SCOTUS ON ABSOLUTE POWER AND KNOWLEDGE

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Introduction: Scotus on "Scientific Knowledge" (*scientia*)

Each account of *scientia* advanced by Scotus presupposes the definition and the knowledge of the "first object" (*primum obiectum*). He explores "first object" in three ways: (1) in its logical-epistemological function in respect to the habit of *scientia*; (2) in the relationship of the habit to its respective cognitive potency; (3) in the modality of the truths to be known in the habit. His explorations give rise to particular differences between "subject" and "object"[1].

(1) The first object, even when it is taken in the science of the contingent as "first subject" (*primum subiectum*), is – as long as it is known as such – the epistemological ground of scientific knowledge. "Subject" and "object", each in a habit "as such" (*in se*) of the contingent and/or of the necessary[2], are also an object of the intellect[3]. If an essence is known perfectly, then as "the known thing", it can cause the habit that expresses its entire knowability through essential-necessary compositions or even accidental-contingent compositions. (2) In the Prologue to *Ordinatio,* "subject" and "object" are used in respect to the definition of the first object of a scientific habit fixed in *Ord.* prol. n. 142. However, where two kinds of cognitive power are contrasted in relation to the habit of knowledge of the same object[4], "first object" differs from "first subject". Since in a habit *in se* of necessary truths, the real essence has to be apprehended *as such* in order for "science" to be obtained in the intellect, "first object" and "first subject" have, in a formal sense, a different meaning: "first object" is the proper con-

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[1] For this introduction as a whole see R. H. Pich, *Der Begriff der wissenschaftlichen Erkenntnis nach Johannes Duns Scotus*, 2001.

[2] Whether as a *species intelligibilis* or not; see R. H. Pich, op. cit., 4.1.1, and Conclusion 1.1 and 1.2.

[3] "Object" is above all a concept "respective to a [cognitive] potency of the soul" (*vermögenspsychologisch*); see L. Honnefelder, *Scientia in se – scientia in nobis*, in: I. Craemer-Ruegenberg und A. Speer (Hrsg.), *Miscellanea Mediaevalia 22 – Scientia und ars im Hoch- und Spätmittelalter*, p. 207. Of course, object *of the cognitive potency* and object *of the habit of knowledge* have different definitions; see R. H. Pich, op. cit., 1.7.1.

[4] See *Ord.* prol. p. 3 q. 1-3 n. 168 (ed. Vat. I: 110-112). See R. H. Pich, op. cit., Chapter 4.

ceptual content of the real object, which is required for *scientia*; "first sub-
ject" is a certain conceptual content of the real object, but not a proper *ra-
tio*. In a material sense, however, "first object" and "first subject" designate
the same thing: the real thing known in the science[5]. (3) Whether as the
real object in itself or as the proper conceptual content of the real object in
itself, "first object" must be understood as "first subject" if contingent truths
are treated in the habit of knowledge – above all, in the theology *in se* of the
contingent. The logical-ontological basis for this is that the first object in
itself does not contain *virtually* the concepts, and therefore, the immediate
and mediate propositions *of that kind* of habit[6].

There are, according to the Prologues to *Lectura*, *Ordinatio*, *Reportata
parisiensia*, and *Reportatio examinata*[7], altogether five kinds of scientific
knowledge that the first subject/object, together with a proportionate intel-
lect, can cause. Four of these relate to the concept of *scientia in se* and to the
Scotist theory of modalities of propositional objects to be known[8]. They are
conceived to support the scientific character of theology. In all of them the
initial knowledge of the essence of the first object or of the being of the first
subject "as such" is the basis of the theory of science (as has rightly been
noted, the function of *explanation* within this theory receives little atten-
tion from Scotus[9]). Accordingly, (i) scientific knowledge is knowledge *in se*
of a necessary object under the proper conceptual content. This knowledge,
which is determined through the primacy of virtually containing all the
truths of the habit[10], consists in a logical-deductive system of necessary
conclusions grounded on *per se* known and necessary premises. For scien-
tific knowledge *in se* of the necessary, three *objective*[11] conditions for perfec-
tion of knowledge have to be met: (a) certainty, (b) necessity, and (c)
evidence. In the science *in se* of the necessary (d) the condition of discursiv-
ity is modified in non-Aristotelian ways[12]. (ii) *Scientia* is also knowledge *in
se* of a contingent object *as contingent*, namely of an immediate contingent
proposition *as contingent*, where the scientific habit corresponds to a virtue

[5] See *Ord.* prol. p. 3 q. 1-3 n. 168-169 (ed. Vat. I: 110-113). See R. H. Pich, op. cit., 2.2.4.3 and 4.1.3.

[6] Id. ibid., 5.1, 5.5 and 5.6. For an account in Scotus of the «object» of the science of the contingent see ibid., 5.3, 5.4, 6.4.2, 6.4.3, and 6.4.4.

[7] See *Lectura* prol. p. 2-3 (ed. Vat. XVI), *Ordinatio* prol. p. 3-4 (ed. Vat. I), *Reportata parisiensia* prol. (ed. L. Wadding, XI.1), and *Reportatio parisiensis* I A prol. (ed. Wolter and Bychkov, I prol. et d. 1-21).

[8] See R. H. Pich, op. cit., 1.9 and 1.10.

[9] See E. D. O'Connor, The Scientific Character of Theology according to Scotus, in: *De doctrina Ioannis Duns Scoti*, p. 17; R. J. Hankinson, Philosophy of Science, in: J. Barnes (ed.), *The Cambridge Companion to Aristotle*, pp. 110-111.

[10] See *Ord.* prol. q. 1-3 n. 142-144 (ed. Vat. I: 96-97); D. Demange, "Objet premier d'inclusion virtuelle" – Introduction à la théorie de la science de Jean Duns Scot, in: O. Boulnois; E. Karger; J.-L. Solère; G. Sondag (eds.), *Duns Scot à Paris 1302-2002*, pp. 89-116.

[11] On the "subjective" and "objective" character of these conditions of strict knowl-edge, see R. H. Pich, op. cit., 6.1.

[12] Id. ibid., 6.1, 6.2, and 6.3. See *Ord.* prol. p. 4 n. 208-209 (ed. Vat. I: 141-143).

or an "intellectual habit" through which the truth of the contingent is affirmed *determinate*[13]. This is an account of science taken "in a broad sense"[14]. Its conditions are (a) certainty, (b) necessity according to the knowledge and, in certain cases, according to the object[15], and (c) evidence, which Scotus grounds on the possibility of immediate contingent and *per se notae* propositions[16]. (iii) Scientific knowledge is, in the third place, knowledge *in se* of a contingent object *as contingent*, i.e., of an immediate and first contingent proposition within a sequence – the "first subject as such" – insofar as, for that purpose, a condition of metaphysical necessity that is *non-relativizable* is required. This model[17] is exclusive to the theology *in se* of the contingent. It is the knowledge of one or several sequences of *theological* contingent truths whose epistemological grounding rests on the first subject as such (i.e., God's immutable will). The *scientia* that can be obtained on the basis of a first and immutable (contingent) truth includes the conditions of (a) the certainty, (b) necessity, and (c) evidence of knowledge, and this habit of knowledge might be called a "contingent axiomatic method" of *scientia*[18]. (iv) Furthermore, scientific knowledge is the knowledge *in se* of the necessary *and* of the contingent. This is the Scotist habit of *sapientia*, which is analogous to Aristotle's notion of *sophia*[19]. It relates only to theology *in se*, and to it *as a whole*. The "wisdom" in respect of necessary truths is a knowledge with (a) evidence, (b) necessity, and (c) certainty, and concerns (d) the most perfect and highest object. The knowledge *in se* of the contingent – *of sequences* of *theological* contingent truths – might also be placed in this theoretical *locus*[20]. (v) Finally, in the fifth place, scientific knowledge is knowledge of a necessary object obtained in a subordinate science (e.g., knowledge of the objects of geometry within the science of optics). Scotus does not relate it to theology, and it does not correspond to the definition of science *in se*. Nevertheless, its *general* characterization, at least, is of relevance for the present study, and will be offered in Part II[21].

[13] Ibid., n. 212 (ed. Vat. I: 145-146).

[14] Scotus partially adopts this account from Henry of Ghent, *Summa quaestionum ordinarium* a. 6 q. 1 in corp. (ed. J. Badius Ascensius: I f. 42B). See R. H. Pich, op. cit., 6.4.5.1.

[15] See *Ord.* prol. p. 4 q. 1-2 n. 211 (ed. Vat. I: 144-145); see R. H. Pich., op. cit., 6.4.2, 6.4.3, and 6.4.4.

[16] See *Ord.* prol. p. 3 q. 1-3 n. 169 (ed. Vat. I: 112-113); I d. 3 p. 1 q. 4 n. 238-245 (ed. Vat. III: 144-148); I d. 8 p. 2 q. un. n. 299-300 (ed. Vat. IV: 324-325). See R. H. Pich, op. cit., 5.2.1 and 5.2.2 (also 6.4.1, 6.4.2, 6.4.3, and 6.4.4). In this second model, Scotus definitely relativizes the condition of necessity – also because the second model is not conceived exclusively for theology *in se*, but also for contingent propositional objects generally.

[17] See *Ord.* prol. p. 3 q. 1-3 n. 169-171 (ed. Vat. I: 112-114). See R. H. Pich, op. cit., 6.4 and 6.4.5.1.

[18] Id. ibid., 5.2, 5.2.1, and 5.4.

[19] See *Ord.* prol. p. 4 q. 1-2 n. 213 (ed. Vat. I: 146).

[20] See R. H. Pich, op. cit., 6.4, 6.4.2, 6.4.3, and 6.4.4.

[21] See *Ord.* prol. p. 3 q. 1-3 n. 214-216 (ed. Vat. I: 146-149); see R. H. Pich, op. cit., 7.2 and 7.3. On Scotus's innovations concerning the nature of subordinate science and

The first four models should reveal what logically and epistemologically is to be understood by "science *in se*": it is knowledge of a common essence – and it can also be knowledge of a singular essence[22] – insofar as the essence is in a perfect cognitive relationship with an intellect that is proportionate to it[23]. There the essence is apprehended as such, and further under its definitional – or *quasi* definitional[24] – content, and for that reason it can cause the *necessary* habit that unfolds its essential knowability. The sign of a perfect cognitive relationship in the knowledge *of the contingent* lies, for its part, in the knowledge of the first subject *as such*[25].

Departing from the models above, Scotus takes a unique approach to the problem, presenting cases, in *Rep. exam.* I d. 42 q. 2 and d. 44 q. 1, in which what is ordinarily presumed to constitute "scientific knowledge" becomes instead knowledge "as in most cases" (*ut in pluribus*) because of its account of God's omnipotence and/or of God's absolute power[26]. One may wonder what differentiates these models of scientific knowledge and how Scotus conceives them. In order to answer these questions, and to build upon work undertaken within a set of studies concerning the relationship between God's omnipotence and human knowledge[27], I begin by exploring (I-II) the central theoretical aspects of *Rep. exam.* I d. 44 q. 1, i.e., those concerning God's omnipotence and God's absolute power and the general account of contingency, considering very briefly the background context of contingency and divine *scientia* in *Rep. exam.* I d. 38-44. After these explorations, (III) I next introduce the idea of a knowledge «as in most cases», which Scotus surely had encountered in *Analytica posteriora*. I then analyze possible connections between omnipotence, absolute power, and knowledge *ut in pluribus*, as well as the limits of this approach in *Rep. exam.* I d. 44. The Concluding Remarks consider Aristotle's treatment of the latter topic and ask whether that model of *scientia* was, relative to his previous models, a novel one for Scotus.

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the empirical evidence for principles, departing from the quite obscure clause "*per experientiam*", see R. H. Pich, Subordinação das ciências e conhecimento experimental: um estudo sobre a recepção do método científico de Alhazen em Duns Scotus, in: L. A. De Boni e R. H. Pich (orgs.), *A recepção do pensamento greco-árabe e judaico no Ocidente medieval*, pp. 573-616.

[22] This is the case of the knowledge of the divine essence *ut haec*.

[23] See *Ord.* prol. p. 3 q. 1-3 n. 141 (ed. Vat. I: 95-96); R. H. Pich, op. cit., 1.1.1, and in Conclusion 1.2.

[24] Id. ibid., Chapter 3.

[25] Ibid., 5.4 and 5.5.

[26] Of course, this is not the first or the only textual context where Scotus mentions and deals with knowledge *ut in pluribus*; see for instance *Super libros Metaphysicorum Aristotelis* I q. 4 n. 9, 58, 68, 70-81 (ed. St. Bonaventure, OPh. III: 97, 113, 115-119); *Ordinatio* I d. 3 p. 1 q. 4 n. 235-237, 241-245 (ed. Vat. III: 141-144, 146-148). I will return shortly to these passages in the end of Section IV.

[27] See R. H. Pich, Onipotência e conhecimento científico, in: C. A. Lertora-Mendoza (coord.), *Juan Duns Escoto*, pp. 1-17.

I. Contingency and Knowledge in *Reportatio examinata* I d. 38-44: Some Remarks

The treatise on future contingents, divine power, and divine knowledge in *Rep. exam.* I d. 38-44 illustrates the more developed account that Scotus offered of topics already systematized years before (1298-1299) in Oxford (see *Lectura* I d. 39-45). Although the line of thought about the cause and the very constitution of contingency in the world advanced in *Lectura* had been retained in *Reportatio examinata*, the whole material was revised in light of contemporaneous debates at the University of Paris[28]. As a whole, theologians were reacting to topics associated with the 219 articles condemned 1277 – particularly to articles such as 34, 51-53, 87, etc., which seemed to endorse a "necessitarianism" in the causality effected by the first cause[29].

Rep. exam. I d. 38-44 is part of the "lectures" on the *Books of Sentences* that Scotus delivered at Paris in the academic year of 1302/1303[30]. The lectures should be viewed as offering his mature approach to their respective topics[31]. As has been pointed out by J. R. Söder, it deserves atten-

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[28] On the carrere and the evolution of Duns Scotus's thought in Paris, see L. A. De Boni, Sobre a vida e obra de João Duns Scotus, in: *Patristica et Mediaevalia*, pp. 56 f.; O. Boulnois; E. Karger; J.-L. Solère; G. Sondag (eds.), *Duns Scot à Paris 1302-2002*, 2004; J. R. Söder, Einleitung, in: Johannes Duns Scotus, *Pariser Vorlesungen über Wissen und Kontingenz – Reportatio Parisiensis examinata I 38-44*, Lateinisch-Deutsch, herausgegeben, übersetzt und eingeleitet von J. R. Söder, pp. 24f. All quotations from *Reportatio* I A in this study follow this 2005 edition by Joachim Roland Söder. I also take into account John Duns Scotus, *The Examined Report of the Paris Lecture – Reportatio I-A*, ed. by A. B. Wolter and O. Bychkov, d. 38-44, pp. 448-540. The editors state in: *idem*, p. 448, note 1, that: "The Latin text of Distinctions 38-40, as well as of some subsequent ones, previously published by J. R. Söder (in *Beiträge zur Geschichte der Philosophie und Theologie des Mittelalters*, N. F. 49, 1999, and in the later edition published by Herder, 2005) was not used in the production of the current publication".

[29] For examples of the disapproval that Scotus expresses concerning Thomas Aquinas's accounts of contingency in the world, the cause of contingency, and the knowledge that God has of future contingents, see *Rep. exam.* I d. 38 q. 1-2 n. 14-29, 51 (ed. Söder: 38-46. 60); d. 39-40 q. 1-3 n. 9-15. 60-66 (ed. Söder: 70-72. 98-102). Scotus adopts a similar attitude toward doctrines by Henry of Ghent, rejecting Henry's grounding of the reasons for divine predestination and reprobation (*Rep. exam.* I d. 41 q. un. n. 21-41 (ed. Söder: 126-134)) and for the understanding of the notions of possible and impossible (*Rep. exam.* I d. 43 q. 1-2 n. 4-21 (ed. Söder: 168-184)). On this point, see J. R. Söder, Einleitung, in: Johannes Duns Scotus, op. cit., pp. 24-26.

[30] As a requirement for obtaining the promotion to the degree of doctor and the nomination as a *magister regens*. See L. A. De Boni, Sobre a vida e a obra de João Duns Scotus, op. cit., pp. 56f.

[31] See A. B. Wolter, Scotus's Paris Lectures on God's Knowledge of Future Events, in: M. M. Adams (ed.), *The Philosophical Theology of John Duns Scotus*, p. 286; *idem*, Reflections about Scotus's Early Works, in: L. Honnefelder; M. Dreyer; R. Wood (eds.), *John Duns Scotus – Metaphysics and Ethics*, pp. 12-13, 26-27; L. Honnefelder, *Duns Scotus*, p. 17. The *Reportata parisiensia*, published in the editions by L. Wadding and L. Vivès, do not relate to the version of the Comments on Book I of the *Sentences* edited by J. R. Söder, but rather to a transcription of poorer quality, which was probably made

tion that in I d. 38-44 the theory of "double contingency" is reformulated, and the distinctions between "entitative and operative contingency" and between "entitative and contingent necessity" provide a framework for very explanatory combinations of different causal powers. In this sense Scotus holds the view that the first cause is, in its own being, necessary, but it causes contingently with respect to everything that is not its own essence; in a similar way, all intermediary causes are contingent "entitatively", since they are brought into existence contingently by the first cause, and can cause operatively either in a contingent way (when they operate through the will) or in a necessary way (when they effect something obeying their natural inclinations, and not through an act of the will). This would explain why there are effects "two times contingent", i.e. caused in a contingent manner both by the first and by a secondary cause (human beings's volitive acts themselves), and also effects caused in a contingent manner by the first cause but in a necessary way by secondary causes (such as acts of "natural" potencies, such as the intellect itself, and processes of nature that do not happen by chance). As was already implied in the context of the philosophical demonstration of the existence of an infinite being among the totality of beings[32], the combination of causal powers to be excluded is the combination of a necessary external causation by the first cause and a contingent causation through a secondary cause[33]. After all, that hypothesis would presuppose that the first cause causes by necessity, even if granted the immediately evident knowledge that there are contingent realities and contingent secondary causes that cause contingently[34].

II. Ordination and Absolute Power

It is within this context that Scotus investigates the epistemological status of the divine knowledge of the contingent and the logical-semantic status of the contingent that is known, as well as the assumption, to be clarified here, of processes of nature as regularities constituted contingently and knowable in the manner of probabilities or idealized factual generalizations. In *Rep. exam.* I d. 44 q. 1, "Whether God might produce things differently than he did, or differently than according to the order instituted by Him now", Scotus invokes again the notion of omnipotence,

between 1312 and 1325 by William of Alnwick – that is the so-called *Additiones Magnae.* See J. R. Söder, Einleitung, in: Johannes Duns Scotus, op. cit., p. 15. See also Th. Williams, Introduction – The Life and Works of John Duns the Scot, in: Th. Williams (ed.), *The Cambridge Companion to Duns Scotus*, pp. 10-12; A. Vos, *The Philosophy of John Duns Scotus*, pp. 115-116.

[32] See *Ord.* I d. 2 p. 1 q. 1-2 n. 1-156 (ed. Vat. II: 125-221).

[33] See *Rep. exam.* I d. 39-40 n. 36-38 (ed. Söder: 82-84).

[34] Particularly the human will; see J. R. Söder, Einleitung, in: Johannes Duns Scotus, op. cit., pp. 27f.

and more particularly the notions of absolute and ordinate powers[35], in order to understand reality – a move that has important consequences as well for human epistemic access to the moral and natural orders. Although the following study has to presuppose and also to describe it, it is not directly concerned with the relationship between power and moral order, or between power and knowability of moral truths. By carrying forward my study of the relationship in Scotus's later thought between God's power and human knowledge, I also aim to set up an analysis of his logical-metaphysical and epistemological accounts of necessity and contingency.

In *Rep. exam.* I d. 44 q. 1 Scotus clearly wants to hold the conclusion that God might produce things differently than he has already produced or instituted. With this aim in mind, he accordingly wishes to defend the following line of reasoning: It is not contradictory that certain things be made differently than they have been, any more than it is contradictory that some contingent things might never have been; God has the power to make anything differently that involves no contradiction in its being made differently, as is the case for all contingent things; thus, God might produce things differently than he actually produced, as is the case for all contingent things[36]. It must be stressed that there is in this passage, and paradigmatically throughout the entire question – a fundamental point about contingency. Note that a contingent thing is not taken here as a volition or an act of the will. It seems to presuppose a cause that is contingent for operating through contingent volitions in order to produce things. A thing is contingent in the sense that it could exist "or not", where the "or not" marks off the possibility of being different or being differently produced, without contradiction, by some cause. This account of contingency must hold for "ordinations" of any sort. It follows that their very constitution as contingent or not can be tested by some power.

The topic of *scientia ut in pluribus* will appear particularly in Scotus's reply in *Rep. exam.* I d. 44 q. 1 n. 17 to the fourth objection of the *"videtur quod non"* in *Rep. exam.* I d. 44 q. 1 n. 4. The argument there suggested that if a power like the power of God can produce things differently than (as has been actually) produced by Him, then such a power can move "celestial

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Historical accounts of the *potentia absoluta / ordinata* distinctio can be found in: W. J. Courtenay, IV. The Dialectic of Divine Omnipotence, in: W. J. Courtenay, *Covenant and Causality in Medieval Thought*, pp. 1-37, as well as in: *idem, Capacity and Volition. A History of the Distinction of Absolute and Ordained Power*, 1990.

[36] See *Rep. exam.* I d.44 q.1 n.6 (ed. Söder: 190): "Aliqua aliter fieri quam fiant, non includit contradictionem, ut patet de contingentibus. Sed Deus potest quicquid non includit contradictionem; ergo etc.". In *Lect.* I d. 44 q. un. n. 1-2 (ed. Vat. XVI: 535) and *Ord.* I d. 44 q. un. n. 1-2 (ed. Vat. VI: 363) – each versions quite shorter than the version in *Rep. exam.* I d. 44 q. 1-2 and bringing a *quaestio unica* – Scotus formulates the question and the structure of his answer in a slightly different manner; it becomes clear that to produce or establish anything means already in the question to "ordinate" some state of affairs in some domain (moral and natural).

bodies" (*corpora caelestia*) differently than it moves them now[37] – or, more simply, can originate different movements by celestial bodies than the current ones. As a consequence, heavenly bodies can be combined with each other differently than the way they are combined now. Scotus then says that "geometry" – or rather a natural science dependent on geometry as a subordinating science and which concerns physical bodies that can be known according to the principles of geometry, i.e. "astronomy" – which is the scientific knowledge that deals with the "conjunction" of heavenly bodies (*de coniunctione*) as they exist now, is not a "necessary science" (*scientia necessaria*). Geometry/astronomy would not be a knowledge of what is always true or "whose objects are necessary"[38], because geometry/astronomy would then be about things that can happen differently, and for that reason geometry/astronomy is about contingent things[39]. Again, a contingent thing is what can be differently because it can be as such differently produced – and this is something that can indeed happen within the natural order of the celestial bodies.

Scotus's point about the natural science he is examining here becomes clearer when we recall that for the Subtle Doctor there are basically two essential conditions for being a subordinate science (e.g. as astronomy is to geometry)[40]. (i) First, the subject/object in the subordinate science is considered insofar as it stays under the subject/object of the subordinating science. As a result, the subordinate science is less general than the subordinating one, and its subject/object bears an additional accidental difference. (ii) Moreover, it is a necessary condition that a subordinate science takes its principles, or at least one of its premises, from the subordinating one[41]. Traditionally arithmetic and geometry are the mathematical sciences that subordinate the several intermediate (natural-physical) sciences, and they obtain in and by themselves the required knowledge of indemonstrable principles through the evident and immedi-

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[37] See *Rep. exam.* I d. 44 q. 1 n. 4 (ed. Söder: 190): "Item, si potest aliter res producere quam produxit, ergo similiter potest movere aliter corpora caelestia quam modo movet, et per consequens ipsa inter se potest aliter coniungere quam modo coniunguntur. Ergo geometria, quae est de coniunctione, quam modo habent, non est scientia necessaria, quia est de his quae possunt aliter se habere, et per consequens de contingentibus".

[38] See J. R. Söder, Übersetzungen und Anmerkungen, in: Johannes Duns Scotus, *Pariser Vorlesungen über Wissen und Kontingenz – Reportatio Parisiensis examinata I 38-44*, p. 190, nota 229.

[39] See note 37.

[40] See Aristotle, *Posterior analytics* I 13, 78b32-79ª6 (LCL: 88-91).

[41] See for example Duns Scotus, *Quaestiones super libros metaphysicorum Aristotelis* I q. 9 n. 40 (ed. St. Bonaventure OPh. III: 175): "(...): condicio una subalternatae scientiae est quod subiectum suum sit sub subiecto subalternantis, alia est quod scit 'quia', ubi superior scit 'propter quid', et a superiori accipit sua principia ad probandum conclusiones". These two essential conditions are exposited in detail by R. H. Pich, Subordinação das ciências e conhecimento experimental: um estudo sobre a recepção do método científico de Alhazen em Duns Scotus, in: L. A. De Boni e R. H. Pich (eds.), op. cit., pp. 573f.

ate union of their simple terms – i.e., their principles are known *per se*. Astronomy for Aristotle can be classified as a kind of applied mathematics, yet precisely for this reason, that is, for being an applied intermediate science, it is "natural science" too, since, as the mathematical study of heavenly bodies and phenomena of the heavens, it is basically equivalent to cosmology[42]. Practiced by the "mathematician-physicist", astronomy comprises both the collection of data in order, first of all, to know the facts (*hoti*) and mathematical knowledge in order to establish, subsequently, the reasons (*dihoti*) for the facts[43]. As it happens, it is above all Aristotle's *De caelo* that treats astronomy as a kind of cosmology, presenting Aristotle's geocentric worldview on the basis of previous works from Eudoxus and Callipus. In *De caelo* the earth – relatively speaking a very small body – stands unmoved in the form of a sphere at the very center of the universe[44]. The universe itself is arranged in concentric spherical strata, with moon, sun, planets, and finally fixed stars, each of which is conceived as ungenerated and incorruptible. Aristotle's universe is spatially limited but temporally limitless[45].

The objection concerning "astronomy" in *Rep. exam.* I d. 44 q. 1 n. 4 applies paradigmatically to natural sciences in general[46]. Accordingly, we may apply to them Scotus's reply to one general such objection in *Rep. exam.* I d. 44 q. 1 n. 17-18. It is stated in a further objection in *Rep. exam.* I d. 44 q. 1 n. 5 that one consequence of the reflections about geometry/astronomy is that there can be no "natural science" (*scientia naturalis*), where again "natural science" is basically the knowledge of bodily (material) things according to the movements of heavenly bodies[47]. For if it is granted that heavenly bodies can move differently than the way they move now, then it would not be possible to know that *these* heavenly bodies or rather *these* movements are generated because of the influence of *such* part of

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[42] Within astronomy, "mathematical astronomy" is superior to "nautical astronomy"; see Aristotle, *Posterior analytics* I 13, 78b39-79ª11 (LCL: 90-91). Because of the "dignity" of its object, i.e., eternal heavenly bodies in the several spheres of the cosmos, astronomy has some supremacy within the study of nature; see O. Höffe, *Aristoteles*, Section 6.1.

[43] See also Aristotle, *On the Heavens*, III 7, 306a5-17 (LCL: 312-315).

[44] Id. ibid., II 14 (LCL: 240-255).

[45] See O. Höffe, op. cit., Section 7.1.

[46] More precisely, natural *cosmological* sciences, since Scotus does not actually deal in *Rep. exam.* I d. 44 q. 1 with any particular theory about the *ens mobile* as discussed in Aristotle's *Physics*; R. Cross, *The Physics of Duns Scotus*, points out to *Lectura* II d. 14 q. 1-4 and *Ordinatio* II d. 14 q. 1-3 as *loci* where Scotus deals with issues in astronomy. For more on this point, see the concluding remarks to this paper.

[47] See *Rep. exam.* I d. 44 q. 1 n. 5 (ed. Söder: 190): "Item, sequitur quod scientia naturalis, quae est de rebus corporalibus secundum motus corporum caelestium, nulla esset, quia tunc non posset sciri ista generari secundum influentiam talis partis caeli nec in tali situ, et alia alibi, nec per consequens magis generaretur in una parte caeli ignis quam aliud elementum, quia tali diversimode generari non contingit per motum varium corporum caelestium et diversam coniunctionum eorum, quae omnia secundum se aliter possunt se habere".

heaven, nor that they occur in *such* a place of heaven[48], and that *other* heavenly bodies or *other* movements are generated because of the influence of *other* parts of heaven and occur in *other* places or heavenly constellations[49]. It is not clear what kind of phenomena Scotus has in mind here. As the final section of *Rep. exam.* I d. 44 q. 1 n. suggests – and as it has been interpreted by Söder[50] – it seems that Scotus is thinking here of the kinds of phenomena described in Aristotle's *Meteorologica*[51], although there is no direct evidence for this.

The same (fifth) objection invokes a further consequence of the reflections thus far. One consequence of the non-necessity of the movement of celestial bodies is that "fire" (*ignis*) would not be generated "more" – better: would not be more likely to be generated – in one part of heaven than any other element would[52]. Yet what does this mean? It surely means that there would be no clear knowledge about the generation of «fire» or indeed of the generation of any of the other "four elements". This is so because diverse "elements" such as fire are, on the traditional account, generated in heaven by determinate movements of celestial bodies and by determinate conjunctions of them. But diverse elements being generated in diverse ways cannot be explained through *diverse* movements and conjunctions of celestial bodies, where "diverse" means that those movements and conjunctions can happen "differently" than they in fact do. Such a possibility of "diversification" in the ways that celestial bodies and conjunctions of celestial bodies generate movements and elements would preclude all knowledge of nature[53].

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[48] See J. R. Söder, Übersetzungen und Anmerkungen, in: Johannes Duns Scotus, op. cit., p. 191 n. 5.

[49] See note 47.

[50] "Part of heaven" and "place of heaven" are understood and translated by J. R. Söder as "Konstellation"; see J. R. Söder, Übersetzungen und Anmerkungen, in: Johannes Duns Scotus, op. cit., p. 190, note 230. A. B. Wolter and O. Bychkov, Translation and Notes, in: John Duns Scotus, *The Examined Report of the Paris Lecture – Reportatio I-A*, p. 532, translate quite literally as "particular part of the heavens" and "particular location".

[51] Aristotle's *Meteorologica*, partially built on his own observations and partially putting together the knowledge of his predecessors, is not *strictly* speaking a cosmology. As a part of physics or of the scientific study and knowledge of nature, Aristotle's meteorology, which today would comprise several different scientific fields, is concerned, at least to some extent, with physical processes that occur between earth and heavens, i.e., in the "sublunary sphere", and are effected, at any rate, both by the movement of heavenly bodies and the so-called "four elements". Although Aristotle actually dedicates himself in that work to a very broad range of processes of change through the four elements of earth, air, fire, and water in the "terrestrial" sphere, he gives important place to generation and destruction processes and "astronomical phenomena which [he] regarded as meteorological", see. H. D. P. Lee, Introduction, in: Aristotle, *Meteorologica*, p. xii: "(...): shooting-stars, meteors, comets and the milky way, rain, hail, snow, frost, thunder and lightning, winds of all sorts, haloes and rainbows". As a matter of fact the expression *"ta meteôra"* means precisely "things in hung space".

[52] See *Rep. exam.* I d. 44 q. 1 n. 5 (ed. Söder: 190), note 47.

[53] Id. ibid. This last period of the Latin passage is difficult indeed. In my Portuguese version I have translated it this way: "5. Ademais, segue-se que não há nenhuma ciência

Scotus's final reply to the objections in *Rep.* I A d. 44 q. 1 n. 4-5 appears in *Rep.* I A d. 44 q. 1 n. 17-18. They depend on and presuppose the detailed account of absolute and ordinate power that the Subtle Doctor offers in the *responsio* to the first question[54]. The crux of his reply there depends on one's account of the difference between an agent that acts *de potentia absoluta* and one that acts *de potentia ordinata*. The distinction itself is established to determine and specify the way how a free agent acts. Concerning every free agent who can act "according to a law" or "some right rule", but does not in fact act according to either, we have to distinguish acting *de potentia ordinata* or according to a law previously fixed, from acting *de potentia absoluta*[55].

But the context of *Rep. exam.* I d. 44 q. 1 and parallel passages reveals that Scotus has particularly in mind (i) a free agent who *has* the rule and *can* act according to it, (ii) and who does not necessarily act according to the rule however, but acts "freely" (*libere*) according to it, and so can act in a different way[56]. It is on the assumption of these terms that jurists distinguish between an agent's (1) acting *de iure* and (2) acting *de facto* – where the correspondences (i)-(1) and (ii)-(2) might be proposed. This distinction can apply in particular to every power of the (I) "judge" or "judicative authority" (*iudex*) and of the (II) "judging person" (*iudicans*) or – as seems to be the case – to one person who has administrative power or political authority, with the Pope as a possible example of (I) and the prince of (II)[57]. These two are types of free agents according to (i) *and* (ii). However, we can certainly speak of free agents who act freely or through

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natural, que trata das coisas corpóreas segundo os movimentos dos corpos celestes, porque, então, não poderia ser conhecido que esses são gerados segundo a influência de tal parte do céu e nem |que o são| em tal disposição de lugar, enquanto que outros |o são| em outra |disposição de| lugar. Por conseguinte, tampouco mais seria gerado numa parte do céu o fogo do que um outro elemento, porque, que tais |elementos| são gerados de modos diversos, não ocorre pelo movimento diverso dos corpos celestes e pela conjunção diversa deles, todos os quais, segundo si, podem se dar diferentemente". Cf. João Duns Scotus, *Reportatio examinata* I d. 44 q. 1-2 n. 5, in: *idem, João Duns Scotus – Textos sobre poder, conhecimento e contingência*, transl. by R. H. Pich, 2008. See also J. R. Söder, Übersetzungen und Anmerkungen, in: Johannes Duns Scotus, op. cit., n. 5 p. 191: "Denn dass verschiedene Dinge je nach der unterschiedlichen Bewegung der Himmelskörper und ihrer jeweils verschiedenen Konstellation entstehen, kann nicht gewusst werden, wenn sich alles jeweils auch anders verhalten kann".

[54] As a matter of fact, Scotus's basic account of absolute and ordinate powers in *Rep.* I A d. 44 q. 1 n. 7-13 is more detailed and clearer than the previous accounts in *Lectura* I d. 44 q. un. and *Ordinatio* I d. 44 q. un.

[55] See *Rep. exam.* I d. 44 q. 1 n. 7 (ed. Söder: 192): "Dico quod in quocumque agente libere, quod potest agere secundum legem vel aliquam regulam rectam et non agit secundum illam, in omni tali est distinguendum de potentia ordinata sive praefixa lege et de potentia absoluta".

[56] See *Rep. exam.* I d. 44 q. 1 n. 7 (ed. Söder: 192): "Quia enim habet illam regulam, potest agere secundum illam, quia vero non necessario agit secundum illam, sed libere, ideo potest agere alio modo. Unde iuristae distinguunt de iure et de facto. Et sic potest distingui de omni potestate iudicis vel iudicantis, ut Papae vel principum".

[57] Id. ibid.

free volitions, yet do not act according to «some right rule» and also not according to (i) *and* (ii), or more particularly not according to (i), for they are not persons like Popes and princes. On the contrary, like most human beings, they are to be understood as agents to whose wills the laws are not subject, but who are instead themselves bound to the laws[58].

What may happen is that when some of these non-legislating agents act freely, in the sense of changing or deviating from some established right rule, they act inordinately[59]. In *Rep. exam.* I d. 44 q. 1 n. 8 Scotus affirms explicitly that if conditions (i)-(ii) do not hold for the power of some particular agent, in that case his *potentia absoluta* is not *ordinata*. Once again, it seems that every rational and volitive agent possesses in a basic sense condition (ii), but some or many do not possess condition (i). The strict conjunction of (i) and (ii) holds for a particular class of agents — and these agents alone can never act in any manner save an ordinate one. In a metaphysical and strong sense, all created agents who remain under divine law — here moral law — and do not have such a law bound to their will, are agents who, by doing something freely but differently than the law, act in a way that is simply inordinate[60]. If it is true that when an agent does not act according to a rule or law he acts *inordinately* for not having that rule or law bound to his own will, and if he nevertheless has in a specific way an absolute power[61], then there is also a sense in which having absolute power means simply *acting freely and differently than according to a rule*[62]. But there is

[58] See *Lect.* I d. 44 q. un. n. 3 (ed. Vat. XVII: 535): "Dicendum quod quando est agens quod conformiter agit legi et rationi rectae, — si non limitetur et alligetur illi legi, sed illa lex subest voluntati suae, potest ex potentia absoluta aliter agere; sed si lex non subesset voluntati suae, non posset agere de potentia absoluta nisi quod potest de potentia ordinata secundum illam legem. Sed si illa subsit voluntati suae, bene potest de potentia absoluta quod non potest de potentia ordinata secundum illam legem; si tamen sic operetur, erit ordinata secundum aliam legem, — sicut, ponatur quod aliquis esset ita liber (sicut rex) quod possit facere legem et eam mutare, tunc praeter illam legem de potentia sua absoluta aliter potest agere, quia potest legem mutare et aliam statuere".

[59] However — see again *Lect.* I d. 44 q. un. n. 3 in the previous note — it is logically possible that it is instituted by the ordinate power of legislators that a non-legislating agent may act always through absolute power and therefore may change established right rules, and in this case he would also act in an orderly way.

[60] See also *Ord.* I d. 44 q. un. n. 4 (ed. Vat. VI: 364): "Quando autem illa lex recta — secundum quam ordinate agendum est — non est in potestate agentis, tunc potentia eius absoluta non potest excedere potentiam eius ordinatam circa obiecta aliqua, nisi circa illa agat inordinate; necessarium enim est illam legem stare — comparando ad tale agens — et tamen actionem 'non conformatam illi legi rectae' non esse rectam neque ordinatam, quia tale agens tenetur agere secundum illam regulam cui subest. Unde omnes qui subsunt legi divinae, si non agunt secundum illam, inordinate agunt".

[61] See *Rep. exam.* I d. 44 q. 1 n. 8 (ed. Söder: 192): "Secundum verbum est illud quod si relatio ista non sit in potestate agentis, tunc potentia absoluta non est ordinata".

[62] The distinction applies to "every free agent"; see *Ord.* I d. 44 q. un. n. 3 (ed. Vat. VI: 364): "Et ideo non tantum in Deo, sed in omni agente libere — qui potest agere secundum dictamen legis rectae et praeter talem legem vel contra eam — est distinguere inter potentiam ordinatam et absolutam; ideo dicunt iuristae quod aliquis hoc potest facere de facto, hoc est de potentia sua absoluta, — vel de iure, hoc est de potentia ordinata secundum iura".

an extended sense of absolute power whose application depends on the basic difference between moral beings as defined so far, i.e., the distinction between those who "possess" and those who do not possess rule or law. If someone is not under the law, but rather the law is under him as it is under the authority of the ruler or legislator who institutes it, then he can act "differently" (*aliter*) in a sense where "differently" does not mean in a way that "deviates" but rather "changes" law and, in so doing, "ordains" a different law. This may help to clarify why, in the extended sense, to have absolute power means *to act freely, differently than according to an established rule, and also to change the rule*. One can for this reason understand what Scotus means when he affirms that the ordinate power of the legislating agent does not exceed his absolute power[63]. Particularly in the case of God as legislator or Creator of laws, ordinate and absolute power, although different in kind – in kind of effects – are of equal force in never possibly originating disorder or else exceeding what should count as an ordination of rules made practical, such that one potency (*absoluta*) can never make the other (*ordinata*) inordinate[64], even though a new ordinate power – "new" because of a "new" ordination effected by an absolute power that *also* possesses every order of laws and rules, and not simply effected by a free power – can exceed a law that was once ordained in some particular way. When this happens, a new "system" of ordinate power of laws replaces an old system of ordinate power of laws[65].

Understandably, Scotus will insist later in the text that a positive answer to the main question does not imply the consequence "Therefore, (a)

[63] There is a sense in *Ord.* I d. 44 q. un. n. 3 that one who acts *de potentia absoluta* can act "above" and "against" the law instituted, and hence absolute power "exceeds" ordinate power. But there "to exceed" most likely simply means "to change", and so it does not invalidate the argument in *Rep. exam.* I d. 44 q. 1 n. 8. See *Ord.* I d. 44. q. un. n. 3 (ed. Vat. VI: 363-364): "(...); et ratio huius est, quia potest agere conformiter illi legi rectae, et tunc secundum potentiam ordinatam (ordinata enim est in quantum est principium exsequendi aliqua conformiter legit rectae), et potest agere praeter illam legem vel contra eam, et in hoc est potentia absoluta, excedens potentiam ordinatam".

[64] This is affirmed explicitly also in *Rep. exam.* I d. 44 q. 1 n. 13 (ed. Söder: 196): "Potest [Deus] ergo contra universalem ordinem potentia absoluta, sed tunc non esset inordinatio, quia statueret istam legem ordinatam esse".

[65] See *Rep. exam.* I d. 44 q. 1 n. 8 (ed. Söder: 192): "Talis enim tenetur conformiter agere illi legi et secundum illam regulam. Et ideo si non agat secundum illam, agit inordinate. Unde omnes qui subsunt legi divinae, qui non agunt secundum illam vel si agunt contra illam, inordinati sunt et inordinate agunt. Si autem aliquis non subest legi, sed e converso lex subest instituenti, quia potest aliter vel aliam legem ordinare, talis non potest inordinate agere, nec enim potentia ordinata excedit potentiam absolutam, licet excedat istam legem sic ordinatam". See also *Rep. exam.* I d. 44 n. 10 (ed. Söder: 194), in note 90 below, and *Ord.* I d. 44 q. un. n. 5 (ed. Vat. VI: 364-365): "Sed quando in potestate agentis est lex et rectitudo legis, ita quod non est recta nisi quia statuta, tunc potest aliter agens ex libertate sua ordinare quam lex illa recta dictet; et tamen cum hoc potest ordinate agere, quia potest statuere aliam legem rectam secundum quam agat ordinate. Nec tunc potentia sua absoluta simpliciter excedit potentiam ordinatam, quia esset ordinata secundum aliam legem sicut secundum priorem; tamen excedit potentiam ordinatam praecise secundum priorem legem, contra quam vel praeter quam facit. Ita posset exemplificari de principe et subditis, et lege positiva".

God can produce something *inordinate*, or (b) something not according to an order, or (c) something against every order". In *Rep. exam.* I d. 44 q. 1 n. 14, he speaks strongly against such an objection[66], calling it a "fallacy of consequence from the inferior to the superior with the mark of otherness [*cum nota alietatis*]"[67]. If "from inferior to superior" means the same as "from antecedent to consequent", I think that the objection would take this form: Granted that if God produces something in this particular way, then He produces it according to an order, then it follows that if God *does not* produce something in this way, or rather if God produces something *in a different way*, then He *does not* produce it according to an order. Within such a line of reasoning, the operator of "otherness" (*alietas*) attaches both to the antecedent and the consequent, and attaches negation both to the antecedent and the consequent, since negation is implied itself by *alietas*. This is why it is affirmed that "from the destruction of the antecedent, the destruction of the consequent follows, for otherness includes negation"[68]. Scotus would have been arguing that from the otherness of the antecedent – and hence from the negation of the antecedent – the otherness and negation of the consequent do not follow, and this is logically correct.

The present study concerns the relationship between power and scientific knowledge of the world. It is not in search of conclusions about the distinction of divine powers and the mutability of the truth value of laws in legal and moral senses. Nevertheless, Scotus basically presents just such a consequence in the *responsio*, and it results from applying the distinction of powers particularly to God. Bringing into this context Scotus's assumption that the very sum and fundamental principle of natural law *stricto sensu* is "God must be loved" – or rather "God must not be hated"[69], since such a command fulfills, in a primary sense, the formal criterion of self-evidence,

[66] The objection was advanced in *Rep. exam.* I d. 44 q. 1 n. 1 (ed. Söder: 190): "Quia tunc vel modo vel alias inordinate produceret, quod est inconveniens".

[67] See *Rep. exam.* I d. 44 q. 1 n. 14 (ed. Söder: 196): "Ad primum in oppositum dico quod non sequitur quod modo vel alias ageret non ordinate, quia iste ordo, secundum quem modo producit res, non est omnis ordo sibi possibilis nec necessarius. Ergo sic argumento: 'potest producere res aliter vel secundum alium ordinem quam modo producit, ergo inordinate potest producere vel non secundum ordinem vel contra omnem ordinem', non sequitur, sed est fallacia consequentis ab inferiori ad superius cum nota alietatis, (...)".

[68] See *Rep. exam.* I d. 44 q. 1 n. 14 (ed. Söder: 196): "(...), et ita a destructione antecedentis ad destructionem consequentis, quia alietas includit negationem".

[69] See also *Ord.* suppl. III d. 37 (ed. Wolter: 282): "Uno modo sic, quod illud praeceptum 'Diliges Dominum Deum tuum', etc., non est simpliciter de lege naturae inquantum est affirmativum, sed in quantum est negativum prohibens oppositum. Simpliciter enim est de lege naturae 'non odire', sed aliquando 'amare', dubitatum est prius in tertio articulo. Nunc autem ex illa negativa, non sequitur quod volendum sit proximum dilligere Deum. Sed sequeretur ex illo praecepto affirmativo, de quo non est certum quod sit de lege naturae stricte loquendo".

[70] See *Ord.* III suppl. d. 27 (ed. Wolter: 424). See also C. R. Cezar, *Das natürliche Gesetz und das konkrete praktische Urteil nach der Lehre des Johannes Duns Scotus*, pp. 61ff.

for it expresses the claim "what is best must be loved above everything"[70].
We can see that Scotus affirms here that further practical rules or univer-
sal practical propositions which are not deducible from that fundamental
principle are ultimately valid as such not because of their *consonantia*
with strict moral (natural-law) principles[71] but solely through their con-
crete institution by divine wisdom. Put more precisely, Scotus believes
that those rules are more likely to be instituted by "divine will" – and he
does seem to include here the items of the second table of the Decalogue,
as well as of Biblical commands that summarize them (like the second
greatest command[72]) or are related to these through consonance. Very
importantly, he also includes specific prescriptions concerning the atti-
tudes toward God that human beings must have to achieve God's favor in
an adequate way. Although some of these (wise and good) rules (such as
the second table of the Decalogue) are arguably more accessible to natural
reason than others, their *unmistakable* character as moral (wise and
good) laws can, as a whole[73], only be acknowledged through revelation,
and this is equivalent to an acknowledgement of the expression of God's
will and legislation[74] – where the emphasis should be put not so much on
the "voluntary" aspect of the laws instituted, but above all on the fact
that prescriptive laws, rather than principles of practical rationality
stricto sensu (see above)[75], always require, since they are not a priori
truths, the expression of a legitimate authority in order to possess their
legal character. (In another situation we could surely – and theoretically
– imagine the case in which a given *rational* or *wise* authority institutes
laws like those of the Decalogue's second table and many others consonant
with them, with or without being aware of the fundamental principle of
natural law *stricto sensu*, but then they would again depend for their
character as prescriptive laws, in addition to the rational condition of
consonantia, on the will and legislation of an authority. Scotus however
usually thinks that non-divine authority is a necessary condition for the

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[71] See for example *Ord.* III suppl. d. 37 (ed. Wolter: 278). See also H. Möhle,
Scotus's Theory of Natural Law, in: Th. Williams (ed.), *The Cambridge Companion to
Duns Scotus*, pp. 316-317.

[72] See *Ord.* prol. p. 2 q. un. n. 108 (ed. Vat. I: 70-71).

[73] As a whole, it would be important to establish a difference, in respect of rules
that can be instituted, between 'moral' in a general and rationally accessible sense and
'moral' in a particular sense of 'meritorious' rules; see again C. R. Cezar, op. cit., pp.
29-44, 150-151.

[74] See also *Lect.* III d. 19 q. un. n. 23 (ed. Vat. XXI: 33-34): "Sed sciendum quod, cum
nullus actus finitus formaliter habeat rationem meriti nisi a voluntate divina
acceptante, pro tot potest esse sufficiens pro quot potest voluntas divina vel vult
acceptare, et pro tot est actus sufficiens pro quot voluntate divina actu acceptatur, quia
bonum tantum valet alicui pro quanto acceptatur. Et quia omne aliud a Deo est bonum
'quia a Deo est volitum et acceptatum', ideo pro aliqua condicione personae merentis –
quae non est formaliter condicio actus merendi – (...)".

[75] I.e. "God must not be hated" and what can arguably be *strictly* deduced from it.
See also M. B. Ingham, *The Harmony of Goodness. Mutuality and Moral Living ac-
cording to John Duns Scotus*, pp. 52ff.

institution of *positive law*, and seems to understand authority or rulership to be already legitimately constituted under the presupposition of protecting and promoting natural law (at least) in a broad sense[76]. Scotus seems confident that we can realize through reason that the institution of such practical rules has indeed to depend – in an absolute sense – on God's will[77], because they are such that we do not find in the "laws or practical propositions a necessity from the terms" (*necessitas ex terminis*). The examples that Scotus chooses are "Every just man must be saved" and "Every evil man must be condemned". There is no necessity in them in the way that there is necessity in "Every whole is bigger than its parts", where, just as in analytic propositions, the concept of the predicate is included in the concept of the subject[78]. This explanation does apply – after all, since there is no conceptual reason for thinking that a "just man" himself causes his salvation and so explains the predicate "to be saved" when it is said of him, for there is between those terms no meaning relationship. On the contrary, it has to be a will – and, in case of that theological truth, the will of God alone – that "accepts" both sides[79].

   The conclusion of all this is that, with exception of strict natural law, it is only a will that makes a principle or a law «to be practical» –

[76] Although it is arguable that pure "principles" of natural law *lato sensu* do not require authority for being sound, their "legal character" certainly does. After all, no contingent being can be *a priori* the term of an obligation or generate an unconditional principle that rationally compels one to obedience. In the case of pure "principles" of natural law *stricto sensu*, we could argue that they not only do not require authority for being sound, but they also oblige any "wise" or "rational-volitive" being to obey it as a law. Explaining the *potentia ordinata / absoluta* distinction is not yet to explain what confers authority to someone or what is the origin of authority. Formally we might say that to have authority is for one to be in a position of having power for changing through free decision a given order of rules. But in the case of human legislative authority, it can be affirmed that authority as such presupposes and has already as its purpose protection of and coherence with natural law *lato* and *stricto sensu*. Criteria for the legitimation of an authority (which in original conditions is the *pater familiae*, representing life under *ius naturae*, and secondarily (in political sense) is positively transferred to a sole person or rather to a whole community for life in society, where the division of rulership stays already under the signal of positive law) is both protection and promotion of natural law, and shows the need for the institution of positive laws consonant with it; see for example L. Parisoli, *La philosophie normative de Jean Duns Scot*, pp. 101-106. See also John Duns Scotus, *Duns Scotus' Political and Economic Philosophy*, ed. and transl. by A. B. Wolter, *Ord.* IV d. 15 q. 2 pp. 38-41 (conclusion 5: "origin of civil authority"). At any rate, Scotus insists then that "prudence" and "authority" are necessary conditions for promulgating laws; see also R. Lambertini, *La povertà pensata. Evoluzione storica della definizione dell'identità minoritica da Bonaventura ad Ockham*, pp. 152-161.

[77] That is, on the will of a legitimate authority.

[78] See *Rep. exam.* I d. 44 q. 1 n. 9 (ed. Söder: 192): "Ad propositum de Deo dico quod leges vel regulae practicae sive universales propositiones statutae sunt a sapientia divina. Credo tamen magis quod a voluntate divina, quia non invenitur in tali lege vel propositione practica necessitas ex terminis, ut in hac 'omnis iustus salvandus et omnis malus damnandus', sicut his est necessitas 'omne totum maius est sua parte', ubi unus terminus, scilicet subiectum, includit terminum praedicati; sed in aliis non".

[79] See *Rep. exam.* I d. 44 q. 1 n. 9 (ed. Söder: 192): "Iustus enim non causat sibi salutem, sed voluntas divina acceptat utrumque, quia est de indifferentia in terminis".

to be something *that must be done.* Will is – and has to be, if there must be rules and principles *of action* – the causal principle of legislation and for the origin of the practical character of any further principles or rules. Instituted in this way, laws thus ordain or prescribe all possible actions, i.e., "according to all due ways of acting". Under principles *made practical,* laws – no matter if we now think only of "natural" or also of "positive" laws – prescribe possible actions that are lawful in due ways of being realized[80].

An (unnamed) conception of "omnipotence" emerges in *Rep. exam.* I d. 44 q. 1 n. 10, and there in order to explain how – and not why – God in his will can change the validity of some rule and institute the validity of another previously invalid. The notion is closely related to "absolute power", but it does not seem to have the same meaning as it. As to what God is able to do, Scotus affirms very generally that He can act in every way that does not involve contradiction – and he stresses that there are actually many ways of acting that do not involve contradiction. And it is only on account of this power for doing things that God can, as a consequence, act differently than by ordinate power – that He can act through absolute power. Without using the words themselves, the paragraph raises interesting points about "omnipotence" and "absolute power"[81]. Accordingly, with the support of *Rep. exam.* I d. 42, we might define omnipotence as follows:

O: def₁ Omnipotence is the power that a being has for acting in every way that does not involve contradiction.

Omnipotence so defined in *Rep. exam.* I d. 44 is very indeterminate and general – and, differently than in I d. 42, Scotus offers no further refinements of it, as he does elsewhere when entertaining the question whether it is an *immediate* power to do all *possible things*[82]. Yet how should "absolute power" (namely, the "absolute power" that a being like God has) finally be understood? This question, as we can see now, is equivalent to the question about absolute power in the precise sense of an agent who is both creator/legislator of non-strict laws in a strong metaphysical sense and one who acts through free will and therefore can act differently than any established ordination of laws (it having already been explained, moreover, that such an agent never actually acts inordinately). In the first place, we may repeat then a definition of absolute power given above:

[80] See *Rep. exam.* I d. 44 q. 1 n. 9 (ed. Söder: 192-194): "Et sic voluntas facit hoc principium vel legem esse practicam, et istae leges ordinant operabilia secundum omnes modus agendi debitos".

[81] See *Rep. exam.* I d. 44 q. n. 10 (ed. Söder: 194): "Deus autem potest agere omni modo qui non includit contradictionem. Cum ergo multi alii modi non includant contradictionem, potest agere aliter quam de potentia ordinata".

[82] See about this R. H. Pich, Onipotência e conhecimento científico, in: C. A. Lertora-Mendoza (coord.), op. cit., p. 1-17; see also *Rep. exam.* I d. 42 q. 1-2 n. 1 et n. 12. 18-19 (ed. Söder: 150, 154-156, 158).

AP: def₁ Absolute power is the power that a being has of acting freely, differ-
ently than according to an established order of rules, and also of changing the
given ordination.

But actually the definition does not reveal the decisive connection, in
the case of God as an agent, between "omnipotence" and "absolute power".
The following definition communicates this better:

AP: def₂ Absolute power is the power that an omnipotent being has of act-
ing freely, differently than according to an established order of rules, and
also of changing the given ordination.

The addition within the second definition is important, for omnipotence
and absolute power do not strictly couple. Although for the relevant case of
a being/agent like God, omnipotence entails absolute power (and also ordi-
nate power *qua* power – both in matters of morals and of laws of nature),
and absolute power presupposes omnipotence[83], each of these powers
specify a particular and different aspect of action: since (strong or theologi-
cal) omnipotence means the ability to do (immediately) anything that can
possibly be done (immediately), and absolute power means the ability to
change freely an existing rule or order of rules, we can imagine an act of
omnipotence – such as producing something totally new in nature, and not
influencing its constitution – that does not *change* freely any existing order
of rules. However, this reflection should remind us that omnipotence, just
like absolute power, is a power for doing immediately any "moral possibles",
where under a "moral possible" we should understand a principle or rule of
action that was made practical by a legislating will, but certainly not any-
thing like moral "ideas".

Precisely how *God* has absolute power and therefore exercises the
power of freely changing any ordinate way of acting is what Scotus aims to
express in even more precise terms. His effort takes the form of explaining
God, the moral-metaphysical legislator (my expression), as a volitive being.
All laws in a given order, which corresponds to the field within which be-

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[83] I think this is also presupposed in *Ord.* I d. 44 q. un. n. 7 (ed. Vat. VI: 365-366):
"Deus ergo, agere potens secundum illas rectas ut praefixae sunt ab eo, dicitur agere
secundum potentiam ordinatam; ut autem potest multa agere quae non sunt secundum
illas leges iam praefixas, sed praeter illas, dicitur eius potentia absoluta: quia enim Deus
quodlibet potest agere quod non includit contradictionem (et tales sunt multi modi alii),
ideo dicitur tunc agere secundum potentiam absolutam".

[84] See also *Lect.* I d. 44 q. un. n. 4 (ed. Vat. XVII:534-535): "Sic Deus se habet in
operando, nam intellectus – ut prior est voluntate – non statuit legem, sed offert primo
voluntati suae; voluntas autem acceptat sic oblatum, et tunc statuitur lex; quia tamen
opposita eorum quae statuta sunt, sunt possibilia, ideo potest legem mutare et aliter
agere".

[85] According to Scotus in *Ord.* I d. 44 q. un. n. 6 (ed. Vat. VI: 365), the intellect of
God precedes the act of divine will by showing the will certain formulations of law, but
it is the will of God alone that make them laws: "Ad propositum ergo applicando, dico
quod leges aliquae generales, recte dictantes, praefixae sunt a voluntate divine et non
quidem ab intellectu divino ut praecedit actum voluntatis divinae, ut dictum est
distinctione 38; sed quanto intellectus offert voluntati divinae talem legem, puta quod

ings have ordinate power, are submitted to the divine will[84], and so the character of all laws in that order – their lawfulness – depends on the divine will[85]. Scotus actually affirms this principle in respect of the justice or the being-just of such laws. Nevertheless, it seems simpler to understand the "being-just" of laws as their "lawfulness", "legal character" or "being-prescriptive", for no particular account of justice is at issue[86]. In this sense one can better understand the following sentences as metaphysically conditioned by the fundamental strict natural law principle and implying no moral arbitrariness[87]: "There is no just law [or: true law] unless the divine will accepts it", but – so Scotus – never the contrary stance, such as "The divine will always accepts what is a just law [or: true law] *per se*" or "There are just laws [or: true laws] independent of the acceptance of the divine will [and therefore *per se*]"[88]. It is important to realize that Scotus makes use of "acceptance" as a kind of decision, legislation or, as he explicitly says, "institution" (*statuere*) of a law. At any rate it is something dependent on a contingent volition or an act of will departing from God. And so it is not only the case that those laws are submitted to omnipotence and ordinate power with respect to their institution, but it is also the case that they are radi-

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'omnis glorificandus, prius est gratificandus', si placet voluntati suae – quae libera est – est recta lex, et ita est de aliis legibus". If one is not willing to assume this as a factual standpoint – as a "revelation" of prescriptions – one could at least assume it as a theoretical standpoint, given what was put forward about the basic conceivable natural law principle, strictly speaking.

[86] In *Ord.* I d. 44 q. un. n. 8 (ed. Vat. VI: 366) Scotus speaks of "upright law": "Unde dico quod multa alia potest agere ordinate; et multa alia posse fieri ordinate, ab illis quae fiunt conformiter illis legibus, non includit contradictionem quando rectitudo huiusmodi legis – secundum quam dicitur quis recte et ordinate agere – est in potestate ipsius agentis. Ideo sicut potest aliter agere, ita potest aliam legem rectam statuere, – quae si statueretur a Deo, recta esset, quia nulla lex est recta nisi quatenus a voluntate divina acceptante est statuta; (...)".

[87] It has been discussed in the literature whether such theses about the constitution of moral principles fit within an account of an ethics of divine commands, i.e., within a kind of ethical voluntarism that, metaphysically, is conditioned by the will of God *simpliciter*, and epistemically makes both moral rationality very reduced and moral knowledge decisively dependent on revelation. While I am convinced that they do not fit such an account, I cannot go into that discussion here. I believe that the study of H. Möhle, Scotus's Theory of Natural Law, in: Th. Williams (ed.), op. cit., pp. 312-313, 318ff., shows definitely that Scotus's theory of natural allows the conclusion that his moderate voluntarism in ethics is consistent with the demands of a rational and philosophical ethics. In recent literature Scotus's ethical "voluntarism" was defended by Th. Williams, The Unmitigated Scotus, in: *Archiv für Geschichte der Philosophie*, p. 162-181; *idem*, The Libertarian Foundations of Scotus's Moral Philosophy, in: *The Thomist*, pp. 193-215. See also L. Honnefelder, *Duns Scotus*, Section 4.2, for the argument that the highest form of freedom – say of "voluntarism" – in the case of God (and as would proportionally be the case in the case of a creature) can according to Scotus only be realized through self-determination and the recognition of the good as such (*affectio iustitiae*).

[88] See *Rep. exam.* I d. 44 q. 1 n. 10 (ed. Söder: 194): "Secundo, quia istae leges subsunt voluntati divinae, eo quod nulla est lex iusta nisi quia voluntas divina acceptat, non autem e converso".

[89] The alternative opposites *velle* and *nolle* figure finely within a context – such as *Rep. exam.* I d. 44 – that puts emphasis on the absolute power of altering a given ordi-

cally contingent within an order, for they are caused by an act under the modal operator of synchronic contingency, where the will can contingently "will or not-will" (*velle vel nolle*)[89]. Because of this God *can* with no contradiction change what *is* contingently and actually instituted, *whenever* instituted by His ordinate power; i.e., God can «institute» another law in an order different than now. The result of this reflection is so powerful that the Subtle Doctor affirms that God can establish – as a moral-theological principle in an order different than the present one – that He will save, with no further conditions, all rational souls, or the like[90].

The question at issue in *Rep. exam.* I d. 44 q. 1 is already positively settled – God can really produce things differently than what is actually produced – but Scotus still wants to deepen this determination at the metaphysical level. The question "Whether God might produce things differently than he did or differently than according to the order instituted by Him now" can only ultimately be solved by means of two forms of distinction: (a) "according to composition and division" (*secundum compositionem et divisionem*), and (b) concerning the order, i.e., "the law or the ordinate power" (*de ordine sive de lege vel potestate ordinata*)[91]. In the first place, then, Scotus thinks it necessary to deepen the understanding of the contingency of that decision that *provokes* the production of a given ordinate power, a contingency that signals as absolute power – the simply unreal-

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nation. But for every act of the divine will under synchronic contingency, it is important to introduce its modes of indeterminacy as a first contingent cause and – since it is capable of opposite actions and/or effects – as a genuine rational potency. The (divine) will is furthermore the self-determining and non-further-reducible main cause of volition. The will's power to opposites, which is simultaneous in the *modus eliciendi*, rests (i) on the "freedom of specification of willing" (*libertas specificationis*), i.e. of willing *a* (*velle*) or of not-willing *a* (*nolle*), (ii') on the "freedom of doing the willing" (*libertas exercitii*), i.e. of willing (*velle*) *a* or *b* (*a* or ¬ *a*), and respectively of willing (*velle*) a willing *a* or a not-willing *a*, and (ii") on the freedom (of doing or) refusing – refraining from – doing an act of willing (*non velle*, i.e. "non [doing a] willing"). Self-determination (particularly in *Quaestiones super libros metaphysicorum Aristotelis* IX q. 15) seems to presuppose causally and ultimately (and with antecedence in a metaphysical sense) an *indeterminatio ex se* from the part of the will, with respect to (i), (ii'), and (ii"). See R. H. Pich, Contingência e liberdade, in: João Duns Scotus, *Textos sobre poder, conhecimento e contingência*, Section 3; L. Honnefelder, *Duns Scotus*, pp. 113-120.

[90] See *Rep. exam.* I d. 44 q. 1 n. 10 (ed. Söder: 194): "Potest autem voluntas contingenter quodcumque velle vel nolle, ideo potest statuere aliam legem, ut quod omnis anima rationalis salvabitur vel aliquid huiusmodi. Ergo potentia eius absoluta non excedit ordinatam, quia quaecumque lex a Deo instituatur aliter vel alia quam illa quae nunc est: esset ordinata". See also *Lect.* I d. 44 q. un. n. 4 (ed. Vat. XVII: 536): "Sicut statuit quod nullus esset glorificandus nisi prius esset gratificatus; operando autem huic legi ordinate, agit secundum potentiam ordinatam, et non potest aliter operari nisi ordinando et statuendo aliam legem, – et hoc potest, quia contingenter voluit quod esset illa lex quod omnis peccator damnaretur; unde faciendo contrarium, statuit aliam legem, secundum quam etiam ordinate operetur".

[91] See *Rep. exam.* I d. 44 q. 1 n. 11 (ed. Söder: 194): "Ad quaestionem ergo dicendum est distinguendo secundum compositionem et divisionem; similiter est distinguendum de ordine sive de lege vel potestate ordinata. Et patet realis solutio ex dictis".

ized but real possibility – the changeability of that ordination, and that comes back to the structural moment of God's volitions in a unique instant of eternity. The distinction between *sensu composito* and *sensu diviso* shall clarify the logic of decisions or volitions, described in propositions, of the omnipotent and free agent.

This can be accomplished by distinguishing the proposition – called hereafter "*p*" – "God can produce things differently than according to the disposed order or than the order that He disposed" in those two senses. Proposition *p* is "false" and "impossible" in the sense of composition, because two elements do not remain at the same time: (i) that God acts differently than He disposed (through absolute power), and (ii) that the disposition of things and ordination established by God hold[92]. A *sensus compositionis* stresses simultaneity of (i) and (ii) in the instant of eternity of God's decision concerning the production of a given order – and so it would propose something like "God wills a different order than *o* and at the same time wills the institution of *o*", or "God produces things differently than according to the disposed order and at the same time produces or keeps the disposed order). But Scotus emphasizes that proposition *p* is true *sensu diviso*. This is so because God *actually makes* in this or that way and *can* at the same time make in the opposite way. Scotus is touching clearly the terms of his synchronic theory of contingent acts – as exposited again in *Reportatio examinata* I d. 39-40 q. 1-3[93]. In another passage, answering to the third argument *ad contra*, Scotus affirms that God can in eternity make opposite things *divisim*, and not *coniunctim*, and can do such opposite things "in the same instant" [of eternity] – declaring explicitly that he refers to the same strategy used to explain (synchronic contingency in) God's volitions concerning future contingents[94]. This means (i) that God actually disposes that so-and-so must be done following an order, and so it holds just like in a moral order that follows the ten commandments, and (ii) that God can (in simultaneous possibility) indeed dispose differently, so that it would be needed to act differently, just like in a moral world where one of the ten commandments of the Second Table does not hold[95]. A *sen-*

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[92] See *Rep. exam.* I d. 44 q. 1 n. 11 (ed. Söder: 194): "Unde haec propositio 'Deus aliter res potest producere quam secundum ordinem dispositum vel quam disposuit' est distinguenda secundum compositionem et divisionem. In sensu compositionis est falsa et impossibilis, quia non stant simul quod aliter agat quam disposuit stante illa dispositione et ordinatione".

[93] See in this respect the monograph by J. R. Söder, *Kontingenz und Wissen. Die Lehre von den futura contingentia bei Johannes Duns Scotus*, 1999.

[94] See *Rep. exam.* I d. 44 q. 1 n. 16 (ed. Söder: 198): "Ad aliud dico quod in aeternitate possunt fieri opposita divisim, non coniunctim, et hoc in eodem instanti. Patet supra in materia futuris contingentibus".

[95] See *Rep. exam.* I d. 44 q. 1 n. 11 (ed. Söder: 194): "In sensu diviso est vera quia Deus facit hoc modo et tamen potest opposito modo, quia sicut Deus disposuit sic esse faciendum secundum hunc ordinem, ita posset aliter disponere, et tunc esset aliter faciendum". Logically, there is a conjunction here: $xWpt_1 \wedge Px_-Wpt_1$ (x wills p at t_1 of eternity and it possible that x does not will p at t_1 of eternity).

sus divisionis stresses a particular simultaneity of (i) and (ii) by proposing the division "God wills the institution of *o* and at the same time God can will a different order than *o*", or "God produces or keeps the disposed order and at the same time God can produce things differently than according to that order".

Interestingly enough, when Scotus exemplifies the second way of determining *p*, he does not offer an example of the moral but of the natural order. A proposition *p* under *sensus divisionis* would mean that God has the potency of producing independently of the actual order that "The sun moves towards the east" (hence changing the factual "The sun moves towards the west"). Proposition *p*, a conjunction that gives expression to a synchronic contingency of actuality and possibility, would include "God can produce that the sun moves towards east" as one categoric proposition and "God actually disposes that the sun moves towards west" as the other categoric proposition, and both propositions, one of possibility and the other of actuality, are true at the same time[96]. We must emphasize that both the example here and the examples of regularities of nature in the *quaestio* show that Scotus does not think of the couple "absolute" and "ordinate" power as bringing consequences only to our understanding of moral order – as was the case in *Lectura* I d. 44 q. un. and *Ordinatio* I d. 44 q. un. In *Reportatio examinata* I d. 44 q. 1, the consideration of God's absolute power is strongly directed toward understanding the contingency of the natural world as disposed by an omnipotent power. But now it is still necessary to investigate again the main question through the second form of distinction advanced by Scotus, namely, concerning "the law or the ordinate power".

To resolve the main question, i.e., by determining the proposition "God can produce things differently than according to the disposed order or than the order that He disposed", Scotus introduces the distinction "according to ordinate power" or "according to the order". What does this distinction mean? Scotus introduces two ways of conceiving "order" (*ordo*): "order" can be taken (i) either according to universal rules or universal propositions (ii) or according to particular rules or particular propositions[97]. The example of

[96] See *Rep. exam.* I d. 44 q. 1 n. 11 (ed. Söder: 194): "Unde in sensu divisionis Deus habet potentiam faciendi hoc modo seorsum, scilicet 'solem moveri contra orientem' – haec una propositio categorica, 'non disposuit facere hoc modo' – haec est alia propositio, et ambae sunt verae".

[97] A similar distinction comes forth in *Ord.* I d. 44 q. un. n. 9 (ed. Vat. VI: 366): "Advertendum etiam est quod aliquid esse ordinatum et ordinate fieri, hoc contingit dupliciter: Uno modo, ordine universali, – quod pertinet ad legem communem, sicut ordinatum est secundum legem communem 'omnem finaliter peccatorem esse damnandum' (ut si rex statuat quod omnis homicida moriatur). Secundo modo, ordine particulari, – secundum hoc iudicium, ad quod non pertinet lex in universali, quia lex est de universalibus causis; de causa autem particulari non est lex, sed iudicium secundum legem, eius quod est contra legem (ut quod iste homicida moriatur".

[98] See *Rep. exam.* I d. 44 q. 1 n. 12 (ed. Söder: 194): "Ultra distinguendum est de potentia ordinata sive de ordine, quia ordo potest intelligi vel secundum regulas sive propositiones universales vel particulares. Universalis est 'omnis homicida occidatur'".

universal rule or proposition (now in a moral sense) is "Every murderer must be killed"[98]. And what is an order according to particular rules or propositions? It is the order of concrete judgment and of concrete execution; it is the concrete realization or application of the general rule, just as when a particular murderer is sentenced to be killed, and such a particular judgment is "the conclusion of the law"[99]. This should be an example of the levels of general and particular order: "Every murderer must be killed; John is a murderer; John must be killed". An order according to particular propositions is then just the set of particular judgments as conclusions of practical arguments – namely, those particular judgments that would follow as a logical consequence of the assumption of given universal propositions or a given general order. But what is the significance of this second form of distinction in order to reach a determination of the main question and particularly of the proposition p as its corollary?

It seems out of the question that, when God disposes an ordination, it disposes a set of universal rules or propositions; unless we definitely compromise human freedom, it makes no sense to think that He disposes the conclusions or particular judgments, but only the general prescriptions that can make them valid. To act *de potentia ordinata* is then both to dispose and to act according to a set of universal rules – and in moral-theological sense, one rule within the set may be that "Every evil person must be condemned". I think that Scotus introduced the second distinction, the distinction between universal and particular order, for the sake of showing how an absolute power comes to effect a change in an ordinate power. If it is an example of a particular order that a particular man, Judas, must be condemned – "Judas must be condemned" as a simple application of that universal premise – and if it is the case that, within the range of an ordinate power composed by that universal premise, God cannot save Judas, then the only way to save Judas, if this is possible at all, is to change at some moment the ordinate power (or an aspect of it) where "Every evil person must be condemned" is a practical truth[100]. And this is to practice "absolute power". The minor premise is not supposed to change – "Judas is an evil person" or "Judas has deeply sinned" – but it seems rather that for the motive of changing a particular order or a particular conclusion, i.e., because of a person and not simply for the sake of effecting absolute power of

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[99] See *Rep. exam.* I d. 44 q. 1 n. 12 (ed. Söder: 196): "Ordinatio autem particularis est ordo iudicii et executionis, ut de hoc homicida in particulari ordinando quod occidatur, et hoc iudicium non est nisi conclusio legis".

[100] In *Ord.* I d. 44 q. un. n. 11 (ed. Vat. VI: 367-368), Scotus affirms that an ordinate power is only said according to an order of universal law, and never according to an order of upright law in relation to some particular thing: "Potentia tamen ordinata non dicitur nisi secundum ordinem legis universalis, non autem secundum ordinem legis rectae de aliquo particulari. (...). Non quidem ordine particulari (qui est quasi de isto agibili et operabili particulari tantum), sed ordine universali, quia si salvaret, staret modo cum legibus rectis – quas vere praefixit – de salvatione et damnatione singulorum".

[101] See also a similar point in: L. Parisoli, *La contraddizione vera. Giovanni Duns Scoto tra le necessità della metafisica e il discorso della filosofia pratica*, p. 182.

changing valid rules[101], God comes to alter universal principles contingently established as valid laws. If Judas would exist but would not be condemned, then a universally valid proposition would have been freely canceled out and changed into, for example, "Every evil person will be assisted by the grace of God". Thus, God could "assist" (*praevenire*) Judas by grace if He willed, just like God did in relation to Peter after Peter had sinned; God would have saved a now condemned and gravely sinful Judas "in a particular order" or "in a particular conclusion", justified then by a prescription effected by a transforming absolute power[102]. Absolute power here becomes a sign of God's mercy and grace, for in order to save a human being, each time the intention of changing a particular order urges the (legitimate) change of an ordination of punishing justice – as can approximately be known through the Holy Scripture and common revelation. Being omniscient, God actually and previously knows about a particular existing human being and whether he by himself shall be condemned (in case this applies based on the universal rules established within the plan of God to the world). God as universal legislator can, then, *de potentia absoluta*, or by changing a given moral-theological ordination of rules, and *de potentia ordinata*, or by instituting, for the occasion and time He wills, a new moral-theological ordination of rules, produce different particular conclusions[103]. As becomes clear from this case, what is essentially right and just is definitely what God wills to be right and just – eventually against general expectations of our rational moral appraisal. And it is also clear that Scotus, who makes the *potentia absoluta / ordinata* distinction the "backbone" of his theory of "justification" or *acceptatio* and of his moral (or natural law) theory, emphasizes the canonist "juridical meaning" of it[104]. But there is more to be said about that.

(To be continued)

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[102] See *Rep. exam.* I d. 44 q. 1 n. 13 (ed. Söder: 196): "Ad propositum: Deus posuit legem universalem et ordinem quod omnis malus damnabitur. Ordo particularis est, qui dicitur iudicium quod iste, id est Iudas, damnabitur. Dico quod Deus potentia absoluta potest salvare Iudam, non tamen potentia ordinata. Similiter potest eum salvare ordine particulari, si Iudas esset et non esset damnatus, quia posset eum praevenire per gratiam, sicut et Petrum post peccatum". See also *Ord.* I d. 44 q. un. n. 11 (ed. Vat. VI: 368). "Staret enim cum illa 'quod finaliter malus damnabitur' (quae est lex praefixa de damnandis), quia iste adhuc non finaliter peccator, sed potest esse non peccator (maxime dum est in via), quia potest Deus cum gratia sua praevenire; (...). Non autem staret, cum illa particulari lege, quod Iudam salvaret; Iudam enim potest praescire salvandum de potentia ordinata, sed non isto modo ordinata sed absoluta ab isto modo, et alio modo ordinata secundum aliquem alium ordinem, quia secundum alium ordinem tunc possibilem institui".

[103] See *Rep. exam.* I d. 44 q. 1 n. 13 (ed. Söder: 196): "Unde iste praescitus existens, licet damnabitur, tamen potest potentia absoluta et potentia ordinata beatificari; non tamen Iudas potentia ordinata".

[104] See again W. J. Courtenay, IV. The Dialectic of Divine Omnipotence, in: W. J. Courtenay, op. cit., pp. 11-13; *idem*, *Capacity and Volition*, pp. 92-95, 100-103.

ABSTRACT

In *Rep. exam.* I d. 44 q. 1, Scotus offers a discussion, unique within his work, of cases in which a traditional account of "scientific knowledge" of nature is transformed into a knowledge "as in most cases" (*ut in pluribus*). Underlying this particular model of scientific knowledge is an account of God's omnipotence and absolute power. With the aim of explaining this model, this study explores certain fundamental theoretical elements of *Rep. exam.* I d. 44 q. 1, i.e., definitions of divine omnipotence and absolute power and Scotus's general theory of contingency, as well as the background context of contingency and divine *scientia* in *Rep. exam.* I d. 38-44. The stage is then set for the introduction of the idea of a knowledge "as in most cases", which Scotus had likely encountered in *Analytica posteriora.* Possible connections between omnipotence, absolute power, and knowledge *ut in pluribus* are then analyzed. Because Scotus's model of *scientia ut in pluribus* depends heavily on a critical view of the regularity of heavenly bodies' movements, some notes on Scotus's cosmology are offered, as well as a comparison between the scope of Scotus's "probable" knowledge of nature and Aristotle's view of the same within many passages of his *opera* concerning the knowledge of physical universals.