Canon 1096 on Ignorance with Application to Tribunal and Pastoral Practice

by

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CANON 1096 ON IGNORANCE:
APPLICATION TO TRIBUNAL AND PASTORAL PRACTICE

by
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ABBREVIATIONS

AA  Apostolicam actuositatem, Vatican II
     Decree on the Apostolate of the Laity (18 November 1965)

AAS  Acta Apostolicae Sedis

ASS  Acta Sanctae Sedis

CCEO  Codex canonum Ecclesiarum orientalium

CIC  Codex iuris canonici

CLSA  Canon Law Society of America

GS  Gaudium et spes, Vatican II Pastoral Constitution on the Church in the Modern World (7 December 1965)

LG  Lumen gentium, Vatican II The Dogmatic Constitution on the Church (21 November 1964)

SRR Dec  Sacrae Romanae Rotae, Decisiones seu sententiae (1908-1980);
        Apostolicum Rotae Romanae Tribunal, Decisiones seu sententiae (1981-1992);
        Rotae Romanae Tribunal, Decisiones seu sententiae (1993- )
INTRODUCTION

Before Vatican II, marriage was often considered, or at least popularly expressed, as a union of bodies; that is to say, marriage was an exclusive contract by which a man and a woman mutually handed over their bodies for the purpose of acts which led to the procreation of children. Thus, matrimonial jurisprudence was focused on the primary end of marriage as stated in canon 1013, §1, of the 1917 CIC.\(^1\) One definition of marriage found in a standard commentary defined it as:

> a lawful and exclusive contract by which a man and a woman mutually give and accept a right over their bodies for the purpose of acts which are in themselves suitable for the generation of children.\(^2\)

In a footnote to this definition we read:

> This definition does not express the secondary end of marriage, which is nevertheless very important and may even be predominant in the minds of the parties, namely, mutual love and assistance, and the allaying of concupiscence.\(^3\)

Three observations can be drawn from this simple definition: (1) marriage was understood in terms of a contract, with obligations to be fulfilled; (2) the focus was on the “union of bodies” with emphasis on the procreation of children; and (3) from a canonical perspective, what may have been important in the minds of the contractants, i.e., the secondary end of marriage, did not enter into the definition of marriage, although it was seen as “very important and may have even been predominant in the minds of the parties.”

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\(^2\)Ibid.

\(^3\)Ibid., footnote 6.
Furthermore, this seems to have had no direct juridical import in the development of jurisprudence.  

With the advent of Vatican II, its personalist understanding of marriage was most poignantly stated in Gaudium et spes, 48: marriage is an “intimate community of life and conjugal love”. The concept, while not new in itself, broadened the Church’s understanding of marriage which in turn helped lay the groundwork for the revision of the canon law regarding this sacrament. Marriage now becomes a union of “persons” which includes all the ramifications this simple yet complex term comprises. “Person” is more than a body; rather, a person is an individual consisting of wants, needs, desires, impulses, hopes and dreams, whose life experience has been shaped by the milieu — cultural, familial, religious — from which he or she comes. “Union” is still, to some extent, viewed as a contract, but it is nuanced by the theology of Vatican II and is also called a covenant, an on-going, loving relationship seen in Biblical terms rather than in merely Roman law or legal terms.

After extensive discussion and study, the Vatican II theology of marriage helped shape, as well as was sculpted into, the renewal of canon law as seen in the pertinent parts of the 1983 Code of Canon Law and the 1990 Code of Canons of the Eastern Churches (CCEO). The concepts of “person” and “covenant” converge into what in the Codes is called consortium, “partnership”. The ramifications of this one term upon canon law have been the subject of much writing and discussion and continue to be so, the present work being one of the latest.

Prior to Vatican II, the concept of ignorance in regard to marriage (c. 1082 of the 1917 CIC) was simply measured in terms of how much the contractants knew about the sexual copula. The debates amongst canonists and commentators centered primarily on the degree of ignorance concerning sexual intercourse that was necessary before a marriage could be declared null on this ground. Even the question of ignorance of the “nature of marriage” was considered within the context of sexual intercourse, since the primary end of marriage was the procreation and education of children, as stated in canon 1013 of the 1917 CIC, and children were the result of the copula.

With Vatican II and the personalist perspective of marriage, the focus shifted to the partnership — as seen in terms of the communio, the coniunctio, the consortium, which were the various terms used at different times to express this partnership. How would this impact on the ground of nullity deriving from ignorance? Although there has been an ever-growing quantity of writing in the area of the psychological titles (canon 1095), little, however, has been written about ignorance, especially in English. There has been minimal discussion and development of canon 1096 in regard to its understanding, its jurisprudence and its possible application. This has led to my decision to study this topic. One of the purposes of this study is to trace the development of the concept to see not only where it has already led, but also to envision, using canonical tradition and jurisprudence, where it can possibly lead in the future. Under the 1917 CIC, jurisprudence on canon 1082 focused mainly on the minimal knowledge necessary regarding the sexual act. Ignorance, as a ground for nullity of marriage presented in canon 1096 of the 1983 CIC, has not been, as of this writing, developed in Rotal jurisprudence. This, in one sense is exciting and allows us to put forth our ideas and possible applications.

At this time we acknowledge that two doctoral dissertations (the first in English and the second in Latin) have been written on ignorance and matrimony pertaining to canon 1082 of the 1917 CIC. The first is by V.M. SMITH, Ignorance Affecting Matrimonial Consent. Smith gives a detailed history of ignorance and a commentary on canon 1082. Part One concerns the development of law concerning contingent and

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subsistent ignorance; Part Two discusses marriage and how it is vitiated by ignorance.

The second is by F. LORENC, *De ignorantiae influxu in matrimoniali consensu*. Lorenc discusses the use of reason and discretion needed for marriage, as well as ignorance and error. He further discusses defective consent under the title of “Ignorance of the nature of matrimony”, citing commentators of the 1917 *CIC* and the jurisprudence of the Roman Rota. Both of these dissertations provide good historical background and explain the development of canon 1082 of the 1917 *CIC*.

In addition to these dissertations, however, one book which is to be mentioned concerning ignorance and marriage pertaining to the 1917 *CIC* is that by R. ZERA, *De ignorantia in re matrimoniali; eius natura iuridica et ambitus quoad consensus validitatem de qua eiusdem probatione in iudicio*. Zera begins with a study of the nature of marriage and shows how consent is the efficient cause of matrimony. Based upon various commentators and Rotal jurisprudence, he further discusses the knowledge necessary for marriage. He proceeds to incorporate the teachings of Vatican II, thus shedding new light on the use of ignorance as a ground for nullity. He then discusses proofs for the ground of ignorance. His fifth chapter deals with the relationship between ignorance and discretion of judgment and error. These three scholarly works are now somewhat limited due to the fact they were written before the 1983 *CIC*.

Since the 1983 *CIC*, one dissertation (in Portuguese) has been written by C.E. OLIVIERI, “A ignorância no matrimônio (c. 1096), Origem históric, desenvolvimento doutrinal e jurisprudencial”, in *Cuadernos doctorales*, 12 (1994), pp. 13-84. Olivieri’s work concentrates on the presuppositions of canon 1082 of the 1917 *CIC* and its history. He discusses the relationship between ignorance and discretion of judgment, error and age; gives a detailed analysis of the Congregation of the Council’s decisions of 19 May and 18 August 1888, *Ventimilien*, the proximate *fons* of canon 1082; then moves to the development of canon 1096. Chapter Eight is the author’s interpretation of this canon. While this work is well documented, it is still rather limited in scope. It is our intention that the present dissertation will go forward, using the more recent works and jurisprudence which Olivieri did not have available at the time.

Given Vatican II’s teaching on marriage, the changing focus of American tribunals from canon 1095 to the more “traditional” grounds for nullity, American society’s stress on individuality, as well as a lack of understanding of permanence, and the renewed understanding of canon 1096 in its text and context as well as in relation to its predecessor canon 1082 of the 1917 *CIC*, it is our contention that ignorance can be approached anew and better utilized as a ground for nullity. The research shall address this possibility and test our hypotheses, showing how this newness could be applied.

In Chapter One, “The Concept of Ignorance in Canonical Tradition”, we begin our study with the understanding of ignorance in the classical teachings and writings of Aristotle, Augustine, Thomas Aquinas and Alphonsus Liguori, leading to its understanding in both civil and canon law, specifically in relation to juridic acts. This sets the groundwork for a study of the influence of ignorance on matrimonial consent.

In Chapter Two, “Ignorance according to Canon 1082 of the 1917 *CIC* and Jurisprudence prior to Vatican II”, we trace the development of ignorance through cases studied by the Congregation of the Council; these laid the foundation for the ground of ignorance codified in the 1917 *CIC* as canon 1082. The chapter continues with a commentary on the canon itself, referencing the various schools of thought concerning the amount of knowledge necessary for a valid marriage consent.

In Chapter Three, “Ignorance according to Canon 1096 of the 1983 *CIC*”, our focus is on canon 1096 itself, beginning with the teachings of Vatican II on marriage. We then proceed with an examination of Rotal
jurisprudence concerning ignorance, the revision process, a text and context commentary on canon 1096 and then complete this chapter by briefly tracing the development of the counterpart of canon 1096 in the CCEO, canon 819.

In Chapter Four, “Applicability of Canon 1096”, we begin by making the distinction between ignorance and other grounds of nullity, with the hope that when these differences are better understood, ignorance as a ground for nullity may be further utilized. We then take a two-pronged practical approach to the applicability of canon 1096, showing how it can be better employed in the tribunal as a ground for nullity and, using the 1995 Creighton University Study, “Marriage Preparation in the Catholic Church: Getting it Right”, how this canon and its contents can be integrated into pre-marital programs, thus possibly avoiding ignorance in the first place.

This is a broader treatment of the canon than we originally intended. Our study at first was concerned about what is new in canon 1096 in comparison to its predecessor canon 1082 of the 1917 CIC and what possibilities this newness would, if any, offer for tribunal ministry. However, in the process of our research, especially in light of a better understanding of the concept of the consortium, it was believed that more people could possibly benefit from our analysis, specifically those who actually prepare couples for marriage in the Catholic Church. Our study ends with general conclusions drawn from our research which, it is hoped, will lead not only to a more broadly based utilization of canon 1096 as a ground for nullity, but also to more discussion and study of its possible applications.
CHAPTER ONE

THE CONCEPT OF IGNORANCE IN CANONICAL TRADITION

INTRODUCTION

Ignorance, simply stated, is the lack of knowledge. However, within the theological and canonical tradition, ignorance is not simply the lack of knowledge, rather it is the lack of due knowledge. To have an appreciation of the concept of ignorance, one needs to understand what knowledge is. With this basic grasp of knowledge, ignorance can then be better discerned in light of what it is not. Rather than present a theoretical discussion concerning the essence of knowledge, it may be more practical at this point simply to lay the foundation for a basic understanding of this concept.

One definition of knowledge is “the fact or condition of being cognizant, conscious or aware of something.” Knowledge could be a posteriori, i.e., cognition acquired through experience, thus called empirical knowledge. Or, on the other hand, it could be a priori, i.e., cognition which embraces those principles inherent in human beings and is not the result of a posteriori exercises. This is referred to as pure or transcendental knowledge. A posteriori knowledge is also called sense knowledge (since what is known is received through the senses), while a priori knowledge is called intellectual knowledge (since what is known is recognized within the context of the intellect). Knowledge supposes three terms: a being (or subject) who knows, an object known and a relation determined between the being who knows and the object that is known. It is this relation which is “knowledge” properly understood, for knowledge arises through...
the activity of our human consciousness.\footnote{Brugger, \textit{Philosophical Dictionary}, p. 212.}

This fundamental appreciation of knowledge enables us to discern ignorance. Nescience is the opposite of knowledge, while ignorance, for our purposes, is the opposite of due knowledge. In other words, borrowing from the definition of knowledge as stated above, ignorance is the fact or condition of \textit{not} being cognizant, \textit{not} being conscious or \textit{not} being aware of something that a person should be.\footnote{I.R. Swoboda, \textit{Ignorance in Relation to the Imputability of Delicts: An Historical Synopsis and Commentary}, Canon Law Studies, 143, Washington, DC, The Catholic University of America Press, 1941, discusses this point on p. 115: “However, the ‘should’ must be understood in the sense of a natural perfection and not in the sense of a moral perfection or of a moral obligation. Consequently ignorance is defined as a privation of knowledge in a subject naturally capable of and constituted for knowledge. A great number of authors, in order to bring out the idea that ignorance is a privation and not a simple negation, define ignorance as the lack of knowledge which one can and should have.” Swoboda further points out on p. 115 that this definition is based upon Thomas Aquinas. See Thomas Aquinas, \textit{Summa theologicae}, IaIa, q. 76, 2.}

There is no relation, dynamic or otherwise, between the subject and the object because there is nothing to be known. Ignorance does not arise from an activity of the human consciousness, since there is nothing to engage one’s awareness. Rather, there is a void, a “black hole” so to speak. It is important to note that this understanding of ignorance presupposes the subject is capable of knowledge. For example, an insane person is improperly said to be ignorant.\footnote{Swoboda, \textit{Ignorance in Relation to the Imputability of Delicts}, p. 116.}

This will be further discussed in later chapters.

Through the ages, this basic definition of ignorance as the lack of due knowledge has been modified, enhanced, and clarified depending upon whether one was concerned with the subject who was ignorant or the object of ignorance. The explanation was further accommodated when the circumstances surrounding the object and the subject at a given point in time were considered.

In the first part of this chapter, we shall provide a brief analysis of the writings of some authors for the purpose of demonstrating the understanding of ignorance and how this awareness helped establish the canonical concept of ignorance, especially within the realm of marriage and consent. The number of writers selected had to be limited. Therefore, the authors chosen, in our opinion, have had a decisive influence upon canonists and have thus advanced the development of jurisprudence concerning the understanding of ignorance and its relation to marriage: Aristotle, Augustine of Hippo, Thomas Aquinas, and Alphonsus Liguori. In each case, we shall first present the writer’s basic concept of knowledge followed by his theory of ignorance. Both notions are interrelated and, as stated above, it is important first to understand knowledge so ignorance can then be better understood.

In the second part, we shall relate the notion of ignorance to law in general, thus laying the foundation for the relation between ignorance and marriage. Looking briefly at Roman law and then civil law, we shall see how ignorance affects a person’s responsibilities as a result of his or her actions.

In the third and final section of this chapter, we look at the juridic act, of which marriage consent is one, though \textit{sui generis}, and how ignorance may or may not have bearing on it. Thus the basis will be set for presenting ignorance and its relation to marriage, the object of this study.

\section*{I. IGNORANCE IN CLASSICAL TEACHINGS}

We begin our study with the theories of knowledge of Aristotle, Augustine, Thomas Aquinas and Alphonsus Liguori in order to understand more clearly the concept of ignorance.
a. Aristotle (384-322 BC)

Aristotle’s thought has been called a major constitutive part of Western culture since his extensive writings on logic, physics, natural history, psychology, politics, ethics and the arts have influenced countless authors and philosophers over the centuries. Aristotle considered knowledge under two general classifications: theoretical science and practical science. Ignorance can result in either instance. In his many works, he refers to ignorance at least thirty-one times, but it is in Book Six of his Topica, that he gives the basic definition of ignorance as the “privation of knowledge”.

In Book Three of his Nicomachean Ethics, Aristotle speaks of ignorance within the context of virtue, which is concerned with passions and actions. Since voluntary actions are those to which praise or blame are bestowed and involuntary actions merit “pardon, and sometimes also pity”, a distinction must be made between the two types of actions, with respect to the actual moment of action. Responsibility for one’s actions can be disclaimed, according to Aristotle, by basically two conditions: duress (compulsion) and
ignorance, which render an action as involuntary.\textsuperscript{24} Once the involuntariness of the action is established, then responsibility can be disclaimed.\textsuperscript{25} Aristotle points out that an action, done involuntarily and in ignorance, must be “painful and involve repentance”\textsuperscript{26} in order truly to be deemed involuntary.

It is not ignorance of what is to one’s advantage nor is it ignorance of the universal that deems a certain action as “involuntary”, but rather ignorance of particulars.\textsuperscript{27} Ignorance is confined to a given time and place, limited by what the person knows (or does not know) and the circumstances of the decision made. Thus, ignorance can be (1) of the thing done, (2) of the object of the act, (3) of the instrument, (4) of the result of the act, or (5) of the manner in which it was done.\textsuperscript{28} A further distinction is made between an action done in ignorance, and thus involuntarily in the classic sense as discussed here, to which the person is not held responsible, and an action done ignorantly, i.e., performed without thinking, but for whose consequences the person is still held responsible.\textsuperscript{29}

In Book Two of his \textit{Eudemian Ethics}, Aristotle elaborates once again on voluntary and involuntary actions.\textsuperscript{30} That which is performed as a result of ignorance on the part of the person, instrument or thing, is involuntary. If done involuntarily, the person is not held responsible. Here, Aristotle goes a step further and makes the distinction between the actual possession of knowledge and the use of knowledge.\textsuperscript{31} If a person possesses knowledge but does not make use of what is known in performing a certain act, that person could technically be called “ignorant”, but one must do further investigation to ascertain if that person acted without thinking (and thus was not held responsible for the action) or simply carelessly (not considering the consequences, but still nonetheless being held responsible).

Therefore, in Aristotle’s thought, if a person does not possess knowledge, he or she is in a state of ignorance. A person acting in ignorance is not held responsible for the ramifications of that action. However, for Aristotle, a further distinction must be made: whether a person is indeed in ignorance (i.e., not having the necessary knowledge as to the act and its implications), or is acting out of ignorance (having knowledge but not using it, not thinking through the action and the effects it may have and thus merely acting rashly). In this

\textsuperscript{24}Ibid., 3.1 1109b 35.

\textsuperscript{25}URMSON, ed., \textit{The Concise Encyclopaedia of Western Philosophy and Philosophers}, p. 50.


\textsuperscript{27}Ibid., 3.1 1110b 30-1111a 1: “... but the term ‘involuntary’ tends to be used not if a man is ignorant of what is to his advantage — for it is not mistaken purpose what causes involuntary action (it leads rather to wickedness), nor ignorance of the universal (for \textit{that} men are blamed), but ignorance of particulars, i.e. of the circumstances of the action and the objects with which it is concerned. For it is on these that both pity and pardon depend, since the person who is ignorant of any of these acts involuntarily.”


\textsuperscript{29}CALDERWOOD, \textit{Vocabulary of Philosophy}, p. 190. Also ROSS, \textit{The Works of Aristotle}, vol. IX, \textit{Ethica Nicomachea}, 3.1 1110b 24-25: “Acting by reason of ignorance seems also to be different from acting \textit{in} ignorance; for the man who is drunk or in a rage is thought to act as a result not of ignorance but of one of the causes mentioned, yet not knowingly but in ignorance.” See also STEWART, \textit{Notes on the Nichomachaen Ethics of Aristotle}, vol. 1, pp. 234-236.


\textsuperscript{31}Ibid., 2.9 1225b 11-15: “But since science or knowledge is of two sorts, one the possession, the other the use of knowledge, the man who has, but does not use knowledge may in a sense be justly called ignorant, but in another sense not justly, e.g. if he had not used his knowledge owing to carelessness. Similarly, one might be blamed for not having the knowledge, if it were something easy or necessary and he does not have it because of carelessness or pleasure or pain.”
latter case, a person who acts out of ignorance is held responsible for the effects of his or her action.

b. Augustine of Hippo (354-430 AD)

Augustine is one of the key figures in the transition from classical antiquity to the Middle Ages. We should recognize that his theory of knowledge was not a systematic exposition, but rather, for the most part, one developed within a context of religious ideas. It is within this framework that we consider Augustine’s view of reality. He was convinced that there were three distinct levels of beings to be known: the highest level was God; the second consisted in created spirits, angels and human souls; the third was that of bodies. These three levels, respectively, correspond to the three visions of which the soul is capable: intellectual, imaginative and corporeal. In turn, these three visions are also described as the three principal grades or forms of knowledge: sensible, rational and intellectual.

While there were three forms of knowledge, Augustine held that there were two kinds of objects that can be known: objects of the senses and objects known independently of sensory experience, the latter being perceived through the mind itself. The objects perceived directly through the mind were also perceived more clearly, since they did not need to be “filtered” through the senses. For Augustine, like Plato, the highest intellectual activity, i.e., the perception of objects on the intellectual level of knowledge, results in an illumination of the mind, a recognition of eternal truths.


34 V.J. BOURKE, *Wisdom from St. Augustine*, Houston, Center for Thomistic Studies, University of St. Thomas, 1984, pp. 53-54. The author further distinguishes that God, on the first level, is absolutely Immutable; that on the second level, these beings are immutable in place but mutable in time; while beings on the third level are mutable in both place and time.

35 “Augustine saw man as an immaterial soul, giving life and regulation to an organic body. This soul is capable of three kinds of vision: corporeal, imaginative and intellectual. The first way of seeing works through the eyes of the body: its objects are the sensible appearances (*species*) of material objects in man’s environment.... The imaginative level of vision is cogitation, an act of thinking in terms of the images formed by the soul in the lowest kind of perception.... The third kind of seeing is purely mental and imageless: by it the human soul sees non-material objects (*rationes*) that have changeless meanings” (*ibid.*, pp. 106-107). See also NASH, *The Light of the Mind*, p. 9. Simply speaking, we could say that the corporeal is seen through the eyes of the body; the imaginative is seen through the eyes of the mind; the intellectual is seen through the eyes of the soul.


37 COLLINSON, *Fifty Major Philosophers*, p. 29.

Augustine makes the distinction between wisdom (sapientia) and knowledge (scientia). Wisdom is the highest form of knowledge since it is based upon superior reason (ratio superior) which gives one a knowledge of the eternal and incorporeal, while sense knowledge, based upon inferior reason (ratio inferior) gives knowledge only of the temporal and corporeal. Since wisdom gives knowledge of the eternal and of God, and God is the highest tier of reality for Augustine, wisdom is thus the highest form of knowledge. It is the highest truth after which one is to strive. For Augustine, true knowledge is never far from faith, as can be seen in De Trinitate. Faith becomes a prerequisite for knowledge but remains, nonetheless, inferior to it.

Since knowledge is always understood within a context of faith, so too must ignorance be understood. In a sense, ignorance is not knowing where wisdom lies, resulting from the primal fall from divine favor.

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39 MOURANT, Introduction to the Philosophy of Augustine, p. 20. See also BOURKE, Wisdom from St. Augustine, pp. 54-55. Augustine more thoroughly discusses this distinction in De Trinitate, Books XII through XIV.

40 NASH, The Light of the Mind, pp. 7-9, offers various examples which clarify Augustine’s understanding of the difference between wisdom and knowledge. For further elaboration, see MONDIN, Il pensiero di Agostino, pp. 132-133.

41 MOURANT, Introduction to the Philosophy of Augustine, p. 20.


44 In De Trinitate, Book IX, Chapter 1: “For a certain faith is in some way the beginning of knowledge, but a certain knowledge will only be perfected after this life when we shall see face to face” (A. AUGUSTINUS, The Trinity, S. McKENNA, trans., Washington, DC, Catholic University of America Press, 1963, The Fathers of the Church, vol. 45, The Writings of Saint Augustine, p. 270).

45 As Augustine states in De libero arbitrio, Book I, Chapter 2, 4, 11: “For God will aid us and will make us understand what we believe. This is the course prescribed by the prophet who says, ‘Unless you believe, you shall not understand,’” and we are aware that we consider this course good for us” (A. AUGUSTINUS, De libero arbitrio, [ = BENJAMIN, On Free Choice], A.S. BENJAMIN and L.H. HACKSTAFF, trans., Indianapolis, Bobbs-Merril, 1964, p. 5).

46 “Ademit enim deus et nos intelligere quod credidimus faciet. Praescriptum enim per prophetam gradum, qui ait: Nisi credideritis, non intellegetis, tenere nos bene nobis conscii sumus” (A. AUGUSTINUS, De libero arbitrio, [ = GREEN, De libero arbitrio], W.M. GREEN, ed., Turnholti, Typographi Brepols, 1968, Corpus christianorum, Series latina, vol. 50, pp. 292-293).

47 J. WETZEL, Augustine and the Limits of Virtue, Cambridge, Cambridge University Press, 1992, pp. 79-80. This is clearly seen in De libero arbitrio, Book III, Chapter 20, 55, 186: “God, the highest Ruler of the universe, justly decreed that we, who are descended from that first union, should be born into ignorance and difficulty, and be subjected to death, because they sinned and were hurled headlong into the midst of error, difficulty, and death” (BENJAMIN, On Free Choice, p. 130).

48 “Ut autem de illo primo coniugio et cum ignorantia et cum difficultate et cum mortalitate nascamur, quoniam illi cum peccavissent et in errorem et in erumenam et in mortem praecipitati sunt” (GREEN, De libero arbitrio, p. 307).
Ignorance is understood within the context of sin.\textsuperscript{48} It is not only a lacking of knowledge, but, given the ramifications of the fall, it can be understood as a deprivation of knowledge. Ignorance, as a deprivation, prevents a person from fully grasping what should be known in order to live a life in harmony with God, which is the highest good to be achieved. This can be seen in Augustine’s discussion of ignorance in Book III of \textit{De libero arbitrio}, when in Chapter 18 he writes: “We should not be amazed that, because of his ignorance, man has not free choice of will to choose what he should rightly do.”\textsuperscript{49}

Yet, for Augustine, ignorance has its merits. Even though ignorance and difficulty were the lot into which humanity is born, the soul, which for Augustine is on a higher level than the corporeal, seeks after God and God will help the soul not only to overcome ignorance and difficulty, but will use them as encouragement.\textsuperscript{50} Because a person is born into ignorance, one is not condemned to remain in that state.\textsuperscript{51} Rather, since each person is called to happiness and because ignorance prevents one from attaining happiness, ignorance can be overcome by the grace of God.

Therefore, for Augustine, as a result of the fall from divine favor, humanity is born into sin. It is within this imperfect world that one seeks knowledge. Ignorance, a result of sin, prevents a person from achieving knowledge while at the same time gives encouragement for the soul to seek God. Ignorance is not merely a lack of knowledge; rather, since Augustine sees the world within the context of faith, ignorance is a deprivation of knowledge. While ignorance (as well as difficulty) may prevent a person from doing what is honorable,\textsuperscript{52} it is a condition into which one is born. This is not necessarily an eternal situation, since ignorance can be overcome through the grace of God\textsuperscript{53} if one is willing to strive to do so. On the corporeal

\textsuperscript{48}This is seen in \textit{De libero arbitrio}, Book III, Chapter 20, 56, 189: “When the sinful soul comes upon ignorance and difficulty, it is right to say that this is a punishment, since before this punishment the soul was better” (BENJAMIN, \textit{On Free Choice}, p. 131).

\textit{“Nam cum ad ignorantiam difficultatemque pervenerit illa peccatrix, ideo poena recte dicitur quia melior ante poenam fuit”} (GREEN, \textit{De libero arbitrio}, p. 307).

\textsuperscript{49}BENJAMIN and HACKSTAFF, Book III, Chapter 18, 52, 177, p. 128. “Nec mirandum est quod vel ignorando non habet arbitrium liberum voluntatis ad eligendum quod recte faciat” (GREEN, \textit{De libero arbitrio}, p. 305).

\textsuperscript{50}In \textit{De libero arbitrio}, Book III, Chapter 20, 56, 190-191: “The soul is not a mere intermediate good, not only because it is a soul and by its very nature surpasses every corporeal object, but also because it has means of educating itself with the help of its Creator and can, by pious zeal, acquire and possess all the virtues through which it can be freed of torturous difficulty and blinding ignorance. If this is the case, ignorance and difficulty will not be the punishment of sin for souls as they were born, but will be the encouragement for advancement and the beginning of perfection” (BENJAMIN, \textit{On Free Choice}, p. 131).

\textit{“Non enim mediocria bona sunt non solum quod anima est, qua natura iam corpus omne praecedit, sed etiam quod facultatem habet ut adiuvante creatore se ipsam excolat et pio studio possit omnes adquirere et capere virtutes per quas et a difficiultate cruciante et ab ignorantia caecante liberetur. Quod si ita est, non erit nascentibus animis ignorantia et difficultas supplicium peccati, sed proficiendi admonitio et perfectionis exordium”} (GREEN, \textit{De libero arbitrio}, p. 308).

\textsuperscript{51}For although it was born in ignorance and difficulty, nevertheless it is not compelled by necessity to remain in the state in which it was born” (BENJAMIN, \textit{On Free Choice}, Book III, Chapter 20, 56, 192, pp. 131-132).

\textit{“Quamquam enim in ignorantia et difficultate nata sit, non tamen ad permanendum in eo quod nata est aliquia necessitate conpimitur”} (GREEN, \textit{De libero arbitrio}, p. 308).


\textsuperscript{53}This is clearly seen in \textit{De libero arbitrio}, Book III, Chapter 20, 58, 199: “He has arranged that, when those who are zealous and of good will overcome ignorance and difficulty, they merit a crown of glory. Yet when they are remiss and wish to defend their sins on the ground of weakness, He does not impose ignorance and difficulty as a penalty for crime. Instead, He justly punishes them because they desire to remain in ignorance and difficulty, and because they are unwilling to arrive at truth and peace through zealously seeking and learning, and humbly confessing and praying” (BENJAMIN, \textit{On Free Choice}, p. 133).
or sensory level, simply stated, a person who knows something is no longer in the state of ignorance.

c. Thomas Aquinas (1225-1274)

Aristotle saw nature as existing apart from God. Augustine, however, repudiated this idea and emphasized that nature could not be nature apart from God. It was the Angelic Doctor, Thomas Aquinas, who brought the two positions together. His metaphysical exposition clarified existence as coming from God but not being defined by the fact. Thus, when this was acknowledged, the possibility for change became infinite. This gives humanity a dynamic existence in relation to the Absolute as well as an openness to knowledge. It was by such a synthesis of Aristotle and Augustine that Thomas Aquinas was largely responsible for the incorporation of Aristotelian philosophy not only into Christian doctrine, but also into Western culture as well.

Thomas Aquinas, like Augustine, does not present a definitive theory of knowledge, although the topic is treated in depth in various works. Since Thomas saw humanity as something dynamic, it is no surprise that he saw knowledge as a human activity. Since there is activity, there is a relationship between the subject (the one who knows) and the object (the one or thing known). Thomas Aquinas tells us: “All cognition takes place through an assimilation of the knower to the known.” The subject (the “knower”) is related to the object (the “known”) through the act of knowing. Since the subject has a relationship with the object, the subject is affected by what he or she has come to understand through knowledge. How a person acts or how one relates to another is based upon what that person knows about the object with which he or she interacts.

“Hanc enim ignorantiam et difficultatem studiosis et benevolis evincendam ad coronam gloriae valere praestaret, neglegentibus autem et peccata sua de infirmitate defendere volentibus non ipsam ignorantiam difficultatemque pro crimine obiceret, sed, quia in eis potius permanere quam studio quaerendi atque discendi et humilitate confitendi atque orandi ad veritatem ac facilitatem pervenire voluerunt, iusto supplicio vindicaret” (GREEN, De libero arbitrio, p. 309).


55COLLINSON, Fifty Major Philosophers, p. 33.


57For example, Summa contra Gentiles, Book 3; Summa theologicae, 1a, 84-89; and De veritate, especially q. 8, 5 and 6, which discuss human as well as angelic knowledge.

58VAN STEENBERGHEN, Épistémologie, p. 59: “La connaissance est une activité humaine.”


60BURRELL, Aquinas; God and Action, p. 148.

61Ibid., pp.148-150.
For Thomas Aquinas, knowledge first depends upon sense experience. However, it is not limited to sensory experience since such encounters do not give one intellectual knowledge of those things which have been encountered. Rather, while knowledge takes its rise from the sensory level, the intellect comes to understand or think of things by extracting data and then assembling it into knowledge. It is in the intellect that one comes to knowledge. Thomas Aquinas lists three levels of cognitive faculties through which objects are known: sense, human and angelic. This hierarchy corresponds to the three levels of Augustine: sensible, rational and intellectual.

For Thomas Aquinas, it is the soul which gives the body life as well as giving the ultimate motive to understanding and it is knowledge that leads the soul to understanding. Therefore, just as health is important for the body, so too knowledge is important for the soul. This is significant because the whole world is


63Davies, The Thought of Thomas Aquinas, p. 125. See also Thomas Aquinas, De veritate, vol. 1, 6th ed., Taurini, 1931, p. 175

64Davies, The Thought of Thomas Aquinas, p. 125.

65Summa theologiae Ia, q. 85, 1: “Dicendum quod, sicut supra dictum est, objectum cognoscibile proportionatur virtuti cognoscitivae. Est autem triplex gradus cognoscitivae virtutis. Quaedam enim cognoscitiva virtus est actus organi corporalis, scilicet sensus.... Quaedam autem virtus cognoscitiva est quae neque est actus organi corporalis, neque est aliquo modo corporalis materiae conjuncta, sicut intellectus angelicus.... Intellectus autem humanus medio modo se habet: non enim est actus alicuius organi, sed tamen est quaedam virtus animae, quae est forma corporis, ut ex supra dictis patet” (Thomas Aquinas, Summa theologiae, vol. 12, Human Intelligence [= Durbin, Human Intelligence], Latin text, English translation, P.T. Durbin, Cambridge, Blackfriars in conjunction with Eyre & Spottiswoode, London, 1968, p. 50). All Latin and English texts are taken from this edition, with the volume and its title indicated.

“As was said earlier, knowable objects are proportioned to knowing faculties, and there are three levels of such faculties. First, one kind of cognitive faculty is the form of a corporeal organ: such is sense.... A second kind of cognitive faculty is neither the form of a corporeal organ nor in any way joined to corporeal matter; such is an angel’s intellect.... The human intellect stands in the middle. It is not the form of an organ, although it is a faculty of the soul which is the form of a body, as is clear from what was said earlier” (Durbin, vol. 12, Human Intelligence, p. 51).

66Summa theologiae Ia, q. 76, 1: “Manifestum est autem quod primum quo corpus vivit est anima. Et cum vita manifestetur secundum diversas operationes in diversis gradibus viventium, id quo primo operamur unumquodque operum vitae est anima; anima enim est primum quo nutrimur et sentimus et movemur secundum locum, et similiter quo primo intelligimus. Hoc ergo principium quo primo intelligimus, sive dictatur intellectus sive anima intellectiva, est forma corporis” (Durbin, vol. 11, Man, p. 42).

“Now it is obvious that the soul is the prime endowment by virtue of which a body has life. Life manifests its presence through different activities at different levels, but the soul is the ultimate principle by which we conduct every one of life’s activities; the soul is the ultimate motive factor behind nutrition, sensation and movement from place to place, and the same holds true of the act of understanding. So that this prime factor in intellectual activity, whether we call it mind or intellectual soul, is the formative principle of the body” (ibid., p. 43).

67Summa theologiae Ia, q. 76, 1: “Dicendum quod necesse est dicere quod intellectus, qui est intellectualis operationis principium, sit humani corporis forma. Illud enim quo primo aliquid operatur est forma ejus cui operatio attribuitur, sicut quo primo sanatur corpus est sanitas, et quo primo scit anima est scientia — unde sanitas est forma corporis et scientia animae” (Durbin, vol. 11, Man, p. 40).

“The intellect, as the source of intellectual activity, is the form of the human body. For the prime endowment by virtue of which anything acts is the form of that to which the activity is attributed, as health is the prime endowment by virtue of which the body is made healthy, and knowledge is the prime endowment by which the soul knows, and health, therefore, is the form of the body and knowledge of the soul” (ibid., p. 41).
potentially intelligible, and as one grows in understanding, one becomes more aware of the potential for infinite change, which is an on-going, dynamic reality.

What about ignorance? For Thomas Aquinas, ignorance is the privation of knowledge, the definition most commonly accepted for ignorance and which one finds in the dictionary. He discusses the issue of ignorance in depth in Question 76 of the *Summa theologiae*. Here he addresses four points of inquiry, all within the context of sin: (1) does ignorance cause sin; (2) is ignorance sinful; (3) does ignorance excuse us completely from sin; and (4) does ignorance lessen sin? Thomas Aquinas approaches these questions from two viewpoints, one which says “never” and one which says “always”, and responds clearly and distinctly that there are no absolute answers to these questions, although within the framework of sin, his conclusions give us insight into the human intellect and a basis upon which to judge the ramifications of ignorance.

In article 1, “Does ignorance cause sin?”, Thomas Aquinas addresses Augustine’s contention that ignorance can cause some sin. He concludes by agreeing with Augustine that ignorance can cause some sin, but uses the Aristotelian distinctions of direct and indirect causes: he states that what is not cannot be the direct cause of what is, but it can be the indirect cause, e.g., as removing an impediment. So, a person cannot willfully do something sinful if he or she does not know it, but, by being ignorant, the person can indirectly do something sinful.

In article 2, “Is ignorance sinful?”, Thomas Aquinas first distinguishes between ignorance and nescience (not-knowing): anyone who lacks knowledge would be called nescient, but ignorance implies a lack of knowledge that one ought to have. Without this necessary knowledge that one is to have, the person is unable to fulfill his or her duties. This is not a question of capacity or ability to know; rather, it is a question of opportunity: one is capable of knowing, but does not. This is different from not knowing because one is unable to comprehend.

Beginning with the premise that people are capable of knowing, Thomas Aquinas then states that all people are to know basic truths and the general principles of right and wrong as well as specific knowledge pertaining to one’s station in life. If a person does not have specific knowledge and fails to accomplish

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69*Summa theologiae*, IaIIae, q. 76, 1: “Sed ignorantia est non ens, cum sit privatio quaedam scientiae” (DURBIN, vol. 25, *Sin*, p. 142).

70*Summa theologiae*, IaIIae, q. 76: *de causa peccati ex parte rationis*. Thomas Aquinas also discusses the effect of ignorance upon voluntary and involuntary acts in IaIIae, q. 6, 8.


72*Summa theologiae*, IaIIae, q. 76, 1: “Sed voluntas non fertur nisi in aliquod cognitum: quia bonum apprehensum est objectum voluntatis.” (DURBIN, vol. 25, *Sin*, p. 142). This axiom of Thomas Aquinas will be discussed at greater length in Chapter Two of this dissertation.

73See *Summa theologiae*, IaIIae, q. 76, 1 for the complete discussion.

74*Summa theologiae*, IaIIae, q. 76, 2: “Dicendum quod ignorantia in hoc a nescientia differt, quod nescientia dicit simplicem scientiae negationem, unde cuicumque deest alicuorum rerum scientia potest dici nescire illas... Ignorantia vero importat scientiae privationem, dum scilicet alicui deest scientia eorum quae aptus natus est scire.” (DURBIN, vol. 25, *Sin*, p. 146).