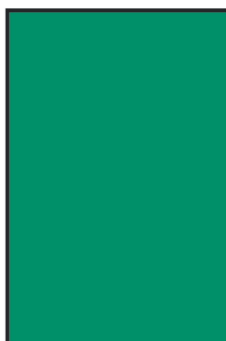


The New
Synthese
Historical
Library
Volume 57



Moral Philosophy on the Threshold of Modernity

edited by
Jill Kraye
and Risto Saarinen



 Springer



compare with the Italian enthusiasm for his natural philosophy,⁵⁶ nor with the study of his moral philosophy in the universities of France and central Europe,⁵⁷ Michael suggests that Buridan was accepted more readily among the Italian humanists and in the circles of the high clergy than in the universities.⁵⁸

This does not, however, seem to be the case, at least for the humanists. As we shall see, the commentary by Niccolò Tignosi was addressed to a humanist audience; nonetheless, the work's dedication (to Piero de' Medici) makes no mention of Buridan, but only of Thomas, Eustratius, Averroes and Albert the Great.⁵⁹ Likewise, Donato Acciaiuoli's commentary draws freely from Thomas, Eustratius, Burley and Albert the Great;⁶⁰ of these, Thomas seems by far the most important.⁶¹ By contrast, he does not have complimentary things to say about Buridan;⁶² and Acciaiuoli's supposed role in studying or annotating a copy of Buridan's questions is a baseless fiction.⁶³ Numerous fifteenth-century marginalia on the *Ethics* also confirm the growing acquaintance with other commentators; nonetheless, Buridan is rarely mentioned.⁶⁴ Finally, there are simply not

⁵⁶ On this see also Garin (1958) and Federici Vescovini (1976), p. 25: it is significant that, whereas there was a great interest in Florence, c. 1396–1400, in Buridan's works on physics, psychology and logic, the same cannot be said for his moral philosophy.

⁵⁷ Michael (1992), pp. 148–51.

⁵⁸ E.g., he states, *ibid.*, p. 149: 'Während die naturwissenschaftlich, medizinisch und astrologisch orientierten italienischen Artisten und Mediziner Buridans Ethik-Kommentar im Vergleich zu seinen übrigen Werken nur ein relativ geringes Interesse entgegenbrachten, genöß derselbe Kommentar in humanistischen Kreisen Italiens seit 1400 hohes Ansehen ...'

⁵⁹ Florence, BLaur., Plut. LXXXVI, 49, f. 1^{ra-b}: 'Plures viri clarissimi libros istos commentati sunt: Eustratius, Averrois, Albertus et sanctus Thomas, quorum palma est.' On Tignosi see Lines (2002), Chapter 5.

⁶⁰ Bianchi (1990), pp. 43–51.

⁶¹ It is worth noting that Acciaiuoli's commentary seems to have been written with Thomas's *Sententia* constantly to hand. See Florence, BNC, Naz. II.I.104, in which one often reads in the margins 'S.T.' ('Sanctus Thomas'), followed by snippets from his commentary.

⁶² See Garin (1958), p. 153.

⁶³ See *ibid.* for this view, which was repeated by Michael (1992), p. 149. Florence, BNC, Naz. II.I.81 is a copy of Buridan's *Quaestiones* in two volumes (ff. 1^r–210^r and 1^r–171^v), ending with the *quaestiones longae*. The flyleaf at the beginning of the second volume does indeed indicate that the book was owned by Acciaiuoli. He did not, however, transcribe or annotate the work. The first 84 folios of the text are written and annotated by a humanist hand, but a comparison with other Acciaiuoli autographs (especially Florence, BNC, Naz. II.I.104) indicates that it is not his hand. (In any case, it is not clear that Acciaiuoli also owned the first volume; the two volumes could have been brought together and bound at a later date.) Apparently, this transcription was made in order to fill the gap in the older and rather inelegant (Gothic bookhand) copy, which starts at Lib. III, q. 5.

⁶⁴ E.g., Siena, BCom. Intronati H.VI.1 (s. XIV ex.), ff. 1^r–86^v, contains marginalia taken from Thomas, but also from Albert, Eustratius, Buridan and Burley; cf. Gauthier (1969), pp.

enough annotated manuscripts of Buridan's *Questiones* in Italy to support Michael's claim; and the evidence reported above about the diffusion of the work in manuscript and printed editions suggests instead that Buridan's work was poorly received in Italy, both inside and outside the universities.

Library catalogues

The diffusion of the commentaries by Thomas and Buridan in fourteenth- and fifteenth-century Italy is also illustrated by old library catalogues, whether of institutions or of individuals. As mentioned above, over half of the lost commentaries of Thomas's *Sententia* were housed in Italian libraries. This leads one to expect a predominance of Thomas's commentary on the *Ethics* over Buridan's; and that is, in fact, what one finds. Nevertheless, the proportion between copies of the two works is not quite what one might expect.

Three fifteenth-century Dominican libraries unsurprisingly favour Thomas over Buridan. The library catalogue for San Marco in Florence (from 1500) includes only one work possibly attributable to Buridan, but three copies of Thomas's *Ethics* commentary,⁶⁵ as well as copies of *Ethics* commentaries by Acciaiuoli and others.⁶⁶ Furthermore, a catalogue from Santa Maria Novella in Florence shows that, by 1489, the collection there included two copies of Thomas's *Sententia* but only one copy each of Albert's *Super Ethica* and of Buridan's commentary.⁶⁷ Also, the fifteenth-century inventories of the Dominican library in Perugia list Buridan's commentaries on treatises such as *De anima* and the *Physics*,⁶⁸ but not his work on the *Ethics*. For Thomas, instead, one finds two commentaries on the *Ethics*.⁶⁹ Given the presumed bias of Dominican libraries towards Thomas, however, it is useful to examine other library lists as well.

The fifteenth-century library of the Visconti and the Sforza families in Milan included one copy each of the *Ethics* commentaries by Thomas and Buridan,⁷⁰ in addition to the Greek commentaries and that of Gerard of Odo.⁷¹

26*–27*. Florence, BNC, Naz. II, IV, 159 (s. XIV), 112 ff., contains dense marginal notes, especially on *Nicomachean Ethics* III–X, drawing heavily on Burley and Albert the Great.

⁶⁵ Ullman and Stadter (1972), items 395, 618, 629

⁶⁶ *Ibid.*, items 622, 628.

⁶⁷ Orlandi (1952), p. 42.

⁶⁸ Kaeppli (1962), C. 342; B. 346 and C. 313.

⁶⁹ *Ibid.*, D. 76, 290.

⁷⁰ Pellegrin (1955), respectively A. 183, p. 113 and A. 201, p. 118.

⁷¹ *Ibid.*, A. 190, p. 115 and A. 127, p. 100

A list of some 800 volumes taken from Naples to Spain in the sixteenth century and subsequently dispersed includes Thomas's commentary on the *Ethics*,⁷² but nothing by Buridan. A list of over 600 manuscripts which previously belonged to the crown of Aragon in Naples (and which have now largely been identified, especially in the Bibliothèque Nationale of Paris) includes only the *Ethics* commentary of Thomas,⁷³ in addition to translations by Johannes Argyropoulos⁷⁴ and Leonardo Bruni.⁷⁵ A third list, of books sold in the early sixteenth century, includes Acciaiuoli's commentary on the *Ethics*;⁷⁶ again, Buridan is not mentioned.

Finally, it is fruitful to examine personal libraries as well. Judging from the numerous copies of the *Ethics* in his library, Giovanni Pico della Mirandola (1463–94) had a particular interest in this work. His library did not, however, contain an especially wide range of commentaries on it: the surviving library catalogue mentions only Buridan's *Ethics* commentary,⁷⁷ as well as those by Gerard of Odo, Thomas and Burley, which were bound together in one volume.⁷⁸

Niccolò Leonicensino (1428–1524), who lectured on the *Ethics* in Ferrara around 1488, also seems to have owned only a small selection of commentaries on moral philosophy; these included the works by Eustratius, Buridan, Gerard of Odo and Argyropoulos (i.e., Acciaiuoli).⁷⁹ Strikingly, he does not seem to have owned a copy of Thomas's commentary; however, this anomaly might be explained in various ways—for example, he might have availed himself of a copy in one of the conventual libraries.

The evidence gathered above suggests, at the very least, that Buridan's *Questions* on the *Ethics* were not received with any particular enthusiasm in Italy, whereas Thomas's commentary was considered the standard interpretation which one could not do without. Although Buridan's work was doubtless present in various libraries in fifteenth-century Italy,⁸⁰ this does not prove that it was actually read or studied with any attention.

Perhaps Buridan's commentary was simply out of fashion in fifteenth-century Italy, and—even when it was studied and known—it did not seem polite to cite it or make overt reference to it. It seems to me, however, that the differences of reception experienced by the *Ethics* commentaries of Thomas and Buridan can be explained by at least three concomitant factors.

⁷² Mazzatinti (1897), p. cxxxii, no. 121.

⁷³ *Ibid.*, p. 75, no. 205.

⁷⁴ *Ibid.*, pp. 36–7.

⁷⁵ *Ibid.*, p. 138, no. 361.

⁷⁶ *Ibid.*, p. cxxiii, no. 62.

⁷⁷ Kibre (1936), p. 219, no. 746.

⁷⁸ *Ibid.*, p. 147, no. 193.

⁷⁹ Mugnai Carrara (1991), pp. 179, 171, 199, 180, 178, and 171.

⁸⁰ Some further examples are noted in Michael (1992), pp. 149–50.

First, it was hard to use Buridan's questions on the *Ethics* in the universities, since disputations on moral philosophy were not the norm in Italy as they were in central Europe and elsewhere.⁸¹ Indeed, in Italy ethics was taught as a feast-day subject throughout the fifteenth century (and even later); the audience seems to have included students without training in the technical vocabulary of philosophy. This audience was probably allergic to academic exercises such as disputations, and they would doubtless have found Thomas easier to follow than Buridan. Second, since the Dominicans played such a dominant role in interpreting the *Ethics* in fourteenth-century Italy,⁸² Buridan's emphases and perspectives would have had to fight against an already established tradition which relied heavily on Thomas. Thus, it was not until the late-fifteenth and especially the sixteenth century that Buridan's commentary received more serious attention in Italy. Finally, humanists probably disliked both the form of Buridan's work and the view it promoted concerning the separation of moral philosophy and rhetoric. Many humanists seem to have appreciated Thomas's *Sententia* as a model of straightforward and clear (although not stylistically elegant) exposition. Following Petrarch's example, they may have found Buridan—like many other scholastics—to be too enamoured of questions and subtleties. This view was still being aired in 1600 by Lelio Pellegrini, a professor of moral philosophy in Rome.⁸³ But Buridan's failure to link ethics and rhetoric may have counted equally decisively against him. Indeed, although Thomas likewise—as we have seen—keeps the two subjects separate, Buridan distinguishes them even more rigorously. In line with his understanding of moral philosophy as a science, unconcerned with pleasures and pains or with the emotions, he assigns the subject a theoretical, rather than a motivating, function. Thus, although Buridan (unlike some of his contemporaries) has positive things to say about rhetoric in its proper sphere, his strict demarcation of moral philosophy and rhetoric may have contributed to making his commentary unpalatable to the Italian humanists.⁸⁴ For humanists convinced that language and moral power are inextricably intertwined, Buridan's views must have seemed very distant from their own.

⁸¹ For the lack of disputations in Italy and the general context of the teaching of moral philosophy, see Lines (2002), § 2.2.

⁸² See Lines (1999a), pp. 253–5.

⁸³ Pellegrini (1600), f. iv': 'Habentur Buridani, Burlaei aliique eiusdem farinae molitores non pauci, qui in istos de moribus libris subtiles et ad tenuissimum elimatas quaestiones ediderunt. ... At hoc praeter propositum fuerit Aristoteles, qui non semel in his libris philosophiam de moribus ait nec requirere, nec pati exquisitam nimis, elaboratamque rerum, quae sub actionem cadunt, tractationem, ac materiam, quae illi subiicitur, eiusmodi esse, ut non admitteret, ferretve demonstrationes.'

⁸⁴ On this point see above, pp. 13–14.

THOMISM REVISITED

The tepid reception accorded to Buridan's commentary in fifteenth-century Italy is not, however, the end of the story. I would like to conclude by giving a specific example of how the views of Thomas and Buridan were treated in the fifteenth-century *Ethics* commentary by Niccolò Tignosi. By considering how Tignosi treated some specific doctrinal issues on which the two philosophers differed, I hope to show that the way in which Thomas was interpreted seems to have changed.

A native of Foligno near Perugia, Tignosi (1402–74) was especially known as a medical doctor and was active in the University of Florence, where he taught between c. 1438 and the year of his death.⁸⁵ In addition to a commentary on Aristotle's *De anima*, Tignosi wrote a full commentary on Aristotle's *Ethics*: the *Commenta in Ethicorum libros*, which is datable to c. 1460⁸⁶ and which seems to be addressed to a humanist audience, without philosophical training.⁸⁷ Nonetheless, this work is a serious philosophical exposition of Aristotle's text, buttressed by arguments taken from Augustine, Averroes and Albert the Great, but lightened too by quotations from poetry and references to historical examples. Tignosi addresses here several of the issues previously discussed by Thomas and Buridan.

Like earlier commentators, Tignosi has little trouble with Aristotle's definition of virtue as an *habitus electivus*.⁸⁸ He reinterprets, however, Aristotle's statement that moral virtue concerns pains and pleasures (*voluptates et dolores*) to mean, not that pains and pleasures are the object of virtue (each virtue has its own object—for example, courage, that which is fearsome; liberality, money), but that delight, pain and so forth follow upon a particular action, as the *consequences* of virtue.⁸⁹ In these comments, he remains close to Thomas's interpretation and wording.⁹⁰

⁸⁵ Park (1980), p. 295 and passim; Davies (1998), p. 194. The university records for 1440–73 are patchy and often do not say what subjects the professors taught. For the literature on Tignosi and his commentary, see Lines (2002), pp. 490–1, no. 40.

⁸⁶ Conflicting datings are offered in Field (1988), pp. 138–58 and Kraye (1995), pp. 101–2.

⁸⁷ See Lines (1999b).

⁸⁸ Florence, BLaur., Plut. LXXVI, 49 (s. XV), Lib. VI, f. 101^v: 'Secundo volumine superioris operis habitum est quod virtus est habitus electivus in mediocritate consistens quo ad nos ratione terminata et ut sapiens terminaret'. This is the dedication copy to Piero de' Medici.

⁸⁹ Ibid., Lib. II, f. 32^{vb}: 'Virtus in genere quattuor concernit, scilicet obiectum circa quod operatur, ut fortitudo circa terribile, liberalitas circa pecunias; circumstantias inter quas operatur, de quibus infra in tertio; et actus quos operatur; et quarto illa quae sequuntur actus, ut voluptas vel molestia sive gaudium vel dolor ...'; Lib. II, f. 33^{vb}: 'circa omne quod

Tignosi also discusses the location of virtue, and at length. After briefly referring to a five-fold division of the soul (to be found in Giles of Rome),⁹¹ he centres his attention especially on the sensitive and the rational appetites. Tignosi views the sensitive appetite as subservient to the rational appetite, which is in turn subservient to reason. The rational appetite he conceives of as the will, and that is where the moral virtues really reside, although some like to assign their place to the sensitive appetite.⁹² It is, in fact, the intellective or rational appetite which inclines us towards what the intellect has judged to be good or otherwise.⁹³ No matter how exactly one views the will and its role in performing virtuous acts, Tignosi concludes that the virtues really reside in this higher element of the appetitive soul, which somehow also partakes of reason. (Thus, he considers the appetitive element which partakes of reason and the intellective element which partakes of the appetite as being the same in Aristotle's scheme.) In so doing, he seems to side with Thomas's view that the moral virtues are located in the will. In a nod to Giles of Rome, however, he also allows that courage and temperance reside respectively in the irascible and concupiscible parts of the sensitive appetite.⁹⁴ Tignosi thus seems to be attempting a reconciliation between the Dominican and the Augustinian Hermit, even though he does not name either of them.

In Book I, Tignosi sees the *ars civilis* (i.e., politics) as that which allows or disallows certain subjects within the city and has other arts under it. As usual, *civilis* orders the use or presence of these arts; with respect to the subjects, however, it does not order their conclusions. For example, politics may encourage the development of philosophy, but does not order

contingit ratione moderari vel ordinari contingit esse virtutem moralem ... Et quamvis virtus sit sine passione animum perturbante, tamen non est sine passionibus quae appetitum sensitivum concitant ...'

⁹⁰ Thomas (1969), Lib. II, lec. III, p. 267.

⁹¹ See Aegidius Romanus (1502), II, cap. ii.

⁹² Florence, BLaur., Plut. LXXVI, 49, Lib. I, f. 28ra: 'Partes animae sunt quinque, scilicet vegetativa, appetitiva secundum locum motivam, sensitiva et intellectiva, et iterum appetitiva duplex, scilicet sensitiva et rationalis. Pars intellectiva dicitur rationalis quoniam in seipsa rationem formaliter habet. Appetitiva vero sensitiva in irascibilem dividitur et concupiscibilem, et dicitur rationalis non principaliter sed quia nata est oboedire iudicio rationis. Non tamen cogitur a ratione quamvis nata sit illi oboedire'; Lib. I, f. 28^{va}: '...virtutes morales dicuntur principaliter in voluntate fundari, et ob hanc causam dividitur appetitus in sensitivum et rationalem, et rationalis appetitus est voluntas ... Ex quo sequitur quod homo bene ordinatus secundum appetitum sensitivum facilius actum virtuosum potest elicere.'

⁹³ Ibid., Lib. I, f. 2^{va}: 'Appetitus sensitivus est inclinatio in rem sensatam mediante iudicio sensus de illius bonitate vel improbitate. Appetitus vero intellectivus, qui proprio nomine voluntas dicitur, inclinatur ad rem intellectam mediante iudicio intellectus iudicantis an bona sit vel mala.'

⁹⁴ Aegidius Romanus (1502), II, caps. ii–iii.

philosophers to embrace a specific view on the motion of the heavens.⁹⁵ Nor does it teach what is good; one of its main functions seems to be that of clearing the way for the exercise of speculation.⁹⁶ It is ethics, instead, which teaches what the *summum bonum* is, for the city as for the wise man. Oeconomics and politics derive their definitions of the good from ethics, and thus depend upon and are subject to ethics; all three, at least in principle, are concerned with the same good, but have different functions in relation to it.⁹⁷

It would thus seem that, for Tignosi, politics is subject to ethics according to the teachings of Averroes, Albert the Great, Gerard of Odo and Buridan. Book VI, however, presents a different picture. Here Tignosi depends heavily on Thomas in his arguments proving that there are various kinds of prudence (that of the individual, of the family, and of the city), of which the principal is the *civilis*, which he divides into *legispositiva* (proper to those who write the laws) and *civilis* (proper to judges). All these types of prudence have the same habit in that they aim to reach the *summum bonum* or *finis ultimus* or *felicitas*; but the *legispositiva* is clearly the architectonic one; and he describes the types of prudence as differing inasmuch as the city is superior to the family, which in turn is superior to

⁹⁵ Florence, BLaur., Plut. LXXVI, 49, Lib. I, f. 5^{va}: in regard to the arts, the *civilis* ‘non solum quales sed quousque disponit, permittit, vel prohibet ... speculativis vero praecipit usum, sed non determinationem; vult ut suadet homines philosophari, verum si caelo motus continuus inest vel luna suo dierum numero eclipsetur phylosophum sic vel aliter disseruisse non praecipit, nec quod geometra de triangulo monstret aliter quam conveniat. Et quantum ad hoc theologi et canonistae suis legibus supponuntur, pars enim sunt societatis civilis; similiter qui leges ipsas promulgantur, quarum interpretes fiunt, quibus sat constat civilem humanis omnibus dominari; an vero praesideat sapientiae in Sexto videbitur, unam ut videor conditionem scientiae civilis apposuit, scilicet quod suis subditis praecipit quid debeat operari, quemadmodum equestris illi quae frenos facit.’

⁹⁶ Ibid., Lib. I, f. 5^{vb}: ‘Et si petatur an ipsa doceat quid est illud bonum, dicitur quod non. Sed bene docet illud in speculatione consistere, unde satis est ordinasse quod humana studia in vitia non labantur nec aliquod impedimentum ab ipsis oriatur et sibi invicem sint auxilio.’

⁹⁷ Ibid., Lib. I, ff. 5^{vb}–6^{ra}: ‘Collige summam ethicam describere summum bonum quid sit, quae et quot sint virtutum species, et quae indifferenter deceant homines ut illud summum bonum adipiscantur formaliter vel secundum gradum propinquum ut unicuique possibile est. Et summum bonum quod docet duplex est, scilicet politicum de quo in hoc Primo, et illud quod sapientis est in Decimo. Economica et Politica quid sit hoc summum bonum ab Ethica supponentes, intendunt quomodo per diversos hominum gradus in communi sive pro societate possint virtutes et bonum procurari, salvari atque distribui quo societas vel familiaris vel civilis rectissime gubernetur, unde patet ethicam ambabus caeteris esse priorem, illasque sibi subalternari, quoniam quae dicta sunt in ethica praesupponunt.’ Lib. I, f. 6^{ra-b}: ‘Patet igitur idem esse bonum quod ethica considerat et politica. In prima scimus quid est et elementa traduntur civilis disciplinae; politica id esse praesupponit et salvare procurat ... Hoc dictum, scilicet quod idem sit bonum ab utraque consideratum, non consonat iis quae dicuntur in Decimo, ubi videtur alia esse felicitas politica, alia quae in contemplatione est ...’

the individual (f. 111^{r-v}). Furthermore, in Book X Tignosi maintains that at least a part of politics is such that it is not subject to any other science and that rhetoric falls under it.⁹⁸

This confusion makes it hard to know whether Tignosi really thought politics or ethics to be superior. Furthermore, it remains unclear what the ideal sequence is, in his view, for reading the *Ethics*, *Politics* and *Oeconomics*. Whether he holds to the Albertian or to the Thomist position, oeconomics and politics would follow upon ethics. Albert, however, had argued that discussion of the *Politics* should immediately follow upon an examination of the *Ethics*, whereas Thomas thought that the *Oeconomics* should be discussed directly after the *Ethics*.⁹⁹

More important, however, is Tignosi's attitude towards authorities. Although on some points he clearly chooses one particular position,¹⁰⁰ on several others he makes (largely unconvincing) efforts to reconcile the conflicting points of view. Although such efforts were part of the traditional medieval attempt to reconcile authorities, in the case of the *Ethics* it was a fairly new approach in Italy. In fact, the fifteenth century can be seen as the time when several commentators, who had already received a good hearing elsewhere, finally got one in Italy as well. This seems to have been especially the case for the Byzantines Eustratius and Michael of Ephesus, as well as for Averroes, Albert the Great and Burley.

After 1500 Thomas still continues to be read and used, and it could be argued that even in the sixteenth century he still plays the leading role. Yet the polite murmur of other voices heard in Tignosi's commentary soon develops, in the sixteenth century, into a loud argument. Other scholastic authors such as Burley and sometimes Buridan become a more familiar presence in the Italian commentaries. The comments of Averroes, who was avidly studied in the sixteenth century and whose *Opera omnia* went through several monumental editions, colour interpretations of the *Ethics* even more strongly than previously. Increasingly, Aristotle commentaries rely on Plato and on various representatives of the Neoplatonic tradition (such as Themistius and Simplicius). References to Cicero and other Latin (or Greek) moralists become almost mandatory. Finally, there seems to be a new sense that the views of contemporaries, and not only of past thinkers, are worthy of consideration and should therefore be discussed.

Thus, in Italy Thomas eventually becomes only one voice among many—except of course among the Jesuits, where *Ethics* commentaries

⁹⁸ Ibid., Lib. X, f. 197^{va}: 'At politica statutam et firmam habet partem quam exequi dignam non credit, nec est instrumentum alicuius scientiae; at rhetorica instrumentum est et politicae subicitur, ut in prohemio huius declaratur.'

⁹⁹ Lines (2002), pp. 146–7.

¹⁰⁰ This is the case, for example, when he espouses Thomas's view of the ideal sequence of studies.

served as introductions to the study of his *Summa*.¹⁰¹ Until at least the fifteenth century, however, his is usually the dominating perspective among *Ethics* commentators, and long after 1500 his commentary continues to be admired as a model of expository clarity. Scholars familiar with P. O. Kristeller's work will be reminded of his insistence that the humanists could hardly have rejected the medieval cultural heritage completely (or even generally), and even when selective rejection occurred, it required at least knowing what was being rejected.¹⁰² Although Buridan was not enthusiastically received in Italy, formal, doctrinal and practical considerations probably played a great part in this phenomenon. Certainly he was not given the cold shoulder simply because he was a scholastic author. The continuing presence of Thomas among the fifteenth-century commentators confirms this fact. But it also suggests that the humanists' use of the past was (as it always is) selective, guided by their tastes and perceptions of practical utility.

REFERENCES

- Aegidius Romanus (1502) *De regimine principum*, Venice: Bernardinus Vercelesis et Andrea Toresani de Asula.
- Aristotle (1973) *Ethica Nicomachea, Translatio Roberti Grosseteste Linconiensis sive 'Liber Ethicorum,' B. Recensio ab anonymo recognita*, ed. R.-A. Gauthier, Aristoteles latinus XXXVI.4, Leiden and Brussels: E. J. Brill.
- (1985) *Nicomachean Ethics*, trans. W. D. Ross, revised by J. O. Urmson, in *The Complete Works of Aristotle: The Revised Oxford Translation*, ed. J. Barnes, 2 vols., Princeton: Princeton University Press, II, pp. 1729–1867.
- Averroes (1562–74) *Aristotelis opera cum Averrois commentariis, III: Liber minorum moralium*, Venice: Junctae (reprint Frankfurt a. M.: Minerva, 1962)
- Barad, Judith (1985) 'Aquinas on the Role of Emotion in Moral Judgment and Activity', in *Les philosophies morales et politiques au Moyen Âge, Actes du IX^e Congrès International de Philosophie Médiévale, Ottawa ... 1992*, ed. B. C. Bazán et al., 3 vols., New York: Legas, II, pp. 642–53.
- Bianchi, Luca (1990) 'Un commento "umanistico" ad Aristotele: l'*Expositio super libros Ethicorum* di Donato Acciaiuoli', *Rinascimento n.s.*, 30, pp. 25–55.
- (2003) *Studi sull'aristotelismo del Rinascimento*, Subsidia Mediaevalia Patavina, 5, Padua: Il Poligrafo.
- Buridan, Jean (1637) *Quaestiones in decem libros Ethicorum Aristotelis ad Nicomachum*, Oxford: Cripps.
- Celenza, Christopher S. (1997) 'Parallel Lives: Plutarch's Lives, Lapo da Castiglionchio the Younger (1405–1438) and the Art of Italian Renaissance Translation', *Illinois Classical Studies* 22, pp. 121–155.
- Davies, Jonathan (1998) *Florence and Its University During the Early Renaissance*, Leiden: E.J. Brill.

¹⁰¹ Lines (2002), pp. 362–83.

¹⁰² One example among many is Kristeller (1974).

- Eustratius et al. (1973) *The Greek Commentaries of the Nicomachean Ethics of Aristotle: In the Latin translation of Robert Grosseteste, Bishop of Lincoln (1253)*, ed. H. P. F. Mercken, Leiden: E.J. Brill, I.
- Federici Vescovini, G. (1976) 'À propos de la diffusion des oeuvres de Jean Buridan en Italie du XIV^e au XVI^e siècle', in *The Logic of John Buridan. Acts of the 3rd European Symposium on Medieval Logic and Semantics, Copenhagen ...*, ed. J. Pinborg, Copenhagen: Museum Tusculanum, pp. 21–45.
- Field, Arthur (1988) *The Origins of the Platonic Academy in Florence*, Princeton: Princeton University Press.
- Fleischmann, Wolfgang Bernard (1971) 'Lucretius Carus, Titus', in *Catalogus Translationum et Commentariorum*, ed. P. O. Kristeller and F. Edward Cranz, Washington: The Catholic University of America Press, II, pp. 349–65.
- Frati, Ludovico (1909) 'Indice dei codici latini conservati nella R. Biblioteca Universitaria di Bologna', *Studi italiani di filologia classica* 16, pp. 103–432; 17, pp. 433–603.
- Garin, Eugenio (1958) 'La circolazione, in Italia, di pensatori quali Buridano ...', *Giornale critico della filosofia italiana* 37, pp. 153–4.
- Gauthier, René-Antoine (1969) 'Praefatio', in Thomas Aquinas, *Sententia libri Ethicorum iussu Leonis XIII P. M. edita*, ed. R.-A. Gauthier, 2 vols., Rome: St Thomas Aquinas Foundation, I, pp. 1*–275*.
- Hankins, James (1990) *Plato in the Italian Renaissance*, 2 vols., Leiden: E.J. Brill.
- Kaeppeli, Tommaso (1962) *Inventari di libri di San Domenico di Perugia (1430–80)*, Rome: Edizioni di storia e letteratura.
- Kibre, Pearl (1936) *The Library of Pico della Mirandola*, New York: Columbia University Press.
- Kraye, Jill (1988) 'Moral Philosophy' in *The Cambridge History of Renaissance Philosophy*, ed. C. B. Schmitt et al., Cambridge: Cambridge University Press, pp. 303–86.
- (1995) 'Renaissance Commentaries on the Nicomachean Ethics', in *Vocabulary of Teaching and Research between Middle Ages and Renaissance: Proceedings of the Colloquium, London, Warburg Institute, ... 1994*, ed. O. Weijers, Études sur le vocabulaire intellectuel du moyen âge, VIII, Turnhout: Brepols, pp. 96–117.
- (2001) 'L'interprétation platonicienne de l'Enchiridion d'Épictète proposée par Politien: philologie et philosophie dans la Florence du XV^e siècle, à la fin des années 70', in *Penser entre les lignes: Philologie et philosophie au Quattrocento*, ed. F. Mariani Zini, Villeneuve d'Ascq: Presses Universitaires du Septentrion, pp. 161–77.
- Kristeller, Paul Oskar (1974) *Medieval Aspects of Renaissance Learning*, Durham, N.C.: Duke University Press (reprint New York: Columbia Univ. Press, 1992, with an additional bibliographical survey).
- Lefèvre d'Étaples, Jacques (1497) *Commentarii in X libros Ethicorum*, Paris: Johann Higman and Wolfgang Hopyl.
- Lines, David A. (1997) *Teaching Virtue in Renaissance Italy: Latin Commentaries on Aristotle's Nicomachean Ethics*, unpublished doctoral dissertation, Harvard University.
- (1999a) 'The Commentary Literature on Aristotle's Nicomachean Ethics in Early Renaissance Italy: Preliminary Considerations', *Traditio* 55, pp. 245–82.
- (1999b) 'Faciliter Edoceri: Niccolò Tignosi and the Audience of Aristotle's Ethics in Fifteenth-Century Florence', *Studi medievali* III s. 40.1, pp. 139–68.
- (2002) *Aristotle's Ethics in the Italian Renaissance (ca. 1300–1650): The Universities and the Problem of Moral Education*, Leiden: E.J. Brill, 2002.
- Lohr, Charles H. (1988) *Latin Aristotle Commentaries, II: Renaissance Authors*, Corpus Philosophorum Medii Aevi, Subsidia VI, Florence: Olschki.

- Mazzatinti, Giuseppe (1897) *La biblioteca dei Re d'Aragona in Napoli*, Rocca S. Casciano: Licinio Cappelli Editore.
- Michael, Bernd (1985) *Johannes Buridan: Studien zu seinem Leben, seinen Werken und zur Rezeption seiner Theorien im Europa des späten Mittelalters*, doctoral dissertation, Freie Universität Berlin.
- (1992) 'Buridans moralphilosophische Schriften, ihre Leser und Benutzer im späten Mittelalter', in *Das Publikum politischer Theorie im 14. Jahrhundert*, ed. J. Miethke with A. Bühler, Schriften des Historischen Kollegs: Kolloquien, XXI, Munich: Oldenbourg, pp. 139–51.
- Mugnai Carrara, Daniela (1991) *La biblioteca di Nicolò Leonicensi. Tra Aristotele e Galeno: cultura e libri di un medico umanista*, Accademia Toscana di Scienze e Lettere 'La Colombaria', Studi, CXVIII, Florence: Olschki.
- Orlandi, Stefano, O.P. (1952) *La biblioteca di S. Maria Novella in Firenze dal sec. XIV al sec. XIX*, Florence: Il Rosario.
- Pade, Marianne (forthcoming) *The Reception of Plutarch's Lives in Fifteenth-Century Italy*.
- Park, Katherine (1980) 'The Readers at the Florentine Studio according to Comunal Fiscal Records (1357–1380, 1413–1446)', *Rinascimento n.s.*, 20, pp. 249–310.
- Pellegrin, Élisabeth (1955) *La bibliothèque des Visconti et des Sforza, ducs de Milan, au XVe siècle*, Publications de l'Institut de Recherche et d'Histoire des Textes, 5, Paris: C.N.R.S.
- Pellegrini, Lelio (1600) *De moribus libri X, iis, qui Aristotelis ad Nicomachum inscribuntur, ordine perpetuo atque sententia respondententes ...*, Rome: Aloysius Zannettus.
- Possevino, Antonio Mantovano (1603) *Bibliotheca selecta de ratione studiorum, recognita novissime ab eodem et aucta et in duos tomos distributa*, 2nd ed., Venice: Apud Altobellum Salicatum.
- Salutati, Coluccio (1891–1905) *Epistolario di Coluccio Salutati*, ed. F. Novati, 4 vols., Rome: Istituto Storico Italiano.
- Schmitt, Charles B. (1983) *Aristotle and the Renaissance*, Cambridge, Mass.: Harvard University Press.
- Thomas Aquinas (1969) *Sententia libri Ethicorum iussu Leonis XIII P. M. edita*, ed. R.–A. Gauthier, 2 vols., Rome: St Thomas Aquinas Foundation.
- Ullman, Berthold L. (1955) *Studies in the Italian Renaissance*, Rome: Edizioni di Storia e Letteratura.
- Ullman, Berthold L. and Philip A. Stadter (1972) *The Public Library of Renaissance Florence*, Padua: Antenore.
- Walsh, James J. (1966) 'Buridan and Seneca', *Journal of the History of Ideas* 27, pp. 23–40.

Action, Will and Law in Late Scholasticism

Thomas Pink
(King's College, London, UK)

In what follows I wish to discuss a distinctive natural law-based conception of obligation—and the intimate relation which that conception of obligation bears to an equally distinctive theory of human action. I shall concentrate my attention on two early modern thinkers in particular, Francisco Suarez (1548–1617) and Gabriel Vasquez (1549–1604). How widely their conception was shared by other thinkers in their tradition is a question for another time.

When it comes to obligation, Suarez and Vasquez might sensibly be contrasted. For Vasquez, obligations could arise prior to and independently of any act of will or intellectual judgement, of any being, God included.¹ In particular, then, obligations need not be the creations of any law-maker or legislator, whether human or divine. Thus, in Vasquez's view, existed the pre-political obligations of the natural law—moral obligations not to kill and the like. These did not arise through any form of legislative act. Whereas for Suarez, all obligations, all moral obligations included, did presuppose some legislative act. There was no exception to this. For someone to be under an obligation to perform an action, that person must always be subject to a superior; and the superior must have willed that the action be obligatory on the person obliged and have promulgated to that person his will to that effect.² In the case of moral obligations of the natural law, the required legislative superior was God.

¹ According to Vasquez (1612), p. 8 (Disputation 150, Chapter 3), obligations under pre-positive or natural law arise in this way: 'Ex quibus omnibus colligere licet, legem naturalem, si pro prima regula naturali actionum creaturae rationalis capiatur, sive in Deo, sive in ipsa natura rationali, non esse imperium, nec iudicium rationis, nec voluntatem, sed quid prius. Hoc autem sequitur ex eorum sententia, qui dicunt quaedam esse bona, quaedam vero mala ante omne praeceptum et iudicium intellectus et voluntatis Dei.' This *regula* or *lex naturalis*, is rational nature; see *ibid.*, p. 7: 'Cum autem lex aut ius sit regula, cui aequare debent actiones, ut iustae sint; naturalis lex, aut naturale ius erit regula naturalis, quae nulla voluntate, sed suapte natura constat ... Haec [regula] non potest alia esse, quam ipsamet rationalis natura ex se non implicans contradictionem, cui tanquam regulae et iuri naturali bonae actiones conveniunt at aequantur, malae autem dissonant et inaequales sunt, quamobrem et illae bonae, hae autem malae dicuntur.'

² For law and obligation is required, according to Suarez (1856–78), vol. 5, *De legibus*, p. 15: '...aliquem actum efficacis voluntatis...haec autem voluntas non oportet, ut sit de ipsa

So for Suarez, moral obligations presuppose some divine will or command. For Vasquez, there is no such presupposition. Nevertheless, I shall suggest that, this difference between them notwithstanding, both Suarez and Vasquez share a common underlying conception of what action and obligation are and of how the two are related. This conception is substantial and intuitive but problematic—and the differences between these two thinkers exhibit alternative ways of resolving the considerable difficulties which arise.

Suarez and Vasquez share a conception of obligation as a special kind of action-specific justificatory force, and this conception rests on a theory of action which I shall term practical reason-based. The conceptual dependence of the theory of obligation on the theory of action is total. Abandon the theory of action, and you can no longer coherently conceptualize obligation in this way. One of the main reasons why such a theory of obligation is no longer current within, for example, modern English language philosophy, is simply that that philosophical community has abandoned and forgotten the practical reason-based theory of action.

The shared conception of obligation is proposed as part of a general theory of law—of *lex* or *ius*. This theory of law was used to do many things; but one at least was to provide a theory of a certain kind of normativity: that special kind of demanding call on us to respond which some moral standards make and which constitutes their obligatoriness—a call to ignore which, without excuse, is to be blameworthy for doing wrong.

The connection between law and obligation is intuitive. Obligation, in the moral sphere, is naturally conceived as a demand specifically on action. We can only be under a moral obligation to do things or refrain from doing them. We cannot be under a moral obligation for things to happen independently of our own agency.

So a body of obligations seems to be a body of demanding directives specifically on action. But a body of demanding directives on action—a body of directives for breaching which without excuse we count as culpable agents or as blameworthy wrongdoers—this seems to be, in some general sense, a law. Therefore, the view that obligation consists in just such a demand specifically on actions and omissions can be described as the view that obligation constitutes a special normativity of law. But under what conditions, and in what ways, can obligation be so conceived? To answer this question, we need to turn to action—to what obligation *qua* law is supposed peculiarly to govern.

observatione seu executione legis...Per se requiritur ut sit de obligatione subditorum, id est, ut sit voluntas obligandi subditos, quia sine tali voluntate non obligabit illos...'

HUMAN ACTION AS THE PRACTICAL EXERCISE OF REASON

A practical reason-based conception of agency characterizes fully human, fully intentional or deliberate agency (the realm of the perfectly voluntary, as Suarez and Vasquez both put it) as the exercise of a distinctive capacity for rationality—the exercise of a capacity to be moved or directed by a practical or action-guiding reason and thereby to exercise reason practically, in an action-constitutive manner. Such a conception of agency is not current in modern English-language philosophy, nor is it generally identified as a feature of past action theory.³ But it was such a feature; and is of immense historical and philosophical importance. In the work of Suarez and Vasquez, and of predecessors in their intellectual tradition, such as Thomas Aquinas and Duns Scotus, it took a particular and distinctive form.

Consider Scotus's account, to which Suarez himself referred. In discussing human action, Scotus used the term *praxis*. For him, *praxis* occurs as the exercise of a faculty which has the function of being moved and directed by reason—specifically, by a practical or *praxis*-guiding reason, as it directs the operation of faculties besides the intellect itself:

Also note that *praxis* or practice is an act of some power or faculty other than intellect, which naturally follows an act of knowledge or intellection and is suited by nature to be elicited in accord with correct knowledge if it is to be right.⁴

In other words, voluntary action occurs as the exercise of a capacity to be moved or directed by practical knowledge or reason—to respond motivationally to thoughts or deliberations and reasonings about what to do, thoughts and deliberations which are intellectual and cognitive, and which direct us to the good or to some other practical value. The exercise of this rational capacity may of course be defective as well as competent: the practical reason-based conception of voluntary agency allows for voluntary action which is irrational.

This faculty where *praxis* occurs, according to Scotus, is the will—or as we might put it today, our capacity for decision making and intention-formation. According to Scotus:

³ The idea of a practical reason-based theory of agency is introduced and explored in Pink (1996) and (1997).

⁴ Scotus, *Lectura*, prolog. pars 4, qq. 1-2, quoted in Wolter (1986), pp. 126-8: 'Sciendum etiam est quod *praxis* est actus alterius potentiae quam intellectus, naturaliter posterior intellectione, natus elici conformiter intellectioni rectae, ad hoc quod sit rectus.'

From all this it follows that nothing is formally *praxis* except an imperated or elicited act of will, because no act other than that of will is elicited in agreement with a prior act of the intellect.⁵

I shall shortly go into this important, indeed fundamental, difference between elicited acts and imperated or commanded acts. The important point for the moment relates to the will—the will is the primary faculty involved in intentional action; it is the faculty in and through which we exercise our capacity to respond to practical or praxis-governing reason.

Scotus's account of *praxis* was noted and endorsed by Suarez, in his commentary on Aristotle's *De anima*, using, relatively unusually for him, Scotus's own term *praxis*. Suarez distinguishes an *actus practicus* of the intellect—an exercise of the intellect which involves arriving at a conclusion about what is to be done—from *praxis* or voluntary action itself:

...for an *actus practicus* is that exercise of the intellect which orders or directs some action, while *praxis* is the action which is regulated and ordered by the *actus practicus*...⁶

Suarez also entirely shared Scotus's view as to the location of voluntary action in elicited and imperated or commanded acts of the will, as we shall see.

A central feature of a practical reason-based conception of human agency is that it is going to be a dual structure. That is, we are going to have two levels of human action. Besides the first order level, at which we move our hands, look out the window and the like, there can be the prior point at which we decide or form intentions to do these things. And this point of decision making and intention-formation, of *intentio* and *electio*, is going to be an action too—a second order, action-generating action.

For the point at which I decide to look out the window as opposed to continue reading my book is, intuitively, a point at which I am indeed exercising, correctly or incorrectly, a capacity to be moved by practical reason. A natural conception of decisions and intention-formations is that they have the function of applying our prior deliberations or reasonings about what to do, by ensuring that thereafter we are and remain motivated

⁵ Ibid.: 'Ex hoc sequitur quod nihil est praxis formaliter nisi actus voluntatis imperatus vel elicited, quia nullus actus sequitur actum intellectus cui conformiter elicited nisi actus voluntatis, quia omnes actus aliarum potentiarum possunt praecedere actum intellectus, sed non actus voluntatis.'

⁶ Suarez (1991), vol. 3, p. 250: 'Tam fortis dissensio est de nomine, nam actus practicus dicitur ille actus intellectus quo ordinat aut dirigit operationem aliquam, praxis vero dicitur illa operatio quae regulatur et ordinatur per actionem practicam intellectus, nam "praxis" nomen graecum est, latine "operationem" significans. Et hic videtur communis usus vocabulorum. Et ita communiter praxis est actus alterius potentiae ab intellectu; actus vere practicus est elicited ab ipso intellectu.'

to act as we have deliberated that we should. Our decision making capacity or will was viewed generally in the schools as a rational motivational power—a motivational capacity which is responsive to reason in practical form, as it concerns the good or some other relevant practical value. And so on a practical reason-based conception of human agency, this makes the exercise of the will itself a case of intentional action—which is precisely what scholastic proponents of a practical reason-based conception of agency held the exercise of the will to be.

The practical reason-based conception is a common tradition uniting a more voluntarist thinker such as Scotus, who allows the will to operate to a fair degree independently of the intellect, with a more intellectualist thinker such as Aquinas, who ties the operation of the will to that of the intellect. The battle between voluntarists and intellectualists about how far the operation of the will is actually determined by or a function of the operation of the intellect can perfectly well be carried on within a wider allegiance to the practical reason-based conception. Aquinas, after all, still characterizes intentional agency in the same terms as Scotus, as the exercise of a particular capacity for rationality, an *operatio rationalis*.⁷ The relevant kind of exercise is one which involves the agent being moved by a practically rational cognition—by cognition of an end as good or worth pursuing.⁸ And voluntary actions thus characterized are clearly to be found in actions of the will: for an act of will ‘...is nothing other than a certain inclination proceeding from an internal cognitive principle’.⁹ In all these thinkers we find the same view of voluntary agency as located in elicited and imperated or commanded acts of the will. If Aquinas ties the operation of the will far more closely than Scotus does to the intellect, both thinkers share the same conception of voluntary action as involving the exercise of a will-based capacity to be moved by practical reason.

I have argued that Suarez and Vasquez inherit a practical reason-based conception of voluntary agency—a conception which involves a dual structure theory of agency. Not only that. It is also true that decisions and intention-formations—these second order actions of the will itself—are seen as fundamental to agency. Indeed, decisions and intention-formations are taken to be the primary and immediate cases of agency.

Fully human agency was conceived, as we have noted, as the exercise of a rational capacity—a capacity to be moved by reason. But within this tradition, this brought an important kind of dualism to bear on the theory of

⁷ Thomas Aquinas (1950), *Summa theologiae* I-II q. 6 a.1: ‘...voluntarium est actus qui est operatio rationalis’.

⁸ Ibid., I-II q. 6 a. 2: ‘...ad rationem voluntarii requiritur quod principium actus sit intra, cum aliqua cognitione finis’.

⁹ Ibid., I-II q. 6 a. 4 resp: ‘actus voluntatis nihil est aliud quam inclinatio quaedam procedens ab interio principio cognoscente’.

action. This was faculty dualism. Intellectual or rational cognition and motivational responses to rational cognition took place in special rational faculties—those of intellect and will. And these faculties, as befitted the dignity of reason which placed it above matter, were immaterial. They lacked a bodily organ and survived bodily death without corruption. In so far as voluntary action involved the exercise of a reason-motivational capacity, its primary occurrence must be within one of these immaterial rational faculties—in particular, the motivational faculty of will.

Suppose someone performs a first order action—take an example which Suarez considers, the action of giving alms: *actus dandi eleemosynam*. Suarez terms this an external act—*exterior actus*—by contrast to internal actions of the will, such as deciding to give alms; and, as an action involving limb motion, this external action is located in the exercise of a corporeal locomotive capacity. The action occurs then, in a corporeal organ. What then makes this first order action a voluntary action?

It cannot be that the exercise of the locomotive capacity of itself constitutes a case of being moved by some cognition of practical reason. For as we have seen, rational responsiveness to such a cognition must take place in an immaterial faculty. Suarez combines the conviction that first order bodily actions, such as giving alms, are exercises of and occur within corporeal locomotive faculties, with the further conviction that the process of responding to and being moved by a rational cognition, and so the primary occurrence of agency, must occur within an immaterial faculty of will. So we cannot explain the voluntary status of giving alms directly in terms of the practical reason-based model.

Instead, we have to explain the voluntary status of a corporeally located action in terms of its being in a certain relation to a prior act of the will to which the practical reason-based model directly applies. Whenever I voluntarily give alms, there is, first of all, an intrinsically voluntary or active event of my willing or deciding that I should give alms, the status of which as agency being explained by its very nature—as my exercise of my immaterial capacity to be moved by reason. This is an *elicited* act of the will—*elicited* in relation to the will because it is an act of the very faculty of will itself. And this elicited act of the will has as its object, as the further action willed or decided on, the first order action of giving alms—an action which it then efficiently causes and informs. The first order action of alms giving then occurs as an *imperated* or *commanded* act of the will. It is imperated or commanded because it is an action performed on the basis of a prior decision to perform it, occurring as an effect and object of that elicited act which occurred within the will itself. The elicited act is intrinsically voluntary; the imperated act is only extrinsically voluntary, by virtue of its standing as the willed effect and object of the prior eliciting action:

Voluntariness in the way of an imperated act is nothing other than a certain character or denomination of the imperated act received from an elicited act, of which the imperated act is object and effect. For an imperated act is termed voluntary simply because it proceeds from an elicited act of the will and is in a measure informed by it and with it constitutes one morally significant act.¹⁰

So one effect of faculty dualism is to make unavoidable for this tradition a hybrid account of voluntary agency. The overall theory is practical reason-based. Whenever human action occurs, there must be some intrinsically intentional or intrinsically voluntary action, the status of which as agency arises out of its constituting an exercise of an immaterial rational motivational capacity—a capacity to be moved by some rational cognition. But the status of first order actions which are exercises of corporeal faculties then has to be explained in other terms—by virtue of their being objects and effects of the intrinsically intentional actions of the will.

It might seem objectionable to make intentional action hybrid in this way. Is not raising my hand, an external action according to the theory, at least as much an exercise of my capacity for agency as the earlier internal action of deciding to raise my hand? And as such should there not be something significantly in common between these two actions? But even as actions, deciding to raise my hand and actually raising it seem on this theory to have nothing much in common: one is an exercise of reason, whereas in itself the other is a mere non-rational effect.

Suarez tried to suggest that they did have something significantly in common—both had the property of being *volitus* or willed. Elicited acts of the will, we have seen, are acts of the rational appetite itself—of a capacity to be moved by practically rational cognitions. But it is important that, for Suarez, the voluntariness of these elicited acts involves their possessing a reflexive quality:

Voluntariness in an elicited act of the will comes to nothing other than being an act which, in coming immediately from the will, is inherently self-willed through a virtual and inherent self-reflexion.¹¹

Being willed, *volitus*, is, as we have seen, a characteristic of imperated acts. But for Suarez it is a characteristic of elicited acts too, though not in the

¹⁰ Suarez (1856–78), vol. 4, *De voluntario et involuntario*, p. 160: ‘voluntarium per modum actus imperati, nihil enim aliud est, quam habitudo, seu denominatio quaedam in actu imperato ab actu elicito, cuius est obiectum et effectus, non enim alia ratione actus imperatus voluntarius dicitur, nisi quia procedit ab actu elicito voluntario, et ab ipso quodammodo informatur, et cum illo constituit unum actum moralem ... Tota ergo difficultas revocatur ad actus elicitos.’

¹¹ *Ibid.*, p. 160: ‘esse voluntarium in actu elicito, nihil aliud esse quam esse actum, ita immediate manentem a voluntate, ut per se ipsum intrinsece sit volitus per virtualementem, et intrinsecam reflexionem in ipso inclusam.’

same way. In contrast to imperated acts, the inherently willed character of elicited actions does not involve their being the object and effect of any prior and distinct act of will. Rather, it is a reflexive relation they bear to themselves, simply as elicited acts of the will.

Suarez cites Augustine, Anselm and Scotus to vindicate this view of elicited acts of will, appealing to what I shall call the ‘reflexion principle’ that ‘omnis volens ipse suum velle necessario vult’—anyone who wills necessarily wills his own willing.¹²

Suarez thus offers to unite elicited and imperated acts within one and the same category of the *volitus* or willed. But this is something which Vasquez refuses to do. For Vasquez, as for Suarez, elicited acts of the will arise from a cognitive principle or object internal to them. They are perfectly voluntary actions because they are exercises of a capacity to respond motivationally to intellectually presented justifications for action—to the cognitive presentation of an end. This permits the practical reason-based model to apply. Given that status, it is not necessary to suppose that an elicited act must also be *volitus*. Nor is it sensible: willing is something produced by the will, but is no more itself willed through being so produced than seeing is itself seen.¹³ Willedness is essential to voluntariness or agency only in the case of imperated actions—only in the case of what is, for both thinkers, an entirely secondary and derivative case of agency.¹⁴

So Suarez’s attempt to unite the voluntary uniformly within the category of the willed is rejected by Vasquez. But the demand to infer from deliberate agency to willedness—to suppose that deliberate agency is in every case done on the basis of being willed or intended—is an old one.¹⁵ It

¹² *Ibid.*, p. 196.

¹³ Vasquez (1611), p. 165 (Disputation 23, Chapter 2): ‘...ac proinde volitio quidem erit producta a voluntate, sed non volita per ipsam productionem; sicut visio, quae est species et qualitas expressa, non erit visa per fieri et productionem sui ipsius.’

¹⁴ *Ibid.*, p. 168 (Disputation 23, Chapter 3): ‘Deinde ex eadem doctrina colligitur, ut actus voluntatis quicumque sit voluntarius, frustra requiri id, quod recentiores Theologi postulabant, nempe aliquo modo esse volitum: ut enim constat ex definitione voluntarii, voluntarium solum postulat principium intrinsecum, et cognoscens, ita ut principium eius sit cognitio: hoc autem habet quicumque actus voluntatis hoc ipso, quod obiectum ipsius cognitum est, et ex tali cognitione principium habet. Nam principium actus facultatis appetentis est obiectum ipsius, actus vero exterioris facultatis, ut sit voluntarius, debet esse cognitus et volitus, quia est voluntarius secundarie ab actu facultatis appetentis, et ita debet esse obiectum illius, esse tamen volitum non est de ratione voluntarie universe, ut voluntarium est.’

¹⁵ As I discuss in more detail elsewhere, the thought that it must at least be possible for deliberate agency to be done on the basis of being willed is often connected within the scholastic tradition to the thought that deliberate agency is something which is within our power or control. For example, in *Summa theologiae* I–II q. 17 a. 5, Aquinas connects the ‘up-to-ness’ or ‘within our power-ness’ of the will to its being subject to the *imperium* or

was to be insisted on by the practical reason-based tradition's principal opponent, Thomas Hobbes. In debating with that tradition's local representative, Bishop John Bramhall, Hobbes accused the scholastic tradition of equivocation. It was clear why external or imperated acts are actions. They occur as effects of willings or of intentions that they occur. And Hobbes could understand voluntariness on that basis:

He [Bramhall] says that Actus Imperatus is when a man opens or shuts his eyes at the command of the will. I say when a man opens and shuts his eyes according to his will, that it is a voluntary action; and I believe we mean one and the same thing.¹⁶

Imperated or external actions, then, were not a problem for Hobbes. But elicited action, the prior internal action of the will itself, was in Hobbes's view a scholastic fiction. What, after all, could make willings voluntary actions too?

One option, of course, as we have seen, is to explain the status of willings as actions in quite different terms from those which apply to imperated actions. Willings are voluntary actions, not for the reason which imperated actions are—they are not actions because they themselves are effects of prior willings that they occur—but because they constitute exercises of reason in practical form. Willings are special reason-responsive motivations.

Hobbes's criticism of this, the standard scholastic position, is twofold. First, the theory of agency becomes mired in equivocation. We are inconsistently explaining action in two quite different ways—in the imperated case as a kind of willed non-rational effect; and in the elicited case as a mode of exercising rationality. But secondly, and worse, this theory of elicited agency is, in Hobbes's view, simply incomprehensible. He claimed not even to understand what a specifically reason-responsive motivation was, and how it differed from evidently passive motivations—from humble desires and urges such as hunger. Willings—decisions and intentions—are just more motivations, of exactly the same kind as mere desires and urges, the only difference being that compared to urges and desires full-scale willings are motivations which are stronger. For willings are nothing more than those motivations which have proved strong enough to override contrary motivations finally to determine our external action. If, as seems intuitive, humble urges and desires are passive occurrences—

command of reason—and so also to the acts of the will itself which such commands of reason presuppose, and by virtue of which they motivate what is both willed and commanded: 'Sed contra, omne quod est in potestate nostra, subiacet imperio nostro. Sed actus voluntatis sunt maxime in potestate nostra: nam omnes actus nostri intantum dicuntur in potestate nostra esse, in quantum voluntarii sunt. Ergo actus voluntatis imperantur a nobis.'

¹⁶ Hobbes 1656, p. 236.

passions which come over us without being our deliberate doing—then willings can be no different.

The second option is to avoid the mystery and equivocation—to tell more or less the same story about elicited actions as we told about imperated actions. We appeal to a higher order willedness at the level of elicited acts: they are voluntary actions because they too occur on the basis of having been willed. But in Hobbes's view, that is impossible. Motivations or willings cannot themselves occur on the basis of being willed: 'I acknowledge this liberty, that I can do if I will, but to say, I can will if I will, I take to be an absurd speech.'¹⁷

PRECEPTIVE LAW

Let us now turn to obligation, and the theory of law or *lex* which was used to characterize it. Essential to *lex*, both Suarez and Vasquez agree, is the property of containing *praecepta*, and not merely *consilia*. And the force of *praecepta* is to demand (or in negative forms, as prohibitions, to forbid), while mere *consilia* only recommend or advise.¹⁸

The *praecepta* of law are justificatory—to break them is to contravene reason. But legal *praecepta* constitute a force of reason in mandatory, and not merely recommendatory mode. Law can bind and oblige us. And through this binding form of justification law governs human actions—actions which can be imputed to their agents, and so for which their agents can be held responsible. As Suarez claims, '*lex tantum datur de humanis actibus*'—law is only given regarding human, that is, perfectly voluntary, intentional agency.¹⁹

Within the tradition, the distinction between *consilia* and *praecepta* is often illustrated by referring to the absence or presence of a superior-inferior relation. As Aquinas noted:

On the second point we should say that to advise is not a peculiarly legal act, since it can apply also to a private person who is not in a position to make

¹⁷ *Ibid.*, p. 29.

¹⁸ Vasquez (1611), p. 26: '*primum naturali legi convenit praecipere actus suapte natura bonos, non omnes, sed eos qui necessarii sunt; nam qui dicuntur in consilio, non praecipuntur lege naturali*'.

¹⁹ Suarez (1856–78), vol. 4, *De bonitate et malitia humanorum actuum*. p. 293. He is absolutely insistent that precepts of law only address free, and so perfectly voluntary, acts; see vol. 5, *De legibus*, p. 7: '*Addo praeterea, loquendo de propria lege, de qua nunc agimus, tantum esse posse propter creaturam rationalem: nam lex non imponitur, nisi naturae liberae, nec habeat pro materia, nisi actus liberos...*'

law. Whence too, in giving advice, the Apostle said: 'It is I who am saying this, not the Lord.' And so advice is not placed among the effects of law.²⁰

The distinctive authority of obligation-involving *praecepta* is conveyed by referring to the authority of a legal superior. And so it is tempting within this tradition to see, with Suarez, a superior-inferior relation as essential to obligation. Simply to point out that some things are good and others are bad, Suarez urges, is not to speak preceptively, but only indicatively. It is to stay within the realm of advice, and not to attain that of demand and obligation. As Suarez says:

Finally, a judgement indicating the nature of an action is not the act of a superior, but can occur in an equal or inferior who has no power of imposing obligation; hence, such a judgement cannot have the character of law or prohibition: otherwise a teacher showing what is good or bad would be imposing law, which cannot be said. Law therefore is that command which can introduce an obligation; judgement, however, does not introduce the obligation, but rather exhibits it as something which must already be in place. So to have the character of law, judgement must be referring to some command from which such an obligation derives.²¹

But also within the same tradition the demandingness of obligation can equally be illustrated by reference to the culpability of breaching it—a culpability which is based simply on the moral badness of wrongful actions and their imputability to the agent. As Aquinas again said:

Hence, a human action is worthy of praise or blame in so far as it is good or bad. For praise and blame is nothing other than for the goodness or badness of his action to be imputed to someone. Now an action is imputed to an agent when it is in his power, so that he has dominion over the act. But this is the case with all voluntary actions: for it is through the will that man has dominion over his action... Hence, it follows that good or bad in voluntary actions alone justifies praise and blame; for in such actions badness, fault and blame come to one and the same.²²

²⁰ Thomas Aquinas (1950), *Summa theologiae*, I-II q. 92, a. 2, resp ad sec.: 'Ad secundum dicendum quod consulere non est proprius actus legis, sed potest pertinere etiam ad personam privatam, cuius non est condere legem. Unde etiam Apostolus, 1 ad Cor. 7,12, cum consilium quoddam daret, dixit: Ego dico, non Dominus. Et ideo non ponitur inter effectus legis.'

²¹ Suarez (1856–78), vol. 5, *De legibus*, p. 106: 'Denique iudicium indicans naturam actionis non est actus superioris, sed potest esse in aequali, vel inferiore, qui nullam vim habeat obligandi; ergo non potest habere rationem legis vel prohibitionis: alias doctor ostendens quid sit malum quidve bonum, legem imponeret, quod dici non potest. Lex ergo est illud imperium, quod potest obligationem inducere: iudicium autem illud non inducit obligationem, sed ostendit illam quae supponi debet; ergo iudicium illud, ut habeat rationem legis, debet indicare aliquod imperium, a quo talis obligatio manat.'

²² Thomas Aquinas (1950), *Summa theologiae* I-II q. 21 a. 2, resp: 'ergo actus humanus ex hoc, quod est bonus vel malus, habet rationem laudabilis vel culpabilis ... nihil enim est aliud laudari vel culpari quam imputari alicui malitiam vel bonitatem sui actus. Tunc autem actus imputatur agenti quando est in potestate ipsius, ita quod habeat dominium sui actus.'

And this threatens to leave a superior-inferior relationship inessential to law and obligatoriness—an implication which Vasquez is happy to draw out. To establish the possibility of law prior even to God’s making an act of judgement or command, Vasquez asserts the possibility of *culpa*—of blameworthy fault or guilt—prior to any such act. He argues:

Badness in any action constitutes a fault; and in a free action it constitutes guilt: so if prior to God’s prohibition we suppose badness in a free act against rational nature, as must necessarily be granted, by that very fact there ought also to be supposed moral guilt.²³

Suarez insists that the source of genuine obligation must lie in the will of a superior. But he is aware of the strength of Vasquez’s position—indeed, he comes close to conceding the substance of it, as we see from the following rather tortuous passage:

I therefore reply that in a human action there is indeed some goodness or badness by virtue of the object positively aimed at, in as much as that object is compatible or incompatible with right reason, so that by right reason the action can be counted as bad, and a fault and blameworthy in that regard, apart from any relation to law proper. But beyond this a human action has a particular character of being good or bad in relation to God, when we add divine law forbidding or decreeing, and in respect of that the human action counts in a particular way as a fault or blameworthy in relation to God by virtue of its breaching of the genuine law of God himself, which particular badness Paul seems to have referred to by the name of transgression when he said, ‘Where there is not law, neither is there any transgression’... The natural law precisely prohibits whatever is in itself bad or disordered in human actions, and in the absence of such a prohibition an action would not have the complete and unqualified character of a blameworthy fault and offence against divine law, which cannot be denied of acts that definitely violate natural law.²⁴

Hoc autem est in omnibus actibus voluntariis: quia per voluntatem homo dominium sui actus habet ... Unde relinquitur quod bonum vel malum in solis actibus voluntariis constituit rationem laudis vel culpae; in quibus idem est malum, peccatum et culpa.’

²³ Vasquez (1612), p. 659 (Disputation 97, Chapter 3): ‘... malitia in quovis actu facit peccatum; in actu autem libero facit culpam: ergo si ante Dei prohibitionem supponamus malitiam in actu libero contra naturam rationalem, ut necessario fatendum est, debet etiam supponi hoc ipso culpa moralis’.

²⁴ Suarez (1856–78), vol. 5, *De legibus*, p. 110: ‘Respondeo igitur in actu humano esse aliquam bonitatem vel malitiam ex vi obiecti praecise spectati, ut est consonum vel dissonum rationi rectae, ut secundum eam posse denominari, et malum, et peccatum, et culpabilem secundum illos respectus, seclusa habitudine ad propriam legem. Praeter hanc vero habet actus humanus specialem rationem boni et mali in ordine ad Deum, addita divina lege prohibente vel praecipiente, et secundum eam denominatur actus humanus speciali modo peccatum vel culpa ad Deum, ratione transgressionis legis propriae ipsius Dei, quam specialem malitiam videtur Paulus significasse nomine praeveraricationis cum dixit, ubi non est lex, nec praeveraricatio ... lex naturalis vere et proprie prohibet quidquid secundum se malum seu inordinatum est in actibus humanis, et sine tali prohibitione actus non haberet ...’

But if there really is culpability or blameworthy fault prior to any divine prohibition, do we not have enough for obligation? What is an obligation if not a standard which it is blameworthy to breach?

For Suarez the obligatoriness of the action does follow, although indirectly, from the badness of not performing it; for that badness, given the existence of rational created beings, necessarily implies that God has prohibited its performance.²⁵ Hence, the natural reason by which we determine that our failure to perform the action would be bad can constitute the sufficient promulgation of the law which the action's obligatoriness presupposes.²⁶

The voice, then, of pre-positive law in us—the voice of natural law—is the voice of our reason. The demanding force with which law addresses us is the force of our reason, and one which it is irrational for us to disregard. Suarez endorses the view which:

in respect of rational nature distinguishes two things: one is that nature itself, in as far as it is the basis of the compatibility or incompatibility with itself of human actions; the other is a certain power of that nature, which we call natural reason. Taken the first way, this nature is said to be the basis of natural moral goodness; taken the second way, it is called the natural law itself, which prescribes or forbids to the human will what is to be done by natural right.²⁷

We now reach an absolutely fundamental feature of this natural law-based conception of obligation. If we do see moral obligation as addressed to us as a demanding force of reason or justification, then moral obligations must bind the will as much as they bind external, imperated action.

This is because it is a quite general characteristic of features which justify performing some external action such as, for example, giving alms that they also justify, with the same force, deciding or intending or becoming fully motivated to perform that same action. That is how justifications for external actions such as giving alms move us to perform

consummatam vel perfectam rationem culpae et offensae divinae, quae negari non potest in actibus qui praecise sunt contra legem naturae.'

²⁵ Ibid., p. 111: '... ideoque supposita voluntate creandi naturam rationalem cum sufficienti cognitione ad operandum bonum et malum, et cum sufficienti concursu ex parte Dei ad utrumque, non potuisse Deum non velle prohibere tali creaturae actus intrinsece malos, vel nolle praecipere honestos necessarios.'

²⁶ Ibid., p. 112: 'Unde dicitur ulterius ipsummet iudicium rectae rationis inditum naturaliter homini, esse de se sufficiens signum talis voluntatis divinae, nec necessariam aliam insinuationem.'

²⁷ Ibid., p. 102: 'in natura rationali duo distinguit, unum est natura ipsa, quatenus est veluti fundamentum convenientiae vel disconvenientiae actionum humanarum ad ipsam: aliud est vis quaedam illius naturae, quam rationem naturalem appellamus. Priori modo dicitur haec natura esse fundamentum honestatis naturalis: posteriori autem modo dicitur lex ipsa naturalis: quae humanae voluntati praecipit vel prohibet quod agendum est ex naturali iure.'

the actions which they justify—by providing the same justification for, and so justifying with precisely the same force, the motivation which deliberate performance of the external action would require. A justification which did not address the will with the same force with which it supports the external action justified simply could not move us into action. We would, as rational, justification-sensitive beings, note the justification for giving alms; yet we would be unmoved by it, since we lacked the same justification for being correspondingly motivated to give alms. But it would be quite absurd for a practical justification to bypass the will in this way; for then we would have supposed justifications for action which, however, were incapable of moving even rational, justification-sensitive agents to act. And no genuine justification for action can so lack the force to move us to do what it justifies. Accordingly, if we do conceive of obligation as the force of a justification or reason, that force, like any justificatory force, must apply not only to external actions, but also to motivations of the will.

Suarez and Vasquez, along with others of their tradition, make precisely this assumption of obligation. The obligations of pre-positive, natural law are supposed to lie on the will as much as on external action. We are not only under an obligation, say, actually to help our neighbour, but by the very fact of that obligation we are also obliged to will or intend that our neighbour be helped. Indeed, for Suarez, the will is what obligations primarily bind, precisely because these obligations are addressed to us as the demand of our reason—as a force of justification. ‘*Lex naturalis in ratione posita est*’: the natural law is placed in reason. So the right exercise of the will is subject to the prescription and obligation of natural law, and is necessary if we are fully to comply with that law. Suarez puts the point with some emphasis—but asserts it as something quite uncontroversial:

So teaches Saint Thomas and on this point everyone ... And the point is established because the law of nature is placed in reason and immediately directs and governs the will. So it is on the will first and foremost that, as it were, by its very nature the obligation of the law is imposed. So the law is not kept unless through the exercise of the will.²⁸

But if obligation is specifically action-governing—if ‘*lex tantum datur de actibus humanis*’—it means that there must on this conception of obligation be such a thing as an internal agency of the will. There must be a category of internal elicited voluntary acts. This natural law-based conception of

²⁸ Ibid., p. 123: ‘*Modus operandi voluntarie cadit sub praeceptum legis naturalis, et necessarius est ad illius observationem. Ita docet D. Thomas q. 100 art 9 et ibi omnes. Et probatur, quia lex naturalis in ratione posita est, et immediate dirigit et gubernat voluntatem; ergo illi imponitur quasi per se, et principaliter obligatio illius legis: ergo non observatur illa lex nisi mediante voluntate ...*’