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ARTICLE

Thomas Aquinas on Malice without Vice

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Abstract

Thomas Aquinas's claim that not all malicious sins proceed from an agent's vice is examined. First, I summarize Thomas's arguments to the effect that all vicious actions are malicious, so as to provide the relevant backdrop. Vicious actions are always malicious because one's vice makes the object of the action connatural to the acting agent, and this object always involves the willing choice of a spiritual evil in pursuit of some temporal good. Second, I explain the two ways in which malicious and non-vicious sins arise: sickly bodily dispositions and the removal of a restraint. Third, I explore the characteristics of malicious and non-vicious sins, and how these differ from those malicious sins that proceed from one's vice. Ultimately, since agents who perform non-vicious malicious actions pursue objects that are not connatural to them, I conclude that such sins constitute a mean of sorts between sins of passion and vicious sins.

Keywords: habitus; malice; sin; Thomas Aquinas; vice

This paper is concerned with Thomas Aquinas's understanding of malicious sins[1] that do not proceed from an agent's vicious *habitus*.[2] This topic has received scant atten-

[1]This paper assumes that the reader is somewhat familiar with malice as an internal cause of sin. See Thomas Aquinas, *Summa Theologiae*, trans. by Fr. Lawrence Shapcote, O.P. (Lander: The Aquinas Institute for the Study of Sacred Doctrine, 2012), pp. I–II.78; as well as Thomas Aquinas, *On Evil*, trans. by Jean Oesterle (Notre Dame: University of Notre Dame Press, 1995), pp. III.12–15. The *Summa Theologiae* will hereafter be cited as *ST*, while *On Evil* will be cited as *De Malo*.

[2]*Habitus*, most often translated into English in the form of the word 'habit', is a complex concept involving numerous different senses and nuances. For our purposes, we may understand *habitus* as a disposition adhering in certain powers of the soul that makes action prompt, easy, and pleasurable for the acting agent. See *ST* I–II.49–54.

Many scholars have argued convincingly that *habitus* has no English equivalent. See, for example, Servais Pinckaers, O.P., *The Sources of Christian Ethics*, trans. by Sr. Mary Thomas Noble, O.P. (Washington, D.C.: The Catholic University of America Press, 1995), p. 364, who claims that there is no modern equivalent to *habitus* in *any* modern language; and Clifford G. Kossel, S.J., 'Thomistic Moral Philosophy in the Twentieth Century', in *The Ethics of Aquinas*, ed. by Stephen J. Pope (Washington, D.C.: Georgetown University Press, 2002), p. 394, who notes 'myriad' translations that have resulted from this fact. In modern Thomistic scholarship, the usual routine is to warn that *habitus* is not to be understood in the modern sense of 'habit'; see Robert C. Miner, 'Aquinas on *Habitus*', in *A History of Habit: From Aristotle to Bourdieu*, ed.

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tion in the secondary literature, and the little that has been written on non-*habitus* malice has differed significantly in its interpretation.[3] This is no doubt owing in part to Thomas's own remarks on the subject, which are admittedly somewhat vague, even where he addresses the issue directly. What I offer here is a unique approach to non-*habitus* malice that has substantial implications for Thomas's moral thought as it pertains to vice, malice, and sin.

This study will be divided into three sections. First, a brief summary of Thomas's claim that all actions that proceed from a vicious *habitus* are malicious is called for. Second, we will examine how it is that non-*habitus* malice comes about. Third and finally, we will ask what non-*habitus* malice looks like, specifically in the ways that it differs from malice that proceeds from a vicious *habitus*.

1. All vicious actions are malicious

In the *Summa Theologiae*, prior to asking whether every malicious sin is committed through a vicious *habitus*, Thomas asks whether everyone who sins through *habitus* sins through certain malice [*certa malitia*].[4] His affirmative answer draws a distinction between a vicious agent sinning, and a vicious agent sinning by using his *habitus*:

> There is a difference between a sin committed by one who has the [*habitus*], and a sin committed by [*habitus*]: for it is not necessary to use a [*habitus*], since it is subject to the will of the person who has that [*habitus*]. Hence [*habitus*] is defined as being *something we use when we will*, as stated above.[5]

That is, a vicious agent may not use his vicious *habitus* in acting, as said *habitus* is subject to his will. Thomas goes on to explain how a vicious agent might not use his vice in acting:

> And thus, even as it may happen that one who has a vicious [*habitus*] may break forth into a virtuous act, because a bad [*habitus*] does not corrupt reason altogether, something of which remains unimpaired, the result being that a sinner does some works which are generically good; so too it may happen sometimes

by Tom Sparrow and Adam Hutchinson (Plymouth: Lexington Books, 2013), p. 85, n. 7, who writes: 'The warnings have by now become commonplace.' In this paper, I will leave *habitus* untranslated.

[3]The three most substantial treatments in English are Ashley Dressel, 'Aquinas and Later Scholastics on Willful Wrongdoing' (Ph.D. diss., University of California, Irvine, 2014), 46–76; René Ardell Fehr, 'The Relationship between Vice and Malice According to Thomas Aquinas' (Ph.D. diss., Dominican University College, 2022), 260–87; and Steven J. Jensen, *Sin: A Thomistic Psychology* (Washington, D.C.: The Catholic University of America Press, 2018), pp. 177–84.

[4]*ST* I–II.78.2. The phrase *certa malitia* occurs 116 times in Thomas's corpus, of which 71 are located in the *Summa Theologiae*. *Certus* is an adjective meaning 'exactly, certain, firmly determined'. Roy J. Deferrari, *A Lexicon of Saint Thomas Aquinas* (Fitzwilliam: Loreto Publications, 1949), s.v. 'certus'. By using the phrase *certa malitia*, Thomas is indicating that he has in mind that type of malice which is an internal cause of sinful actions.

[5]*ST* I–II.78.2, co. Emphasis in the Shapcote translation. Thomas's 'as stated above' is referring to *ST* I–II.49.3, s.c.

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> that one who has a vicious [*habitus*], acts, not from that [*habitus*], but through the uprising of a passion, or again through ignorance.[6]

A vicious agent may not use his vice in acting, as he may instead act from passion or ignorance; Michał Głowala makes this point with respect to a spiteful man: 'his action may be prompted by an immense fear (he may have been blackmailed into it); in this case it is not true that he did it *because* he is spiteful, although it *was* nasty and he actually *is* spiteful'.[7] Next, Thomas turns his attention to the agent who *does* use his vice in acting:

> But whenever he uses the vicious [*habitus*] he must needs sin through certain malice: because to anyone that has a [*habitus*], whatever is befitting to him in respect of that [*habitus*], has the aspect of something lovable, since it thereby becomes, in a way, connatural to him, according as custom and [*habitus*] turn into nature [*vertitur in naturam*]. Now the very thing which befits a man in respect of a vicious [*habitus*], is something that excludes a spiritual good: the result being that a man chooses a spiritual evil, that he may obtain possession of what befits him in respect of that [*habitus*]: and this is to sin through certain malice. Wherefore it is evident that whoever sins through [*habitus*], sins through certain malice.[8]

A *habitus*, then, makes its object connatural to the agent in which it is subject. A vicious *habitus* in particular, as something that is unsuitable to the agent in which it adheres,[9] is directed toward objects which exclude spiritual goods – most evidently, the order of reason. But the choice of a spiritual evil is the defining feature of sins of malice.[10] Therefore, every sin from a vicious *habitus* is a malicious sin as well.

We will not dwell upon the details of the above argument except to note what is essential for the following sections of this paper. For our purposes, what is particularly relevant is the second objection that Thomas gives to his position, that every sin from a vicious *habitus* is a sin from malice, which runs as follows: '*Acts proceeding from* [*habitus*] *are like the acts by which those* [*habitus*] *were formed* (*Ethic*. ii, 1,2). But the acts which precede a vicious [*habitus*] are not committed through certain malice. Therefore the sins that arise from [*habitus*] are not committed through certain malice.'[11] That is, at least some actions which form a vicious *habitus* are from passion, and so it would seem

[6] *ST* I–II.78.2, co.

[7] Michał Głowala, 'What Kind of Power Is Virtue? John of St. Thomas OP on Causality of Virtues and Vices', *Studia Neoaristotelica,* 9.1 (2012), 27–28. Emphases in the original.

[8] *ST* I–II.78.2, co. I have altered the translation. Shapcote translates 'vertitur in naturam' as 'second nature', which is not accurate. Some (roughly) parallel texts include *De Malo* III.13, co.; and Thomas Aquinas, *Commentary on Romans*, trans. by Fr. Fabian R. Larcher, O.P. (Aquinas Institute), <https://aquinas.cc/la/en/~Rom> [accessed 1 March 2022], I.8, §158. In *ST* II–II.14.1, co., Thomas writes that 'the very inclination of a vicious [*habitus*]' is called malice.

[9] See *ST* I–II.49.2–3.

[10] See *ST* I–II.78.1, co.; and *De Malo* III.12, co.

[11] *ST* I–II.78.2, obj. 2. Thomas is referring to Aristotle, *Nicomachean Ethics* II.1–2. For the text of Aristotle, see 'Ethica Nicomachae', in *The Basic Works of Aristotle*, ed. by Richard McKeon (New York: Random House, 1941).

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that at least some of the actions which proceed from a vicious *habitus* must likewise be from passion, and not from malice. Thomas's response highlights the perfect acts to which *habitus* are directed: 'Acts proceeding from [*habitus*] are of like species as the acts from which those [*habitus*] were formed: but they differ from them as perfect from imperfect. Such is the difference between sin committed through certain malice and sin committed through passion.'[12]

There are two important elements to this reply. First, we must inquire as to the nature of perfect action. Elsewhere, Thomas stresses the perfect character of the actions which proceed from *habitus*: 'when [*habitus*] has been acquired [one] acts perfectly, whereas at first [one acts] imperfectly',[13] and elsewhere still: 'the operation from an acquired [*habitus*] is both perfect and enjoyable'.[14] And while discussing the possibility of wicked ministers administering the Sacraments, Thomas writes:

> Now [*habitus*] differs from power in that power makes it possible for us to do a certain thing, whereas [*habitus*] does not make it possible for us to do a thing, but confers a certain ability or inability for doing well or ill that which it is possible for us to do. Consequently, [*habitus*] neither gives nor removes the possibility of doing, but gives the facility of doing a certain thing well or ill.[15]

In his commentary on Aristotle's *Nicomachean Ethics*, Thomas applies these lines of thought to vice in particular:

> many people are of the opinion that they are ready to do even injustice immediately. Hence they think that it is easy to be habitually unjust. Certainly it is easy, and immediately in a man's power, to do unjust things: to have sexual intercourse with his neighbor's wife, to strike his neighbor, to take money from the hand of another, or to hand over money to have murder or some crime done. But that men should do actions of this kind in such a way that they act promptly and with pleasure is not easily nor immediately in a man's power, but they come to this point through persistent [*habitus*].[16]

Here, Thomas indicates that promptness and pleasure accompany actions that proceed from *habitus* in a manner in which they do not accompany those actions which do not so proceed – or to be more specific, acting promptly and with pleasure is *easy* to the

[12] *ST* I–II.78.2, ad 2.

[13] Thomas Aquinas, *Commentary on Aristotle's* Metaphysics, trans. by John P. Rowan (Notre Dame: Dumb Ox Books, 1995), pp. IX.7, §1855. In this context, Thomas is referring to the *habitus* of science and of the other virtues, although his point applies to the vicious *habitus* as well. Thomas's *Commentary on Aristotle's* Metaphysics will hereafter be referred to as *In Metaph.*

[14] *ST* I.62.9, ad 1.

[15] Thomas Aquinas, *Summa Contra Gentiles*, trans. by Anton C. Pegis, F.R.S.C., James F. Anderson, Vernon J. Bourke, and Charles O'Neil (Notre Dame: University of Notre Dame Press, 2014), p. III.77. The *Summa Contra Gentiles* will hereafter be cited as *SCG.*

[16] Thomas Aquinas, *Commentary on Aristotle's* Nicomachean Ethics, trans. by C. I. Litzinger, O.P. (Notre Dame: Dumb Ox Books, 1993), V.15, §1074. Thomas's *Commentary on Aristotle's* Nicomachean Ethics will hereafter be cited as *In Ethic*. In other places in the same work, Thomas connects perfect action to virtue in particular. See *In Ethic*. II.6, §308; and *In Ethic*. X.10, §2085.

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man who is using his *habitus*. Consider also the following text: 'for the perfection of his operations, [man] needs certain perfections and [*habitus*] besides his natural powers to enable him to do the good well, connaturally (as it were), and with both ease and pleasure'.[17] In this text, Thomas has in mind the theological concept of grace (hence, the reference to 'certain perfections and [*habitus*] *besides his natural powers*'), yet the point remains that *habitus* are required to 'do the good *well*', that is, connaturally: easily, promptly, and with pleasure. The same applies to those actions that are truly *bad*: in order to 'do the bad *well*', so to speak, one requires a vicious *habitus*. To use the example of lust, one is truly *good* at being lustful when one does it from one's lustful *habitus*: one commits lustful acts connaturally, that is, easily, promptly, and with pleasure; the lustful agent finds committing lustful acts easy to do, he does them without hesitation, and he enjoys them apart from any pleasure that he might obtain from the lustful acts themselves.[18]

The second important element present in Thomas's reply in *ST* I–II.78.2, ad 2 concerns the direction of the imperfect acts that form the *habitus* to the perfect acts which are produced from that *habitus*. This is because, for Thomas, 'the imperfect is directed to the perfect'.[19] Thus, sins of passion are directed toward sins of *habitus* malice via the formation and use of a vicious *habitus*, just as are, it would seem, any sins that do not have the characteristics of the perfect malicious actions that do proceed from a vicious *habitus*.

What I have above called the two important elements of Thomas's discussion in *ST* I–II.78.2, ad 2 may be summarized as follows. First, perfect action consists in action proceeding from a *habitus*, and this action is easy and pleasurable to the agent with that *habitus*; that is, it is connatural to him, and it allows him to *do the good well*, or conversely, *do the bad well*. Second, imperfect acts, that is, acts that are *not* connatural to the acting agent, are directed toward the formation of *habitus* and to the performance of perfect actions. As we will see below, these two elements will help us to flesh out non-*habitus* malice to a substantial degree.

2. The origin of non-*habitus* malice

We now move on to the question of how it is that non-*habitus* malice comes about. In the *Prima Secundae*, immediately after asking whether everyone who sins through *habitus* sins through certain malice, Thomas asks whether everyone who sins through certain malice sins through *habitus*.[20] Thomas answers in the negative, and in the *sed contra* he compares good and bad *habitus* with respect to their use:

[17] *SCG* III.10. Głowala has gone so far as to argue that 'Most scholastic authors think that ... *becoming easy* is the foundation of the whole metaphysics of [*habitus*]', and he includes Thomas in this group. Głowala, 'What Kind of Power Is Virtue?', p. 28, n. 11. Emphasis in the original.

[18] See *In Metaph.* V.22, §1135: 'anyone who has a [*habitus*] finds the operation relating to that [*habitus*] to be pleasurable and readily performed; and thus one who has a [*habitus*] acts in accordance with that [*habitus*] and not for the sake of anything extrinsic'.

[19] *ST* II–II.64.2, co.

[20] *ST* I–II.78.3. Although I have divided the analysis of *ST* I–II.78.2–3 into different sections, I do not wish to give the impression that these articles can or should be read in isolation. In fact, each article complements the other, working together to point to the complex relationship that vice and malice share.

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> The good [*habitus*] stands in the same relation to the choice of something good, as the bad [*habitus*] to the choice of something evil. But it happens sometimes that a man, without having the [*habitus*] of a virtue, chooses that which is good according to that virtue. Therefore sometimes also a man, without having the [*habitus*] of a vice, may choose evil, which is to sin through certain malice.[21]

In the corpus of the article, Thomas begins with a consideration of the will as it relates to the internal causes of sin:

> The will is related differently to good and to evil. Because from the very nature of the power, it is inclined to the rational good, as its proper object; wherefore every sin is said to be contrary to nature. Hence, if a will be inclined, by its choice, to some evil, this must be occasioned by something else. Sometimes, in fact, this is occasioned through some defect in the reason, as when anyone sins through ignorance; and sometimes this arises through the impulse of the sensitive appetite, as when anyone sins through passion. Yet neither of these amounts to a sin through certain malice; for then alone does anyone sin through certain malice, when his will is moved to evil of its own accord.[22]

In other words, that the will is inclined to evil is against the nature of the will, and so it must be explained by something besides it. Thomas continues, explaining how it is that a will can be moved to evil maliciously, that is, of its own accord:

> This may happen in two ways. First, through his having a corrupt disposition inclining him to evil, so that, in respect of that disposition, some evil is, as it were, suitable and similar to him; and to this thing, by reason of its suitableness, the will tends, as to something good, because everything tends, of its own accord, to that which is suitable to it. Moreover this corrupt disposition is either a [*habitus*] acquired by custom, or a sickly condition on the part of the body, as in the case of a man who is naturally inclined to certain sins, by reason of some natural corruption in himself.[23]

That is, an agent may be disposed to something unsuitable to him in reality but that is perceived as suitable to him because of a *habitus* or a sickly bodily disposition.[24] Because of this *habitus* or bodily disposition, the will tends to an evil.

[21] *ST* I–II.78.3, s.c.
[22] *ST* I–II.78.3, co.
[23] Ibid.
[24] I note that, in his discussions of sins against the Holy Spirit, which discussions almost invariably include an examination of the ways in which someone may sin maliciously, Thomas does not mention the sickly bodily disposition possibility. See Thomas Aquinas, *Commentary on the Sentences*, trans. by Chris Decaen, Fr. Dylan Schrader, and Beth Mortensen (Aquinas Institute), <https://aquinas.cc/la/en/~Sent.I> [accessed 1 March 2022], II.43.1; *ST* II–II.14; *De Malo* III.14–15; and Thomas Aquinas, *Commentary on Matthew*, trans. by Jeremy Holmes and Beth Mortensen (Aquinas Institute), <https://aquinas.cc/la/en/~Matt> [accessed 1 March 2022], XII.2, §1033. Thomas's *Commentary on the Sentences* will hereafter be referred to as *In Sent.*, while his *Commentary on Matthew* will hereafter be referred to as *In Matt.*

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Thomas's claim that *bodily dispositions*, as distinct from *habitus*, might explain an act of non-*habitus* malice has gone almost completely unnoticed by scholars. One notable exception is Colleen McCluskey, who highlights this possibility in passing; referring to the text cited above, she writes: 'Aquinas also considers the possibility that agents are inclined toward acts of [malice] on the basis of some physical defect that occurs naturally, but if the agent is unable not to act on the basis of this defect, his action is not voluntary and hence not a case of [malice].'[25] McCluskey does not offer any further explanation of malicious acts that are the result of a sickly bodily disposition, although there is much to be said here.

In this context, by referring to sickly bodily dispositions as a cause of non-*habitus* malice, Thomas has in mind something like the following example: a man born with the rare genetic disorder known as Prader–Willi syndrome experiences an insatiable desire to eat.[26] As a result of this condition and the effect that it has on his desires, he is naturally inclined to eat more food than is reasonable. Thus, the man in our example finds himself bodily disposed to the sin of gluttony, and if, on account of his sickly disposition, he should engage his will in desiring food and drink in an inordinate amount, he will commit the sin of gluttony. In this example, his will tends to food and drink inordinately 'as to something good', that is, as to something that is suitable to himself (hence he is *disposed*), and this is the result of a sickness on the part of his body (hence his *sickly bodily disposition*). So long as the first movement of some resulting sin is in the will and not in the concupiscible appetite or due to ignorance, that sin will be a malicious sin. In such cases, the will is inclined to evil of itself, as 'some evil is, as it were, suitable and similar to him; and to this thing, by reason of its suitableness, the will tends, as to something good, because everything tends, of its own accord, to that which is suitable to it'.[27] The resulting sins do not necessarily collapse into sins of passion, as the first principle of any particular resulting sin need not be passion – it is enough to call a particular resulting sin *malicious* if the movement of the sin originates in the will, prior to any influence from the passions (and where ignorance is not a cause of the sin), just as is the case in malicious sins resulting from an agent's vicious *habitus*.[28] Certainly the man in our example may commit gluttony from passion, and such sins are not to be understood as malicious. However, sins from passion dispose the acting agent's will toward the object desired and further incline his will toward sins of malice. In these cases, the will is already inclined to acts of gluttony, and if the movement of any particular sin of gluttony begins in the will and not in his passions, that sin will be one of malice. As Thomas writes in the *De Malo*: 'a person sins from

[25]Colleen McCluskey, *Thomas Aquinas on Moral Wrongdoing* (Cambridge: Cambridge University Press, 2017), p. 123, n. 22.

[26]Individuals who suffer from Prader–Willi syndrome experience constant hunger that they are unable to satisfy. Such people often become obese and develop type 2 diabetes, among other things. See Suzanne B. Cassidy and Daniel J. Driscoll, 'Prader-Willi syndrome', *European Journal of Human Genetics,* 17 (2009), 3–13.

[27]*ST* I–II.78.3, co.

[28]It is certainly true that, in these examples, sins of passion may very well be involved in inclining the will toward malicious acts. However, the point here is that once the will is so inclined, a particular sin may be malicious as opposed to one of passion, as the impetus for a particular sin may be the will itself – again, once it has been so inclined by previous sins of passion.

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malice because he wills a good to which an evil is joined and is not inclined to it from any passion or ignorance'.[29]

This is not to say that everyone who suffers from Prader–Willi syndrome will commit acts of gluttony whenever they desire food or drink, or indeed that they will commit *any* acts of gluttony. In these cases, care must be taken to distinguish between desiring food and drink in a healthy way and desiring them in an inordinate amount, and we must also investigate the extent to which the will is involved. Additionally, in the above example, we must carefully distinguish between sins of passion and sins of malice. The example I have provided is quite specific and is not meant to apply broadly to all individuals suffering from this disorder or, indeed, to any one individual in particular. In my example, a man is naturally inclined to desire food and drink inordinately owing to his having Prader–Willi syndrome. *If* he believes that he has already sufficiently nourished his body, and *if* he believes that continuing to eat would be counter-productive to his health and against right reason, and *if* he continues to eat anyways, and *if* the first movement of this sin is from his will and not from his passions so that he has sinned from malice (in choosing a spiritual evil so that he may obtain a temporal good), and *if* he does not have or does not use his vice of gluttony, *then* he has sinned (1) through a sickly bodily disposition, (2) maliciously, and (3) without a vice.[30]

Thus, Thomas thinks that a sickly bodily disposition may result in the performance of a malicious action, which action need not presuppose a vicious *habitus* – although such a sin from non-*habitus* malice *would* dispose one toward the generation of vice and to the committing of malicious sins from vice. Now, *habitus* is divided from disposition by the difference 'difficult to change'[31]; thus, *habitus* are in some sense more difficult to change than are dispositions. This, Thomas thinks, is the result of their causes, insofar as the causes of *habitus* are more permanent and stable than are the causes of dispositions.[32] Ultimately, Thomas indicates that dispositions are directed toward *form* and that *habitus* are directed toward *operation*. Here, we must make use of Thomas's distinction between power in reference to *being* and power in reference to *act*[33]: 'power in reference to being is on the part of matter, which is potential being, whereas power in reference to act, is on the part of the form, which is the principle of action, since

[29] *De Malo* III.14, ad 7.

[30] In various places, Thomas asks whether an angel (or demon) can cause someone to sin; these discussions involve Thomas considering angels' abilities to influence men's bodies. However, regardless of whether a man is influenced to sin by a demon through a bodily ailment, Thomas would want to categorize the sin according to its interior cause as being either ignorance, passion, or malice. The same would be true if the bodily ailment was the result of another man's influence, as opposed to a demon's influence, or if the bodily ailment was simply due to the influence of nature. See *De Malo* III.3; *ST* I.111.2–3; and *ST* I–II.80.2. I am grateful to an anonymous reviewer for pointing this out to me and for providing the references.

[31] See *ST* I–II.49.2, ad 3.

[32] *ST* I–II.50.1, co. See also *ST* I–II.49. 3, ad 3. See, as well, Nicholas Kahm, 'Aquinas on Quality', *British Journal for the History of Philosophy,* 24.1 (2016), 36–37, who writes that the dispositions of the body 'have changeable and corruptible *material* causes' (emphasis my own); and Miner, 'Aquinas on *Habitus*', 69, who calls dispositions 'essentially transient'.

[33] This is a distinction that Thomas makes use of in the course of his discussion of the essence of virtue. There, the point of the use of the distinction is that virtues are directed toward action or operations. *ST* I–II.55.2, co.

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everything acts insofar as it is in act'.[34] Thomas goes on to integrate his hylomorphic ontology: 'man is so constituted that the body holds the place of matter, the soul that of form'.[35] Thus, the body is associated with matter, while the soul is associated with form and action or operation. The thrust of this is that the dispositions of the body are related to the thing itself directly, that is, to its being (even if only potential being), while the dispositions of the soul are 'operative', and so are related to actions or operations. By its body, a subject is disposed to its very being (or more specifically, to its form – to its soul). By its soul, a subject is disposed to operation.[36] When we apply this line of thinking to sickly bodily dispositions, we find that they occupy a curious space in the development of *habitus* and the performance of vicious actions, as they dispose our man to his soul (we might say, to the development of a vice, which is a kind of accidental quality in him[37]), which in turn disposes him to vicious operation.

Besides a sickly bodily disposition, there is another candidate for what might account for the movement of the will in sins of non-*habitus* malice:

> Second, the will, of its own accord, may tend to an evil, through the removal of something restraining [*per remotionem alicuius prohibentis*]: for instance, if a man be prevented from sinning, not through sin being in itself displeasing to him, but through hope of eternal life, or fear of hell, if hope give place to despair, or fear to presumption, he will end in sinning through certain malice, being freed from the bridle, as it were.[38]

It may be difficult to see how malice due to the removal of a restraint does not collapse into malice due to a disposition in the malicious agent.[39] If a horse is restrained by a bridle, does that not mean that it is disposed toward running about? Likewise, if what prevents a man from sinning is the fear of hell (and nothing else), does that not imply that he is disposed toward sinning? Unfortunately, we cannot look to what actually removes the restraint for answers, as elsewhere Thomas refers to causes that act by removing restraints as *accidental* causes and *indirect* causes.[40] In Thomas's view, that which removes the restraint does not provide any new inclination to the thing

[34] *ST* I–II.55.2, co.

[35] Ibid.

[36] Kahm concludes: 'Dispositions are dispositions of the body as it is related to the soul and have mutable causes; [*habitus*] are dispositions of the soul, inhering in the powers of the soul as it is ordered to operation, and have immutable causes'. Kahm, 'Aquinas on Quality', p. 37.

[37] See *ST* I–II.55.4. See also Fehr, 'The Relationship between Vice and Malice', pp. 7–71.

[38] *ST* I–II.78.3, co. I have altered the Shapcote translation, which translates 'per remotionem alicuius prohibentis' as 'through the removal of some obstacle'. *Prohibeo* is a verb, not a noun, which means 'to hold back, keep in check, restrain, prevent, forbit, prohibit'. Deferrari, *A Lexicon of Saint Thomas Aquinas*, s.v. 'prohibeo'.

Jensen correctly notes that by 'fear of hell', Thomas is referring to servile fear. Jensen, *Sin*, p. 178. Dressel notes this as well. Dressel, 'Aquinas and Later Scholastics on Willful Wrongdoing', p. 51. For servile fear, see *ST* II–II.19.2, co.

[39] The parallel texts are not helpful here. See, for example, *ST* II–II.14.1, co.; *De Malo* III.14, co.; and *In Matt*. XII.2, §1033. The first of these calls restraints to the choice of evil 'that which might have prevented the choosing of evil', which seems to imply a disordered will that is already inclined toward malice.

[40] *ST* I–II.85.5, co.; and *ST* I–II.88.3, co. In each of these texts, Thomas uses the word *prohibens.*

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moved[41] – the inclination is already there. The so-called bridle is simply preventing the malicious action from being performed.

In fact, the reduction of malice due to the removal of a restraint to an already existing inclination on the part of the will is not at all problematic for Thomas. So long as the first movement of any particular sin which results from the removal of the restraint is in the will prior to any influence from the passions, and the ignorance involved is voluntary, that particular sin will be malicious. In the *De Malo*, Thomas likens the malicious agent who sins as the result of the removal of a restraint to water pouring forth from a broken vase. This is contrasted with a malicious sin which is the result of a vicious *habitus*, which is likened by Thomas to a heavy object that is naturally inclined downward. The implication is that the *water itself*, like the heavy object, has a natural inclination downward, although the vase is restraining such a motion. When the vase is broken, the inclination of the water is realized.[42] As Steven J. Jensen notes:

> As Thomas portrays it, the person has a desire, in his will, for the sin. This desire, however, is restrained by another desire, by the hope of heaven or the fear of hell. When the hope or the fear is removed, then the desire is set loose. In the end, the person does act from an evil desire of his will.[43]

And in so doing, we have seen, he may or may not use a vicious *habitus*.

To continue with an analysis of non-*habitus* malice that is the result of the removal of a restraint, in another place Thomas writes that 'Now, there are two ways it can happen for someone to choose an act of sin out of a certain deliberation, not impelled by a passion ....' (Thomas goes on to explain malicious sins resulting from *habitus*, before continuing):

> In the other way, sin is chosen out of a certain deliberation when the will rejects that whereby man could be withdrawn from sin. For example, someone refrains from sin because of expecting a future reward. If, then, one voluntarily rejects hope of future reward or some such thing that withdrew him from sin, he will choose what will be pleasant to him in terms of the flesh as if it were essentially good and thus will sin out of a certain malice.[44]

In the replies to various objections that follow, Thomas notes that there are two distinct sinful acts that are occurring here: a first sinful act by which the restraint is removed (for example, despair or presumption), and a second sinful act that 'comes to be in

[41] See Thomas Aquinas, *Commentary on Aristotle's* Physics, trans. by Richard J. Blackwell, Richard J. Spath, and W. Edmund Thirlkel (Notre Dame: Dumb Ox Books, 1995), VIII.8, §1035: 'one who destroys a column does not give to the supported weight an impetus or inclination downward. For it has this from its first generator which gave to it the form which such an inclination follows'. Thomas's *Commentary on Aristotle's* Physics will hereafter be referred to as *In Phys.*

[42] *De Malo* III.14, co. Thomas is espousing the physics of his time, which, while out of date, makes the point well.

[43] Jensen, *Sin*, p. 178.

[44] *In Sent*. II.43.1.2, co.

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him from a certain choice due to the preceding act'.[45] In the example quoted above, when the restraint is removed, the agent is moved to pursue pleasure *as though it were essentially good*, which, along with Thomas's examples of despair and presumption from *ST* I–II.78.3, co., indicate that he has in mind the temporal/spiritual distinction that is central to his understanding of malice.[46]

However, we should be careful not to interpret *all* instances of non-*habitus* malice as the result of the removal of a restraint as instances wherein said removal itself is the result of a sin on the part of the agent. Dressel commits this very mistake; she writes:

> In [the *ST* I–II.78.3, co. text], Aquinas refers to the 'removal' (*remotio*) of dispositions like hope or fear, which makes the person's role in the matter sound passive. In most places, by contrast, including passages in the *Summa* [*Theologiae*], Aquinas uses more active language to describe this person's role. Aquinas claims elsewhere, for instance, that this person 'casts aside' (*abiicit*) or 'rejects' (*reiicit*) dispositions like hope and fear, or the restraint the person associates with such dispositions.[47]

As a result of this 'active language', Dressel concludes:

> Aquinas's relatively consistent use of active terms like those noted, highlights his conviction that the person's role in the removal of dispositions like hope or fear is a willful and active one. Going forward, I will describe the person as someone who 'gives up' dispositions like hope or fear. I intend this locution to capture the active, blameworthy, nature of the agent's involvement in the removal of such dispositions ....[48]

In a footnote to the first block quote above, Dressel refers the reader to *ST* II–II.14.1; *In Sent*. II.43.1.2; and *De Malo* III.14. These three texts, however, each refer to a specific type of malicious sin: sins against the Holy Spirit. In fact, only when writing about sins against the Holy Spirit does Thomas speak of the removal of a restraint in language like *abiicitur et removetur* (*ST* II–II.14.1, co.; in the case of *abiicit* alone: *De Malo* III.14, co.),[49] and *rejicit* (*In Sent.* II.43.1.2, co.).[50] Where Thomas is writing about malicious sins as the result of the removal of a restraint outside of the context of sins against the Holy Spirit, we find him using what Dressel might refer to as *passive* language: *remotionem*, for example (*ST* I–II.78.3, co.).[51]

[45] *In Sent*. II.43.1.2, ad 1. Jensen rightly notes this two-act structure, arguing that the malice in question consists in the second act. However, as far as the text of *In Sent*. II.43.1.2 is concerned, it is the *first* act which is a sin against the Holy Spirit (and such sins are malicious); see ad 3. *In Sent*. II.43.1.2, ad 1 implies, and *ST* I–II.78.3, co. states explicitly, that the act which follows the removal of the restraint is malicious.

[46] See *ST* I–II.78.1, co.

[47] Dressel, 'Aquinas and Later Scholastics on Willful Wrongdoing', p. 48.

[48] Ibid.

[49] See Deferrari, *A Lexicon of Saint Thomas Aquinas*, s.v. 'abicio': 'to cast away, throw aside'; and s.v. 'removeo': 'to move back, withdraw, remove'.

[50] See ibid., s.v. 'rejicio': 'to reject'.

[51] See ibid., s.v. 'remōtio', which is similar in meaning to *removeo*: 'a putting back, withdrawing, removal'. Dressel acknowledges Thomas's use of this word in 'Aquinas and Later Scholastics on Willful Wrongdoing', p. 48, quoted immediately above.

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This, I argue, makes intuitive sense. In the two-act structure that characterizes sins against the Holy Spirit, it is the first sin – the one that removes the restraint – that is counted as the sin against the Holy Spirit,[52] and as a *sin*, it makes sense that Thomas would characterize it as *casting aside* or as a *rejection*.[53] On the other hand, non-*habitus* malice that is not a sin against the Holy Spirit, and that is the result of the removal of a restraint, can conceivably occur in any number of scenarios in which the agent is not morally responsible for the removal of the restraint. Thomas's examples of what removes the restraint are usually despair and presumption, although other non-theological examples could be given,[54] including examples wherein the agent's lack of moral culpability for the removal of the restraint is evident. Jensen uses the example of a man who is restrained from committing adultery with his neighbor's wife because he is fearful of his vengeful neighbor – if the vengeful neighbor is removed from the picture, the agent may end up committing a sin from non-*habitus* malice.[55] McCluskey offers the example of an agent who is refraining from stealing because he is afraid that he will be caught – if a natural disaster should make his chances of getting caught low enough, he may end up sinning from non-*habitus* malice.[56] In each of these cases, we have an example of an agent committing a malicious sin as the result of the removal of a restraint, although *not* from a vicious *habitus*, and in each of these cases the sinning agent is in no way morally responsible[57] for the removal of the restraint (here we are assuming that the adulterous agent is not morally responsible for the removal

[52]See *In Sent*. II.43.1.2, ad 3.

[53]See *In Sent*. II.43.1.3, co.: 'sin against the Holy Spirit, properly speaking, as a determinate kind of sin, consists in the act of the will that rejects that whereby one is withdrawn from sin'.

[54]McCluskey correctly notes that Thomas's use of despair and presumption 'are simply illustrations intended to explain the mechanism'. McCluskey, *Thomas Aquinas on Moral Wrongdoing*, p. 124.

[55]Jensen, *Sin*, p. 179. Jensen has trouble seeing how such a scenario differs from the case of a vicious agent being restrained from committing sin. The difference is that, in non-*habitus* malice, *there is no vice*, or, at the very least, *a vice is not used*. The resulting non-*habitus* malicious sin could be identified and delineated from a vicious sin by its lacking all or some of the features that are characteristic of vicious actions. That is, the non-*habitus* sin would not be performed easily or with the kind of pleasure that attends vicious actions. See *In Metaph.* IX.7, §1855: 'when [*habitus*] has been acquired [one] acts perfectly, whereas at first [one acts] imperfectly'. See also *ST* I.62.9, ad 1: 'the operation from an acquired [*habitus*] is both perfect and enjoyable'. See also Fehr, 'The Relationship between Vice and Malice', pp. 61–65. (In addition, the action may have features that are present only in sins of non-*habitus* malice, such as its being accompanied by heavy resistance on the part of reason; see the next section of this paper.)

[56]Colleen McCluskey, 'Thomas Aquinas and the Epistemology of Moral Wrongdoing', in *Handlung und Wissenschaft: die Epistemologie der praktischen Wissenschaft im 13. und 14. Jahrhundert—Action and Science: The Epistemology of the Practical Sciences in the 13th and 14th Centuries*, ed. by Matthias Lutz-Bachmann and Alexander Fidora (Berlin: Akademie Verlag, 2008), pp. 117–18. This example makes it clear that an agent need not be properly oriented to the final end prior to the removal of the restraint, as Dressel explicitly claims and Jensen seems to think. Dressel, 'Aquinas and Later Scholastics on Willful Wrongdoing', p. 48; Jensen, *Sin*, pp. 179–82. For non-*habitus* malice that is the result of the removal of a restraint, it is enough that an agent – oriented to the final end or not – has a desire in his will to commit some sin, and where the agent is restrained from acting on this desire by some bridle; when the bridle is removed, if the resulting sin's first principle is his disordered will, and if he does not use a vicious *habitus* in acting, he will have committed a sin from non-*habitus* malice.

[57]I use the phrase '*morally* responsible' in particular because an agent may be responsible to some degree for the removal of what restrains him, although not morally so. For example, the agent who desires to commit adultery may, in antecedent ignorance, accidentally kill the vengeful husband of whom he is afraid.

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of the vengeful husband). Such cases are, nevertheless, instances of an agent sinning maliciously without the use of a vicious *habitus*.

We thus have two candidates that explain how a non-*habitus* malicious sin might arise: a sickly disposition of the body and the removal of a restraint that was 'bridling' an existing inclination in the will.

3. The nature of non-*habitus* malice

Let us now consider what the characteristics of non-*habitus* malice are. In what ways is non-*habitus* malice different from malice that arises from an agent's vicious *habitus*? Thomas's answer to this question is presented in just two sentences, which, though brief, contain enough conceptual content to say something substantial about this topic.

Against his position that not all malicious acts proceed from a vicious *habitus*, Thomas has an objector state:

> It would seem that whoever sins through certain malice, sins through [*habitus*]. For the Philosopher says (*Ethic.* v, 9) that *an unjust action is not done as an unjust man does it*, i.e., through choice, *unless it be done through* [*habitus*]. Now to sin through certain malice is to sin through making a choice of evil, as stated above.[58] Therefore no one sins through certain malice, unless he has the [*habitus*] of sin.[59]

The objector claims that to do an unjust action through choice, one must have a vicious *habitus*. It is the *through choice* aspect that implies malice, and so, the objector claims, all malicious sins are committed through one's vicious *habitus*.

In response, Thomas writes that to do an unjust action requires more than just malice: 'To do an action as an unjust man does, may be not only to do unjust things through certain malice, but also to do them with pleasure, and without heavy [*gravi*] resistance on the part of reason. This occurs only in one who has a [*habitus*]'.[60] The implication is that malicious actions which do not proceed from a vicious *habitus* are *not* performed with pleasure, or *are* accompanied by 'heavy resistance on the part of reason', which features (acts performed with pleasure and without heavy resistance on the part of reason) are essential and exclusive to the notion of *habitus*.

Let us consider pleasure first. According to Thomas, non-*habitus* malice is not accompanied by pleasure. This is not to say that *only* acts that proceed from a *habitus* can be accompanied by pleasure (which is evidently false) but that only acts that proceed from a *habitus* can be accompanied by the kind of pleasure that accompanies acts that proceed from a *habitus*. The pleasure that accompanies acts that do proceed

[58] The objector is referring to *ST* I–II.78.1.

[59] *ST* I–II.78.3, obj. 1. The reference to Aristotle is from *Nicomachean Ethics* V.9, 1137a-25.

[60] *ST* I–II.78.3, ad 1. I have slightly altered the translation to reflect the two sentences that appear in the original Latin (Shapcote translates the Latin into English as a single sentence). I have also modified the translation of *gravi*, which Shapcote translates as 'any notable'. *Gravis* has connotations of (heavy) weight or burden. See Deferrari, *A Lexicon of Saint Thomas Aquinas*, s.v. 'gravis': '[literally], with respect to weight, heavy, weighty, ponderous, burdensome ... [figuratively], in a bad sense, grave, used to delineate the character of things, burdensome, grievous, painful, severe'.

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from *habitus* is elsewhere characterized by Thomas as perfect: 'the pleasures connected with activities proceeding from [*habitus*] ... are pleasures in the true and proper sense. But those [pleasures] producing [*habitus*] and natures are not pleasures in the true and perfect sense but only in an imperfect manner'.[61] Thus, Thomas's remark should be qualified in the following way: non-*habitus* malice is not accompanied by *perfect* pleasure.[62]

The second feature of non-*habitus* malice, that of being accompanied by heavy resistance on the part of reason, deserves to be drawn out more explicitly: Thomas is clear that when an agent commits a malicious sin *without* the use of a vicious *habitus*, his reason gives *heavy resistance* to the malicious act. This is the case even though malice is characterized as the knowing choice of a spiritual evil – such a choice, Thomas thinks, occurs when a disordered will loves some temporal good more than a spiritual good, and so is willing to be deprived of the spiritual good in pursuit of the temporal good; in such cases, the agent prefers to give up the spiritual good for the sake of pursuing that temporal good.[63] In such a scenario, there appears to be no room for heavy resistance on the part of reason. What then might explain the heavy resistance that reason gives? There are, I suggest, two things going on here.

The first involves a parallel with sins of passion. Passion, Thomas thinks, is a cause of sin on the part of the sensitive appetite.[64] Specifically, it involves an agent who is properly oriented to some good, but who, on account of passion, fails to consider some aspect of the act that normally prevents him from sinning:

> Sometimes man fails to consider actually what he knows habitually, on account of some hindrance supervening, e.g., some external occupation, or some bodily infirmity; and, in this way, a man who is in a state of passion, fails to consider in particular what he knows in general, insofar as the passions hinder him from considering it.[65]

The passions, then, influence a man such that he fails to actually consider what he already knows habitually – passion *hinders* him.[66] In such cases, the passion influences the reason to consider a different premise in the practical syllogism:

> He that has knowledge in a universal, is hindered, on account of a passion, from reasoning about that universal, so as to draw the conclusion: but he reasons

[61] *In Ethic.* VII.12, §1488.

[62] See *ST* I–II.32.8, ad 3: 'more perfect operation causes more perfect pleasure'. See also *In Ethic.* VII.12, §1486; and especially §1492: 'we must make the definition [of pleasure] that harmonizes with perfect pleasures: pleasure is the connatural activity of a *habitus* already existing'. The exact distinction between perfect and imperfect pleasure deserves an extended treatment of its own, although it is perhaps best illustrated by means of an example: in order to witness perfect pleasure for yourself, simply watch any talented professional musician who is truly lost in playing his instrument – as far as pleasures *qua* musician are concerned, his is perfect.

[63] See *ST* I–II.78.1, co. and ad 2; and *De Malo* III.12.

[64] *ST* I–II.77.

[65] *ST* I–II.77.2, co.

[66] The Latin word translated above as 'hinder' is *impedit*, which means 'to hamper, impede, hinder, prevent'. Deferrari, *A Lexicon of Saint Thomas Aquinas*, s.v. 'impedio'.

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> about another universal proposition suggested by the inclination of the passion, and draws his conclusion accordingly. Hence the Philosopher says (*Ethic.* vii, 3) that the syllogism of an incontinent man has four propositions, two particular and two universal, of which one is of the reason, e.g., No fornication is lawful, and the other, of passion, e.g., Pleasure is to be pursued. Hence passion fetters the reason, and hinders it from arguing and concluding under the first proposition; so that while the passions lasts, the reason argues and concludes under the second.[67]

In the *De Malo*, Thomas clarifies what the four propositions of practical reasoning are for the agent who sins from passion:

(P1) No sin is to be committed.
(And at the same time, he 'turns over in his mind [*versatur in corde eius*]':[68])
(P2) Everything pleasurable is to be pursued.
(And when, because of passion, premise (P2) prevails,[69] he continues:)
(P3) This is pleasurable.
(C) Therefore, this is to be pursued.[70]

In this way, the agent who sins from passion judges in particular against his universal knowledge.[71] The judgment (C) This [sinful object] is to be pursued, is against the universal premise (P1) No sin is to be committed.

The agent who sins from passion 'turns over in his mind' the second universal premise (P2) Everything pleasurable is to be pursued. The Latin is 'versatur in corde eius'; it is a difficult line to translate. *Versor* means 'to occupy or busy one's self with any action, to be engaged in any thing',[72] while *cor* means 'heart', in the general, proper, and figurative senses of the word.[73] With respect to sins of passion, *cor* is an appropriate word to use, as it successfully implies the passionate aspect of what is happening, while at the same time applying, in its figurative sense, to the mind – by which the premises are being considered.[74] Phenomenologically, this 'turning over' in the mind takes the form of inner turmoil, debate, tension, conflict, struggle, and the like, as anyone knows from his own experience with sins of passion. The passion is, in effect, struggling against the agent's reason, which is continually attempting to impose the premise by which the agent knows habitually that sin is not to be done: premise (P1).

[67] *ST* I–II.77.2, ad 4. The reference to Aristotle is from *Nicomachean Ethics* VII.3, 1147a35-b9.

[68] *De Malo* III.9, ad 7. I have slightly altered the Oesterle translation.

[69] In the incontinent man. Thomas argues that in the continent man, premise (P1) prevails, and he concludes that this act of sin is not to be done. *De Malo* III.9, ad 7. On incontinence, see *In Ethic.* VII.1, §1294: 'If … perversity occurs on the part of the appetitive faculty so that the practical reason remains right, there will be incontinence – a condition that is present when a man has correct evaluation of what he ought to do or avoid but draws away to the contrary by reason of the passion of desire.'

[70] *De Malo* III.9, ad 7.

[71] See *ST* I–II.77.2, co.

[72] Deferrari, *A Lexicon of Saint Thomas Aquinas*, s.v. 'versor'.

[73] Ibid., s.v. 'cor'.

[74] Examples of this extended usage of the word 'heart' to include the mind can be produced; consider the following Scripture verse: 'But Mary kept all these things, pondering them in her heart.' Luke 2:19, RSV. The Vulgate reads: 'Maria autem conservabat omnia verba haec, conferens in corde suo.'

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We might say that reason is, in these cases, giving *heavy resistance* to the passion in question. A similar phenomenon might explain the heavy resistance that reason gives to the agent who commits a non-*habitus* malicious sin.

In the case of non-*habitus* malice, the agent is not so disposed toward this temporal object that reason does not give heavy resistance. Indeed, this type of disposition is one of the primary functions of *habitus*, as *habitus* make their objects connatural to agents in which they reside.[75] When, for example, because of a vicious *habitus* immoderate amounts of food become connatural to an agent, his reason does not give heavy resistance to his desire and pursuit thereof precisely because of this connaturality. In cases of non-*habitus* malice, then, the will must be inclined to some object in such a manner that it pursues said object of its own accord, although this object *is not* connatural to the malicious agent. In this way, the possibility of *resistance* on the part of reason is established, although it is not immediately apparent that this resistance must necessarily be *heavy*.[76]

In order to understand how reason might give resistance to the non-*habitus* malicious sinner, and how this resistance might be heavy, we must turn to our second consideration, which involves a question of identity.

Jensen highlights the uniqueness of the error of the malicious agent: 'The [malicious] person is confused concerning identity. He supposes that he is someone for whom the end of sensible pleasure is greater than the end of the divine good.'[77] While admitting that Thomas does not explicitly develop this particular line of thought when discussing malice, Jensen points to the following section of the *Summa Theologiae*, wherein Thomas asks whether sinners love themselves:

> it is common to all for each one to love what he thinks himself to be. Now a man is said to be a thing, in two ways: first, in respect of his substance and nature, and, this way all think themselves to be what they are, that is, composed of a soul and body. In this way too, all men, both good and wicked, love themselves, insofar as they love their own preservation.
>
> Second, a man is said to be something in respect of some predominance, as the sovereign of a state is spoken of as being the state, and so, what the sovereign does, the state is said to do. In this way, all do not think themselves to be what

[75] In *De Malo* III.9, ad 7, Thomas notes that, in contrast to the incontinent man, in the intemperate man, there is no alternative universal premise being considered. This is because 'the intemperate man yields entirely to the movement of concupiscence'. This implies that in cases of non-*habitus* malice, the agent in question does *not* 'yield entirely to the movement of concupiscence', and that he, like the incontinent man, considers two universal premises.

[76] My remarks immediately below offer an interpretation in which it is clear why this resistance must be heavy. It must also be said that perhaps Thomas considers the resistance on the part of reason that characterizes non-*habitus* malice to be heavy only in comparison with the *murmuring* complaints that reason gives in instances of *habitus* malice: 'those who are temperate do what they would, inasmuch as there is no lust in the tamed flesh; but because it cannot be totally tamed so as never to rise up against the spirit—*just as neither can malice so abound that reason would never complain* [*remurmuret*]—therefore, in those instances in which they do lust, they are doing what they would not; but for the most part they do what they would'. Thomas Aquinas, *Commentary on Galatians*, trans. by Fr. Fabian R. Larcher, O.P. (Aquinas Institute) <https://aquinas.cc/la/en/~Gal> [accessed 1 March 2022], V.4, §315. Emphasis my own.

[77] Jensen, *Sin*, p. 164.

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> they are. For the reasoning mind is the predominant part of man, while the sensitive and corporeal nature takes the second place .... Now the good look upon their rational nature or the inward man as being the chief thing in them, wherefore in this way they think themselves to be what they are. On the other hand, the wicked reckon their sensitive and corporeal nature, or the outward man, to hold the first place.[78]

Later, Jensen comments:

> [The] person who sins from [malice] has misperceived what is most central to himself. He recognizes that he is a being that can be ordered to God, but this feature, he thinks, is not most essential. Rather, he is most of all, so he thinks, an animal that can gain pleasure, or some such thing. This confusion follows upon his own evil will. He chooses to evaluate himself based upon his own predilections, rather than based upon his true nature.[79]

In this vein, Dressel writes that the malicious agent believes that the good he pursues is more conducive to his happiness than moral goodness,[80] and Gregory M. Reichberg writes that the malicious agent's sin 'represents his ... conviction about how his life ought to be lived'.[81]

Jensen is certainly correct that the malicious sinner 'has misperceived what is most central to himself', and that he has misidentified what is primary in his nature, although these remarks should be understood to be referring to the malicious sinner who sins from his *habitus*. It is by one's *habitus* that various objects become connatural to oneself, and it is this connaturality that is the hinge upon which the vicious and malicious sinner's misperception turns. This being so, a rather startling conclusion presents itself: the agent who sins from non-*habitus* malice is not confused about his spiritual nature being primary in himself; he knows that this is the case. Regardless, he develops an inclination in his will toward some temporal object that is incompatible with a spiritual good. As he does not have or is not using a *habitus* which renders this object connatural to him, he does not think that this object is conducive to his overall happiness. Nevertheless, the inclination in his will is there, and much like a movement of the sensitive appetite may struggle against reason to conclude under a different premise in the practical syllogism, the intellectual appetite may struggle against the reason to conclude under a different premise in the practical syllogism.[82]

[78] *ST* II–II.25.7, co. See Jensen, *Sin*, pp. 164–65.

[79] Jensen, *Sin*, p. 287.

[80] Dressel, 'Aquinas and Later Scholastics on Willful Wrongdoing', p. 7. Dressel uses the example of lust: 'Lust, for example, inclines a person to pursue sexual pleasure as though that pleasure were her end .... The lustful man understands that the pursuit of pleasure involves giving up God's favor, but believes, falsely, that sexual pleasure is worth the evil incurred through disobedience'. Ibid., p. 29.

[81] Gregory M. Reichberg, 'Beyond Privation: Moral Evil in Aquinas's *De Malo*', *The Review of Metaphysics,* 55.4 (2002), 778.

[82] The will is able to move the intellect, as when one wills to consider or to not consider something, or even to accept or reject some proposition. *ST* I–II.17.6, co. Thomas characterizes the will's moving of the intellect as an alteration or impulsion: 'a thing is said to move as an agent, as what alters moves what is

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This would account for the *heavy resistance* that reason gives to the non-*habitus* malicious sinner: it is struggling against the movement of an appetite – in this case, the intellectual appetite – toward an object that the agent knows is not conducive to his happiness. What makes the resulting sins malicious, rather than sins of passion, is the fact that the first movement of the sin proceeds from the will, rather than the sensitive appetite, as is the case in sins of passion. Such non-*habitus* malicious sins still display the feature that characterizes their *habitus* counterparts: they involve the knowing choice of a spiritual evil.

An objection must be forestalled. Recall that in the *ST* II–II.25.7, co. text cited above, Thomas writes:

> the good look upon their rational nature or the inward man as being the chief thing in them, wherefore in this way they think themselves to be what they are. On the other hand, the wicked reckon their sensitive and corporeal nature, or the outward man, to hold the first place.

If those who sin from non-*habitus* malice are counted among the wicked, then it would seem that my own interpretation of non-*habitus* malice as implying a correct identification of oneself is incorrect, since, as Thomas writes, 'the wicked reckon their sensitive and corporeal nature, or the outward man, to hold the first place'. We may respond to this objection by pointing to the fact that, for Thomas, the terms 'good' and 'wicked' when applied to men are meant to signify the virtuous and the vicious in particular. On the parts of both the good and the wicked, this is stated by Thomas rather clearly in the following text, where the broader context concerns the two ways in which men are subject to the eternal law:

> Both ways, however, are imperfect, and to a certain extent destroyed, in the wicked; because in them the natural inclination to virtue is corrupted by vicious [*habitus*], and, moreover, the natural knowledge of good is darkened by passions and [*habitus*] of sin. But in the good both ways are found to be more perfect: because in them, besides the natural knowledge of good, there is the added knowledge of faith and wisdom; and again, besides the natural inclination to good, there is the added motive of grace and virtue.[83]

Those who sin from non-*habitus* malice, then, are not counted among the wicked, as they do not have vicious *habitus*, or, at the very least, they do not use their vicious *habitus* in acting.

One text that we might point to in support of the claim that the agent who sins from non-*habitus* malice is not confused about his identity is the following: 'if the perversity [*perversitas*] of the appetitive faculty becomes so strong that it dominates [*dominetur*] reason, reason follows that to which the corrupted appetite inclines, as

altered, and what impels [*impellens*] moves what is impelled. In this way the will moves the intellect and all the powers of the soul'. *ST* I.82.4, co. See also *ST* I–II.9.1, ad 3; and *ST* II–II.2.2, ad 4.

[83] *ST* I–II.93.6, co.

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a kind of principle, considering it to be the ultimate end'.[84] Thomas writes that the appetitive faculty, as corrupted, can *dominate* the reason, implying that a *habitus* has been formed; there is not heavy resistance on the part of reason. At this point, and presumably not before, the agent considers that the object of his desire is his ultimate end, or that it is somehow intimately related to it – he is well and truly *vicious*.

Sins of non-*habitus* malice share many features with both sins of *habitus* malice and sins of passion. Thus, non-*habitus* malice can be understood as a mean between sins of passion and sins of malice arising from a vicious *habitus*.[85] As in sins of passion, the agent who sins from non-*habitus* malice is pursuing an object in a manner wherein he ignores a part of the practical syllogism that he already knows, although in the former case he is ignoring the premise because of his passions, while in the latter case his will moves to the sinful act of its own accord because of a sickly bodily condition, or because of the removal of a restraint coupled with the inclination of the will. As in sins of malice arising from a vicious *habitus*, the agent who sins from non-*habitus* malice chooses what he knows to be evil, although in the former case this is in agreement with what he perceives to be primary in himself, and so there is not heavy resistance on the part of reason, while in the latter case this is in disagreement with what he perceives to be primary in himself – hence the heavy resistance on the part of reason.

The implications of this interpretation of non-*habitus* malice are significant. I suggest that non-*habitus* malice is directed toward the generation of vicious *habitus* and to malicious acts from *habitus*, just as imperfect acts are directed toward *habitus* and to perfect acts.[86]

This direction, at least as far as sickly bodily dispositions are concerned, would square with that which was examined above: bodily dispositions are directed to the

[84] *In Ethic*. VII.1, §1294. I have modified the translation, which was done by C. I. Litzinger OP Litzinger translates 'ratio sequetur id in quod *appetitus corruptus* inclinat' as 'reason follows that to which the *perverted desire* inclines'. Emphases my own. 'Corrupted appetite' is a better translation for the emphasized words. See Deferrari, *A Lexicon of Saint Thomas Aquinas*, s.v. 'appetītus' and 'corrumpo'.

Perverto means 'to overthrow, subvert, destroy, ruin, undo, corrupt'. Deferrari, *A Lexicon of Saint Thomas Aquinas*, s.v. 'perverto'. *Perverto* appears to refer to instances wherein the natural disposition of a thing is corrupted. See *In Ethic*. VII.1, §1295.

[85] Jensen makes a similar point, writing of non-*habitus* malicious sins that are the result of the removal of a restraint: 'they share many features with sins of [passion], such that they might be mistakenly classified as sins of [passion]'. Jensen, *Sin*, p. 182. The non-*habitus* malicious sinner therefore looks in many respects like the incontinent agent. See *In Ethic*. VII.4, §1359.

The identification of something as a mean between potency and act is not foreign to Thomas, who characterizes *habitus* thus. See Thomas's statement: '[*habitus*] is imperfect act, a mean, as it were, between potency and act'. *SCG* I.92. The same statement appears in *ST* I.14.1, obj. 1: '[*habitus*] does not belong to God, since it is the mean between potentiality and act'. It is likewise assumed, implicitly or explicitly, throughout Thomas's corpus, especially in his commentaries on Aristotle. See, for example, *In Metaph.* V.14, §960; *In Phys.* VII.6, §925; *In Phys.* VIII.8, §1031; *In Ethic.* VII.3, §§1338 and 1340; Thomas Aquinas, *Commentary on Aristotle's* De Anima (hereafter referred to as *In De Anima*), trans. by Kenelm Foster, O.P. and Silvester Humphries, O.P. (Notre Dame: Dumb Ox Books, 1994), II.1, §216; *In De Anima* II.11, §§359–61; and *In De Anima* III.8, §701. At *SCG* II.73, Thomas indicates that he approves of Aristotle's treatment of *habitus* in this way. Vernon J. Bourke has helpfully compiled a list of places wherein Thomas mentions this doctrine. See Vernon J. Bourke, 'The Role of Habitus in the Thomistic Metaphysics of Potency and Act', in *Essays in Thomism*, ed. by Robert E. Brennan, O.P. (New York: Sheed & Ward, 1942), p. 107, n. 21.

[86] The distinction between perfect and imperfect acts was discussed above in the first section of this paper.

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soul (*habitus*), while *habitus*, being dispositions of the soul, are directed to act. In other words, the sickly bodily dispositions that result in non-*habitus* malicious actions are, through said actions, directed toward the generation of vicious *habitus*, and through these *habitus* to the performance of vicious and malicious actions. The implication is that in the agent who sins through a sickly bodily disposition, there is a degree of progression toward vice and the vicious act wherein he sins not from ignorance or passion, but from malice without vice. Likewise, on the side of the bridled agent, there appears to be a progression which points toward perfect, vicious, and malicious actions, as indicated by the fact that (at least some) malicious actions resulting from the removal of a restraint are not from a vicious *habitus*, and so are imperfect. The performance of either of these types of non-*habitus* malicious actions would further incline the agent's will to evil, until a vicious *habitus* has been formed, and the object of the agent's desire becomes connatural to that agent, resulting in the cessation of the heavy resistance that reason previously gave, and the commencement with the malicious actions of the kind of pleasure that is associated with vicious actions.[87]

4. Concluding remarks

The interpretation of non-*habitus* malice that I have offered here suggests that there is room between sins of passion and sins of (perfect) malice/vicious sins for another sort of sin. Rather than seeing the vicious agent proceed from sins of passion directly to the performance of perfect malice, my interpretation involves an intermediate stage in this progression, one where an incontinent agent's will transitions toward the choice of spiritual evil, where his intellect begins to struggle against that will (as opposed to his passions), and where he is not quite ready to perform his malicious sins promptly, easily, and with perfect pleasure. In brief, he is beyond sins of passion, and well on the way to vice.

The generation of vice is not an all-or-nothing phenomenon, so that a vice suddenly springs into being after the commission of a particular sinful act. Just as vices strengthen or weaken in proportion to the inclination of the appetite in question,[88] so may we see the generation of vice as a question of appetitive inclination – that is, a vice is said to exist in a subject owing to the inclination of that subject. To what degree is one's sensitive appetite inclined to a particular good so that that good is connatural to the agent? To *that* degree can a *habitus* be said to exist in the subject. Malicious action follows upon this gradation. When one sins maliciously, to the extent that one pursues an object that is connatural to oneself is that malicious sin considered to be from a vicious *habitus*; we have demonstrated in the above pages that not all malicious

[87]Dressel argues that the agent who sins from non-*habitus* malice is 'perhaps more capable of [malicious action] than the vicious person', simply because the former malicious actions are accompanied by heavy resistance on the part of reason and without the pleasure that attends vicious actions. Dressel, 'Aquinas and Later Scholastics on Willful Wrongdoing', pp. 55–56. If Dressel means that non-*habitus* malice is graver than *habitus* malice, then, as an interpretation of Thomas, she is certainly incorrect, as for Thomas, the more the reason, will, and antecedent passions are engaged in a sinful act, the more grave will that action be. However, if Dressel means that the agent who sins from non-*habitus* malice is more capable of committing a malicious sin in the 'is more easily able to' sense of the word 'capable', then she is likewise incorrect, as the very nature of non-*habitus* malice shows.

[88]See *ST* I–II.52.1, obj. 3 and ad 3.

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sins involve the pursuit of a connatural object – sometimes such sins are the result of a sickly bodily disposition or the removal of a restraint, in which case the object of pursuit need not be connatural to the agent (or, the agent is said not to sin from a vicious *habitus to the extent that such an object is not connatural to him*). Thus, we ought not to see the generation and strengthening of vice, and the development of malicious sin, as a series of discrete increments, but rather as a continuum.

Malice, like vice, is thus to be understood in terms of degrees, so much so that one may legitimately speak of a degree of malice that escapes the confusion of identity aspect that characterizes its perfect counterpart. This is non-*habitus* malice, and it is divided against *habitus* malice by the fact that, as the name I have given it indicates, it does not proceed from a *habitus*. The former is accompanied by heavy resistance on the part of reason, as well as its not being accompanied by the kind of pleasure that is associated with acts proceeding from *habitus*. These features, I have argued, are the result of the fact that the object of the agent who sins from non-*habitus* malice is not connatural to that agent. Nevertheless, non-*habitus* malice does imply an inclination on the part of the will to sin, and, just as with perfect malice, it implies the knowing choice of spiritual evil.

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