

First Will

Contents

Introduction	3
An initial assumption: <i>consensus</i> is ubiquitous.....	5
Possible Contradictory Interpretations.....	8
Solution I: The general <i>voluntas</i> and the particular <i>consensus</i>	10
Solution II: The PTW Argument.....	11
<i>Voluntas</i> both means desire and is a faculty of mind.....	13
Close Reading of <i>Consensus</i>	14
<i>Consensus</i> refers to the unlawful only	17
An Historic Conception of <i>Voluntas</i>	20
The Origins of the Concept of <i>Consensus</i>	22
“Consent Power”	24
The Freedom of Consent.....	27
Human Punishment.....	27
The Idea of Control	30
Divine Punishment	30
Conclusion.....	32

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Introduction

As John Marenbon points out in his book, *The Rediscovery of Peter Abelard's Philosophy* is an ongoing and recent endeavor. Abelard's (1079-1142) many works on logic were only published in the twentieth century but the Reassessment of Abelard's *Ethics* is also ongoing. To my knowledge no work has been published which is specifically concerned with the way Abelard "conjures" his unique notions of will and consent. These notions would serve in the *Ethics*, *Scito teipsum* to formulate Abelard's ethical doctrine, namely that sin is nothing other than contempt of God. Abelard in the treatise on moral (virtue and) vice, the *Ethics* endeavors to show that in the human being only *consensus* is able to produce such contempt. This ethical doctrine is explicated by contrasting the concept of *consensus* with the concept of *voluntas* (will).

It is since Augustine that philosophers construe of what they call will (*voluntas*) as a distinct faculty or force.¹ A description of the relationship between desire (*desiderium*) and will is central to the construction of the concept of will for both Augustine and Abelard. This desire is described by both Augustine and Abelard as a kind of being bent or inclined to do something. However, Augustine uses the terms *libido*, *desiderium* and *voluntas* interchangeably while Abelard uses the term *voluntas* characteristically to denote desire. Saint Augustine (354-430) writes extensively about will in his many works; in *De duabus animabus contra Manicheos* he defines will as "a movement of mind, no one compelling, either for not losing or for obtaining something."² The relationship between desire and will is a complex one: generally we might say that there is agreement or disagreement between them. Again, Abelard characteristically understands will as desire and not as a faculty; the agreement with the desire is a matter of decision which is called consent in the *Ethics*.

My thesis seeks to examine the concepts used in the *Ethics* and make logical inferences which often lack in Abelard's work. I am aware that what may be called a two-tier concept of will, i.e., wanting to want something, or consenting to want something, has its roots in the Stoic theory of preliminary passions and *propatheiai*³, attested especially by

¹ Dihle, 123-125

² *De duabus animabus contra Manicheos*, 10.14, translated by Albert H. Newman

³ *De civitate Dei*, Book 14

Seneca and Gellius⁴ but the ancient Greeks in general had no such concept of will as a distinct mental ability. Will understood as a distinct faculty or power is an important aspect for consideration in this essay therefore my focus should lie with Augustine if I am to find the relevant historical antecedent to Abelard. Furthermore, Abelard evidences in his works that he is thoroughly familiar with Augustine's works. However, the aim of this essay is to explicate the notions as found in the *Ethics* and historical considerations are secondary.

⁴ Seneca: *Letter 113*; Seneca: *On the Anger (De ira)*, Book 1; Aulus Gellius: *Attican Nights (Noctes Atticae)* 19. 1.; Augustinus: *De civitate Dei* 9. 4. (quoting Gellius)

An initial assumption: *consensus* is ubiquitous

Peter Abelard in the *Ethics* introduces examples to expound his understanding of the notion of will (*voluntas*). The example he discusses in most detail is borrowed from Augustine.⁵ The *Ethics*, *Scito teipsum* is a moral and theological work but we are not strictly concerned about morals or theology in this thesis. We are rather concerned about Abelard's very illuminating ideas about will. However, we have to be vigilant not to misinterpret Abelard out of context therefore we have to make references to moral deliberations.

In Abelard's example a slave of a lord does not want to kill his lord but, as a matter of fact, he kills him to evade death which the cruel and raging lord would otherwise inflict on him; the slave wants to evade death but does not want to kill the lord.⁶ According to Abelard this is an "unjust killing". Why? Because the slave should let his lord kill him rather than commit the killing himself.⁷ In other words, the slave is being unjustly selfish in preferring to save his own life at the expense of the lord's life. Thus we have a murder case in which the perpetrator murders a person because of unjust and selfish motives. In spite of this Abelard claims that the slave does not want to kill the lord. Why can Abelard hold that the slave does not want to kill the lord, in other words, why can Abelard hold that the slave does not have a will to kill? Abelard argues that "Tell me, whoever you are, what bad will he had in doing this. If he wanted to escape death, he wanted to save his own life. But surely this was not a bad will? You say: not this, I think, but the will he had to kill the lord who was chasing him. I reply: that is well and cleverly said if you can show a will in what you claim (*si voluntatem possis assignare in eo quod asseris*).⁸ Abelard clearly suggests that there is no *voluntas* in the slave's action and states that the slave kills unwillingly (*nolens*). Is it because the slave (1) acts under compulsion, (2) as far as he is able he defers injury to life, (3) he knows that this killing would put his own life in danger?⁹ Generally we may infer that one does not want what one commits under compulsion. But in fact Abelard does not assert an unequivocal causal relationship between these three factors and his claim that the slave does not want to kill, rather these are circumstances or, at best, circumstantial evidences. But then the conundrum persists: in what sense does the unjustly motivated slave definitively not want to kill the lord

⁵ *De libero arbitrio*, 1.4.25

⁶ *mortem evadere, non dominum voluit occidere* (Luscombe, 8)

⁷ *quam eum [iniustam interfectionem] potius sferre quam in ferre oportuit* (Luscombe, 8)

⁸ Luscombe, 6-7

⁹ *nolens et coactus hoc / nolens hoc et coactus BD / nolens hoc coactus C fecit quod quantum potuit vitam incolomen distulit, sciens quoque ex hac interfectione vitae sibi periculum imminere* (Luscombe, 6-8) It is not clear whether Abelard means (1) *nolens* because *coactus* and *quantum potuit* [...] or (2) *nolens et coactus* because *quantum potuit* [...] or (3) *coactus* because *quantum potuit* [...] *Quod* may or may not suggest causal relationship.

when he in fact kills him not by accident but out of self-interest? So that the *Ethics* can answer this question, it becomes a necessary feature in the *Ethics* to define *voluntas* and distinguish it from *consensus*.

Abelard, however, does surprisingly little to straightforwardly define *voluntas*. Perhaps the only definition is of bad *voluntas* (*mala voluntas*) which, he says, is a necessary weakness (*infirmetas [...] necessaria*),¹⁰ but we can infer from various passages that *voluntas* means desire (*concupiscentia, desiderium*), e.g., (1) “For he who said: ‘Go not after thy lusts (*concupiscentias*): but turn away from thy own will (*voluntate*)’, taught us not to fulfill our lusts (*concupiscentias*), but not to be entirely without them. The former is vicious (*viciosum*), but the latter is not possible for our weakness (*infirmetas*),”¹¹ (2) “But where desire (*desiderium*) is, there undoubtedly is will (*voluntas*).”¹²

Consent (*consensus*), on the other hand, is more well defined: “The time when we consent (*consentimus*) to what is [lawful or] unlawful is in fact when we in no way draw back from its accomplishment and are inwardly ready, if given the chance, to do it.”¹³ Abelard mentions *consensus* having to do with the unlawful, but since the quoted assertion is not strictly a definition, I could suppose here that the mechanics of applying consent to the lawful and the unlawful is the same (albeit the moral and theological consequences are surely different) which is a supposition I will have throughout the first part of this essay. We see now how Abelard has created for himself the conceptual framework with which he solves the conundrum: Abelard argues that the slave does not *want* to kill the lord but the slave *consents* to kill the lord.

An interesting feature of consensus is that it may take two kinds of objects. On the one hand, there may or may not be consent to will (*voluntatis consensus*), in other words, one may or may not consent to one's desire (*concupiscentiae consentire*). e.g. “So sin is not lusting for a woman but consenting to lust” (*concupiscentiae consentire*); “the consent of the will (*voluntatis consensus*) is damnable, but not the will for intercourse.”¹⁴ It may be that *voluntatis consensus* is better translated as “consent to will” because it is a case of “genitivus obiectivus” and not of “genitivus subiectivus”. In the first part of the sentence (*non itaque concupiscere mulierem, sed concupiscentiae consentire peccatum est*) *concupiscentia* is the object of consent. The point here is that in this context consent is directed (or not) to *concupiscentia*, i.e., bad

¹⁰ Luscombe, 6

¹¹ Luscombe, 12-13

¹² Luscombe, 15

¹³ *Tunc vero consentimus ei quod non licet, cum nos ab eius perpetratione nequaquam retrahimus parati penitus, si daretur facultas, illud perficere.* (Luscombe, 14)

¹⁴ Luscombe, 15

will.¹⁵The characteristic example of this kind of *consensus* is when the one transgressing in another's garden does not consent to the desire of stealing and eating another's fruit. On the other hand, one may consent to an action as this is evident in the definition of *consensus*: the verbs *retrahimus* and *perficere* clearly point to an action rather than to *voluntas/desiderium*. The example of this use of *consensus* is found in the case of killing the lord, the slave consents to the action of killing.

Abelard uses brilliantly his concepts of *voluntas* and *consensus* to make his moral and theological points but on many occasions he seamlessly, without any explanation, brushes aside the necessary distinction between them. This is most evident when he writes that “we always have dominion over our will and consent.”¹⁶ Similarly, “If we carefully consider also all the occasions where actions seem to come under a commandment or a prohibition, these must be taken to refer to the will (*voluntatem*) or to consent (*consensum*) to actions rather than to the actions themselves [...]”¹⁷In these examples Abelard clearly uses *voluntas* in the sense of *consensus* as set out before.

¹⁵ I use this translation in the main text and I thank my supervisor for this observation.

¹⁶ *voluntatem vero semper et consensum in nostro habemus arbitrio* (Luscombe, 26)

¹⁷ Luscombe, 25

Possible Contradictory Interpretations

Furthermore consider when Abelard says that “For example, if I were to say to someone: ‘I want you to have my cap for this reason, that you give me five *solidi*’ or ‘I gladly want it to become yours at that price’, I do not therefore concede that I want it to be yours.”¹⁸ Abelard essentially argues that if someone wants/desires to give me something on condition then, in fact, they do not want/desire to give me this thing. We have to keep in mind that we are supposing a generally applicable concept of *consensus* and that *voluntas* means desire. We could qualify Abelard’s statement and say that this someone in the example does not, *truly* want/desire to give the cap to me. *Truly* wanting the act of giving would entail an inward readiness, the characteristic component of *consensus*. So when Abelard says that ‘if one wants to give on a particular condition we should not therefore concede that one wants to give’, firstly we have to understand that Abelard distinguishes between wanting and a kind of *truly* wanting and secondly, that this someone does not truly want to give, that is, they do not consent. Again, we may infer that Abelard uses *voluntas* (in its verbal forms *volo* and *velim*) in the sense of *consensus* because we have supposed that *consensus* is ubiquitous. Similarly, when Abelard says that “if anyone held in prison wants (*velit*) to put his son there in his place so that he may seek his own ransom, surely we do not therefore simply concede that he wants (*velit*) to put his own son in prison [...]”,¹⁹ we have to understand that the one in prison does not consent to put his son in prison since he is not inwardly ready to put his son there since he does not *truly* want that. This is the first way of making sense of Abelard’s use of *velit* in this example.

It is clear from these examples that Abelard uses two distinct notions both of which he terms *volo/velit*. But it is contentious whether the one in prison consents to the *voluntas* that would make his own son be put in prison or not. If the one in prison in actuality lets his son take his place in prison then it must be held that he has consented to this act. It is worth pointing out that it is reasonable to argue about the possibility of actually committing the action of putting the son in prison because whatever sense *velit* has in the sentence in question it follows from this *velit* that in a way the father in prison has contemplated the actualization of this possibility. We have to understand that under special circumstances (“so that he may seek his own ransom”) the father is in fact ready to put his own son in prison. Since it is clear that *velit* here cannot refer to *voluntas* in the sense of desire, it has to refer to something else. Since *consensus* is supposed to be ubiquitous and there is no third alternative concept in the

¹⁸ *Velut si dicam alicui quia volo ut habeas cappam meam propter hoc ut des mihi quinque solidos, vel libenter eam pro precio isto fieri tuam volo, non ideo concedo quod eam tuam esse velim.* (Luscombe, 8)

¹⁹ Luscombe, 9

Ethics, we have to understand that the one in prison is ready to give *consensus* to the action of putting his son in prison. Furthermore, if it comes to pass in reality that the father commits the action of putting his son in prison, we cannot maintain that, despite this reality, the father, nonetheless, does not consent to that action because then again we would be stuck with the question: in what sense does he “want (*velit*) to put his son there in his place” for, clearly, *velit* here cannot refer to the father’s desire. This is the second way of making sense of Abelard’s use of *velit* in this example which contradicts the first way I have described above.

Solution I: The general *voluntas* and the particular *consensus*

One way of solving the problem of possible contradictory interpretations of Abelard's notions is to understand *voluntas* as a general desire and *consensus* as the decision which arises under particular circumstances. Someone who wants to give me something in exchange for five *solidi* does not have the general *voluntas* to give but consents to the action of giving in the particular case. The one in prison generally does not want his own son in prison but in the particular case consents to it. Each time *consensus* is motivated by a decisive factor, e.g., the instinct for survival. Marenbon observes that in any modern theory of action philosophers would consider that the agent acts under a description. *What does Abelard mean by this notion of reluctant action, in which I do not will to perform what I do in fact perform? Although he does not develop the idea explicitly, he seems to have in mind that most acts fit a number of descriptions. The adulterer does not will to commit adultery since he would not choose to perform the act just under the description of 'sleeping with a married woman' (or 'committing adultery'), nor the murderer his act just under the description of 'killing one's overlord'. In each case the agent consents to the act on account of other relevant descriptions of it such as sleeping with the woman one desires, or saving one's life.*²⁰Marenbon essentially argues that the servant does not consent to kill but consents to save his own life. But this is simply not the case for Abelard asserts, "But because he consented to a killing to which he ought not to have consented, this unjust consent of his which preceded the killing was a sin."²¹ The modern description theory inevitably has to fail in adequately describing the workings of *voluntas* and *consensus* in the *Ethics* because (1) it thinks of will as a distinct faculty, (2) it does not take into consideration Abelard's fascinatingly subtle use of these terms.

However, we can say that the servant does not want to kill generally or, alternatively, that the servant generally wants to save his own life. Consent to kill arises under particular circumstances. For Abelard there is always a choice about consent: whether to give or not to give, to commit adultery or not commit adultery, to kill or not to kill. Every moment one may consent to the contemptuous thus bring about sin or withdraw one's consent from it which earns merit. Surely, every moment is particular.

²⁰ Marenbon, 165

²¹ Luscombe, 9

Solution II: The PTW Argument

I propose yet another way to solve the problem of possible contradictory interpretations which I have set out above. Keeping Abelard's main but inconsistent distinction between the terms *voluntas* and *consensus*, Matthews concludes that "Abelard rejects what we might call a Principle of the Transitivity of Desire (that is, one wants what one believes to be the consequences of what one wants), but accepts a Principle of the Transitivity of Consent (that is, one consents to what one believes to be the consequences of what one consents to)."²² I will make use of the Principle of the Transitivity of Desire but I will call it the Principle of Transitivity of Will (PTW) to remain consistent in using the word *will* when referring to Abelard's *voluntas*, albeit only in the sense of desire, for now, but I will extend the meaning of PTW to include the *consensus* sense of *voluntas* in the next paragraph. Abelard rejects PTW by asserting that it is possible that one does not want/desire what one believes to be the consequences of what one wants/desires. If PTW were accepted that would mean that we would accept the notion that one wants what one believes to be the consequences of what one wants. Rejecting PTW in the way Abelard does may be explained by that the reason for what one wants is *different* from what one believes to be the consequences of what one wants. This different reason in the *Ethics* are forces outside the agent's control: the inalterable inclinations of one's nature (*vitia*) or unfortunate circumstances (*vi naturaesuperata*, see discussion in second part) etc. Porter goes so far as to claim that in the *Ethics* "neither external acts nor bad desires," i.e., *mala voluntas* are "under the agent's control."²³ If one is forced then, it is implied, one is not responsible.

The PTW argument crucially involves a causal relationship: the reason for what one wants is *different* from what one believes to be the consequences of what one wants. In rejecting PTW, Abelard has a preference to view this causal relationship from a point-of-view which we may call the point-of-view of efficient cause, i.e., one wants what one believes to be the consequences of what one wants but *not* because such are the consequences. This rejection follows from Abelard's insistence that one is not responsible for *voluntas*. But PTW helps us see that this causal relationship could as well be construed to the contrary: one wants what one believes to be the consequences of what one wants *because* such are the consequences. This understanding we may call the final cause point-of-view of PTW. It is clear that on this view one is not forced to want what one wants, in fact, according to this view one wants what one wants and also wants the consequences. As Matthews pointed out, this kind of transitivity

²² Matthews, 97-98

²³ Porter, 508

is exactly the feature of *consensus*. We should conclude that Abelard rejects PTW only when the causal relationship is viewed from the efficient cause point-of-view (as with *voluntas*) but affirms it when it is viewed from the final cause point-of-view (as with *consensus*).

Voluntas both means desire and is a faculty of mind

Thus far we have seen that if we understand *voluntas* to mean either desire or *consensus* then we may give contradictory interpretations to the cases of the cap and the prison. In order to overcome this contradiction I have offered the theory of general *voluntas*/particular *consensus* and the PTW Argument. Yet if *voluntas* were to be understood to mean both desire and faculty of mind in the Augustinian sense and each of those meanings to be used in their proper context then we would not face a contradiction. Indeed, I am inclined to believe that this is the proper way of understanding *voluntas* in the *Ethics*. Assertions like, “this consent which we do not want to have,”²⁴ or “whatever we do not rightly do or will, are sins”²⁵ and the already cited passages of “we always have dominion over our will and consent”²⁶ and “If we carefully consider also all the occasions where actions seem to come under a commandment or a prohibition, these must be taken to refer to the will (*voluntatem*) or to consent (*consensum*) to actions rather than to the actions themselves [...],”²⁷ all of these strongly suggest the reading of a will to be understood as a faculty of the mind and this is contrary to Luscombe’s assertion that “Abelard here seems to use the word ‘will’ in the sense of consent.”²⁸ The most important argument for this reading is based on the interpretation of *consensus* as it may refer only to the unlawful and not to the lawful. Based on this interpretation which I will evidence through the close reading of all the cases brought as examples by Abelard, the verb *volo* and its different forms could be understood to refer to the unlawful only when they supposedly have the meaning of *consentio*, but this is simply not the case, for they refer to morally indifferent actions.

²⁴ Luscombe, 17
²⁵ Luscombe, 59
²⁶ Luscombe, 26
²⁷ Luscombe, 25
²⁸ Luscombe, 25, footnote 5

Close Reading of *Consensus*

According to the *Ethics* sin is “consent to what is not fitting so that we either do it or forsake it”²⁹ and this consent is “contempt of God and an offence against him”³⁰ which earns damnation. Abelard argues that sin is in the ill consent and not in the ill will. The two main lines of this argument are that (1) “we sometimes sin without any bad will”³¹ and (2) sometimes we have a bad will without sinning.

The example for sinning without bad will is that of the servant which I have discussed above in detail. In this example the agent’s will is directed so that the slave want to evade death and his will is not directed so that he kill the lord. Abelard asserts that the slave wanted to save his own life which is not a bad will and that he killed unwillingly. The agent’s consent is directed on the unjust killing which makes the consent wrongful. However, one may disagree and argue that the slave did have a bad will in that he wanted to kill in order to evade death. Abelard addresses this concern thus “If perhaps someone says that he wanted to kill his lord for the sake of avoiding death, he cannot therefore simply (*simpliciter*) infer that he wanted to kill him.”³² *Simpliciter* the slave did not want to kill, the slave *simpliciter* only wanted to avoid death. Abelard well defines *non-simpliciter* will: “That he wills this on account of that is the equivalent of saying that he endures what he does not will on account of the other things which he desires.”³³ If someone’s will is to be considered for moral purposes then, it seems, Abelard believes that their *simpliciter* will has to be considered and their *non-simpliciter* will may be disregarded. The following examples in the *Ethics* do not serve to illustrate that it is possible to sin without bad will but they serve to illustrate the difference between *simpliciter* and *non-simpliciter* will.

In the case of the cap which I have discussed above in detail the agent does not want to *simpliciter* give away the cap, they *simpliciter* want to get some money for it. In the case of the prisoner also discussed above, the father does not want to *simpliciter* put his son in his place but *simpliciter* wants to seek his own ransom. In the case of the sick man and the martyrs “the sick man is said to want a cauterization or an operation in order to be healed and martyrs to suffer in order to come to Christ or Christ himself in order that we may be saved by his suffering. Yet we are not therefore compelled to concede simply (*simpliciter*) that they

²⁹ Luscombe, 5

³⁰ Luscombe, 5

³¹ Luscombe, 7

³² Luscombe, 9

³³ Luscombe, 11

want this.”³⁴ In the case of Paul the Apostle wants to die in order to be with Christ which, analogously, is a *non-simpliciter* will while his *simpliciter* will is to be with Christ.

There is a great difference between the examples of the slave and those of all the rest: in the case of the slave killing is an action which is contemptuous before God *per se*, while all the rest lack in such a *per se* contemptuous action. Wanting money, wanting to put someone in prison, wanting cauterization, wanting to suffer and wanting self-sacrifice are not in themselves contemptuous before God according to his commandments and prohibitions.

Following this, Abelard discusses the third type of example which is to illustrate that sometimes we have a bad will without sinning.³⁵ In the case of gluttony “Someone passes through another man’s garden and seeing delightful fruits he falls into longing for them; however, he does not consent to his longing so as to remove something from there by theft or robbery, even though his mind has been incited to great desire by the pleasure of food. But where desire is, there undoubtedly is will. [...] He represses his desire; he does not extinguish it, but because he is not drawn to consent, he does not incur sin.” Bad will is for someone else’s fruits and rightful consent is directed on the bad will. This is the only example which purports to show strictly only that sometimes we have a bad will without sinning.

In each of the following examples Abelard has a specific point to illustrate, but I will only focus on his use of the notion of *consensus*. In the next example Abelard is concerned with the notion of voluntary. Abelard says that when it occurs to us that we want to lie with a married woman, normally we would wish that the woman were unmarried. “There are people who are wholly ashamed to be drawn into consent to lust or into a bad will and are forced out of the weakness of the flesh to want what they by no means want to want. Therefore I certainly do not see how this consent which we do not want to have may be called voluntary [...]”³⁶ Wrongful consent could be directed to lust, contemptuous before God. Against a proposition that sin is also located in pleasure or that pleasure aggravates sin Abelard takes the example of the monk. “For example, if someone compels a religious who is bound in chains to lie between women and if he is brought to pleasure, not to consent, by the softness of the bed and through the contact of the women beside him, who may presume to call this pleasure, made necessary by nature, a fault?”³⁷ Wrongful consent could be directed on the

³⁴ Luscombe, 11

³⁵ Bad will is a vice which is part of the human condition. But why is there bad will in us in the first place? Clearly God put it in us since he is responsible for creating the human condition. Abelard in an implicit manner of theodicy argues that “whence comes the great reward if what we endure is not hard? [...] But in order that there be a fight, it is evident, that there must be an enemy who resists [...] This surely is our bad will, over which we triumph when we subdue it to the divine will, but we do not really extinguish it, so that we always have it to fight against.” (Luscombe, 13)

³⁶ Luscombe, 17

³⁷ Luscombe, 21

wrongful pleasure. The following examples regard ignorance and coercion. Abelard argues that actions committed through ignorance and coercion do not incur sin because there is no wrongful consent involved, “as for example if a woman is forced to lie with another woman’s husband or if a man who has been tricked in some way or other sleeps with a woman whom he thought to be his wife or kills in error a man whom he believed he, as a judge, should kill,”³⁸ and similarly, he who takes his sister through ignorance “is not a transgressor [...] because in acting ignorantly he did not consent to transgression.” Wrongful consent would be directed on unfitting actions in all of these examples as well. Consent is also mentioned with regards to bearing false witness and killing Christ in which cases consent could be directed on these contemptuous actions.

Consensus refers to the unlawful only

It is evident from the close reading of examples that in *all* of Abelard's examples where consent is mentioned, it is mentioned referring to the unfitting and the contemptuous. There is no indication that consent should be considered in cases where no moral significance is incurred such as in cases of the cap, prisoner, sick man etc. Furthermore, the only definition given of consent speaks of direction toward the unlawful: "The time when we consent to what is unlawful is in fact when we in no way draw back from its accomplishment [...]." I have to conclude that the notion of *consensus* only makes sense in the morally relevant context and that it refers to the illicit, unfitting, contemptuous only. Rightful consent may turn away from the unlawful, wrongful consent turns to it.

In the previous section it was supposed that *consensus* is ubiquitous analogous to the way will as a faculty of mind works, that is, it can take any object irrelevant of the moral relevance of the object. Will as a faculty of mind can refer to giving the cap or lust and killing or uniting with Christ equally. Will *per se* in the Augustinian sense is morally indifferent. But Abelard stresses the interpretation of will as desire so in the previous section I attempted to consequently apply this meaning of will; and in cases where it is obvious and where will cannot be understood in the meaning of desire, based on Luscombe, I employed the meaning of consent. But in light of the close reading above I have to reassess the meanings and concepts termed by *voluntas* and *consensus*.

Firstly, will (*voluntas*), sometimes without qualification, has the sense of vice (*vitium*), for example in the case of the slave. Furthermore, bad will (*mala voluntas*) is that which "when restrained but not extinguished procures a prize (*palma*) for those who resist it and brings the material for a struggle (*materia pugnae*) and a crown of glory (*gloriae corona*)" and which is "a weakness which is now necessary (*infirmetas quaedam iam necessaria dici debet*)."³⁹ In parallel about vice is said that "through this they have the material for a struggle (*pugnae materia*) so that triumphing over themselves through the virtue of temperance they may obtain a crown (*corona*)."⁴⁰ Furthermore, "But where desire (*desiderium*) is, there undoubtedly is will (*voluntas*)."⁴¹ The term *concupiscentia* is also used as noted above but in spite of the diversity of terms the meaning of *mala voluntas* is clear: it is a morally indifferent vice. Secondly, *voluntas* and its verbal forms seem to have the meaning of will as a faculty of mind. For example, when discussing adultery Abelard says that if we are ashamed at being forced by the flesh to commit the unlawful act then "this [is a] consent which we do not want

³⁹ Luscombe, 6-7

⁴⁰ Luscombe, 4-5

⁴¹ Luscombe, 15

(*hic consensus quem habere non volumus*).⁴² The desire is evidently there yet *volumus* is negated. The passage seems to mean that despite our will we consent to the unlawful because of desire. Here we can discern three distinct concepts: those of will, consent and desire. Will therefore has to be understood as distinct from desire which constitutes a second meaning of will. Furthermore, consider when Abelard says that “we always have dominion over our will and consent.”⁴³ The freedom element involved in this assertion clearly distinguishes the first sense of will, i.e., vice, a necessity and the second sense of will according to which will is in our freedom. I argue that this second meaning of will is the historically established meaning of will since Augustine, that is, a faculty of mind.

On the other hand, it is clear that *consensus* refers to the unlawful because Abelard gives such a definition and uses it thus in every example as I have evidenced this in the close reading. But there is one very important exception which we do well if we examine. I quote Abelard’s passage at length: “*If we carefully consider also all the occasions where actions (opera) seem to come under a commandment or a prohibition (sub precepto vel prohibitionem), these must be taken to refer to the will or to consent to actions (ad voluntatem vel consensum operum) rather than to the actions (opera) themselves, otherwise nothing relating to merit would be put under a commandment (sub precepto) and what is less within our power is less worthy of being commanded. There are in fact many things by which we are restrained from action yet we always have dominion over our will and consent.*” Commandment refers to an imperative which is never contemptuous, unfitting or unlawful. Prohibition, on the other hand, always refers to the contemptuous and unlawful. Abelard argues that the spirit of the commandment and the prohibition refer to the will or consent and not the action. But as we have seen, Abelard’s concept of *consensus* exclusively refers to the unlawful and not to the lawful. In this passage *consensus* refers to the lawful as well therefore we have to conclude that the term here has a different sense from that of the concept expounded before. Abelard seems to use here both *voluntas* and *consensus* in the same meaning. This same meaning is the second sense of *voluntas* in the *Ethics*, that is, the historical sense of the term as faculty of mind. Luscombe states that “Abelard here seems to use the word ‘will’ in the sense of consent”⁴⁴ but in fact consent is given here the meaning of will therefore, contrary to Luscombe, it would be more appropriate to observe here that “Abelard here seems to use the word ‘consent’ in the sense of will in the Augustinian sense of this term.”

I have proved that in this particular passage consent has to be understood as referring to a faculty of mind. It does not follow that in all other cases when Abelard uses this term we

⁴² Luscombe, 16-17

⁴³ Luscombe, 27

⁴⁴ Luscombe, 25, footnote 5

have to understand it as referring to or alluding at all to a faculty of mind. The question is, how are we supposed to understand this concept which refers to a mental event triggered only when the morally bad arises? I want to argue that *consensus* in every case may be understood to have the function attributed to *voluntas* by Augustine, namely that of freedom, but not the function of power or degree. In order to see this point we need to consider the concept of will as understood by Augustine.

An Historic Conception of *Voluntas*

Thelein and *boulesthai* and its forms are commonly used by ancient Greek authors such as Plato, Aristotle, the Stoics etc.; Latin writers such as Cicero, Lucretius and Augustinus use the term *volo* and these terms are usually rendered as ‘will’ in translation. Historians of philosophy agree that the concepts denoted by these terms have undergone constant change and even today the concept of will is variously defined by different philosophers and psychologists. However, I agree with Sorabji that will as we use it in modern European languages is clustered around two main functions: freedom and responsibility, on the one hand, will-power, on the other.⁴⁵ In fact Sorabji defines will alluding to these functions and underlines the role of reason: “will is a desire with a special relation to reason and a number of functions associated with it.”⁴⁶ Candidates for the originator of will have included Plato, Aristotle, Galen, Seneca, Epictetus, Augustine, Maximus the Confessor etc. and different scholars argued for each. However, the phrase ‘free choice of the will’ (*liberum arbitrium voluntatis*) originates with Augustine⁴⁷ and Sorabji and Dihle argue strongly that indeed the way in which we use the concept of will even today as referring to a distinct faculty has originated with Augustine. This is especially important in this thesis as Abelard evidences in the *Ethics* that he is wholly conversant with Augustine’s ideas on morals and will, and furthermore that he holds the church father in great esteem. We then have to understand that any digression from Augustine’s ideas must be on purpose.

Sorabji argues that Plato’s *thumos* has the function of will-power but is missing the function of freedom. Platonists fail to integrate *thumos* as will-power with the concept of *adespoton*, their concept closest to that of our freedom. Aristotle’s concept, *proairesis* (desire for the means which will lead to the desired ends), on the other hand, is missing the mark of will-power. In a similar fashion Sorabji eliminates all other candidates for bringing together all the functions of the concept of will. But Augustine’s clustering of functions seems not only to satisfy but supersede the requirements of the two basic functions. Sorabji writes that (1) according to Augustine will (*voluntas*) belongs to the rational soul, (2) Augustine connects will with freedom and (3) responsibility, (4) Augustine discusses will in terms of will-power and failure of will-power, (5) according to Augustine will is ubiquitous in all actions and finally (6) Augustine offers the criterion of bad will.⁴⁸

According to Abelard the slave kills unwillingly (*nolens*), he wants to evade death but he does not want to kill. But Augustine argues that *Yet, if we attend more subtly, even* (*etiam*)

⁴⁵ Sorabji, 321

⁴⁶ Ibid

⁴⁷ Ibid

⁴⁸ Sorabji, 335-336

what anyone is compelled to do unwillingly (*invitus*) he does by his will, if he does it. It is because he would prefer something else that he is said to do it unwillingly (*invitus*), that is, wanting not to (*nolens*). He is compelled to act by some evil, and he does what he is compelled to do through willing to avoid or remove from himself the evil. For suppose his will is so great that he prefers not doing this to not suffering that. Then indubitably he will resist the compulsion and not do it. Hence if he does it, it is not indeed with his full (*plena*) and free will. But because the effect follows his will, we cannot say control over his act was missing.⁴⁹ Augustine would argue that the slave in fact wanted to kill the lord albeit not with his full and free will. Sorabji concludes that “Unwilling acts follow the will, even if not the full (*plena*) will. That is why Augustine says *even (etiam)* unwilling acts are done by will.”⁵⁰ But this in fact does not contradict Abelard’s position because Abelard distinguishes between *simpliciter* and *non-simpliciter* will, as discussed above, which distinction parallels Augustine’s idea of a *plena* will and a will which is under duress, respectively. For example, in the case of the slave chased by the lord, the slave *simpliciter* or *plena* wants to evade death, and only *non-simpliciter* or under duress wants to kill the lord. We have to conclude that Abelard uses the concept of *simpliciter* and *non-simpliciter* will in a similar way as Augustine uses his concept of *plena* and *non-plena* will. Abelard’s insistence that “where desire is, there undoubtedly is will” refers to *mala voluntas* only which is different from the concept of *simpliciter* and *non-simpliciter* will. In cases of the slave, cap, prisoner, sick man and martyr Abelard uses the concept of *simpliciter* and *non-simpliciter voluntas*, in cases of lusting for another’s fruit, lusting for a woman, suffering pleasure by the religious man etc. Abelard uses the concept of *mala voluntas*. The term is the same, the concept is different. This corroborates our finding that Abelard uses two meanings of *voluntas*, one of which is the meaning of will as a faculty as set out by Augustine. Sorabji notes that “As for the idea of will as ubiquitously present in all action, people may nowadays be more sympathetic to Aristotle’s idea that in voluntary action what is always present is an internal cause, always, I think, desire, sometimes negligence in addition, but not always rational will;”⁵¹ interestingly, Abelard, I think, refers exactly to this desire when he uses *mala voluntas*: it is an internal cause, not under rational control, and apt to cause negligence.

⁴⁹ On the Spirit and the Letter 31. 53

⁵⁰ Sorabji, 336

⁵¹ Sorabji 340

The Origins of the Concept of *Consensus*

The first reported distinction between the command of *voluntas* and *consensus* in the history of philosophy is reported, according to Sorabji,⁵² in Augustine's *Against Julian* (5. 5. 20) and is attributed to Julian, proponent of the Pelagian view that lust, just like sleep, thirst and hunger, is not in itself a bad thing. According to Julian lust may lack the command of the will but it may have the consent of the will. On Augustine's view lust is in itself reprehensible; Julian merely calls for the moderation of lust. Clark argues that: *For Julian, in contrast lust – or natural appetite – is simply one of the bodily senses that we are given as part of our human endowment; hence, we cannot believe that it originated from human sinfulness. Against Augustine's view that all human nature was ever after changed by Adam's sin, Julian argues that human nature (including sexual appetite) does not change, since God bestows our essential human constitution and neither sin nor grace has the power to alter it. Augustine's list of the penalties for sin derived from Genesis 3 – labor pains, sweat work, the submission of women to men – are, in Julian's view, all part of the natural order and thus unchangeable. Although Julian believes that an "excess" of lust leading humans to intemperate fornication is blameworthy, sexual desire of a "moderate" sort is one of God's good creations.*⁵³ Abelard similarly believes that since all vices, including lust are of the natural constitution of men, they are not bad but morally indifferent. According to Sorabji, we may only presume that Augustine takes the view that it is because lust opposes the will that lust is reprehensible. Sorabji then states, "But I think it must be wrong to take the fact of its being against the will as the reason for its badness. For it is against one's will only if one thinks it bad for *other* reasons."⁵⁴ In fact these other reasons are theological, namely as commandments and prohibitions are found in the Bible. Abelard argues that sin in all cases of desire including lust is not in the disobedience of will but in the consent to the unfitting.

With reference to Augustine's own lustful dreams Augustine concludes that it is in the consent to the desire where sin is located.⁵⁵ Sorabji says that "The consent condemned by Christ, [Augustine] says, is so complete (*plene*) that it would be acted on if opportunity arose."⁵⁶ We would only have to substitute "Augustine says" for "Abelard says" and Sorabji's finding would be still accurate. Augustine fuses the ideas of consent and sin (albeit not to an exclusive degree) and Julian distinguishes between the command of will and consent of will

⁵² Sorabji, 409

⁵³ Clark, Elizabeth A. *Generation, Degeneration, Regeneration: Original Sin and the Conception of Jesus in the Polemic between Augustine and Julian of Eclanum* pp. 26-27

⁵⁴ Sorabji, 412

⁵⁵ *Confessions*, 10. 30

⁵⁶ Sorabji, 414

and establishes that natural tendencies such as lust are not in themselves bad. Abelard borrowed the idea from Augustine to locate sin in the consent but he makes it the exclusive factor for determining the agent's sin (Augustine's idea of the workings of sin is more complex). Abelard takes up Julian's thinking in distinguishing between *consensus* and *voluntas* but most of the times for Abelard *consensus* works independently from *voluntas*, while Julian speaks of *voluntatis consensus*. However, Abelard is not consistent in his usage and speaks of *consensus* independently and also of *voluntatis consensus*.

Through the idea of willpower we may make sense of the struggle that Abelard describes against *vitium* and *mala voluntas*. We are fighting for rightful *consensus* and we are fighting to avoid wrongful *consensus* but this fight precedes *consensus*, this fight is not part of our *consensus*. So it has to be something else in the human constitution which fights. Abelard (of course) is not explicit, but it must be the will understood as a faculty which is responsible for putting up this fight because what else would put up the fight if neither the consent nor the will? Will since Augustine is understood to put up this fight through willpower. As we have seen Abelard uses *voluntas* also in the sense of faculty therefore it would not be too big of a stretch to propose that in the *Ethics* we need to suppose that it is the faculty of will which is doing the fight.

“Consent Power”

On the other hand Abelard speaks of consent without power or degree. Consent appears in all of the examples as an either/or status of the mind; we may not speak of less consent or more consent; it seems that we may not speak of “consent power” similar to willpower. It follows that if sin is a direct function of consent as Abelard maintains then sin is also an either/or affair and there are no stages or nuances in it. This is contrary to the stage theory of sin, popular in Abelard’s era. Marenbon describes the stage theory to have originated with Anselm of Laon and says that in the stage theory *suggestio* is the occurrence of the idea of sinning which is not in itself sinful; the next stage, considering the pros and cons of this *suggestio*, however, is sinful. The following stage, *delectatio*, when consideration takes on pleasure, is likewise sinful. The next stage is *consensus* to the action and the final stage is the action itself and they are both sinful.⁵⁷ Abelard disagrees because he distinguishes between sin proper and the execution of sin. Abelard says that Eve “proceeded to carry through the sin in three stages. Likewise we also frequently arrive by these same steps not at sinning but at the carrying through of sin, namely by suggestion, that is, by the encouragement of someone who incites us externally to do something which is not fitting. And if we know that doing this is pleasurable, even before the deed our mind is seized with the pleasure of the deed itself and in the very thought we are tempted through pleasure. When in fact we assent to this pleasure through consent, we sin. By these three we come at last to the execution of the sin.” Abelard cuts the “chain of sin” at two points and singles out *consensus* as the sole locus of sin. It is sometimes argued that Abelard is a pioneer in interiorizing sin but in fact even according to the stage theory sin originates in the human interior. Rather, Abelard differs from his predecessors in that for him the exterior act is clearly never sinful.

An argument for that the idea of “consent power” has to be discarded stems from the weak consent power argument. If there were consent power then there would be weak and strong consent power, analogous to weak and strong will-power. One might argue that due to one’s weak consent power one would not be able to help oneself and would consent to the unfitting. But if it were so then *consensus* would follow from weak consent power since one has consented to the illicit on account of one’s weak consent power. Furthermore one could maintain that weak consent power is not under one’s control since it is God given and inalterable. It follows that one does not have consent under one’s control, but since one is responsible only for that which is under one’s control, one is not guilty in case of wrongful consent. To counter this claim Abelard would have to propose that consent power is under

⁵⁷ Marenbon, John. *The Philosophy of Peter Abelard*. Cambridge University Press, Cambridge, 1997. pp. 253-255

one's control and being so it differs from the natural tendencies which Abelard maintains are God given and inalterable. If consent power is under one's control then *consensus* is dissimilar to the case of no awareness. In case of no awareness Abelard in another work argues as follows: "where there is no awareness, there cannot be consent, as in children or the mentally incapable, who, if they do what they should not, no sin is imputed to them in this."⁵⁸ In the *Ethics* Abelard echoes this: "Properly, as we observed above, sin is said to be that contempt of God or consent to evil from which little children and the naturally foolish are immune; since they have no merits and, as it were, lack reason, nothing is imputed to them as sin [...]" However, if consent power is under one's control then it may not be held that it is inalterable for the inalterable is typically not under our control (cf. vices). But if something is alterable then there is a way to alter it. For example, consent power might be trained by arduous ethical training. But then the degree to which the alterable is altered is a function of the degree of success with which the way of alteration is implemented. For example, the degree to which consent power is strengthened is a function of the degree of success with which the ethical training is carried out. In this way consent power would depend on ethical training and rightful or wrongful consent, the product of consent power, would be a mere measure of the success of the ethical training. Abelard in the *Ethics* takes great pains to establish that "we always have dominion over our will and consent," in other words, it is always up to us and is in our control. But only that may be *always* up to one or is in one's control which is *directly* up to one and is in one's control. That which is *indirectly* up to one or is in one's control is *not always* up to one or is in one's control since there is a relationship between the direct and indirect object of control which is not under one's control. It is worth noting that it does not necessarily follow that that which is directly up to one and is in one's control is always up to one and is in one's control; Abelard simply asserts that *consensus* is always up to one and is in one's control.

That which could alter consent power would have to be directly (or always) in one's control or else we would face infinite regression as to the question of establishing what is in our direct control because we could always establish an additional functional relationship; this would not be an impossibility but a mere inconvenience. It is worth noting that Abelard points to *consensus* as that which is always up to us and is in our control in order to show that sin necessarily has to be located in it and cannot be elsewhere for, it is implied, we may incur sin only when we are in control. But Abelard merely stops at one point of this infinite functional regression and arbitrarily pronounces *consensus* to be the end point. If that which is always

⁵⁸ quoted in Porter, Jean. *Responsibility, Passion, and Sin: A Reassessment of Abelard's Ethics*. In *The Journal of Religious Ethics*, Vol. 28, No. 3 (Fall, 2000), pp. 376

under one's control is that which could alter consent power then it would follow from the proposition that sin is necessarily located in that which is always under one's control that sin would have to be located in that which could alter consent power. Although this latter conclusion is not necessary for it has not been shown that other things are not always up to one and are in one's control, what *is* necessary and has been shown is that if we propose consent power in the Abelardian world (where there is only one thing which is always under our control, namely, *consensus*) it would follow that *consensus* would not be under our direct control and therefore would not be always under our control. Finally, according to the implied proposition that we may find sin (in its proper sense) only in that which is always under our control it would follow that sin is not located in *consensus*. Obviously this is the opposite of what Abelard maintains, therefore we may not suppose consent power in the Abelardian world.

When in Abelard's example the slave kills the lord, the consent to the killing is under the slave's control. When the man desires the fruit in another's garden, the consent not to eat is under the man's control. Consent is always under our control. Abelard describes how we have to fight against vices and against wrongful consent for our freedom: "[...] having, as it were, converted us to vices they submit us to a shameful consent. When [vices] command our bodies, so long as the mind remains free (*liber animus*), true freedom (*vera libertate*) is not in peril and we do not fall into an indecent subjection." Freedom is the central function of the concept of *consensus*. The either/or nature of *consensus* precludes the idea of consent power. In this way Abelard's concept of the workings of the mind is different from Augustine's who speaks in terms of willpower. Augustine amalgamates the functions of freedom and willpower in the concept of *voluntas*. Abelard separates these two functions and disregards in his ethical considerations the function of willpower. Abelard is most interested in the agent's freedom and in that which represents this freedom in their mind.

The Freedom of Consent

In the *Ethics* a key question is the extent of the freedom of consent for sin is located in consent only to the extent consent is free. There are two limitations on the freedom of consent, one is found in the human world and one in the divine. We can discern three clearly distinguished fields of punishment in the *Ethics*: the human, the moral and the divine. These fields are defined through the careful interpretation of sin. Since sin is exclusively located in *consensus*, we have to make the implications of the interpretation of sin explicit with regards to the concept of *consensus* which, in fact, will result in defining the extent to which we can speak of free *consensus*. Abelard is clear on that we have to fight against vices which are not under our control and stresses that *consensus* is free (*liber*) and is under our control (*arbitrium*) and that we can win when we make the rightful consent. Abelard even claims that it is possible not to commit sin at all if sin is understood correctly: “If, however, understanding sin properly we say that sin is only contempt of God, this life can truly be passed without it, although with very great difficulty.” This assertion, I believe, nicely captures the message of the *Ethics* and it would be contradicted if we argued that wrongful consent at any time may arise out of necessity. Rather the limitations of the freedom of consent are intertwined with the limitations of the concepts of sin and punishment. The concepts of *consensus*, sin and punishment are thus elaborated in the tripartite world of humans, morals and God.

Human Punishment

Firstly, sin is properly understood as contempt of God. Contempt of God may only arise in *consensus*. Therefore sin properly may only arise when *consensus* arises. In the human world human laws govern judgments and punishments. There are two characteristic examples that Abelard introduces. The first is concerned with a mother who loves her baby very much but accidentally smothers them. “And so, stirred by pity for the baby she takes him to herself to keep him warm with her own rags, and finally in her weakness overcome by the force of nature (*vi naturae superata*), she unavoidably (*cogitur*) smothers the one she clasps with the utmost love.” She is justly punished by the bishop “not for the fault (*culpa*) which she committed but so that subsequently she or other women should be rendered more cautious in providing for such things.”⁵⁹ The mother is not guilty, has not incurred sin, yet she is justly punished: in this we see that sin and punishment do not go hand in hand. In the next example

concerned with the human world “someone is accused by his enemies before a judge, and [...]a certain imputation is made about him by which the judge knows (*cognoscit*) he is innocent.” The enemies can only produce false witnesses but the judge is “compelled by law (*lege compellitur*) to recognize them.” Finally, the judge convicts the innocent man for “he ought to (*debet*) punish him who ought not (*nondebet*) be punished.” Why ought he, one might ask? “He ought at any rate because he transacts justly according to law (*secundum legem*) [...]” The point of the example is the same as that of the one before, i.e., to prove that “punishment (*penam*) is reasonably inflicted on a person in whom no fault (*culpa*) went before.”⁶⁰ Abelard insists that in these two cases there is no *culpa* and Bushnell in his otherwise illuminating essay *Sin, Punishment, and the Judgment of God* concurs saying that “the case of the judge forced to convict a person he knows to be innocent is precisely analogous to the case of the careless mother” though he also notes that “our contemporary legal system would require a finding that the mother was negligent.”⁶¹ But are the two cases really analogous?

The only way to make sense of the claim that the mother has not sinned (even in the proper sense of the term as Abelard understands it!) is that she is innocent not because there is no wrongful consent but because there is no consent whatsoever. Smothering one’s child is clearly an unfitting action. Committing an action means that one has consented to it even if one did not want this (cf. the case of the slave). Consenting to an unfitting action is sinful. Therefore we have to conclude that the one who smothers her child has sinned in this. But is it really true that all actions committed irrespective of whether willingly or unwillingly are consented to? Since the mother is overcome by the force of nature (*vi naturae superata*) she is not herself, she is not in control, she is not the agent in her own body. Therefore what she does is done dumbly without her mental faculties functioning. This also means that there is no consent on her part (cf. little children, the naturally foolish). Without consent there is no basis to impute sin to her so there is no way to hold her sinful in the proper sense of sin.

But in the case of the judge can Abelard hold that he is innocent? While the mother acts under the force of nature which renders her mental faculties dumb, the judge acts under the compelling force of the law which, opposingly, does not affect his mental faculties. The judge is fully aware of the injustice of the punishment he is to impose. It follows that, even if unwillingly, he consented to pronouncing the unjust punishment which is clearly an unfitting thing to consent to. Consenting to the unfitting, however, is sinful. We have to conclude that Abelard arbitrarily chooses the force of the law to be a circumstance which renders the

⁶⁰ Luscombe, 39-41

⁶¹ Bushnell, without page number

consent to the unfitting innocent as opposed to the circumstance present in the example of the slave, namely that of the instinct for survival. Abelard argues that the law must be upheld for the good of society, just like in the case of the mother's punishment. He says, to "prevent public [...] injuries; we punish not so much faults as deeds, and we strive to avenge in someone less what harms his soul than what can harm others." Bushnell calls this the consequentialist punishment: "the purpose of punishments is the familiar consequentialist one of deterring future crime and correcting the effects of past crimes."⁶²

But the consequentialist purposes of punishment, or the deterrent from harm to others, or 'the good of society' would constitute a different criterion for determining what is good and bad or who is innocent and sinful than the simple criterion of abiding by God's commandments. However, the moral imperative of abiding by God's commandments is an idea is at the heart of Abelard's argument in the *Ethics*. Abelard could probably argue that the deterrent of harm to others or the good of society is a fitting thing and God commands it. If this is so, we would face competing moral claims in the *Ethics*, in the form of conflicting commandments of God. On the one hand, punishing the innocent individual is unfitting, but, on the other hand, upholding the law is fitting. There are no considerations in the *Ethics* to solve any similar problems that would perhaps involve preferences among commandments of God therefore we cannot say what Abelard's solution would be to the problem. Thus moral responsibility could be contrasted with legal responsibility but Bushnell observes that in Abelard's times the law was generally thought to be unchangeable which would give some explanation as to why Abelard holds that the law debet be enforced. In this regard too Abelard digresses from Augustine who argues that man-made legal responsibility might have to be revised because it might punish unfairly: "try if we can to understand whether the law [...] does not wrongly punish." (*De libero arbitrio*, 1.4.10)

The analysis of the last example shows that Abelard chooses to disregard moral responsibility where there is legal responsibility; this also has bearing on the extent to which *consensus* as the indicator of sin should be taken into account which, I believe, is an arbitrary limitation of the freedom of the application of this concept. But the limitation of the freedom of the application of a concept is different from the limitation of the freedom of the concept itself. Freedom of consent for Abelard, it is implied, means being under one's control, for he speaks of consent in terms of both freedom and *arbitrium* (control, dominion) but these functions of consent seem to be in fact only one function for there is no indication whatsoever of a *consensus* which is free but not under our control, or which is under our control but not free.

⁶² Bushnell, without page number

The Idea of Control

It is worth investigating a bit more this notion of *arbitrium*. Bushnell deliberates “two possible understandings of what it is to be in control of an action: Abelard's, in which none of our deeds are in our control, and the alternative, in which being in control is a success verb, and our successful attempts are in our control, while our frustrated attempts are not.” Bushnell exemplifies his alternative understanding: “For example, suppose I am driving my car down the road in heavy winds and rain, and despite the difficulties, keep my car on the road, in the lane, and arrive safely at home. I am inclined to say that I was in control of what happened, that I caused it; I attribute the safe arrival to my agency. By contrast, if I fail—if despite my best efforts, the wind and rain force me out of my lane, off the road, so that I crash into a nearby hillock—I say that I lost control of the car.”⁶³ Bushnell speaks of control in terms of belief; one is inclined to believe that one is in control when one is successful in face of adverse forces that are clearly not under one's control. The point is that the notion of control as such may arguably be *generally* conceived as a matter of belief. Adverse forces beyond one's control are well represented in the *Ethics* (*vitium, desiderium, concupiscentia, “vi naturaesuperata”*), yet for Abelard *arbitrium* is clearly not a matter of belief. In the *Ethics* an agent does not only believe that they are in control of their *consensus* but it is a fact of reality.

Divine Punishment

What is clearly a matter of belief is whether one merits damnation or not. The persecutors of Christ erroneously believed that it is the right thing to persecute Christ but they consented to what they believed was right therefore “[...] according to our earlier description of sin as contempt of God or consenting to what one believes should not be consented to, we cannot say that they have sinned in this [...]”⁶⁴ The persecutors are ignorant of God's commandments and out of their ignorance they commit what is contemptuous, but their consent is not a sin “[...] nor is anyone's ignorance a sin or even the unbelief with which no one can be saved.”⁶⁵ What is sinful then in the persecutors' killing of Christ? Nothing! No sin is present at least in the proper sense of sin, i.e., no contempt of God was shown through consent for “[...] when

⁶³ Bushnell, without page number

⁶⁴ Luscombe, 55

⁶⁵ Luscombe, 55-57

we say we sin ignorantly, that is, do something which is unfitting, we use 'sin' not in the sense of contempt but of action."⁶⁶ But the proper sense of sin is not concerned with action.

In spite of the fact that the persecutors have not incurred sin proper, they are worthy of damnation. But how is it possible that one should be damned without sinning properly? Abelard is aware of some tension here and observes that "if anyone actually ascribes this [damnation] to a sin of theirs which had no fault, he may perhaps do so, since it may seem absurd to him that such should be damned without sin."⁶⁷ But Abelard's position seems to be that sin is not a necessary requirement for damnation. Divine punishment is independent of sin. It follows that divine punishment is also independent of sinful consent which constitutes sin. In this divine punishment is similar to human punishment which is also pronounced independently of sinful consent, but while humans judge the deed, God judges in mysterious ways.

⁶⁶ Luscombe, 65

⁶⁷ Luscombe, 67

Conclusion

I have endeavored to examine Abelard's use of the concepts and terms of *voluntas* and *consensus* in the *Ethics*. I have tried to expound an overall understanding which we could coherently apply across the *Ethics*. I have tried to do this in two ways, first, supposing that *consensus* is ubiquitous and second, supposing that *consensus* is only relevant in the moral context. We could furthermore suppose that *consensus* works along the lines of the Stoics' and recently Harry Frankfurt's idea of a two tier concept of will. I have not examined the *Ethics* in this way because I have found that *consensus* may apply directly to both *voluntas* and the deed, which is not the case for the Stoics or Frankfurt but this might not be a problem in establishing a coherent view of the concepts and it might be a fruitful avenue for further inquiry.

I have found that it is extremely difficult to set up a coherent reading for these terms and concepts. Abelard seems to use them in various ways according to their relevance in a particular context. Crucially, Abelard does not define his concepts properly which gives rise to lax usage. *Voluntas* without any qualification of the term might mean desire which at other times is described as *mala voluntas* but also might be used in a sense that refers to a faculty of mind. *Consensus* raises problems of interpretation in cases where this term is not mentioned for it is unclear how to make sense of it in cases where no moral relevance is present. We might suppose that *consensus* is only relevant where moral relevance is present but this also meets difficulty if we are to apply this interpretation for all the cases in the *Ethics*.

Another way of interpreting these concepts and terms would be to suppose that no underlying theory of action or theory of will should be employed. In this way each set of examples Abelard presents would have to be assessed strictly only within the limits of their purpose. Each set of examples has a point to illustrate and perhaps *consensus* and *voluntas* would have to be understood in the specific way in which they make sense in the given context. This would give rise to a tectonic examination of all of the examples in the *Ethics* which might bear fruitful results.

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