Worcester F 80 Distinctiones

96 Judgment. In whatever (*Iudicium in quolibet*)

Judgment. In any kind of judicial tribunal there is a triple distinction of persons, namely, superiors and prefects who justly have the tribunal, govern concerning customs and proceedings, who justly have the patronage, and support the tribunal. Inferiors and subjects who justly have the duty of obedience, support the tribunal.

¶ Purity of conscience is especially required in the judge who holds the place of God on earth and exercises that office which is not given to the angels who, although they are read to be assessors or executors of divine judgments, however they are not judges according to [1] Thes. [4:17] upon the fourth book of the *Sentences*, Dist. 47.[[1]](#endnote-1) A judge ought to judge equally, not according to nobility of birth, nor according to alliance of an agreement, nor according to riches and honors, nor because of delights or favors ought he decline [from the right]. But as he sits in the middle, thus he ought to be equal between the parts, [Causa] 11, quest. 3, c. *Quatuor*.[[2]](#endnote-2) For by four ways human law is perverted: by fear, cupidity, hate, and love. The false advocates hear this. Do they not deceive the judgment of the Lord, Job 12[:16]: “He knows both the deceiver, and him that is deceived,” and he will judge. The tyrants oppressing others hear this. Do they not violently oppress him, Wis. 6[:8]: “Neither will he stand in awe of any man’s greatness.” The rich hear this. Do they not corrupt him with gifts, Prov. 6[:35]: “Nor will he accept for satisfaction ever so many gifts.”

¶ Therefor the judgment of God is to be upheld because however much mercy now so much then will be the justice. For now, as a sign of clemency the heavenly rainbow is shown to us, Gen. 9[:13]: “I will set my bow in the clouds, and it shall be the sign between,” etc. But according to the saints before the judgment for many years it will not be seen as a sign of justice to be exercised. Wherefore it is concerning God just as concerning the sun. For the sun passes from Leo into Virgo, from Virgo into Libra. In the sign of Leo which is ferocious so was God before the incarnation where at the time of the law a man was killed for “gathering sticks on the sabbath day,” Num. 15[:32]. But after the incarnation it passed into Virgo and was made more disposed to mercy. For after he said the soul which had sinned would be warned by this, Ezech. 32[:11]:

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Afterward he said, “I desire not the death of the wicked, but that the wicked turn from his way and live.” Behold when our lion is chastised in the way which a lion is accustomed to being chastised for striking a cub. The cub, that is, man, is beaten much for the sin of our first parents. When the lion growing hair, God not only grows gentle to the striking of the cub, but the cub himself is pleased that he be beaten for us and thus grows gentler by dismissing the adulterous woman without punishment, John 8[:3-11]. But he finally passes into Libra when with the greatest exactitude he examines our thoughts and works, Isai. 28[:17]: “I will set judgment in weight, and justice in measure.” Wherefore Gregory, book 8,[[3]](#endnote-3) thus God considers our way, as he reduces our steps and our smallest blows which among us wound by sight, by his unexamined judgment they may not remain. Behold what God says existing in Libra, Deut. 32[:23]: “I will heap evils upon them and will spend my arrows among them.” Wherefore it is said that God slings at sinners three arrows sufficiently sharp. Of which, the first arrow will be the calling [to judgment]. The second is the debate. The third is determination.

¶ The first is hurled when it is said, Arise, come to the judgment, about which John 5[:28]: “All that are in the graves shall hear the voice of the Son of God.” Jerome[[4]](#endnote-4) seemed to sense this when he said, Whether I eat or drink or do anything else, it seems to me [to resound] in my ears, Arise you dead, come to your judgment. O how terrible will that voice be to the evil, Prov. 19[:12]: “As the roaring of a lion, so also,” etc.

¶ The nature of the lion is that it terrifies the other beasts by its roar, but it brings to life its own cubs. So, in judgment Christ will terrify the bestial men, but his own he will comfort. Wherefore it follows “And his cheerfulness of the king as the dew upon the grass.” and this as far as the elect. Note that in the descent of the dew the shells open so that they might receive the dew by which they are nourished. So, in calling to judgment the hearts of the elect open for joy and life concerning the rest which they will receive with Christ. Then the evil seek to hide, but they cannot, Isai. 2[:19]: “They shall go into the holes of rocks, and into the caves of the earth from the face of the fear of the Lord,” etc.

¶ The second arrow will be the debate when that will be said of the sinners, Matt. 25[:42]: “I was hungry, and you gave me not to eat,” etc. The works of mercy will be recited in, Joel

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3[:2]: “I will gather together all nations and will bring them down into the valley of Josaphat: and I will plead with them there.” Therefore, how will the sinner stand when he will see himself accused, the judge angered, and the trespass witnessed. The heavens and earth shall accuse him, Job 20[:27-28]: “The heavens shall reveal his iniquity, and the earth shall rise up against him. The offspring of his house shall be exposed,” and whatever was in his conscience. And Wis. [5:21]: “The whole world shall fight with him against the unwise.” If therefore when Christ said to the formless servant, “I am he,” John 18[:6] the incomers fell down backwards as it will be terrible in judging, Job 26[:14]: “Seeing we have heard scarce a little drop of his word,” namely, his admonishing, “who shall be able to behold the thunder of his greatness?” as if saying, How intolerable will be this debate, Apo. 6[:16]: “And they say to the mountains and the rocks: Fall upon us and hide us from the face of him that sits upon the throne.”

¶ Also there will be then a witness to the fault from one’s own conscience. Nothing can be better to testify than that which is above and within us, such is conscience. Wherefore Augustine,[[5]](#endnote-5) to what place will I flee, etc. Fear stirs up guilt, conscience confounds thoughts, they make a noise, they are not permitted to flee.

¶ The third arrow will be the decision when that will be said, Matt. 25[:41]: “Depart from me, you cursed, into everlasting fire,” etc., about which fire Job [24:19]: “Let them pass from the snow waters to excessive heat.” Wherefore some saint says, O how cruel will those eyes be that pour out so many tears as the ocean has drops of water. But why so much water, they do not extinguish the tears, as Augustine says,[[6]](#endnote-6) As much as material fire differs from cleansing fire, so much infernal fire differs from natural. Of which there is so much violence that if into it would flow the whole universe of waters it would not extinguish it a bit. Fire generates smoke, smoke provokes tears, tears strengthen the fire, so because it cannot be extinguished, nor the sinner fail, Gregory,[[7]](#endnote-7) O death, how you sweeten what was so bitter. They will desire only you, who hated only you. But there are many who wish to believe until they feel. Concerning such things, Augustine,[[8]](#endnote-8) Woe, woe to whom it is given to feel rather than to believe. The first woe is on account of the lack of every delight. The second woe is on account of the presence of every unpleasant thing. Wherefore Gregory,[[9]](#endnote-9) the wicked however do not sorrow for the torment as they sorrow because they are separated from such a fellowship. This is the wound of the third [arrow], in figure of which it never shall be healed, 2 Kings [1:22]: “The arrow of Jonathan never turned back.” For the divine sentence shall never be revoked. Wherefore Gregory,[[10]](#endnote-10) those whom only the justice of the one judging condemns

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no mercy of the one sparing finally liberates.

¶ Again the judge ought not to sell a just judgment. Wherefore Augustine,[[11]](#endnote-11) *Ad Macedonium* and it is placed in [Causa] 11, quest. 3, [c. 71, *Non licet*], The judge ought not to sell a just judgment although it is permitted to the advocate to sell a just defense and to the jurisconsult a right counsel. According to Gregory,[[12]](#endnote-12) [Causa] 11, quest. 3, [c. 66] *Qui recte*. If therefore he who sells a just judgment perpetrates a fraud against God, what do we say about him who sells a false judgment, especially in matrimonial cases where God has joined spouses. What even do we say about him who through an evil sentence does not fear to prey upon the living, to despoil the dead, there showing the sentence where the work should be merciful either one who dies testate or intestate, the primary judge for the introduction of the witness, for the concession of the administration the great part of the goods for himself, he enlarges the rest of the part and allows it to dissipate unhappily.

¶ And thus Caiphas with the Jews, [Matt. 26:57-66]. The judge with the executor and even with the prosecutor divide among themselves the wicked spoils. Thus, therefore one pillages and tears apart, another strips and denudes. The poor dead person is defrauded of his alms by which he could be relieved. Therefore, it is no wonder if the souls to be saved cry out against such ones according to that [Causa] 2, quest. 1, [c. 20], *Deus omnipotens*.[[13]](#endnote-13)

1. Peter Lombard, *Sententiae* 4.47.4 (PL 192:955): Purgato vero per ignem mundo, et ad judicium veniente Domino, emittetur vox illa magna qua resurgent omnes mortui; et tunc ministerio angelorum ventilabitur area, quia boni congregabuntur ibi de quatuor partibus mundi angelico ministerio; quo et rapientur obviam Christo in aera, 1 Thess. 4, reprobis in terra quam dilexerunt, remanentibus. [↑](#endnote-ref-1)
2. Decretum, Causa 11, quaest. 3, c. 78: Quatuor modis humanum iudicium peruertitur: timore, dum metu potestatis alicuius ueritatem loqui pertimescimus; cupiditate, dum premio animum alicuius corrumpimus; odio, dum contra quemlibet aduersarium molimur; amore, dum amico uel propinquo prestare contendimus. Gratian. Quam graue uero sit uel odio, uel amicitia, uel munere, uel metu, uel quolibet modo iudicium peruertere Augustinus testatur dicens: Quicumque aut consanguinitate, aut amicitia, uel hostili odio, uel inimicitiis in iudicando ducitur, peruertit iudicium Christi, qui est iustitia, et fructum illius uertit in amaritudinem. [↑](#endnote-ref-2)
3. Gregory, Moralia 21.5.10 (PL 76:195): Ecce bona memorat, nec tamen resecanda mala sine poenitentia relaxat, quia scilicet sic singulorum vias considerat, sic gressus enumerans pensat, ut subtili examine perpendat vel quantum quisque ad bona proficiat, vel quantum ad mala devians suis profectibus contradicat.

   Cf. Gregory, *The Moralia* 21.5.10 Observe how He records good things, nor yet lets go without penance evil things, that require to be cut off, surely because He so views the ways of each, and so takes account of their steps, ‘counting them up,’ that by exact counting He thoroughly estimates both how far each one is advancing to what is good, or how far, by deviating to what is evil, he may contravene his advances.  [Gregory the Great - Moralia in Job (Morals on the Book of Job) - Book XXI (Book 21) - online (lectionarycentral.com)](http://www.lectionarycentral.com/GregoryMoralia/Book21.html)

   Cf. Wenzel / Peraldus: Glossa Ordinaria ad locum, under *Nonne ipse*.

   Cf. Nicholas of Lyra, on Job 31:4 *Nonne ipse* (col. 291): "Sicut autem Dominus uniuscuiusque vias considerat, sic gressus dinumerat, ut ne minutissimae quidem cogitationes eius iudicio, ac tenuissima verba quae apud nos usu viluerunt eius iudicio indiscussa remaneant." <http://lollardsociety.org/?page_id=409> [↑](#endnote-ref-3)
4. Jerome, *Regula monacorum* 30 (PL 30:417): Semper tuba illa terribilis vestris perstrepat auribus: Surgite mortui, venite ad judicium.

   Always the terrible trumpet sounds in your ears, saying 'Arise, ye dead, and come to your judgment!' [↑](#endnote-ref-4)
5. Augustine, *Gloss* on Psal. 138:7: quo a facie tua fugiam vertit se hac et illac quasi querens locum fuge.   si ascendero si me extulero invenio repressorem si de iustitia mea superbiero.   Tu ibi es cuius vere est iustitia.   si descendero peccando venero.   ad infernum vel in profundum et nolens confiteri dicam : quis me videt ?   ades ut vindices. [↑](#endnote-ref-5)
6. Augustine, [↑](#endnote-ref-6)
7. Cf. Innocent III, *De contemptu mundi (De miseria conditionis humanis)* 3.9 (PL 217:741): O mors quam dulcis esses quibus tam amara fuisti, te solam desideranter optabunt, qui te solam vehementer abhorruerunt. [↑](#endnote-ref-7)
8. Augustine, cf. *Le Pelerinage de Laurent de Pasztho au Purgatoire de s. Patriec* 1.Prohemium ed. Hippolyte Delehaye, (Bruxelles: Joseph Polleunis, 1908), p. 43: ... dicat Hibernicis quod scriptum est: Ve, etc., quibus prius datum est sentire quam credere

   Cf. *Companion to the English prose works of Richard Rolle : a selection* ed. Carl Horstman (Ann Arbor, MI: University of Michigan, Digital Librtary Production Service, 2003) Rolle, *Three Arrows of Doomsday* (2:448): The þridde arwe schal bee an arwe of eendelees dampnyng of alle wykkede men, whan he schal seie to hem: Ite maledicti in ignem eternum qui preparatus est diabolo & angelis eius, þat is: 'Goo ȝe cursede wiȝtes in to euerlastynge fuyre, þe whiche is ordeyned to þe feend and to þe aungelis of him'. This arwe schal wounde hem þat it falleth on so greuously, þat alle þe lechis, phisiciens & surgiens, ne ȝet alle þe creatures in heuene & in eerthe, schullen not mowe heele þe wounde of it. Thanne schal þe opene eerthe swelwe hem down in to helle, wheere þei schullen be turmented with feendis euermore withouten eende. But allas! þeer been, i dreede, ful meny þat neuere wollen bileeue þise þinges eer þei feelen hem. Of whom seith seynt Euseby þus: Ve ve quibus est datum hoc prius sentire quam credere, þat is: 'Woo, woo be to hem to whom it is ȝeuen rather to feele þise þinges þan to bileeue hem'. & þus eendeth þe þridde arwe. <http://quod.lib.umich.edu/c/cme/rollecmp/1:7.12?rgn=div2;view=fulltext> [↑](#endnote-ref-8)
9. Hugo de Sancto Caro, *Commentary on Apocalypse* 1:7: Vel super eum plangent, id est dolebunt respicientes gloriam eorum qui fundati sunt super eum; quia non tantum dolebunt de ipso tormento  [Glossae Scripturae Sacrae-electronicae (Gloss-e) (cnrs.fr)](https://gloss-e.irht.cnrs.fr/php/editions_chapitre.php?id=hug&numLivre=83b&chapitre=83b_1)

   Cf. Vel plangent se, id est dolebunt respicientes eos qui fundati sunt super eum, quia non tantum dolebunt de ipso tormento, quam quod repellentur a tali consortio. [Bibbia Vulgata Clementina na 1598 APOCALYPSIS 1 (ebible.org)](https://ebible.org/latVUC/REV01.htm) [↑](#endnote-ref-9)
10. Gregory, *Moralia* 8.64.95 (PL 75:912): Ubi et recte subditur: Non revertar, quia nequaquam ultra misericordia parcentis liberat quos semel in locis poenalibus justitia judicantis damnat.  [↑](#endnote-ref-10)
11. Augustinus, *Ad Macedonium, epistola 54*. Causa 11, quest. 3, c. 71, *Non licet* iudice vendere iustum iudicium, et si liceat aduocato vendere iustum patrocinium, et iurisconsulto rectum consilium. [↑](#endnote-ref-11)
12. Gregory, *Antonio subdiacono lib. 2. indict. xi., epist. 9.* Causa 11, quest. 3, c. 66, *Qui recte* iudicat, et praemium inde remunerationis expectat, fraudem in Deum perpetrat: quia iustitiam, quam gratis impertiri debuit, acceptione pecuniae vendit. Bonis male vtuntur, qui iuste pro temporali lucro iudicant…. [Apud B. Gregorium non est inuentum: sed apud Isidorumn lib. 3. de sum. bono, c. 38 (58)….] [↑](#endnote-ref-12)
13. Decretum, Causa 2, quaest. 1, c. 20: Deus omnipotens, ut nos a precipitandæ sententiæ prolatione conpesceret, cum omnia nuda et aperta sint oculis eius, mala tamen Sodomæ noluit audita iudicare prius, quam manifeste cognosceret que dicebantur, unde ipse ait: “Descendam, et uidebo, utrum clamorem, qui uenit ad me, opere conpleuerint, an non est ita, ut sciam”. .. [↑](#endnote-ref-13)