



The *Substratum* Strategy

Abstract This chapter discusses a second rival strategy to ours for interpreting the Scriptures. It is based on the distinction between the *substratum* of a sinful action and the formal, sinful aspect of such an action. The distinction is somewhat similar to the legal distinction between *actus reus* (e.g. the physical act of killing) and *mens rea* (e.g. the intention to kill), but is broader, since the *substratum* includes all the non-moral properties of the action, including mental properties. The strategy is intended by our opponents to work as follows: where we think that the Scriptures teach that God intends that sin occur, the rival strategy holds that God intends that the *substratum*, but not that the formal, sinful aspect, of the action occur.

Keywords *Mens rea* • *Actus reus* • Matter and form • *Substratum* • Protestant thought

4.1 THE *MENS REA* AND THE *ACTUS REUS*

At law, a crime is a complex thing, in most cases consisting of two parts,¹ an *actus reus*, the bodily event or physical happening (which could be an omission), and the *mens rea*, the ‘guilty mind’, the internal criminal

¹We here ignore offences of ‘strict liability’, such as exceeding the speed limit, where *mens rea* is not legally relevant: it does not matter whether you intended to exceed the speed limit.

intention or psychological attitude that informs or underlies the external, physical action. One and the same *actus reus* can occur in different contexts, in one case without the *mens rea*, and in another case with it. For example, suppose a person *A* kills another person *B*. This killing forms the *actus reus* for the crime of murder, but in order for *A* to have murdered *B*, *A* needs to have had in addition a certain *mens rea*, intention to kill or commit grievous bodily harm. If *A* killed *B* by accident, then this means that the *mens rea* is absent, and so murder was not committed.

In a similar way, a sin has often been held to be a complex thing. One way in which this is frequently explained is similar to the case of crimes: most physical sins have been held to involve an *actus reus* and a *mens rea*. For example, the sin of murder has traditionally been analysed similarly to the crime of murder: if *A* kills *B*, *A* will have committed the sin of murder only if *A* also had the *mens rea* of the sin of murder—an accidental killing does not qualify as the sin of murder (though it may be an instance of the sin of negligence). In fact, this way, though common and natural, is not the one on which we wish to concentrate here.

4.2 THE MATERIAL/FORMAL DISTINCTION

The way on which we wish to concentrate holds that a sin is a complex thing in being composed of a so-called material element and a so-called formal element. The terms chosen in the tradition reflect the Aristotelian analysis of physical things into matter and form, for example how human beings are, according to Aristotle and his followers, composed of a body (matter) and a soul (form). These terms might sound as though they apply only to physical sins like murder, and not to mental sins like lust, but, in fact, the tradition in view here identifies a complexity in *every* sin, and thinks of the material element, also known as the substance or ‘*substratum*’, as being an underlying action, either mental or physical, and the formal element as being the moral property in virtue of which the whole is a *sinful* action.

4.3 THE *SUBSTRATUM* ANALYSIS IN AUGUSTINE AND AQUINAS

This tradition takes as its point of departure the definition of ‘sin’ put forward by Augustine of Hippo (354–430 AD):

Sin, then, is any transgression in deed, or word, or desire, of the eternal law. (Augustine 1887: 283)

Thomas Aquinas (1225–1274) comments as follows on this definition:

Augustine (*Contra Faust.* xxii, 27) includes two things in the definition of sin; one, pertaining to the substance of a human act, and which is the matter, so to speak, of sin, when he says ‘word’, ‘deed’, or ‘desire’; the other, pertaining to the nature of evil, and which is the form, as it were, of sin, when he says, ‘contrary to the eternal law’. (Aquinas 1920: IaIIae. Q71.a6.sc)

It is to be noted that the *substratum* is much broader than the *actus reus*: it includes the whole of the action apart from the moral property of sinfulness. So, in the case of murder, it would include the intention to kill (or, perhaps, to do grievous bodily harm) as well as the physical act of killing. It would not include, however, the *wrongness* of the act of murder; that would be the formal element.

4.4 THE *SUBSTRATUM* ANALYSIS IN THE PROTESTANT TRADITION

It is not surprising that Aquinas’s analysis was continued by the Roman-Catholic tradition, but it was also taken up by the Protestant scholastic tradition too. For example, seventeenth-century Reformed scholastic Gisbertius Voetius (1589–1676) describes sin as a ‘complex matter (*complexum*)’ consisting of the following:

1. the act that is the substratum in which the lawlessness inheres;
2. the lawlessness itself or moral vice that inheres in this act. *Selectae disputationes theologicae* I: 1132, quoted and translated in (Goudriaan 2006: 189)

Jerome Zanchius (1516–1590) had earlier endorsed the distinction, as relayed by Augustus Montague Toplady (1740–1778), his English editor and translator:

we can easily conceive of an action, purely as such, without adverting to the quality of it, so that the distinction between an action itself and its denomination of good or evil is very obvious and natural. (Zanchius 2001: 32)

Jacobus Arminius (1560–1609), although an opponent of Zanchius’s doctrine of predestination, employs on occasion the same distinction:²

in sin, not it alone but the act also, blended with it, is to be considered, as in sin there is the transgression of the law, and the act, that is the act, simply as such, and the act, as forbidden or prescribed, the omission of which pre-script is sin. (Arminius 1853: 430–431)

Among the British Puritans, Stephen Charnock (1628–1680) also makes use of the distinction:

an act, as an act, is one thing, and the viciousness another. [...] [T]he sinfulness of an act consists in [...] a want of conformity of the act with the law of God [...] the sinfulness of an action is not the act itself, but is considered in it as it is related to the law, and is a deviation from it; and so it is something cleaving to the action, and therefore to be distinguished from the act itself, which is the subject of the sinfulness. (Charnock 1853: II.158)

4.5 THE *SUBSTRATUM* STRATEGY AND THE DIVINE WILL

The relevance of all this is that our opponent may employ the following procedure: for any apparent instance of God’s intending that a sin occur, they may respond that, strictly speaking, God didn’t intend that the sin itself occur—that was only a foreseen consequence—but actually intended only that the *substratum* of the sin occur. The thought here isn’t that God intended that *only the substratum occur*, that is, that the bare *substratum* occur without any sinful aspect pertaining to it; we mean our opponent’s suggestion here to be that God had *no intention with respect to the formal aspect of the sin*, either that it should occur or that it should not occur (‘either to will or to nill’, as the older texts put it). We return to this below.

4.6 THE *SUBSTRATUM* STRATEGY IN AQUINAS

For Aquinas and a fair few others in the scholastic tradition, the distinction between the *substratum*, the material element, on the one hand, and the formal element of human beings’ actions, on the other, is crucial to their theories of divine providence: it permits them to hold that God is the

²Arminius does not think that the distinction holds for every action (Arminius 1853: 445–448).

cause of all things, while denying that he is the cause of sin. For God, on this suggestion, causes only the matter, the *substratum*, of a sinful act, not the formal aspect by virtue of which it is sinful. The formal aspect is a privation, a negation, and so not something that can, the scholastics thought, be itself an object of causation.

Hence, Aquinas writes:

God is said to be the cause of a given action insofar as it is an action, and not insofar as it is deformed; not in such a way that he does the action separately from the deformity, but in such a way that he does that which is of the action in the action-together-with-its-deformity, and he does not do that which is of the deformity: since even though in a given effect many things are inseparably conjoined, it is not fitting that whatever is its cause in one aspect, should also be its cause in another aspect. (Aquinas 1856: II.d37. Q2.A2.ad 5)³

Elsewhere, he states:

we trace what regards the activity of those with the power of free choice to God as the cause, while only free choice, not God, causes what regards the deordination or deformity of those with the power of free choice. And that is why we say that acts of sin come from God, but that sin does not. (Aquinas 2001: 239)

4.7 THE SUBSTRATUM STRATEGY IN THE PROTESTANT TRADITION

In the Protestant tradition, the strategy has been used by both Lutherans and Calvinists. On the Lutheran side, David Hollaz (1646–1713) writes about God's involvement in

support of the nature acting wickedly, concurrence with the remote material of a vicious action, permission of the *ataxia* adhering to the sinful action, limiting determination of the sin. (David Hollaz, *Examen Theologicum Acroamaticum* (1707), quoted and translated in Schmid 1899: 193)

³'Deus dicitur esse causa illius actionis in quantum est actio, et non in quantum est deformis; non hoc modo quod actionem faciat a deformitate separata, sed quia in actione deformitati conjuncta hoc quod est actionis, facit, et quod deformitatis, non facit: etsi enim in aliquo effectu plura inseparabiliter conjuncta sint, non oportet ut quidquid est causa ejus quantum ad unum, sit causa ejus quantum ad alterum.' The translation is ours.

The word ‘material’ here refers to the *substratum*, and the word ‘*ataxia*’ refers to the formal element of the sin.

On the Calvinistic side, Francis Turretin (1623–1687) writes:

three things must be accurately distinguished in sin: (1) the entity itself of the act which has the relation of material; (2) the disorder (*ataxia*) and wickedness joined with it (or its concomitant) which puts on the notion of the formal; (3) the consequent judgment called the adjunct. God is occupied in different ways about these. As to the first, since an act as such is always good as to its entity, God concurs to it effectually and physically, not only by conserving the nature, but by exciting its motions and actions by a physical motion, as being good naturally (in which sense we are said ‘to live, move and have our being in him,’ Acts 17:28). [...]

IV. As to the second, which is the lawlessness (*anomia*) itself, God can be called neither its physical cause (because he neither inspires nor infuses nor does it) nor its ethical cause (because he neither commands nor approves and persuades, but more severely forbids and punishes it). [...] But yet sin ought not to be removed from the providence of God, for it falls under it in many ways as to its beginning, progress and end. As to its beginning, he freely permits it; as to its progress, he wisely directs it; as to its end, he powerfully terminates and brings it to a good end. These are the three degrees of providence about sin of which we must speak. (Turretin 1992: I.515–516)

Gisbertius Voetius, whom we have already quoted, says:

The natural act as such [...] God wills and decrees in a direct way; the vice He does not will but the permission of the vice. (Gisbertus Voetius, *Thersites heautontimorumenos*, quoted and translated in Goudriaan 2006: 191)

We have also already quoted Stephen Charnock. He gestures towards the strategy in question when he says:

The will of God is in some sort concurrent with sin. He doth not properly will it, but he wills not to hinder it [...] Though the natural virtue of doing a sinful action be from God, and supported by him, yet this doth not blemish the holiness of God; [...] God may concur with the substance of an act, without concurring with the sinfulness of the act [...] God assists in that action of a man wherein sin is placed, but not in that which is the formal reason of sin. (Charnock 1853: II.147, 157, 159)

The thrust of the *substratum* strategy is summarised by Heinrich Heppé (1820–1879) thus:

That God is not therefore the originator of sin becomes clear, if in the sinful act the act in and for itself, the material element in it, the physical action, and the formal element, the sinful outlook which man adopts in it are rightly distinguished. To the act in and for itself, i. e. to that which is the physical basis of man's sinful attitude man is literally driven by God. On the other hand the sinfulness of the mind proceeds [...] exclusively from man's own will. (Heppé 2007: §31, 276)

4.8 OPPOSITION TO THE *SUBSTRATUM* STRATEGY

Not all have been fans of the *substratum* strategy. Duns Scotus (1265/1266–1308) writes:

there is proof that God cannot be cause of an act that is the substrate of sin: Because then he would act against his own prohibition; for he prohibited Adam from eating [of the tree of the knowledge of good and evil, Genesis 2.17]—nor was there anything disordered in that act save that it was prohibited; therefore if God had caused that positive act [sc. of eating by Adam], he would have done it immediately against his own prohibition, which seems to have been a thing of duplicity. (Scotus 2016: II.269)

Duns Scotus here argues that God's holiness prevents him from causing the *substratum* just as it prevents him from causing the formal element.

Another opponent of the use of the strategy was G. W. Leibniz (1646–1716), who, in his 1673 manuscript 'the Author of Sin', wrote:

the famous distinction between the physical aspect and the moral aspect of sin was introduced, a distinction that has been abused somewhat, although it is good in and of itself. [...] Where then is this moral aspect of sin of which so much is said? Perhaps it will be said that it consists in anomie, as holy Scripture calls it, or in the lack of conformity of the action with respect to the law, which is a pure privation. I agree with that, but I do not see what it contributes to the clarification of our question. [...] I am going to make it clear by an example. A painter creates two paintings, one of which is large so that it may be used as a model for a tapestry, while the other is only a miniature. Consider the miniature. Let us say that there are only two things to consider with respect to it, first its positive and real aspect, which is the table, the background, the colors, the lines; and then its privative aspect, which is

the disproportion with respect to the large painting, in other words, its smallness. Now it would be a joke to say that the painter is the author of everything that is real in the two paintings without, nevertheless, being the author of the privative aspect, i. e., the disproportion between the large one and the small one. For by the same line of reasoning, or rather by stronger reasoning, it could be said that a painter can be the author of a copy, or of a portrait, without being the author of the disproportion between the copy and the original, i. e., without being the author of this fault. For, in fact, the privation is nothing but a simple result or infallible consequence of the positive aspect, without requiring a separate author. I am amazed that these people did not go further and try to persuade us that man himself is not the author of sin, since he is only the author of the physical or real aspect, the privation being something for which there is no author. (Leibniz 2001: 111–113)

It should be noted before we move on that some have taken up Leibniz's challenge, and assert that sin has no author at all. John 'Rabbi' Duncan (1796–1870) is one:

I cannot get out of the meshes of Augustinianism on the privative nature of sin. Evil is a defect, just as death is a privation. [...] God is not the author of sin, because sin has no author. (Knight 1879: 3)

4.9 THE *SUBSTRATUM* STRATEGY IN SCRIPTURAL INTERPRETATION

At any rate, the *substratum* strategy would be deployed against us as follows: whenever we say of a certain sin that God is described in the Scriptures as intending that it occur, let us suppose instead that God intended only that the *substratum* of the named sin should occur, and, although he intended to permit that the formal element by which it is constituted a sin in its particular context should occur, he did not intend that that formal element occur. Because the *substratum* is not evil, and because permission of evil is also not necessarily evil, it is less problematic to suppose that God intended that *they* occur.⁴

⁴ Obviously, it is only *less* problematic, not *un*problematic.

To make matters clear, recall our schemata (P) and (Q):

(P) God chooses to bring it about that [a sin] occur in order that [a state of affairs] should obtain.

(Q) God brings it about that [a state of affairs] obtain in order that [a sin] should occur.

The *substratum* strategist tries to avoid the implication from propositions satisfying (P) to the proposition that God intends that sin occur by suggesting a proposition of the following sort as an equally adequate derivation from the Scriptures:

(Z) God brings it about that [a *substratum*] occurs, and permits a sin, in order that [a state of affairs] should obtain.

It is this sort of interpretive strategy that Aquinas and the Reformed scholastics (including Arminius) employed to avoid the suggestion that the Scriptures (on account of the various verses we will go on to discuss) imply that God wills that sinful acts occur—God wills merely the substratum, not the formal, sinful aspect of those acts.

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