ed. Vives, t. IV, *Tractatus quinque in primam secundae D. Thomae, 437–452: De bonitate et malitia humanorum actuum*. Paris 1856–1878.

*Theologiae R. P. Fr. Suárez e societate jesu, summa seu compendium, A. R. P. Francisco Noel ejusdem societatis concinnatum. Summa et compendium, pars prima*. Ed. J.-P. Migne. Paris 1877.

*Tractatus De Legibus ac Deo Legislatore*. Antverpiae 1613.

## THOMAS AQUINAS

*In IV libros Sententiarum.* Ed. Prima Americana, New York 1948

*Summa contra gentiles.* Ed. Marietti 1961.

*Summa theologiae.* Ed. Leoninae et Marietti 1888–1905

*Quaestiones disputatae de veritate.* Ed. Leoninus & Marietti 1953.

*Quodlibeta I – XI.* Ed. Marietti 1956.

*In libros Physicorum.* Ed. Marietti 1954.

*Sententia libri Ethicorum.* Ed. Leoninae 1969.

*In libros Posteriorum Analyticorum.* Ed. Leoninae 1882.

*In libros Metaphysicorum.* Ed. Marietti 1950.

*In libros Peribermeneias.* Ed. Marietti 1955.

*Super epistolam ad Romanos.* Ed. Marietti 1953.

*Super evangelium Iohannis.* Ed. Marietti 1952.

*Super ad Hebraeos.* Ed. Marietti 1953.

*De fallaciis.* [Doubtful authenticity] Ed. Marietti 1954.

## WALTER OF BRUGGE

*Quaestiones disputatae.* Ed. E. Longpré. (Les Philosophes Belges, Textes et Études, 4) Louvain 1928.

## Modern Literature

ABELLÁN, P. M.

1948 "Posición de Suárez ante en conflicto entre la libertad y la obligación probable" in *Congreso internacional de filosofía*, Actas 3. Barcelona.

ALANEN, L. & KNUUTTILA, S.

1988 "The Foundations of Modality and Conceivability in Descartes and his Predecessors" in *Modern modalities*. Studies of the history of modal theories from medieval nominalism to logical positivism. Ed. Simo Knuuttila. (Synthese historical library, 33.) Kluwer Academic Publishers, Dordrecht. 1–69.

BATTEN, R. J.

1975 *St. Thomas Aquinas, Summa Theologiae*, vol. 34, Charity. Ed. and transl. by R.J. Batten. Mc Graw-Hill Book Company, New York.

BAYLOR, M. G.

1977 *Action and Person*. Conscience in Late Scholasticism and Young Luther. (Studies in the medieval and reformation thought 20.) Brill, Leiden.

BOLTON, R.

1990 "The Epistemological Basis of Aristotelian Dialectic." in *Biologie, Logique, et Méthaphysique chez Aristotle*. Ed. D. Devereux, P. Pellegrin. Paris.

BYRNE, E. F.

1968 *Probability and Opinion*. A study in the medieval presuppositions of post-medieval theories of probability. Hague.

COHEN, L. J.

1977 *The Probable and the Provable*. (Clarendon Library of Logic and Philosophy.) Clarendon Press, Oxford.

COPELSTON, F.

1962 *A History of Philosophy*. Vol. II. Medieval Philosophy, part 2. Albert the Great to Duns Scotus. New York.

1983 *A History of Philosophy*. Vol. III. Ockham to Suarez. Sixth impression, New York.

DAVID, F. N.

1962 *Games, Gods and Gambling*. The origins and history of probability and statistical ideas from the earliest times to the Newtonian era. Charles Driffin & Co. LTD, London.

- DE BLIC, J.  
1923–28 “Probabilisme, Historique” in *Dictionnaire Apologetique de la Foi Catholique, IV*. Paris. 301–340.
- DEMAN, T.  
1936 “Probabilisme” in DThC 13. 416–619.
- DONAGAN, A.  
1982 “Thomas Aquinas on Human Action” in *The Cambridge History of Later Medieval Philosophy*. Ed. Normann Kretzmann, Anthony Kenny, Jan Pinborg. Cambridge University Press, Cambridge. 642–654.
- DÖLLINGER, J. J. I. VON & REUSCH, F. H.  
1968 *Geschichte der Moralstreitigkeiten in der römisch-katholischen Kirche seit dem 16. Jahrhundert*. Neudruck der Ausgabe Nördlingen (1889). München.
- EBBESSEN, S.  
1981 *Commentators and commentaries on Aristotle's Sophistici Elenchi*. A Study of Post-Aristotelian Ancient and Medieval Writings on Fallacies, vol. II. Greek Texts and Fragments of the Latin Translation of “Alexander's” Commentary. Ed. Sten Ebbesen (*Corpus Latinum Commentariorum in Aristotelem Graecorum de Wulf-Mansion Centre, VII, 2*). E. J. Brill, Leiden.
- EBERLE, A.  
1946 “Das Manuskript des Dillinger Moralprofessor Christoph Rassler ‘Controversia theologica tripartita de recto usu opinionum probabilium’ von Jahre 1694” in *Theologische Quartalschrift*. München. 194–253.  
1947 “Das ‘Probabile’ bei Thyrsus González in seiner Kampfschrift gegen den Probabilismus als Grundlage seines moralsystems” in *Theologische Quartalschrift*. München. 295–331.
- EVANS, J. D. G.  
1978 *Aristotle's Concept of Dialectic*. Cambridge University Press. Cambridge.
- FARRELL, W.  
1930 *The Natural Moral Law According to St. Thomas and Suarez*. Diss. St. Dominic's Press, Ditchling.
- GREEN-PEDERSEN, N. J.  
1984 *The Tradition of the Topics in the Middle Ages*. The Commentaries on Aristotle's and Boethius' Topics. (Analytica). Philosophia Verlag, München.
- HACKING, I.  
1975 *The Emergence of Probability*. A Philosophical Study of Early Ideas about Probability, Induction and Statistical Inference. Cambridge.

- HOENEN, M. J.  
1993 *Marsilius of Inghen*. Divine Knowledge in Late Medieval Thought. (Studies in the History of Christian Thought) Brill, Leiden.
- HOLOPAINEN, T. M.  
1991 *William Ockham's Theory of the Foundations of Ethics*. (Publications of Luther-Agricola-Society, B 20) Helsinki.
- JAKOBI, K.  
1977 "Kontingente und Naturgeschehnisse" in *Studia Mediewistyczne*, 18. 3–70.
- JONSEN, A. R. & TOULMIN, S.  
1988 *The Abuse of Casuistry*. A History of Moral Reasoning. University of California Press. Berkeley.
- KENT, B. D.  
1984 *Aristotle and the Franciscans*. Gerald Odonis' Commentary on the Nicomachean Ethics. Diss. Columbia University.
- KIRJAVAINEN, H.  
1986 "The Simultaneity of Faith and Knowledge: Tendencies in Epistemic Logic From Antiquity to High Scholasticism" in *Faith, Will and Grammar*. Some Themes of Intensional Logic and Semantics in Medieval and Reformation Thought. Ed. Heikki Kirjavainen. (Publications of the Luther-Agricola-Society, B 15.) Helsinki. 9–105.
- KIRSCHNER, J. & KIMBERLY LO PRETE  
1984 "Peter John Olivi's Treatises on Contracts of Sale, Usury and Restitution: Minorite Economics or Minor Works?" in *Quaderni fiorentini per la storia del pensiero giuridico moderno*, 13. 233–286.
- KLUXEN, W.  
1980 *Philosophische Ethik bei Thomas von Aquin*. Zweite, erweiterte Auflage. Felix Meiner Verlag, Hamburg.
- KNUUTTILA, S.  
1981 "The Emergence of Deontic Logic in the Fourteenth Century" in *New Studies in Deontic Logic*. Norms, Actions, and the Foundations of Ethics. Ed. Risto Hilpinen (Synthese Library, 152.). Reidel, Dordrecht. 225–248.  
1984 "Uuden ajan filosofisten ihmiskäsitysten uutuuksista" in *Ajatus*, 41. Vammala. 119–140.  
1989 "Natural Necessity in John Buridan" in *Studies in Medieval Natural Philosophy*. Ed. Stefano Caroti. Firenze. 155–176.  
1990 "Nomic Necessities in Late Medieval Thought" in *Knowledge and the*

- Sciences in Medieval Philosophy*. Proceedings of the Eight International Congress of Medieval Philosophy, vol. II. Ed. Simo Knuutila, Reijo Työrinoja, Sten Ebbesen. (Publications of Luther-Agricola-Society, B 19) Helsinki. 222–230.
- 1993 *Modalities in Medieval Philosophy*. (Topics in Medieval Philosophy) Routledge, London.
- KOROLEC, J. B.
- 1982 “Free Will and Free Choice” in *The Cambridge History of Later Medieval Philosophy*. Ed. Normann Kretzmann, Anthony Kenny, Jan Pinborg. Cambridge University Press, Cambridge. 629–641.
- KRIEGER, G.
- 1986 *Der Begriff der Praktischen Vernunft nach Johannes Buridanus*. (Beiträge zur Geschichte der Philosophie und Theologie des Mittelalters. Neue Folge 28.) Aschendorff, Münster.
- LANGHOLM, O.
- 1979 *Price and Value in the Aristotelian Tradition*. A study in scholastic economic sources. Universitetsforlaget, Bergen.
- LOTTIN, O.
- 1948 *Psychologie et Morale aux XIIe et XIIIe Siècles*, II. Problèmes de Morale, première partie. Ed. J. Duculot. Gembloux.
- 1949 *Psychologie et Morale aux XIIe et XIIIe Siècles*, II. Problèmes de Morale, seconde partie. Ed. J. Duculot. Gembloux.
- LUNDBERG, M.
- 1966 *Jesuitische Anthropologie und Erziehungslehre in der Frühzeit des Ordens (ca. 1540 – 1650)*. (Studia doctrinae Christianae Uppsalensiae 6.) Uppsala.
- LUSCOMBE, D. E.
- 1982 “Natural morality and natural law” in *The Cambridge History of Later Medieval Philosophy*. Ed. Normann Kretzmann, Anthony Kenny, Jan Pinborg. Cambridge University Press, Cambridge. 705–719.
- MAHONEY, J.
- 1987 *The Making of Moral Theology*. A Study of the Roman Catholic Tradition. Clarendon Paperbacks, Oxford.
- MAIER, A.
- 1949 *Die Vorläufer Galileis im 14. Jahrhundert*. Studien zur Naturphilosophie der Spätscholastik. (Edizioni di Storia e Letteratura) Roma.
- 1964 *Angebendes Mittelalter*. Gesammelte Aufsätze zur Geistesgeschichte des 14. Jahrhunderts, I. (Edizioni di Storia e Letteratura) Roma.

MAUSBACH, J.

1959 *Katolische Moraltheologie I*. Hrsg. von Gustav Ermecke. Münster.

MRUK, A. M.

1963 "Probabilismus, probabillorismus" in *LThK* 8. 777–8.

NIINILUOTO, I.

1988 "British Discussions on Modality" in *Modern modalities*. Studies of the history of modal theories from medieval nominalism to logical positivism. Ed. S.Knuutila. (Synthese historical library, 33.) Kluwer Academic Publishers, Dordrecht. 275–309.

O'CONNOR, D. J.

1967 *Aquinas and Natural Law*. (New Studies in Ethics) London.

PALLAZZINI, P.

1966 "Probabilismus" in *DMC* 3. 810–814.

POTTS, T. C.

1980 *Conscience in Medieval Philosophy*. Cambridge University Press, Cambridge.

1982 "Conscience" in *The Cambridge History of Later Medieval Philosophy*. Ed. Norman Kretzmann, Anthony Kenny, Jan Pinborg. Cambridge University Press, Cambridge. 687–704.

SAARINEN, R.

1986 "Moral Weakness and Human Action in John Buridan's Ethics" in *Faith, Will & Grammar*. Some Themes of Intensional Logic and Semantics in Medieval and Reformation Thought. Ed. Heikki Kirjavainen (Publications of Luther-Agricola-Society, B 15.) Helsinki, 107–139.

1993a "John Buridan and Donald Davidson on *Akasia*" in *Synthese*, 96. Kluwer Academic Publishers. 133–153.

1993b *Weakness of the Will in Medieval Thought From Augustine to Buridan*. Diss. (forthcoming) Helsinki.

SCHMITT, A.

1904 *Zur Geschichte der Probabilismus*. Historisch-kritische Untersuchung über die ersten 50 Jahre desselben. Innsbruck.

SCHNEIDER, I.

1981 "Why Do We Find the Origin of a Calculus of Probabilities in the Seventeenth Century?" in *Probabilistic Thinking, Thermodynamics and the Inter-action of the History and Philosophy of Science*. Proceedings of the 1978 Pisa Conference on the History and Philosophy of Science, vol. II. Ed. Jaakko Hintikka, David Gruender, Evandro Agazzi (Synthese Library, 146). Dordrecht. 3–24.



SCHRIMM-HEINS, A.

- 1991 "Gewissheit und Sicherheit. Geschichte und Bedeutungswandel der Begriffe *certitudo* und *securitas*" (Teil I) in *Archiv für Begriffsgeschichte*, 34. Eds. Hans-Georg Gadamer, Joachim Ritter, von Karlfried Gründer and Günter Scholtz. Bouvier Verlag, Bonn. 123–213.

SHAPIRO, B. J.

- 1983 *Probability and Certainty in Seventeenth-Century England*. A Study of the Relationships Between Natural Science, Religion, History, Law and Literature. Princeton University Press, Princeton.

SHEYNIN, O. B.

- 1974 "On the Prehistory of the Theory of Probability." in *Archive for History of Exact Sciences*, 12. Ed. C. Truesdell. Springer-Verlag, Berlin.

SPICCIANI, A.

- 1976 "Gli scritti sul capitale e sull'interesse di fra Pietro di Giovanni Olivi" in *Studi Francescani*, 73. 289–325.

STUMP, E.

- 1978 *Boethius' De Topicis Differentiis*. Translated, With Notes and Essays on the Text by E. Stump. Cornell University Press, Ithaca.

STADTER, E.

- 1971 *Psychologie und Metaphysik der Menschlichen Freiheit*. Die ideengeschichtliche Entwicklung zwischen Bonaventura und Duns Scotus. (Veröffentlichungen des Grabmann -institutes zur Erforschung der mittelalterlichen Theologie und Philosophie, 12) Schöningh, München.

SYLLA, E.

- 1991 "Galileo and Probable Arguments" in *Nature and Scientific Method*. Ed. Daniel Dalstron. Catholic University of America Press, Washington D.C.

TERNUS, J.

- 1930 *Zur Vorgeschichte der Moralsysteme von Vitoria bis Medina*. Neue Beiträge aus gedruckten und ungedruckten Quellen. (Vorschungen zur Christlichen Literatur- und Dogmengeschichte, 16.) Paderborn.

TUCK, R.

- 1979 *Natural Rights Theories*. Their Origin and Development. Cambridge University Press, Cambridge.

WEATHERFORD, R.

- 1982 *Philosophical Foundations of Probability Theory*. (International Library of Philosophy.) Routledge & Kegan, London.

WILENIUS, R.

1963 *The Social and Political Theory of Francisco Suárez*. (Acta philosophica fennica 16.) Helsinki.

WOLTER, A. B.

1986 *Duns Scotus on the Will and Morality*. Selected and Translated With an Introduction by Allan B. Wolter. The Catholic University of America Press, Washington D.C..

# *Index of Names*

- Abellán, P. M. 131  
Aegidius de Lessinia 53, 54  
Alanen, L. 63  
Albert the Great 23, 34, 35, 180, 181  
Alexander Bonini, cf. Alexander of  
Alessandria  
Alexander Lombard, cf. Alexander  
of Alessandria  
Alexander of Alessandria 53–57,  
182  
Anicius Manlius Severinus Boethius  
26, 27  
Anselm of Canterbury 101  
Antonin of Cordova 155  
Antonin of Florence 112–115, 119,  
170, 173, 175, 183  
Aristotle 5, 14–19, 26–29, 31, 32, 34,  
35, 43, 60, 67, 71, 74, 76, 78, 81,  
104, 112, 125, 150, 175, 179–181,  
185, 186  
Arnauld, A. 56  
Augustinus 88  
  
Barnes, G. J. 15  
Batten, R. J. 50  
Baylor, M. G. 69–76, 81  
Bernardin of Siena 56, 57, 182  
Bernoulli, J. 11  
Boethius of Dacia 5, 30, 43–46, 65,  
66–68, 151, 152, 180–183  
Bolton, R. 17  
Bonaventura 91  
Borgnet, A. 23, 34, 35  
  
Boyle, R. 38  
Byrne, E. F. 11, 12, 24, 25, 28, 29, 37,  
42, 58, 60  
  
Cajetan 116, 117, 124, 131, 155  
Cersone 175  
Cicero (Marcus Tullius) 27  
Cohen, L. J. 38  
Copleston, F. 140, 147  
  
David, F. N. 11  
de Blic, J. 84, 111, 112, 116, 117  
de Witt, J. 11  
Deman, T. 13, 84, 112, 116, 117,  
124, 125, 127, 129, 130, 131, 150,  
157, 163  
Devereux, D. 17  
Donagan, A. 70  
  
Ebbesen, S. 27  
Eberle, A. 148, 150, 154, 157, 174,  
176  
Epicurus 27  
Evans, J. D. G. 17  
  
Farrell, W. 71, 99, 139, 141  
  
Gauthier, R. A. 34  
Gerson, J. 112–115, 119, 170, 183  
González, T. 6, 14, 84, 143, 144–  
177, 183, 184, 189–191  
Green-Pedersen, N. J. 31

- Hacking, I. 11, 12, 19, 28, 31, 56  
 Hamelin, A-M. 54  
 Henry of Ghent 85–95, 99, 102–104, 109, 184–187, 189  
 Hoenen, M. J. 63  
 Holopainen, T. M. 85, 99  
 Huguccio of Ferrara 28  
 Huygens, C. 11
- Ignatius Loyola 166
- Jakobi, K. 59  
 John Buridan 65, 103–109, 114, 166, 167, 184, 186, 187  
 John Duns Scotus 53, 85, 95, 97–99, 101–104, 109, 146, 147, 184–187, 189  
 Jonsen, A. R. 12–14, 35, 126, 127, 134
- Kent, B. D. 71, 78, 85, 95–101  
 Kirjavainen, H. 17, 103, 172  
 Kirschner, J. 52, 53  
 Kluxen, W. 70, 72, 73, 77, 81, 99  
 Knuutila, S. 49, 59, 60, 62, 63, 65, 68, 77, 78, 85, 99, 103  
 Korolec, J. B. 79, 85, 86, 103  
 Krieger, G. 103–107  
 Kübel, W. 23, 34, 35
- Langholm, O. 51–57  
 Leibniz, G. W. von 11, 19  
 Lottin, O. 23, 28, 91  
 Lundberg, M. 139, 141  
 Luscombe, D. E. 71, 139, 141
- Macken, R. 85  
 Mahoney, J. 11–14, 141  
 Maier, A. 49, 59, 64, 65  
 Mattheaus of Moya 162
- Mausbach, J. 151  
 Medina, B. 6, 13, 14, 111, 124–131, 137, 143, 155, 168, 183, 184, 187, 188, 190, 191  
 Mruk, A. M. 69, 116
- Nicole, P. 56  
 Nider, J. 112–115, 119, 170, 173, 175, 183  
 Niiniluoto, I. 38, 44
- O'Connor, D. J. 71, 73, 74, 78
- Pallazzini, P. 157  
 Pascal, B. 11, 12  
 Paul, St. Apostle 82, 158, 175  
 Pellegrin, P. 17  
 Peter John Olivi 51–53, 57, 95, 100  
 Peter Richeri 27, 31, 33  
 Plato 27  
 Potts, T. C. 72, 73, 75
- Rassler, C. 154  
 Richard of Middleton 54  
 Robert Grosseteste 34, 181
- Saarinen, R. 34, 103–107, 108, 167  
 Schmitt, A. 111, 117, 124, 125, 129, 130, 138, 155, 157  
 Schneider, I. 19  
 Schrimm-Heins, A. 20, 35  
 Shapiro, B. J. 11, 12, 38  
 Sheynin, O. B. 36  
 Siger of Brabant 65, 68  
 Soto, D. 117–124, 126, 137, 170, 183, 187  
 Spicciati, A. 52, 53  
 Stadter, E. 85, 95, 97, 147  
 Stump, E. 26  
 Suárez, F. 6, 111, 131–141, 143, 154,

- 155, 159, 161, 163, 168, 184, 188,  
189, 191  
Sylla, E. 18
- Terillus, A. 157  
Ternus, J. 118–127, 130  
Thomas Aquinas 5, 14, 20, 24, 25,  
28, 29, 35–38, 40–43, 48, 49, 58–  
67, 69–74, 76–86, 91, 101, 103,  
104, 110–112, 119, 141, 145, 172,  
174, 175, 180–185  
Todeschini, G. 52, 53  
Toulmin, S. 12–14, 35, 126, 127, 134  
Tuck, R. 134
- Ulpian (Domitius Ulpianus) 56
- Walter of Brugge 100, 168  
Weatherford, R. 11, 38, 44  
Wilenius, R. 140  
William de La Mare 100  
William Ockham 103  
Witt, J. de 56  
Wolter, A. B. 95–98, 100–102