

Sine Labe Originali Concepta: The Debitum Peccati in Scotus, Aquinas, and Bonaventure post Ineffabilis Deus

PETER COELHO-KOSTOLNY

Introduction

The objective of this work is to show that Bl. John Duns Scotus' account of original sin and the preservation of the blessed Virgin Mary is the truly reasonable theory in light of the dogmatic definition of the Immaculate Conception. To show this we will first provide definitions of several of the terms which have become involved in this discussion over time. Second, there will be a short summary of the theological thought of Thomas Aquinas, Bonaventure of Bagnoregio, and John Duns Scotus regarding original sin and its applicability to the Immaculate Conception of the blessed Virgin Mary; for our purposes, we consider the Immaculate Conception as defined by the apostolic constitution *Ineffabilis Deus*. Third, we will contrast the thought of these three theologians and draw on recent work in biblical theology to demonstrate the relevance of Scotus' thought in the Church as regards covenant theology. We will then conclude with a few final thoughts, and a brief synthesis of our discussion.

None would argue against the statement that Aquinas has made a great impact on contemporary theology through his writings and in virtue of his being named by the popes as the model of theological method. Aquinas has become the exemplar of clarity in method and thought, and is a gem in the crown of the Dominican order. As Aquinas is to the Dominican figures in scholastic theology, Bonaventure is to the Franciscans of the scholastic period, and this is shown in his *Breviloquium*, Sentence Commentary, and life of St. Francis.

Lastly, we will be considering Duns Scotus. He was born toward the end of the lives of Bonaventure and Aquinas, so he can only somewhat be considered a contemporary of theirs, but the

contribution which we will be considering is his greater exposition on the nature of original sin and his advocacy for the Immaculate Conception, whereas both Bonaventure and Aquinas had argued against it. Aquinas argued against it to a more absolute extent, and Bonaventure to a gentler, yet still negative, manner.

All three theologians wrote commentaries on the Sentences of Peter Lombard, as was the common practice for those studying at Oxford or the University of Paris for the title of Master, and it is primarily within those works that we find our relevant texts: for St. Thomas, a further treatment is given in his *Summa Theologica* and his Commentary on Romans, and for Bonaventure we will also be using and referencing his *Breviloquium*.

As was said above, there are several terms which merit explanation for the sake of our conversation, so we will begin with these and then proceed from there to our discussion of each of the three theologians.

Defining our terms

Maculism: This position holds that Mary was created such that she received the stain of original sin in her body at the moment of conception, and in her soul at the moment of their union. She was thereafter cleansed completely and absolutely by the redeeming power of Christ. Aquinas comments in his *Summa* that “if the soul of the Blessed Virgin had never incurred the stain of original sin, this would be derogatory to the dignity of Christ, by reason of His being the universal Savior of all. Consequently, after Christ who, as the universal Savior of all, needed not to be saved, the purity of the Blessed Virgin holds the highest place.”¹ There has been disagreement between the Dominicans and the Franciscans from the scholastic period onward regarding the possibility of Mary’s having been immaculately conceived; the Dominicans have long held, with St. Thomas, that it is not possible for Mary to have been completely

¹ Aquinas, *Summa Theologiae*, III, q.27, a.2, ad secundum.

immaculately conceived on account of the inherence of original sin in the nature of man, and it would have defeated the universal redemption of Christ if there had been one who was never touched by the stain of sin.²

Immaculism: This position, which has been historically held by the Franciscans and the Jesuits, asserts that Mary was kept always and everywhere free from any stain of original sin.³ In addition to being in accord with what would eventually be dogmatically defined, this position runs contrary to the prevailing opinion during the scholastic period. We will see later that Scotus prefers to hold that Mary was filled with grace from the moment of her conception and that she thereby never contracted original sin, which was naturally due to her on account of being originate of Adam. To understand how this is possible we must move to our next definition.

Original justice: For Scotus and Aquinas there is a shared acknowledgement that original justice was the gratuitous gift of God whereby man's nature was elevated by grace. The effect of this was such that his lower powers and passions were subordinate to his higher faculties and powers. Thus, he was always able to moderate his natural desires and inclinations such that he kept the laws of God and persevered in obedience and right honor toward his Creator. In the state of original justice there would have been no concupiscence in man, for concupiscence is nothing but the disordered attachment of the passions to the goods which man naturally desires and the seeking after of those goods in a manner which is not restrained by the will. In both Aquinas and Scotus it is held that this gift was given to Adam as a trust which would also be given to his progeny through his seed, and this on the condition of Adam's perseverance in justice. We will discuss this later in the context of the covenant theology of Dr. Scott Hahn.

² Ibid

³ Patricia W. Manning "An Overview of the Pre-Suppression Society of Jesus in Spain", *Brill Research Perspectives in Jesuit Studies* 2, 3 (2020): 1-158.

Original sin: This is the personal sin of Adam by which he lost original justice for himself, and, consequently, for his progeny until the end of time. Furthermore, this first sin and corruption of the nature of man resulted in concupiscence in the body. Just as in Adam the gift of original justice was superadded to his nature through the grace of God and intended by God for all of his progeny, the privation of justice which resulted from Adam's sin now becomes the birthright of all of his progeny through their share in the one human nature which was complete and original in Adam.

Concupiscence: As was mentioned above, this is the carnal inclination toward legitimate goods which is immoderate and lacks the disciplinary power of the will which would have permitted a right ordering of our actions. This right ordering would have directed the passions toward action which accords with justice toward God and in relation to His creation; instead, we now experience the overriding of the will for the sake of satisfying an immoderate desire for earthly goods. According to Scotus, concupiscence does not constitute original sin itself, for concupiscence dwells in the sensitive appetite as an act, habit, or proneness,⁴ and is understood by him to be the material of original sin, whereas the form, as said above, is the privation of owed justice. Aquinas agrees in this, yet does less to distinguish the two than Scotus, and applies the predicable quality of the material to the formal thereby saying that concupiscence may be called original sin.⁵

Debitum Peccati: This is the term for the debt which all men naturally descended from Adam share on account of the original sin which he committed. This debt has been passed down through Adam's seed, and now occurs naturally in all who are born of woman with the absolute exception of two: the blessed Virgin Mary, and her Son Jesus Christ. Tradition holds that John the Baptist was cleansed from original sin in the womb of Elizabeth at Mary's visitation, and was thus born without original sin, but he still contracted original sin

⁴ Scotus, *Ordinatio* II, Dist. 30-32, ¶ 50-53

⁵ Aquinas, *Sentences* II, D.30, Q. 1, a.3

via his conception. In large part this phrase is involved in the discussions which regard the immaculate conception and its manner of execution, though it may be used in discussions of original sin in general.

Those who hold the maculist position would assert that the *debitum peccati* was redeemed in Mary, and was present and affective in her conception, whereas those who hold to the immaculist position would say that she was miraculously preserved by God.⁶ There are variations of the phrase depending on the degree to which the writer inclines toward the maculist or immaculist position, but a digression into these is unnecessary for our purposes. Scotus' view that the debt imputed to the progeny of Adam through Adam subsists in man insofar as he is a natural son of Adam accords with both the maculist and immaculist positions, but the difference lies in the assertion of maculism in Mary. Scotus posits this as the less excellent option when compared with the possibility that she was preserved from the first moment from the stain of sin.⁷

Aquinas on Original Sin

In his commentary on the Sentences Aquinas begins with the definition of sin in man as regards his origin in Adam. For Aquinas the effects of sin which flow from our nature post-fall (Concupiscence, death, passibility, and corruptibility) have the character of punishments which are due to the state in which man was created, but not insofar as the principles of our nature are concerned.⁸ What is meant by this is that Aquinas considers it to have been natural in the order of divine intention for man to be possessed of the habit of original justice from the moment of his existence; further, it means that the same habit should be passed on from the

⁶ It is worth noting that those who are speaking of the Immaculate Conception in a post-definition world would add the phrase, "...in view of the future redemptive acts of Christ." In the discussion as framed by Scotus in his *Ordinatio*, this addendum does not seem to occur.

⁷ Scotus, *Ordinatio* III, D. 3, ¶ 28-33

⁸ Aquinas, *Sent.* II, D. 30, Q. 1, a.1

principal of that human nature, Adam, to the consequent instances of that nature, these being the human offspring which were spawned from his seed. From this, since both the gain and loss were attained in the single person who was the sum of human nature, Aquinas says that the fault of Adam proceeded from the will of the entirety of nature, for Adam was constitutive of the entirety of that nature. Furthermore, it continues to do so in the progeny which are from the Adamic line. Therefore, in every descendant of Adam there is a privative deficiency which constitutes an evil, and which carries natural fault but not personal fault. In other words, Aquinas considers the fault of sin to be according to the nature, not a personal failure for which the individual carries the weight of guilt.

It is also important to understand that in Aquinas' thought original justice consisted in both a grace of the intellect and of the will whereby the intellect was illumined and the will was perfectly ordered to the upright observance of God's divine will. As well, there was a consequent uprightness of the body whereby the concupiscible passions were subdued and subjected to the will. Thus, after the fall there exists in man both a disorder of the will, which now inclines toward the lower things to an inordinate degree, but also a disorder of the flesh whereby it carries the imprint of sin and has become dominant over the will.⁹ The inclination of the will he refers to as a kind of formal fault, and the fleshly concupiscence he refers to as the material fault. We noted above that the submission of the body in its original state is on account of the will, and so now the deficiency of the will's ability to govern the flesh is followed by the noncompliance of the passions which are now able to overcome reason and the will. An important threefold distinction which Aquinas makes is between deficiency, evil, and fault.¹⁰ A deficiency is understood to be a simple negation, whence a thing which was is not any longer; an evil is the privation of a good which ought to be present but is not; and a fault is understood as an unnatural privation which carries the weight of personal choice, in other words, a freely chosen evil. It is according

⁹ Aquinas, *Sent.* II, D. 32, Q. 1, a.1.

¹⁰ Aquinas, *Sent.* II, D. 30, Q. 1, a.2

to these definitions that the above understanding of original sin comes about.

Now, when asking whether there can be a fault in the progeny of Adam without personal failure on their part, as in the case of original sin, Aquinas answers in the affirmative for this reason: to have a punishment due without having a fault which demands that punishment would be a fault in the divine justice, for a punishment without a fault is a trespass of justice, and God is infinitely just. Since it cannot be said that we as descendants of Adam bear the personal fault for the sin of Adam, Aquinas concludes that there must be present an original and natural fault without personal culpability. This is what we refer to as the *debitum*, as we have defined it above.

A final note is that the Thomistic understanding of baptism affords the remission of original sin through the Sacrament, which means the removal of the fault which was present due to nature and replaces that privation with the presence of sanctifying grace in the soul as satisfaction for the debt owed. This, according to Aquinas, restores the upright quality to the will which was lost through Adam while yet leaving the *fomes*, which is the inflammation of the passions, and concupiscence in the flesh. Thus, Aquinas still allows for a new privation to occur in the individual's soul, but this would be due to personal mortal sin, and does not reach the level of a natural fault which may be passed on but remains a personal fault which may be remedied.¹¹

Scotus on Original Sin

Scotus holds that in original sin is a twofold combination of lack of owed justice,¹² which is the formal element, and the hereditary debt of having that justice, which constitutes the material element. This debt incurred is what is called the *debitum peccati*. The owed justice of which he speaks is that which was granted to Adam and subsequently lost by him; therefore, there was not original sin in Adam but

¹¹ Aquinas, *Sent.* II, D.32, q.1, a.1

¹² Scotus, *Ordinatio* II, D. 30-32, ¶ 54-57

personal sin. The consequence of this privation is what we understand as concupiscence, and this is the disordering of the passions and the will such that the latter override the former. We see this illustrated by the St. Paul when he says, “I do not understand my own actions. For I do not do what I want, but I do the very thing that I hate,”¹³ and from our Lord, “Watch and pray that you may not enter into temptation; the spirit indeed is willing, but the flesh is weak.”¹⁴

The description used by Scotus for Adam’s original sin is a “demeriting cause.”¹⁵ It was by this that Adam rejected and thereby lost what had been given in perpetuity to his seed should he should persevere in justice toward God, thus earning a demerit from that which had been merited through his original state of holiness. This became effective for both himself and his posterity.

Regarding the reception of the debt, both Scotus and Aquinas understand the *debitum* to be a patrilineal inheritance, and this also evinces the divine plan behind the single human parentage of Christ: he does not fall into the line of Adam and is therefore not a natural debtor in the Adamic line. According to their understanding, the seed of the father is that which is bound up with the *infectio carnis*, and it is this lustful appetite which is engaged when the marital act occurs. This is also based upon the transmission of human nature from the male to the woman’s seed via the spermatozoa.¹⁶

Finally, Scotus considers the effect of baptism upon original sin to be that baptism cleanses man of the *debitum peccati* by effacing the debt of justice which was owed through Adam and replacing it with sanctifying grace, thus making in each person a new owed justice

¹³ Rom 7:15

¹⁴ Matt 26:41

¹⁵ Scotus, *Ordinatio* II, D. 30-32, ¶ 72

¹⁶ Given the current understanding that both parents contribute genetic material to the child in order to cooperate in the creative act, the author is not certain how tenable this understanding is in the modern day. Unfortunately, the topic cannot be further explored within the context of this work.

which consists in the maintenance of sanctifying grace within himself. With this indwelling of grace comes a consequent personal *debitum* to maintain that grace, and an individual punishment which is incurred by the loss of that grace. Here we see another correlation between the Thomistic and Scotistic positions, with each proposing that sanctifying grace replaces what was lost, but the divergence comes about when we consider that Scotus appears to allow for what would later become the dogma of the Immaculate Conception: namely, that it is formally from the privation of original justice in the soul that disorder comes about in man, and the concupiscence of the flesh is a consequent of this, whereas Aquinas holds that the *debitum* is incurred as a consequence of the flesh, and that it is the soul which is corrupted by the flesh once they are united.

Bonaventure on Original Sin

As with Scotus, Bonaventure uses the language of a lack of due justice to describe original sin in man, but, insofar as his account of the sin and its effects is concerned, it closely parallels Aquinas' account. Bonaventure adopts a language of corruption in the nature which is very similar to that of Aquinas, wherein the sin of Adam caused the corruption of the original ordering of the passions to the will, and that became a transmitted *debitum* within human nature as descended from Adam. More so than Aquinas, though, Bonaventure uses the terminology of rebellion when he refers to the concupiscible powers militating against the will,¹⁷ and elsewhere he refers to the domination of the spirit by the flesh, which domination is called concupiscence and is always linked to a lack of the above due justice.¹⁸

As regards the transmission of sin in Bonaventure's thought, we again see an account highly similar to that of Aquinas, with sin having

¹⁷ Bonaventure, *Breviloquium* III, ch.6, ¶ 3.

¹⁸ Bonaventure, *Sentences* II, d.30, a.2, qa.1 "Haec autem est concupiscentia immoderata et intensa, adeo ut sit carnis ad spiritum praedominantia, et talis semper est iuncta carentiae debitae iustitiae, et secundum quod inest nobis ab origine dicitur peccatum originale."

vitiated human nature such that the original fault whereby Adam lost original justice for himself and his progeny is passed down as a cupidity in his descendants. Bonaventure's focus centers on the corruption of the body to a larger extent than either Aquinas or Scotus, and he emphasizes that it is from the body that the soul becomes corrupted, and it is within the body which has taken on the rebellion of the passions that the soul, deprived of the justice intended by God, falls prey to the selfsame passions of the body. Most interesting is his final comment, which cites both Anselm and Augustine as having written of a twofold act of evil: the first was the turning away from God, and the second was turning toward His creatures.¹⁹ As a consequence of this conversion toward the flesh, man has become a servitor of the flesh until he is reconfigured to Christ under the New Covenant.

Having considered the thought of these three in turn, let us proceed to a brief synthesis of their theories regarding the possibility of the Immaculate Conception and the reasons for their position.

The Immaculate Conception in the Theologians

Aquinas holds that Mary being immaculate from the moment of her conception is untenable for several reasons, of which we will mention three: first, he denies the possibility on account of the fact that Christ is the universal redeemer, and, if there were a human who did not stand in need of being redeemed from the *debitum*, it would be an insult to Christ and a destruction of His universal redemption.²⁰ Second, he argues that Mary having been born from the union of man and woman would necessitate a reception of the nature which came from Adam, and this was a nature infected with original sin, so she must have been both conceived and then subsequently purified in the womb, for natural precedes spiritual.²¹ Aquinas here seems to ascribe to the implantation of the rational soul post-conception, with what is presumably either a vegetative or sensitive soul being the

¹⁹ Bonaventure, *Breviloquium* III, ch.6, ¶ 3.

²⁰ Aquinas, *Summa Theologiae* III, q.27, a.2, *Respondeo*.

²¹ Aquinas, *ST*. III, q.27, a.1, *Ad primum*.

principle of life up to that point. Since the proper subject of grace is a rational creature, he holds that the conceived flesh would have already taken on the infection of original sin and that it must actually be after the moment of ensoulment that she received the sanctifying grace which cleansed her from sin.²² This returns again to his first principle that a total preservation from sin would cause Mary to fall outside the terms of Christ's redemption, which is impossible if Christ is redeemer of all men. Third, Aquinas holds that Mary was cleansed from original sin in the womb but was not completely cleansed of the *fomes* of sin (*Fomes* being the spark of inordinate attraction to some good) which was present in the body. He admits that the *fomes* must have been attenuated in some manner such that she never committed a single sin, and he asserts that the final and complete cleansing of Mary was accomplished at the overshadowing of the Holy Spirit by the power of the Most High when Christ was conceived.²³ Aquinas considers the alternative of Mary's complete cleansing in the womb to be "somewhat derogatory to the dignity of Christ,"²⁴ as it would seem to devalue His redemptive action.

Bonaventure follows a similar line as Aquinas when he considers whether Mary could have been preserved prior to the contraction of original sin, for he asserts in like manner that "*omnes in Adam peccaverunt*,"²⁵ as well as emphasizing the point that one who was without original sin from the moment of their conception would not stand in need of redemption, and such is therefore "profane and impious to say."²⁶ Indeed, like Aquinas, Bonaventure seems to favor the majority opinion of the time, which states that Mary was sanctified in the womb prior to birth, yet after the union of soul with body and the soul's consequent contraction of original sin. In his last *ad oppositum* regarding, "whether the soul of the blessed Virgin was sanctified before the contraction of original sin," and while replying to the objection which states that God could have preserved the

²² Aquinas, *ST*. III, q.27, a.2, *Respondeo*.

²³ Aquinas, *Sent*. III, d.3, q.1, a.2, Response to qa.1

²⁴ Aquinas, *ST*. III, q.27, a.3, *Respondeo*.

²⁵ Bonaventure, *Sent*. III, d.3, a.1

²⁶ *Ibid*. "*Si ergo hoc est profanum et impious dicere...*"

Virgin Mary from all stain of sin from the moment of her creation, Bonaventure succinctly admits the possibility, saying:

*Ad illud quod obiicitur, quod possibile fuit, in primo instanti gratiam infundi; dicendum, quod absque dubio non erat impossibile apud deum omne verbum, nec illud, videlicet quod posset facere virginem ab omni peccato immunem; non tamen hoc decuit alicui concedere nisi ei soli, per quem omnium facta est salus, videlicet Domino Iesu Christo, ut non gloriatur in conspectu eius omnis caro; sed ipsi soli sit honor et gloria in saecula saeculorum. Amen.*²⁷

This reply from a scholarly contemporary of Aquinas stands in contrast to the response of Aquinas himself, who simply states that such a thing would imperil the unique quality of Christ's conception without original sin, for only Christ stands without need of redemption on account of original sin.²⁸ Where Aquinas argues against the possibility of such a thing, Bonaventure admits the possibility while arguing against the fittingness of it.

Scotus takes a somewhat different approach. He begins by acknowledging each of the predominant views, namely, that Mary was conceived in original sin and was later cleansed; that she received corruption from the flesh necessarily as having been conceived in by the union of man and woman according to the line of Adam; and that she suffered from the punishments which were due to sin, such as hunger, thirst, and others, therefore she could not have been conceived without original sin.²⁹

Against the first he argues that, while it is true that Christ is the most perfect mediator, there is no better or more perfect mediation than to prevent punishment from befalling the one for whom you mediate, and, since Christ is the perfect mediator, it is fitting that there be one person for whom He accomplished that perfect mediation, and it is further fitting that it be the one from whom He would take his

²⁷ Bonaventure, *Sent.* III, d.3, p.I, a.1, qa.II, ad sextam.

²⁸ Aquinas, *Sent.* III, d.3, q.1, a.1, qa.2

²⁹ Scotus, *Ordinatio* III, d.3, q.1, n.14-34

human nature. According to Scotus, the offense which is given to God is on account of sin in the soul, and this offense is only perfectly placated by there being a soul which does not have sin within it; thus, Mary being sinless from the moment of her conception is the perfect placation of a God who would be offended by sin; second, he says that it is just as commonly held that there must be one person in relation with whom Christ stands as perfect and total mediator, and that this person is Mary, whom He has preserved from both actual and original sin. A further aspect of the argument proposes that the one who was so perfectly mediated to is thereby bound more closely than any other to the person of Christ. This would accord with the continuous tradition which posits Mary as coredemptrix.

Scotus' treatment of the second point is fairly brief, and it simply states that Anselm understands original sin to be a lack of owed justice, just as Scotus does. So, just as a person after baptism may remain in grace even while in the flesh and not contract original sin again, so could God have cleansed Mary from the first, such that she need never have experienced the infection. Finally, for the third he says that the presence of sufferings is not conclusive, as sufferings may be allowed for the sake of a good such as the attaining of merit.³⁰ One could rightly point to Christ Himself in support of this point, for He suffered many things for the sake of attaining merit.

After having treated of these different options, he puts forward three further possibilities: that Mary was never in sin through the special grace of God; or, that she was in sin for a single moment prior to her cleansing; or that which was the common opinion of the time, namely that she was in sin for a period of time but was then cleansed completely at the end of that period. This last would correspond to the postulate that Mary was conceived in sin but was sanctified at the moment when a rational soul was infused into her body. Scotus' comment regarding these options is telling as to his preference, for he says, "but as to which one happened among these three that have been shown to be possible, God knows; but if it not be repugnant to

³⁰ Scotus, *Ordinatio* III, d.3, q.1, n. 26-27

the authority of the Church or to the authority of Scripture, then to attribute to Mary the more excellent seems probable.”³¹

It is ultimately the proposed “more excellent” option which will win the day some six hundred years later, when in 1854 pope Pius IX would define the dogma of the Immaculate Conception by the apostolic constitution *Ineffabilis Deus*.

The Dogma of the Immaculate Conception

When Pius IX declared the Immaculate Conception to be a dogma of the faith it was the culmination of eighteen hundred years of theological study and devoted love on the part of the clergy and faithful of the Church, and the language which he uses throughout the constitution leaves no room for doubt as to what he is trying to say; the text of the definition is clear on this:

We declare, pronounce, and define that the doctrine which holds that the most Blessed Virgin Mary, in the first instance of her conception, by a singular grace and privilege granted by Almighty God, in view of the merits of Jesus Christ, the Savior of the human race, was preserved free from all stain of original sin, is a doctrine revealed by God and therefore to be believed firmly and constantly by all the faithful.³²

Given that the common opinion held by those who were great theologians in the scholastic period was that Mary was not sanctified from this first moment, but rather after the infusion of the soul into the body, this represents a significant break from what had been the accepted understanding. With those words the holy father put to an end all debate regarding the immaculate conception of Mary, but this begs the question: what about the understanding of original sin which was held by Aquinas and his fellow scholastics? Bonaventure and

³¹ Scotus, *Ordinatio* III, d.3, q.1, n. 34

³²Pius IX, *Ineffabilis Deus*, ¶ 34

Aquinas both held that it was a natural corruption which was present in the body, and this as a consequence of the privation which is original sin. The presence of this corruption in the body was the vitiating cause of corruption in the soul via concupiscence.

Scotus' account, on the other hand, describes original sin as being primarily a defect of owed justice, whereby man is unable to orient himself toward God in the full manner which he was intended by his Creator. Man, therefore, falls prey to the impulses of the body due to the weakness of his will, as well as through the consequent unshackling and inflammation of the passions.

The Church holds to the doctrine that life begins with conception, and we know from modern technology that conception—here meaning the beginning of an individuated life principle in an organic being—occurs once the *ovum* has been fertilized by sperm, so we may dismiss the theory wherein the scholastics claimed that the soul was not infused into the flesh until a certain period of time after the initial conception had occurred and at which time the body was considered to be sufficiently developed for rational life.

Furthermore, we can dismiss the notion, popular among the scholastics of which Aquinas was one, which advocated for a sanctification of Mary which was post ensoulment: the definition of the dogma has in no uncertain terms stated that the discussion is closed, and that the moment of sanctification has been established as the first moment of Mary's existence. In light of this, the available avenue of discussion seems to be regarding the manner by which Mary's sanctification occurred, and this necessarily in light of Christ's redemptive action and identity as the new Adam.

Now it is obvious from the account of the scriptures that Christ did not come in order to biologically replace Adam as the head of the human race and the new origin of human nature. Christ remained a virgin like His mother, and any such positions to the contrary have been condemned by the Church since the earliest times. Yet the Church has held from the beginning, and still holds, that Christ is the

head of the mystical body, which is the Church, and that He is the new Adam who has redeemed mankind from the sin of the old Adam. How, then, is Christ held to have become the new head of redeemed mankind? It is said by St. Paul in his letter to the Romans that we are “dead to sin and alive to God in Christ Jesus,”³³ and we know from later in that same passage that this life in God through Christ is accomplished by being baptized into Christ, which baptism is held to be a spiritual configuration to Christ and a sharing in the redemptive action of Christ.

We must conclude, then, that two simultaneous actions must occur: first, for man to be innocent of the *debitum* incurred by original sin, which *debitum* is a necessary consequent of descent from Adam according to his nature, we must be removed from the natural headship of Adam; second, we must be placed under the headship of Christ in order that, through His merits, we may be both no longer bound to the *debitum* and cleansed of the fault incurred therefrom.

This second action is accomplished through baptism and is through spiritual participation in Christ, who was born without the *debitum* and made reparation for it on our behalf. If we understand Mary to have been the first fruit of the redemption of Christ, and if we agree with Scotus’ argument that there must have been one for whom Christ was the most perfect mediator, beyond the scope of any other being, then it follows that Mary was the first of the natural children of Adam to be configured to Christ in such a manner. Furthermore, she must have necessarily been the most perfectly configured, for there was never a stain of sin on her, nor, according to Pius IX, was there any fault in her which would have flowed from the touch of sin, for he says that “the Blessed Virgin was, through grace, entirely free from every stain of sin, and from all corruption of body, soul and mind.”³⁴

³³ Romans 6:11

³⁴ Pius IX, *Ineffabilis Deus*, ¶ 23

The Synthesis

Now we have seen with the Thomistic and Scotistic accounts of baptism that they consider the sanctifying grace which we receive at baptism to be filling the place of original justice, the absence of which Scotus says is the cause of the *debitum* in us. Thus, we can comfortably assert that Mary's immaculate conception was, at minimum, on account of the immediate and total infusion of sanctifying grace into her soul at the very moment of her conception, which was also her incorporation into the New Covenant instituted by Christ in His blood. The maximum which might be asserted, given the above words of the holy father, is that Mary experienced both an infusion of sanctifying grace as well as the total return of the preternatural gifts which had been bestowed upon Adam.

The term "covenant" requires further comment, as it will figure in our concluding thought; namely, that the ransoming of each of the baptized, including the blessed Virgin, was both a ransoming from the covenant punishments which were due to all Children of Adam on account of his breaking the original covenant, as well as an incorporation into the New Covenant in Christ, which restores and elevates the filiation that had been established in Adam.

Within each of the above accounts of original sin and its transmission an overarching parallel may be drawn between this concept of inherited debt and the idea of covenant as a familial bond. This concept has been set forth by Dr. Scott Hahn in the last twenty years, and the basic thesis for which Dr. Hahn argues is that 'covenant' in the ancient near-east constituted the voluntary formation of a sacred familial bond between covenant partners. This bond inaugurated a generational obligation to uphold the terms of the covenant which had been agreed upon by the covenant-makers.³⁵

³⁵ Scott W. Hahn, *Kinship by Covenant: A Canonical Approach to the Fulfillment of God's Saving Promises*. (New Haven: Yale University Press, 2009)

Dr. Hahn goes on to posit that the creation account of Adam constitutes a covenant relationship between God and Adam, drawing first from the end of the creation account which gives the sabbath as a sign of God's covenant, and including the scriptural statement that God created man "in His image and likeness,"³⁶ which is kinship language.³⁷ This position provides a narrative according to which original sin, which we here define as the privation of original justice, is understood to be a perpetual lacuna in the fulfillment of the first covenant between God and man. Not only does it do this, but it also explains why and how all men are able to be spiritually incorporated into the death and resurrection of Christ; for, just as the patriarchs made solemn covenant oaths on behalf of all their people and their posterity, so also did Christ suffer, die, and rise in order that all men might be saved through baptism. What must be added is that, since our configuration to Christ is not in the natural order but the supernatural, it requires the action of the Holy Spirit through the waters of baptism for us to be joined to Christ as spiritual members of His body. Having completed our brief aside into the meaning of "covenant," we return to Mary.

What remains now is to connect this covenant concept with the dogma of the immaculate conception, and so we proceed thus: the holy father states that "[Mary] was entirely a fit habitation for Christ, *not because of the state of her body, but because of her original grace.*"³⁸ While not part of the formula of definition, the statement must be treated with respect by any who would seriously seek to further the science of theology, since it clearly bespeaks the mind of the Church on the matter. If we take it as authoritative that it was on account of this plenitude of grace that Mary was fit to be the *Theotokos*, then we may apply the deduction that what would have made her *unfit* was not a concupiscence of the body which affected the soul, as was emphasized by Aquinas and Bonaventure, but rather the absence of

³⁶ Genesis 1:26

³⁷ Scott Hahn and John Bergsma. "Covenant," *The Oxford Encyclopedia of the Bible and Theology*. (New Haven: Yale University Press, 2015) 151-166.

³⁸ Pius IX, *Ineffabilis Deus*, ¶ 23 (Emphasis added)

original justice in the soul, for which sanctifying grace is the replacement.

This sanctifying grace comes about through incorporation into the New Covenant through baptism, and we can see in this that it is according to the nature of a covenant redemption and renewal that Mary's salvation was obtained. It is the author's assertion that the Scotistic proposition of the *debitum peccati*, of which concupiscence is a material consequent, coming primarily from a privation of grace in the form of owed original justice, and not necessarily through the natural procreative act of the parents, must be held as the reasonable one in light of Pius IX's words.

If it is true that the blessed Virgin's purity of soul was the pertinent factor in her fitness to carry the Son of God, then it is untenable to hold that the flesh is the principle whereby the soul is corrupted, except insofar as it is the material consequence of the formal *debitum*. Thus, the *debitum* does not flow from a corruption of man *per natura* but is the resultant debt toward God for failure to give that justice which is owed Him. The subsequent withholding of that original justice, which was covenanted to man as a superaddition to his nature on the condition of his perseverance in the same, is what we now experience as the fallen human nature whose concupiscible appetites inhere in what Thomas and Bonaventure refer to as the lustful flesh. It is this nature which witnesses the subjection of the will to the passions.

Conclusion

There are many ways in which the three theologians agree on the nature of original sin, its transmission, and its effects upon man, and it is also true that what Scotus emphasizes in his account of original sin is contained implicitly in the work of Aquinas and Bonaventure, for they agree on the lack of grace as the formal aspect of the *debitum* and the concupiscible appetites as the material aspect. The difference in emphasis which we see between flesh as prior and vitiate before ensoulment on the one hand, and the soul as *debitor principalis* on the

other is a slight difference, but it produces manifold effects. Furthermore, it seems likely that it is largely due to the concept of post conception ensoulment that we see a disagreement between Scotus and his confreres. To posit carnal transmission of the *debitum* is almost necessitated by the theory of delayed ensoulment, whereas Scotus does not seem to adopt this concept of procreation, and he thus lacks the limiting factor of attaching the transmission of sin to the flesh prior to the soul's existence.

A final note on the reluctance of Aquinas to assert the Immaculate Conception would be this: it appears that he did not consider the possibility of an immaculate conception in view of the future merits of Christ, and if he did it is not evident in the passages of which we have spoken. The Thomistic position is based upon a zeal for the defense of the dignity of Christ as universal redeemer, and this cannot but be respected. Any disagreement between them notwithstanding, these three theologians are all to be honored for the great works which they did unto the greater glory of God.

In the final analysis, to pit one against the other is to turn brother against brother, because for all of the disagreements which have occurred between proponents of the Dominican and Franciscan schools of theology, it seems proper to remind ourselves that both Scotus and Aquinas belong to the same continuity of tradition which we do. Moreover, had Aquinas lived to see the declaration of the dogma he would certainly have accepted the teaching of the Church, and with his own hands he would have celebrated the Mass of our Lady on December 8th, just as Scotus and Bonaventure would have done.