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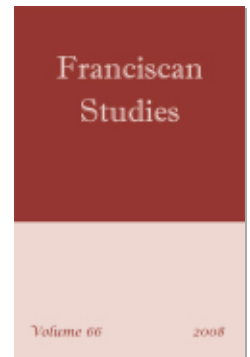
Self-Mastery and Rational Freedom: Duns Scotus's
Contribution to the *Usus Pauper* Debate

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SELF-MASTERY AND RATIONAL FREEDOM: DUNS SCOTUS'S CONTRIBUTION TO THE *USUS PAUPER* DEBATE

In “Franciscan Poverty: a Brief Survey,” David Flood, O.F.M. suggests that, in the wake of Peter John Olivi’s condemnation in 1299, Minister General Gonsalvo of Spain would have done well to have had a “theory of Franciscan life like Brother Peter of John’s.”¹ The new Minister General needed something in order to effect the economic reforms he desired within the order when he wrote to every province prior to the chapter of Padua (Pentecost 1310). Without such a theory that would have offered a basis for *usus pauper* (a position with which he was sympathetic), Gonsalvo had recourse to the argument *ad baculum*: under pain of excommunication, which he alone could lift.

I want to suggest here that Gonsalvo did, indeed, have a theory equal to the task, one that he could have used to support the economic reforms needed in the order, a theory that both explained and defended *usus pauper*. The various elements of this theory can be identified within Scotus’s gradual development of the rational will, a development into which he integrates the causal categories of Aristotle, the moral psychology of Anselm and, as central insight, the basic notion of freedom as self-mastery which he inherited from Peter of John Olivi. Elsewhere,² I have argued that the gradual development of Scotus’s position on the rational will can be traced out by a recursive reading of Anselm and Aristotle. The final version of this position, found in *Reportatio* II, d.

¹ “Franciscan Poverty: A Brief Survey,” Introduction to Gedeon Gál and David Flood, eds., *Nicholaus Minorita: Chronica. Documentation on Pope John XXII, Michael Cesena on the Poverty of Christ* (St. Bonaventure, NY: The Franciscan Institute, 1996), 52-53.

² In “La genèse de la volonté rationnelle: du *Lectura* au *Reportatio* II, 25,” in *Duns Scot à Paris: 1302-2002*, ed. Olivier Boulnois et al. (Brepols, 2004), 409-24 and “The Birth of the Rational Will: Duns Scotus and the *Quaestiones super libros Metaphysicorum Aristotelis*, Book IX, q. 15,” *Medioevo* 30 (2005): 139-70.

25, owes a lot to Scotus's use of Aristotelian causal categories in his *Quaestiones super libros Metaphysicorum*, Book IX, q. 14-15. In this present article, I seek to link Olivi and the *usus pauper* controversy into Scotus's treatment of the rational will.

Most studies of Scotus's position on human freedom take as their starting point the discussion in his *Quaestiones super libros Metaphysicorum* Book IX, q. 15. In this important text, the Subtle Doctor frames his presentation of the will's rational freedom in terms of Aristotelian causality. Scotus creatively interprets the metaphysical distinction between rational and irrational causes³ in order to attribute rational causality to the will and irrational causality to nature and, by extension, to the intellect. Because of its freedom from natural causality, the will is undetermined by anything other than itself. It is precisely this *indeterminacy* that defines the act of willing freely. Indeed, no other reason can be given as to why the will acts in the way that it does than the affirmation "because the will is the will."⁴

The importance of Aristotle for Scotus cannot be denied. Indeed, it is precisely in the Stagirite's texts that Scotus finds what he needs in order to ground the will's freedom in the deeper dimension of causal orders: the rational and irrational. Elsewhere, I have proposed an additional frame within which to approach Scotus's discussion of freedom: one that identifies it more closely with Stoic notions of self-mastery.⁵ This identification with another philosophical tradition,

³ Aristotle, *Metaphysics* IX, ch. 5, 1048a 8-10: "For the non-rational potencies are all productive of one effect each, but the rational produce contrary effects, so that if they produced their effects necessarily they would produce them at the same time; but this is impossible. There must then be something else that decides; I mean by this desire or choice."

⁴ "Quare voluntas illud volet? Nulla erit alia causa nisi quia est voluntas." *Quaestiones super libros Metaphysicorum*, IX, 15, n. 29 (*Oph* IV, 682). There is a great deal of scholarly debate around this particular passage and its relationship to a possible libertarian freedom in Scotus. See for example, Thomas Williams' "The Libertarian Foundations of Scotus's Moral Philosophy," *The Thomist* 62 (1998): 193-215. I will not be dealing with this question in this article. My purpose is, rather, to contextualize what Scotus is doing with the will's freedom in his use of Aristotle.

⁵ Mary Beth Ingham, *La Vie de la Sagesse: le Stoïcisme au Moyen Age* (Paris: Cerf/Fribourg: Academic Press, 2007).

one that pre-dates the entrance of Aristotelian texts, brings Scotus into closer alignment with earlier thinkers such as Anselm,⁶ Richard of St. Victor, and, ultimately Augustine.

Allan B. Wolter's seminal "Native Freedom of the Will as a Key to the Ethics of Scotus,"⁷ outlined the importance of Anselm's discussion as central to the notion of the rational will and for Scotus's moral theory. Despite my own preference for the Anselmian roots of Scotus's position on the will's rational freedom, I am still bothered by the question as to why Scotus *would* work so carefully to integrate Anselm with Aristotle, as can be clearly seen in his final teaching (*Reportatio Parisiensis* II, 25). Why indeed does he read these two important sources recursively? What is the significance of Anselm for him? Is it, as I have suggested,⁸ his attempt to reconcile philosophical and theological authorities around the single affirmation of rational freedom? Is it, as Stephen Dumont's research also suggests, informed by the controversies at the University of Paris during the final years of the thirteenth century?⁹

In what follows, I suggest a third, and perhaps even more helpful, perspective from which to approach these texts, one that draws upon Scotus's own Franciscan identity. I consider here his position on rational freedom specifically in light of the debate taking place within his lifetime and, indeed, at

⁶ "Did Scotus Modify His Position on the Relationship of the Intellect and the Will?" *Recherches de Théologie et Philosophie Médiévales* 69, n. 1 (2002): 88-116.

⁷ In *The Philosophical Theology of John Duns Scotus*, ed. Marilyn M. Adams (Ithaca, NY: Cornell, 1990), 148-62.

⁸ "La genèse de la volonté rationnelle: du *Lectura* au *Reportatio* II, d. 25," 409-24.

⁹ "Did Scotus Change his Mind on the Will?" *After the Condemnation of 1277 – The University of Paris in the Last Quarter of the Thirteenth century*, ed. J.A. Aertsen et al. (Berlin: de Gruyter, 2000), 719-94. In this article, Dumont discusses the way in which Scotus returns (in the *Reportatio* II, 25) to a position of Henry of Ghent that he had dismissed earlier in the *Lectura* version of the same question. At the close of the study, Dumont suggests that the influence of Gonsalvo's reaffirmation of traditional Franciscan positions might help to explain the shift. "Although Gonsalvus's dispute with Godfrey may have been the occasion for and context of Scotus's reconsideration of the matter, some further, philosophical (or perhaps theological) motivation seems demanded." (794).

the heart of his own religious community: the poverty controversy of the final decades of the thirteenth and the opening years of the fourteenth centuries. This perspective would take seriously the important influence of Peter John Olivi's position on the nature of freedom as restrained use, the heart of the *usus pauper* position. This Franciscan position on poverty may indeed help us understand the developing position of the rational will we find in Scotus's texts.

We begin by proposing the following hypothesis: that Scotus's work on the rational will in his various texts reveals his own attempt to link the Franciscan position on human freedom to *usus pauper* or restrained use. If this is true, Scotus's final *Reportatio* position on the rational will could then be understood as the fruit of his Franciscan reflection on the relationship of the vow of poverty (*usus pauper*) to Aristotelian metaphysical categories of rationality and irrationality, as well as to the Anselmian analysis of the will's affections. If this hypothesis can be successfully defended, then we can understand why Anselm is so important to Scotus, and why, in his final *Reportatio* teaching, he prefers Anselm's analysis of the rational will to that offered by Aristotle. A successful defense here may also shed more light on the question raised by Dumont's study: why did Scotus appear to reverse himself and embrace Henry of Ghent's *sine qua non* position in his final teaching on the causality of willing?

In what follows, we recall briefly the position of Peter John Olivi on *usus pauper* and the developing controversy during the final decades of the thirteenth century. Following this, we look more closely at several ways in which Olivi articulates and defends the dignity of the human will in its exercise of freedom as *indeterminatio*, based upon the will's capacity for self-restraint. Turning then to Scotus in the second half of this study, we see how Olivi's insights find an echo in his own articulation of the will's rational freedom, in his use of Anselm's *Gedankexperiment* and in his approach to Aristotle's causal categories. At the close of the article, we consider more carefully the singular significance of the discussion of rational and irrational causes (what Scotus finds in Aristotle). With the help of the Philosopher (and *pace* Olivi), Scotus may indeed offer a more well-grounded, and therefore

more satisfying, theoretical foundation for the *usus pauper* position.

But, before we proceed, one caveat. Notwithstanding the continuity with his predecessor, Scotus would have developed his theory in a way that Olivi would certainly have found objectionable: using Aristotelian philosophical categories to defend poverty, the heart of the Franciscan way of life. In response to Olivi's objections, however, Scotus could reasonably point to the fact that he creatively altered the Aristotelian distinction of causes, demonstrating his own independence relative to the Philosopher and grounding the intuition regarding poverty as restrained use (*usus pauper*) on the strongest philosophical footing, that of Aristotle himself.

PART I. PETER JOHN OLIVI AND *USUS PAUPER*

Thanks to the important work of scholars like David Burr,¹⁰ David Flood, O.F.M.,¹¹ and François-Xavier Putallaz,¹² we know a great deal about the historical and philosophical aspects of Olivi's position on the nature of freedom, on the dignity of the human will, its centrality for his position in the *usus pauper* controversy, and its pretended role as a corrective of pagan philosophical positions. We know less than we would like, however, about the precise story behind the controversy and condemnation of Olivi in 1283, and of the reasons behind the posthumous condemnation of his writings by Minister John of Murrovalle in 1299.¹³ What we do know is that, after 1299, Olivi's work could be neither read nor taught. Any *lector* worthy of the position of teacher was required to abide by such a restriction.

Despite the condemnations within the order, Olivi's influence on the friars was powerful. His influence on Scotus's po-

¹⁰ David Burr, *Olivi and Franciscan Poverty* (Philadelphia: University of Pennsylvania Press, 1989); David Burr, *The Spiritual Franciscans* (Philadelphia: University of Pennsylvania Press, 2001).

¹¹ "Franciscan Poverty (A Brief Survey)," 31-53.

¹² *Insolente liberté: Controverses et condamnations au XIIIe siècle* (Fribourg/Paris: Cerf, 1995).

¹³ Burr, *Olivi and Franciscan Poverty*, 146-47.

sition on freedom and the will has been most fully documented by Ernst Stadter,¹⁴ and will not be repeated here. Stadter's excellent study can give the impression that Scotus simply followed Olivi's position, without any original or significant transformations. This is clearly not the case. Yet, despite his divergence from Olivi at critical points, there remain important aspects of Olivi's thought that are particularly resonant with Scotus's own position and they do reappear in his arguments.

1. *Usus pauper* and the dignity of the natural will

Olivi's *Tractatus de perfectione evangelica*, Q. 8 lays out clearly how the will's dignity and superiority support his position on poverty as restrained use of goods (*usus pauper*), rather than simply their non-possession. David Burr identifies this text, along with its partner, question 9, as the possible source for what would later develop into the *usus pauper* controversy.¹⁵ Here Olivi presents in germ the lynchpin for his own position: that the vow of poverty, with its essential element of restrained use is not merely an imitation of the practice of Jesus and his apostles; it is also perfective of human persons. It is therefore to be embraced as neither extreme nor dangerous.

Olivi's work highlights a shift in Franciscan concerns regarding the practice of poverty. While the earlier generation (that of Bonaventure of Bagnoregio) had defended the Franciscan practice against external critics and detractors, Olivi's work focuses on the practice of such poverty by those who profess it. Olivi was writing for the friars.¹⁶ His position points to the internal discussion and reflection upon the

¹⁴ Ernst Stadter, *Psychologie und Metaphysik der menschlichen Freiheit: Die ideengeschichtliche zwischen Bonaventura und Duns Scotus* (Paderborn: F. Schöningh, 1971).

¹⁵ *Olivi and Franciscan Poverty*, 43. The text itself is early. Burr dates it between 1273-75, showing the influence of the mendicant controversy, Bonaventure's *Apologia pauperum* and John Pecham's *Tractatus pauperis* on Olivi's approach to the question.

¹⁶ David Flood, O.F.M., "Poverty and the Gospel," *Franciscan Studies* 64 (2006): 12.

nature of the Franciscan vocation and the vowed life after 1270.

In the *Tractatus* Olivi offers the following argument in favor of *usus pauper*: the highest state of poverty (insofar as it involves restrained use of goods) conforms to the natural human will considered according to its rectitude. The source for this rectitude lies within the will itself: in the natural freedom by which the will is able to master itself. This innate power of self-mastery expresses itself in a twofold manner: in its ability to control and move beyond its own desires and, in addition, in its ability to be free from the lure of external goods, thus enabling it to move beyond things of this world. Neither our will nor our person is determined naturally (*per naturam*) to one thing rather than another. Indeed, there is no power in nature (*re de vi naturae*) sufficient to move the will to one thing rather than another. Self-mastery is the source for this freedom from external goods, so important for ordered loving. It is also self-mastery that enables the will (which Olivi identifies with the heart¹⁷) to achieve internal harmony, or *tranquilitas*. In its internal capacity for self-dominion and its external freedom (indetermination) from worldly attachments, the will demonstrates its twofold superiority to the natural order.¹⁸

This natural state of the will is that state of reflexive self-mastery, lost when innocence was lost. The vow of poverty offers the means by which the will can return to its original rectitude: full self-mastery and restrained use of the goods of the world. The state of the highest poverty assists the will

¹⁷ This identification of the will with the heart (*cor*) is central to the biblical tradition which inspires medieval reflection upon human action. The heart is not the center of emotions, rather it is the deepest center of the human person. For this reason, when Olivi speaks of the will, he also speaks of the person. See, for example, II *Sentences*, q. 52 (II, 200).

¹⁸ *Naturalis enim rectitudo voluntatis nostrae clamat eam altam et sibi consonam; tum quia naturalem habet libertatem qua omnibus mundanis superfertur et superferri appetit per modum cuiusdam dominii naturalis. Unde per naturam non determinatur voluntas nostra nec persona nostra plus ad hoc quam ad illud nec ipsa re de vi naturae plus ad hunc quam ad illum.* J. Schlageter, O.F.M., *Das Heil der Armen und das Verderben der Reichen: Petrus Johannis Olivi, OFM, Die Frage nach der höchsten Armut* (Werl: Dietrich-Coelde-Verlag, 1989), 125.

in the recovery of its excellence in all its dignity: its breadth, length and height.¹⁹

The strongest evidence for the truth of this assertion comes from personal reflection and attention to one's inner state. Such evidence is indubitable. Any inner struggle to master one's desires, any effort to perform a difficult or arduous task is immediately evident to the person attempting it. The capacity for this type of heroic self-control or natural self-sacrifice reveals the native dignity of the human will.²⁰ Olivi grounds his position for the primacy of poverty both on the will's natural dignity (it belongs to the will according to its natural rectitude) and upon the experience of introspection (evident examples of self-restraint). Consequently, the vow of poverty perfects the human will and the human person, returning it to its natural abode: rectitude intended by God.

Olivi offers this reflection upon the nature of the will as one piece of evidence in favor of poverty. Consideration of the state of innocence also bears witness to the dignity of the human will and points to the excellence of the state of poverty. That early state before the Fall involved restrained use: all goods were held in common. There was no private ownership, nor did any legal system attribute possession of property to anyone. In addition, the states of grace and glory also attest to the exalted nature of the state of vowed poverty, not simply as absence of possessions, but as self-mastery and restrained use.

¹⁹ *Quandocumque igitur voluntas nostra declinat ad inferiorem statum seu modum se habendi ad temporalia, quam sit status et modus altissimae paupertatis, tunc aliquo modo declinat ab altitudine suae naturalis libertatis et coartatur latitudo suae naturalis capacitatis et divaricatur uniformitas suae intellectualitatis pro eo quod tunc applicat et coartat et associat se ad aliqua istorum inferiorum sive propria sive communia modo quodam infimo et stricto et distractivo seu difformi respectu suae altitudinis et latitudinis et uniformitatis seu abstractionis. Ibid.*

²⁰ *In hoc etiam clamat altitudinem; quia – cum conatur ad eam aut appetendam aut de facto habendam – semper sentit se indigere fortissimo conatu et semper in appetendo et assumendo eam sentit se elevari ad aliquid valde arduum et valde de natura sua difficile. Hoc autem omni conanti ad eam est et esse potest probatissimum per experientiam vivam. Ibid.*

2. *The primary datum of experience: freedom as self-mastery*

Olivi's identification of freedom with self-mastery and the appeal to personal experience as the most certain proof of his position return in many of his arguments. In his *Quaestiones in Secundum Librum Sententiarum*, q. 52, he identifies self-mastery with personhood in the following way: "to be a person (*personalitas*) is to be a *per se* existent, possessing oneself reflectively."²¹ In q. 54, he identifies freedom in the will with self-mastery. "Freedom without the will is impossible, for freedom is nothing more than the will's ability to dominate itself...."²² This line of reflection continues in q. 57, devoted to free will (*liberum arbitrium*). The will is free because it is capable of self-possession and self-dominion, both externally and internally. Indeed, the will's relationship to itself, its reflexivity, shows it to be a self-mover. The will's reflexivity is the basis for its self-dominion and self-movement. Neither of these would be possible were the will not free.

In addition, nothing can act reflexively immediately toward itself, unless it is first turned toward itself as mover to what can be moved, for to reflect on is to move oneself. However, no power can move itself toward itself or toward another, unless it has dominion over itself, as will be shown in what follows. One cannot have such dominion, over oneself or another, if one is not free.²³

²¹ Petrus Iohannis Olivi, O.F.M., *Quaestiones in Secundum librum sententiarum*, ed. B. Jansen (Quarracchi, 1926), vol. II, p. 200. This identification with reflexive self-possession appears again in q. 59: *Personalitas seu persona est per se existentia in se ipsam plene rediens et consistens seu in se ipsam perfecte reflexa*. (II, 526) [Hereafter Jansen].

²² *Libertatem etiam sine voluntate ponere est omnino impossibile, cum libertas nihil aliud sit quam dominativa facultas ipsius voluntatis...* II, q. 54 (Jansen, II, 249).

²³ *Praeterea, nihil potest se reflectere immediate ad se, nisi sit prius conversum ad se ipsum sicut motor ad mobile, nam sic reflectere se est se ipsum movere. Nulla autem virtus potest se ipsam movere nec ad se nec ad alia, nisi habeat dominium super se, sicut in sequentibus magis tangetur. Dominium autem nec in se nec in aliis habere potest, si non est libera*. II, q. 57 (Jansen, II, 324-25).

In this passage, Olivi plays upon two meanings of the term *se reflectere*. One sense, which might be translated “to reflect upon itself” suggests self-consciousness, self-awareness or self-reflection. But a second sense, which I have translated “act reflexively toward oneself” also contains the key notion of self-mastery and dominion that is also developed within the citation above. It seems that, for Olivi, the fact of the will’s freedom, as a primary datum of experience, involves immediate self-awareness and self-mastery. Both are involved in self-movement, and therefore identify the will’s primacy as a self-moving cause.

All this is evident, he states, and most certainly clear to introspection. Our will is capable of self-restraint (*se retinere*), not only relative to goods that are indifferent, but even more so relative to those to which it is drawn.²⁴ At this point in his argument, Olivi introduces an example, as primary datum of experience, that returns several times in his discussion: love for an enemy. It is often the case, he argues, that we experience an act of conversion toward an enemy, wherein we move ourselves to love someone we had previously despised. Anyone able to do this, to refrain from one act (aversion to one whom we dislike) and to move toward another (loving that person despite our natural aversion) possesses power and dominion over both modes of action. In such a case, there is both self-restraint (a first act of self-dominion) and self-movement counter to natural inclinations (a second act of self-dominion). This second act requires dominance over the appetites, against whose inclinations one could restrain oneself. This, he concludes, is what is meant when we speak of freedom in the will.

For indeed, we frequently experience that we move ourselves toward those things we had previously avoided and hated, such as loving one’s enemy. Any power which can hold itself back from one act and

²⁴ *Certissime enim intra nos experimur quod voluntas nostra retinet se non solum ab indifferentibus, sed etiam a multis quae appetit, et tam se quam alias potentias saepe cum multo moderamine tenet et regit, ita quod tam sibi quam aliis imprimit regulam et moderationem virtutis.* II, q. 57 (Jansen, II, 325).

move beyond it toward another act is free toward inclining and not inclining, since it has the power and dominion over both acts. Indeed, one would not be able to restrain oneself against one's appetite and inclination, unless the restraining power had dominion over the appetite against whose inclination it restrained itself; and in the same way it could not move itself toward that which it hated and avoided, unless it had dominion over that hatred and over that flight.²⁵

Such capacity for self-restraint is most certain and evident to anyone attentive to her inner states. This capacity reveals the sort of freedom Olivi means when he speaks of the dignity of the will.

Acting against one's inclinations returns again in q. 58, where Olivi appeals directly to the capacity for conversion. The fall of the virtuous person from virtue as well as the vicious person's conversion from vice depends upon the ability to resist one's natural inclinations. In both cases, the person acts against habit or inclination. The virtuous person acts contrary to years of virtuous living. The vicious person acts contrary to his own strengthened and habitual inclinations toward vice. In each case, there are really two acts involved. The first act is that of self-restraint: stopping the habitual inclination. The second act is the act of self-movement: toward vice or virtue. Yet whatever the outcome, the act of self-restraint is identical in both cases. Because the will possesses this self-dominion, it "can impel and move and withdraw itself and the other faculties and active powers subject to it."²⁶

²⁵ *Experimur etiam quod frequenter se ipsam impellit et movet etiam ad res quas prius refugiebat et odio habebat, ut ad amandum inimicum suum. Sed omnis potentia quae ab actu potest se retinere et retrahere et ad eundem actum impellere est libera ad tendendum et non tendendum tamquam habens potestatem et dominium super utrumque. Posse etiam se retinere contra appetitum et inclinationem suam non posset fieri, nisi potentia retinens haberet dominium super appetitum, contra cuius inclinationem se ipsam retinet; et eodem modo non posset se ipsam impellere ad id quod odit et fugit, nisi haberet dominium super illud odium et super illam fugam.* II, q. 57 (Jansen, II, 325).

²⁶ *Sicut enim ex praecedenti quaestione [q. 57] patet, necesse est quod liberum arbitrium habeat rationem primi motoris et talis quod possit se*

The will receives nothing from the intellect, nor from the object, that acts as an efficient principle for its movement.²⁷ The object as presented by intellection serves as a type of final cause (extrinsic to the will's movement), serving merely as pre-requisite (*sine qua non*) for the will's action. The object focuses or limits the will's power by directing it toward an external *terminus*.²⁸ Nothing, however, not even the object of the will, determines the will's movement. It is the will alone, in its capacity for self-mastery and self-dominion, that determines itself.

This freedom of the will as *indetermination* is also, according to Olivi, a primary datum of experience. Once again, the act of self-reflection reveals clearly the way in which we do not act as do animals. For we are aware (*sentiremus*) that in a given moment when we act according to our inclinations, at that very instant we have the capacity not act as we do. And conversely, we know that at the moment we do not act we have it in our power to act.²⁹ This self-awareness is the deepest and most evident proof that we ourselves are a po-

et alias potentias et virtutes activas sibi subiectas impellere et movere et retrahere, et hoc non solum, quando nullum est impellens ad contrarium, sed etiam quando est ibi aliquid inclinans ad contrarium. Unde et potest agere contra inclinationem suorum habituum, aliter virtuosus non posset declinare a virtutibus ad vitia nec alium. II, q. 58 (Jansen, II, 410).

²⁷ *Voluntas est totaliter activa respectu actuum suorum, ita quod penitus nihil recipit ab obiecto nec ab intellectu, sed ipsa est sufficiens principium effectivum actuum suorum. II, q. 58 (Jansen, II, 410).*

²⁸ *Et sic dico quod obiecta voluntatis liberae seu liberi arbitrii non praeexiguntur ad eius actus liberos ad aliquid efficiendum seu coefficientum in ipsis actibus, sed solum ad terminandum aspectum potentiae agentis et ad terminandum ipsum actum et respectum eius. Terminandum dico per modum termini extrinseci, non per modum termini intrinseci; obiectum enim non est terminus intrinsecus eorum, sed solum extrinsecus. II, q. 58 (Jansen, II, 419).*

²⁹ *Respectu etiam actuum est valde indeterminata. Si enim in hora agendi et dum agit sic esset inclinata ad illos actus sicut sunt cetera agentia ad suos: tunc quando agimus aut in ipso initio actuum non sentiremus in nobis quandam potestatem et facultatem in promptitudine valentem non agere id quod agit. Hoc autem certissime omnis homo sentit apud se, etiam – quod maius est – in his ad quae multum homo afficitur et multo affectu trahitur. Unde indubitanter homo sentit in se habere quandam potestatem quae non sic est determinata ad agendum, quando agit, et ad non agendum, quando non agit, quin, quando agit, possit id non agere, et quin, quando non agit, possit id agere. II, q. 57 (Jansen, II, 327).*

tendency to act independently of external determination. The will's freedom is this *indeterminatio*, undetermined by anything other than itself.

3. *The will's indetermination*

The will's self-mastery and freedom are revealed to us when we attend carefully to the mode of indetermination proper to the will. It belongs to the will to have the highest indetermination regarding its objects, its acts and its mode of acting.³⁰

As regards the objects of the will, Olivi identifies three traditional categories: the uncreated good, the twofold division of goods into the just and the beneficial (*iusti et commodi*), and the category of pleasurable or delectable goods. He further explains that these objects can be understood by the will as ends or as means leading to an end. For example, the will can establish an object as an end for itself that had, hitherto, not been seen as an end. The example Olivi provides is telling: when we begin to love someone with the love of friendship, the beloved is loved, for the first time, for himself alone. In this example, we not only shift our attention to a new object of love but, rather, we alter our own mode of loving. In this act of a conversion in loving, the person moves herself from seeing another as a means to seeing him as an end. Now the other is loved as an object of intrinsic value and for himself alone. Once again, here is an act that reveals the extent to which our will is not determined by the object as presented by the intellect. We are free (indetermined) to exercise control over our acts of loving and over the modality of those acts. This sort of indetermination would be impossible to the will, were it not free.³¹

³⁰ *Voluntas enim habet summam indeterminationem respectu obiectorum et actuum et modorum agendi.* II, q. 57 (Jansen, II, 326)

³¹ *Respectu quidem obiectorum, quia potest in omne quod habet aut habere potest rationem boni et etiam in omnem rationem boni ab intellectu cogitabilem. Potest enim in rationem boni increati et in rationem iusti et commodi et in rationem boni delectabilis et potest in finem et in ea quae sunt ad finem et potest sibi finem praestituere quae prius non habebant respectu eius rationem finis, utpote, quando de novo aliquem quemcunque*

In his argument, Olivi ties the indetermination of the will to its independence from external factors and to its own power over itself and its own acts of loving. The shift from loving an object according to the category of use (*commodi*) to the category of intrinsic value (*iustitiae*) requires that the will perceive the higher order of justice, that it restrain and regulate itself relative to the orders of use and delight. The order of justice is proper to those beings who possess freedom.

For one would not be able to raise oneself to an intrinsic good, unless one could perceive the order of intrinsic goods and unless by the love of intrinsic goods, the will could restrain itself and regulate itself from *bonum commodi*, from goods of use, and from delectable goods. Now one who does not have freedom cannot participate in the order of justice, nor can one restrain oneself from the above according to the order of justice without freedom, because if such [restraint] is not done freely, it ought never be called just or according to justice.³²

Olivi reiterates what is at stake here: it is not simply the ability to love goods of justice for their own sake, it is the ability to restrain oneself and to move toward a conversion in loving certain goods anew. This means, quite simply, that the person recognizes something/someone as worthy of love for itself alone, and without regard to personal gain or ambition. To see such an object as an end in itself, to love that object with a love of friendship requires the highest form of freedom as self-mastery. It also requires the will's absolute

incipit diligere amore amicitiae in quo quis diligitur propter se et sui gratia. Sed hanc indeterminationem seu ambitum impossibile est eam habere sine libertate. II, q. 57 (Jansen, II, 326).

³² *Non enim poterit ad bonum iustitiae se elevare, nisi possit percipere ordinem boni iustitiae et nisi amore boni iustitiae possit se refrenare et regulare ab amore boni commodi seu utilis et ab amore boni delectabilis. Order autem iustitiae non est participabilis ab eo quod nullam habet libertatem, nec refrenare se a praedictis secundum ordinem iustitiae potest fieri sine libertate, quia si non fit gratis et libere, numquam debet dici fieri iuste seu secundum iustitiam.* II, q. 57 (Jansen, II, 326).

indeterminacy from external factors that might compel it to love a certain object in a certain way.³³

In the presence of several goods of equal value, there is no reason we can give, other than the will's freedom, adequately to explain why the will chooses one good over another. And, Olivi concludes in response to a possible objection, this affirmation does not reduce the human will to arbitrary action, like that of animals. Animals do not deliberate nor do they judge among objects, as we do. Once again, introspection reveals to us why, in a particular instance, we choose between two goods. The animal appetite is continually moved by nature to act in the way it does.³⁴

Introspection, indetermination, self-mastery, goods of justice and happiness: all of these are the primary data of experience, made possible by the will's self-reflexivity. Olivi ties all these aspects together with a single example, the single most evident manner by which we are able to affirm our own freedom. It is the act of conversion in the modality of the will's act, namely, the love of friendship for someone previously loved according to personal advantage. This shift within the will, a conversion in loving, a shift of perspective from self to other, from selfishness to generosity, is the singular and most evident example that distinguishes the human will from that of animals, who do not deliberate over goods to which they are attracted, nor are they capable of loving something according to its intrinsic goodness.³⁵

³³ *De novo etiam praestituere sibi aliquid ut finem seu ut propter se dilectum impossibile est sine libertate, quia non erit dare quid sit eam ad hoc necessario trahens. Illud enim quod eam traheret haberet necessario rationem finis, et tunc finis non iam de novo praestitueretur, sed prius esset praestitutus, nec novus amicus diligeretur propter se, sed potius propter illum finem qui voluntatem traheret ad amorem amici.* II, q. 57 (Jansen, II, 326).

³⁴ II, q. 57 (Jansen, II, 327).

³⁵ *Propter quod non dicimus quod bruta ament proprie aliquid amore amicitiae, sed solum amore concupiscentiae aut complacentiae, non solum quia nihil gratis possunt amare, sed etiam quia se ipsa non possunt alteri donare sicut amicus dat se ipsum amico. Quisquis enim potest per vim amicitiae dare se ipsum alteri ut amico: oportet quod super se ipsum plene reflectatur et in manu cuiusdam sui potestativi consensus se ipsum sic teneat et habeat ut per ipsum eundem consensum plene se suo amico det et uniat; nihil enim potest donari, nisi prius in plena facultate et dominio dantis*

A compelling demonstration of the truth of his argument closes the discussion. Without freedom in the will, which Olivi refers to both as free choice (*liberum arbitrium*) and as freedom of choice (*libertatem arbitrii*), no friendship, whether among humans or with God, would be possible. Human society as well as religion would be impossible, not to mention voluntary human associations such as religious orders whose members profess poverty. Indeed, without the will's freedom, we would be nothing more than "intellectual brutes."³⁶ No one of sound mind would dare conclude to the pessimism and "intolerable falsehood" in denying the will's freedom.³⁷

PART II. PETER JOHN OLIVI AND JOHN DUNS SCOTUS

No major scholar denies the influence of Peter John Olivi on the thought of John Duns Scotus. Ernst Stadter,³⁸ Stephen Dumont,³⁹ Bonnie Kent,⁴⁰ François-Xavier Putallaz,⁴¹ Olivier Boulnois,⁴² Timothy Noone,⁴³ all affirm the Olivi connection (in some form or another) when discussing Scotus's position

habeatur, unde sua solum dat homo et non aliena. Si igitur donationes huiusmodi et praedictum actum consensus manifeste in nobis esse sentimus, et indubitanter intra nos experimur nos quaedam operari a nobis tamquam a nobis: indubitabile debet esse libertatem arbitrii seu voluntatis nos habere. II, q. 57 (Jansen, 330).

³⁶ *Patet igitur quod hic error omne bonum humanum et etiam divinum exterminat, et si quis ad praedicta attendat, advertere poterit quod omni facinori et impudicitiae et iniquitati habenas totis viribus laxat. Nec mirum, quia, ut ita dicam, id quod proprie sumus, personalitatem scilicet nostram, a nobis tollit nihilque amplius nobis dat nisi quod simus quaedam bestiae intellectuales seu intellectum habentes.* II, q. 57 (Jansen, II, 338).

³⁷ II, q. 57 (Jansen, II, 338).

³⁸ *Psychologie und Metaphysik* (Munich, 1971).

³⁹ "The Origins of Scotus's Notion of Synchronic Contingency," *The Modern Schoolman* LXXII (January-March 1995): 149-67.

⁴⁰ Bonnie Kent, *Virtues of the Will: The Transformation of Ethics in the Late Thirteenth Century* (Washington: Catholic University of America Press, 1995).

⁴¹ *Insolente liberté* (Fribourg/Paris, 1995). See also his *Figures franciscaines de Bonaventure à Duns Scot* (Paris, 1997).

⁴² Olivier Boulnois, *Être et représentation* (Paris: PUF, 1999).

⁴³ Presidential address in *Will and Nature Proceedings of the 2007 American Catholic Philosophical Association* (2007).

on the primacy of freedom in the will. Editors of the critical edition of Scotus's philosophical works note various points where Olivi, although rarely named by the Subtle Doctor, is clearly the voice behind the position, or at least obliquely present in the reference to *alii*.⁴⁴ Despite the level of unanimity and textual evidence behind the assertion of influence, no one, to my knowledge, has actually attempted to explain the exact nature of Olivi's role for Scotus, nor to suggest why the Subtle Doctor sees in Olivi, whose teachings had been condemned, an authority so worthy of his attention. If I am correct in my supposition that Scotus was sympathetic to the *usus pauper* position, then the echoes of Olivi in Scotus's texts may help us understand what is at the heart of Scotus's theory on the will as sole rational potency. It is precisely this sort of will that would be needed, in order to advance and defend the centrality of *usus pauper*, not merely for the vowed life of a friar, but for the fullest excellence of the human person. In developing Olivi's insight into a full-blown theory, Scotus extends the life of Franciscan perfection beyond the Order.

Once the texts of Olivi were condemned and his doctrines forbidden in 1299 by the chapter of Vienne, friars who were sympathetic to the position he espoused could only defend it and thereby advance the *usus pauper* position by means of alternate arguments and authorities. This approach could involve, as we see in Scotus, a two-stage *reductio* argument that moves from the immediate experience of willing, and in particular the experience of self-restraint, to the metaphysical conditions for such an experience. If this sort of argument were possible, then one could present the *usus pauper* position as the most reasonable, without ever mentioning Olivi's name. Indeed, if successful, this strategy could present the *usus pauper* notion of freedom as central to any ethical life, whether one were a Franciscan or not. It is perhaps the genius of Scotus to have seen the relevance of Olivi's teaching on poverty for authentic human moral excellence.

In this way, Scotus's theory of the will's freedom would have a two-fold benefit. On the one hand, it would shore up

⁴⁴ In his *Quaestiones super libros Metaphysicorum*, for example, the editors identify sixteen references to Olivi in Books VII, VIII and IX.

the Franciscan commitment to the vow of poverty understood not simply as absence of possessions, but as the restrained use of goods. On the other hand, it would establish the will as a rational and autonomous center for ethical life, thereby affirming human dignity and integrity.

1. The natural ability for rectitude in the will

Anselm is a key authority for Scotus when he presents the natural dignity of the will, insofar as the will possesses the capacity for rectitude. In his interpretation of Anselm, Scotus highlights two aspects we saw earlier in Olivi's discussion of the will in his *Tractatus questio* 8: that the will possesses a natural dignity and that this natural dignity is constituted by the will's capacity for self-restraint. Like his predecessor, Scotus asserts that understanding the will's natural constitution is key to understanding its dignity. In a move that brings together Olivi's first two arguments (natural rectitude and the state of innocence), Scotus emphasizes (in *Ordinatio* II, d. 6) that the "native freedom of the will," constituted by its two affections (*affectio iustitiae / affectio commodi*), is not lost through original sin. The will's dignity is here enhanced beyond what Olivi had proposed: both by its natural constitution and by the fact that it still retains that constitution it had in the state of innocence. In his later *Reportatio Parisiensis* II, d. 6 Scotus returns again to this point, here identifying the *affectio iusti* with the will's freedom as the specific difference of human nature.⁴⁵

In this passage, the Subtle Doctor brings together Olivi's insight about the will's natural rectitude and self-mastery and Anselm's insight about freedom (as the *rectitude of the*

⁴⁵ *Ad primum horum dico primo, praemittendo quod affectiones commodi et iusti non sunt sicut a voluntate libera, quasi superaddita; sed affectio iusti est quasi ultima differentia, ita quod sicut homo est substantia animata et animal, non tamen illae sunt passioness essentiae, sed per se de intellectu hominis; sic primo potest concipi appetitus, deinde intellectivus et cognitivus, et adhuc non concipiendo affectionem commodi et iusti; et si esset unus Angelus, qui haberet appetitum cognitivum absque affectione iusti, careret justo, et non esset appetitus liber... ideo affectio iusti est ultima differentia specifica appetitus liberi. Reportatio II, d. 6, n. 9 (Vivès 22, 621).*

will propter se servata). In addition, especially in the *Reportatio*, Scotus endorses a notion of the rational will understood as a complex cause that includes within it the act of intellection.⁴⁶ This rational will is capable of self-determination precisely because of its innate *indeterminatio*. Here we see how, in his own theory of the rational will, Scotus does not simply bring together the two voices of authority, he extends and, in this extension, transforms them. Both Olivi and Anselm had identified this highest form of the will's freedom with the state of innocence. Olivi equated the natural rectitude of the will with *usus pauper* and placed it before the fall. Anselm had identified it as an original state of justice, lost through original sin. It is Scotus who claims that this very sort of freedom, what Olivi identifies with *usus pauper* and Anselm identifies with original justice, is present to the created will, *pro statu isto*, or in its present state. Indeed, were the will not to possess this affection for justice naturally and in the present state, no freedom would exist.

Scotus also argues in this way in his *Ordinatio* II, d. 6, q. 2, where he recalls Anselm's *De casu diaboli*. In that earlier text, Anselm had sought to explain the nature of angelic freedom, by means of a *Gedankexperiment* in which he imagines the gradual creation of an angelic being. Anselm's point in that text is to show that freedom requires more than the *affectio commodi*: it requires the *affectio iustitiae*. Scotus picks up this point in his commentary on angelic freedom, noting how freedom requires both affections, with a reference to Anselm.

For if one were to think, according to that fictitious situation Anselm postulates in *the Fall of the Devil*, that there was an angel with an affection for the beneficial, but without an affection for justice (i.e., one that had a purely intellectual appetite as such and not one that was free), such an angel would be unable not

⁴⁶ *Alia est causa indeterminata, quae est causa completa, potens se determinare ad unum istorum, et ista est rationalis complexa, ut voluntas cum intellectu, et hoc necesse est dicere, si aliquid sit contingens; et talis potest determinare, et complete se determinare, quia est indeterminata active. Reportatio II, 25, n. 23 (Vivès 23, 129).*

to will what is beneficial, and unable not to covet such above all. But this would not be imputed to it as sin, because this appetite would be related to intellect as the visual appetite is now related to sight, necessarily following what is shown to it by the cognitive power, and being inclined to seek the very best revealed by such a power, for it would have nothing to restrain it. Therefore, this affection for justice, which is the first checkrein on the affection for the beneficial, inasmuch as we need not actually seek that toward which the latter affection inclines us, nor must we seek it above all else (namely to the extent to which we are inclined by this affection for the advantageous) – this affectio for what is just, I say, is the liberty innate to the will, since it represents the first checkrein on this affection for the advantageous.⁴⁷

Scotus takes Anselm's angel and integrates it into an argument that closely follows Olivi's reasoning. Here we see the two affections that constitute self-mastery: the *affectio iustitiae* controls the *affectio commodi*. The higher affection represents the free dimension of the will, that by which it is able to control itself (*se refrenaret*) in all its appetites and inclinations. This innate freedom distinguishes will from operating along the lines of other natural powers, sense knowl-

⁴⁷ *Si enim intelligeretur – secundum illam fictionem Anselmi De casu diaboli – quod esset angelus habens affectionem commodi et non iustitiae (hoc est, habens appetitum intellectivum mere ut appetitum talem et non ut liberum), talis angelus non posset non velle commoda, nec etiam non summe velle talia; nec imputaretur sibi ad peccatum, quia ille appetitus se haberet ad suam cognitivam sicut modo appetitus visivus ad visum, in necessario consequendo ostensionem illius cognitivae et inclinationem ad optimum ostensum a tali potentia, quia non haberet unde se refrenaret. Illa igitur affectio iustitiae, quae est prima moderatrix affectionis commodi et quantum ad hoc quod non oportet voluntatem actu appetere illud ad quod inclinatur affectio commodi et quantum ad hoc quod non oportet eam summe appetere (quantum scilicet ad illud ad quod inclinatur affectio commodi), illa – inquam – affectio iustitiae est libertas innata voluntati, quia ipsa est prima moderatrix affectionis talis. Ordinatio II, d. 6, q. 2, n. 49 (ed. Vat. VIII, 48-9). Trans. A.B. Wolter, *Duns Scotus on the Will and Morality* (Washington: CUA Press, 1997), 299.*

edge as well as “mere intellectual appetite,” once again recalling Olivi’s critique of the intellect without a will.⁴⁸

Even though he uses Olivi’s approach to understand Anselm, Scotus’s insight regarding the natural dignity of the will *post lapsum* enables him to reframe both Olivi and Anselm in their affirmation of the dignity of freedom and the essential nature of self-restraint as part of the vow of poverty. As we saw earlier, Olivi had (in II, q. 57) identified the important act of self-restraint that grounded the will’s freedom. He had also adverted to the Anselmian affections as important in our understanding of the will’s exercise of free choice. But Olivi did not, as Scotus does, affirm the importance of the *affectio iustitiae* as the *innate* freedom of the will, that by which the will is able to restrain itself (*se refrenaret*) in its present state.

2. Freedom, self mastery and self restraint

The natural or native dignity of the will, constituted by the two affections, expresses itself in self-restraint and, ultimately, self-mastery. Scotus continues in *Ordinatio* II, d. 6 to explain the various modes of self-restraint of which the will is capable. These deal with the intensity of the act of willing, the precipitance for the object, or with appropriate means for obtaining the object. All three deal with the will’s relationship to itself and its own reflexive act of willing what is good.

There are three ways, however, in which a will, able to moderate itself as regards the happiness befitting it, could fail to do so. As to intensity, it might love it more passionately than it deserves. Or through precipitance, it might want it sooner than is becoming. Or with disregard to the proper causal way to obtain

⁴⁸ As I argue in “Did Scotus Modify his Position on the Relationship of Intellect and Will,” *RTPM* 69 (2002): 108, Scotus casts the *affectio commodi* as an intellectual appetite, thereby intellectualizing the gradual creation of the angelic being. This move brings him closer to Olivi’s position in II, q. 57 on “intellectual brutes” and distances himself from Anselm’s original use of the *Gedankenexperiment*.

it – for instance, it might want it without meriting it – or perhaps for other reasons, all of which one need not bother with here.⁴⁹

Scotus develops this notion of freedom as self-mastery more fully in his *Questions on the Metaphysics*, IX, 14-15, with an eye to establishing the metaphysical framework of rationality within which the will operates.⁵⁰

In this text we discover the philosophical heart of Scotus's position on rational freedom. Scotus sets up the preliminary discussion of the will as a self-mover in question 14, presenting Aristotle's metaphysical categories in question 15. In this latter text, Aristotle's distinction between rational and irrational potencies enable Scotus to affirm the superiority of the will alone as rational self-mover.

Question 14, in which Scotus identifies the will as a self-mover contains both an oblique reference to Olivi's position in II, q. 58 (he is listed among *multis* who have defended the will's freedom)⁵¹ and the example of what Scotus himself means when he calls the will a self-mover. At the end of six examples of self-moving powers, he presents the will which "is capable of not choosing (*non velle*) what the intellect shows it."

⁴⁹ *Potest autem voluntas – potens se ipsam moderari – immoderate velle beatitudinem quae sibi congruit, tripliciter: vel quantum ad intensionem, puta volendo eam maiore conatu quam sibi congruat; vel quantum ad accelerationem, puta volendo eam citius quam sibi congruat; vel quantum ad causam, puta volendo eam sibi aliter quam sibi congruat, puta sine meritis; — vel forte modis aliis, de quibus omnibus non oportet hic curare. Ordinatio II, d. 6, q. 2, n. 52 (ed. Vat. VIII, 51). English from Wolter, *Will and Morality* (1997), 299.*

⁵⁰ Tobias Hoffmann's "The Distinction Between Nature and Will in Duns Scotus," *AHDLMA* 66 (1999): 189-224, presents an extremely helpful discussion of Scotus's position and how it influences his understanding of the will's self-determination.

⁵¹ *Haec de voluntate a multis multipliciter sunt improbata, quae non oportet hic in speciali sed alibi explanare.* IX, 14, n. 62 (IV, 649). The editors refer "multis" to James of Viterbo, Quodl. I, q. 7 (ed. E. Ypma, 88-102), Gonsalvo of Spain, Quodl. 8, in corp. (BFS IX, 14-123) and Peter John Olivi, *Summa* II, q. 58 in corp. (BFS V, 409-14).

Again, if some other action is naturally presupposed to its own and does not occur, then the agent will not act. Finally, if it is a free agent, it is able of itself to refrain from acting.... A sample of the sixth is the will, which is capable of not choosing what the intellect shows it.⁵²

Significant in this passage is the identification of the act as *non velle*, or that by which the will does not choose what the intellect presents it. More important, however, is the fact that Scotus does not identify this act with *nolle* (the rejection of the object), but simply with the act of *non velle*, whereby the will does not reject the object, but simply does not choose the object. This sort of act is possible because of the two affections that constitute the will, resulting in a notion of a self-moving cause as one capable of that reflexive act of self-restraint, whereby the will holds itself back from choosing. This sort of reflexive causal action appeared in Olivi's discussion of the will as free potency in II, q. 57. But what does not appear in Olivi's text is the act of *non velle*, the positive act of self-restraint that Scotus identifies within his Aristotelian reflection, and as a development over his own earlier, *Lectura* II, d. 25 treatment of freedom in the will.⁵³

This third act of the will, the *non velle*, is the philosophical key to Scotus's position on the rational will as sole cause of its own act of willing. This act of self-restraint reveals not just the will's ability to choose among opposites external to

⁵² *Si iterum alia actio naturaliter praesupponatur suae, illa non posita, non aget. Si tandem est liberum, ex se potest non agere.... Exemplum sexti: intellectu ostendente aliquid, voluntas potest illud non velle. Quaestiones super libros Metaphysicorum* IX, 14, n. 126 (*Oph* IV, 673).

⁵³ The *Lectura* discussion is extremely interesting in regard. In this text, Scotus refers (at n. 64) to Olivi's argument for freedom in II, q. 58 (Jansen, II, 417), in reference to the will's indetermination toward multiple volitions. In his own solution at this early stage of his career, however, Scotus identifies free will (*liberum arbitrium*) only with the two acts of the will: *velle et nolle*. And he concludes, *in hoc consistit liberum arbitrium, sive in nobis sive in angelis*. II, 25, n. 70 (ed. Vat. XIX, 253). The argument found in his *Quaestiones super libros Metaphysicorum* clearly enables Scotus to deepen his own reflection on the will's freedom and its self-mastery in three acts of the will.

itself, but to govern and restrain its own movement, including its own modality (intensity) of acting. Scotus goes further than Olivi on this point, clearly departing from Olivi's critique of pagan philosophers. Indeed, this important act of self-restraint is possible, as Scotus explains further in q. 15, and explainable because of the deeper metaphysical category of rational potencies at the heart of reality, a category to which the will alone belongs. It is Aristotle's metaphysical categories of rational/irrational potencies that make it possible for Scotus to explain not just self-restraint and self-mastery in the will, but the way in which the act of self-restraint is grounded in the will's own nature as rational cause, and this, on the authority of the Philosopher. Now Olivi's position can be made to make even better sense, with the help of Aristotle and the Aristotelian metaphysical categories of rational and irrational, or, as Scotus explains, free and natural.

But there is only a twofold generic way an operation proper to a potency can be elicited. For either [1] the potency of itself is determined to act, so that so far as itself is concerned, it cannot fail to act when not impeded from without; or [2] it is not of itself so determined, but can perform either this act or its opposite, or can either act or not act at all. A potency of the first sort is commonly called 'nature,' whereas one of the second sort is called 'will.'⁵⁴

It is Aristotle who helps Scotus distinguish between causes that act merely contingently but not freely. It is Aristotle who enables him to see how to establish indetermination as the *sine qua non* condition for self-determination. Only when the will is undetermined by anything other than itself, lying thereby outside the order of natural causal determinism, can the act of self-movement take place.

⁵⁴ *Iste autem modus eliciendi operationem propriam non potest esse in genere nisi duplex. Aut enim potentia ex se est determinata ad agendum, ita quod, quantum est ex se, non potest non agere quando non impeditur ab extrinseco. Aut non est ex se determinata, sed potest agere hunc actum vel oppositum actum; agere etiam vel non agere. Prima potentia communiter dicitur natura, secunda dicitur voluntas. IX, 15, n. 22 (OPh IV, 680-81).*

The Franciscan's attempt to outline the true nature of moral freedom by setting aside all other examples that are merely contingent (such as the intellect) in order to focus on those which are free (the will alone), enables him to move more carefully within the domain of the natural order and identify within that order a causal principle that is not determined by anything other than itself. This power alone is rational and can only be identified with the will. Indeed, if the will were not capable of such an act of self-restraint, all would happen "according to the manner of nature" (*per modum naturae*) and in a determined matter. No true freedom (indetermination) would exist.

Indeed, if — to assume the impossible — the intellect and its subordinate powers alone existed, without a will, everything would occur deterministically after the manner of nature, and there would be no potency sufficient to accomplish anything to the contrary.⁵⁵

In this short passage, we find both a textual reference (albeit oblique) to Olivi's position on freedom as indetermination,⁵⁶ and a reprise of the Anselmian intellect without a will. But, more importantly, Scotus now incorporates Aristotle's causal categories into the argument, thus providing a metaphysical foundation for what human introspection reveals to each agent faced with a choice. Scotus offers the same method of proof as Olivi: the evidence of self-awareness.

The proof here is a *posteriori*, for the person who wills experiences that he could have nilled or not willed what he did, according to what has been explained more at length elsewhere about the will's liberty.⁵⁷

⁵⁵ *Immo si solus — per impossibile — esset cum virtutibus inferioribus sine voluntate, nihil umquam fieret nisi determinate modo naturae, et nulla esset potentia sufficiens ad faciendum alterutrum oppositorum.* IX, 15, n. 67 (OPh IV, 696-97).

⁵⁶ That we saw earlier in II, q. 57.

⁵⁷ *Experitur enim qui vult se posse non velle, sive nolle, iuxta quod de libertate voluntatis alibi diffusius habetur.* IX, 15, n. 30 (OPh IV, 682-83).

Aristotle's metaphysical discussion and distinction among potencies have now been transformed both by the lens of Olivi and that of Anselm.

What's more, the Aristotelian analysis enables Scotus to distinguish more carefully between that *indeterminatio* that is imperfect and the *indeterminatio* that is perfect, a *superabundant sufficiency*. Something indeterminate in this second sense, explains Scotus, is capable of determining itself.

I reply: there is a certain indeterminacy of insufficiency, based on potentiality and a defect of actuality, in the way, for instance that matter without a form would be indeterminate as regards the actuation given by the form. There is another indeterminacy, however, that of a superabundant sufficiency, based on unlimited actuality, either in an unqualified or a qualified sense.⁵⁸

The divine will now emerges within this philosophical discussion as exemplar of the perfect indeterminate will, the unlimited actuality of rational freedom.

3. *Anselm's angelic being*

The argument in *Quaestiones super libros Metaphysicorum* IX, 14-15 offers several veiled allusions to Olivi. One we have already seen, at q. 15 n. 67, where Scotus refers to the intellect existing without a will – the very intellectual brute that Olivi had identified in II, 57. A second occurs through a double-veiled allusion: at n. 30, where Scotus refers the reader to “what has been explained more at length elsewhere about the will's liberty.”⁵⁹ The “elsewhere” referred to by Sco-

⁵⁸ *Responsio: est quaedam indeterminatio insufficientiae, sive ex potentialitate et defectu actualitatis, sicut materia non habens formam est indeterminate ad agendum actionem formae; est alia superabundantis sufficientiae, quae est ex illimitatione actualitatis, vel simpliciter vel quodammodo.* IX, 15, n. 31 (*OPh* IV, 683).

⁵⁹ English from *Questions on the Metaphysics of Aristotle* by John Duns Scotus, trans. G. Etzkorn and A.B. Wolter (St. Bonaventure, NY: The Franciscan Institute, 1998), II, 610.

tus is to his *Lectura* I, d. 39 on the will's freedom and to his *Quodlibet* Question 16.

Scotus's treatment of the will's freedom in Book I, d. 39 offers by far the strongest connection to Olivi that can be found in his texts. In this argument, carefully studied by several scholars in recent years, we find what has come to be identified as the theory of "synchronic contingency," the possibility of the will to act otherwise than it does at the very instant it acts. It is to this sort of contingency that Scotus refers at n. 30⁶⁰ where he appeals to immediate personal experience of the ability to will otherwise, at the very instant of willing. Stephen Dumont's 1995 study links this argument carefully to Olivi's original discussion of angelic freedom (in II, q. 42) and human freedom (in II, q. 57) and of the requirements necessary for the fullness of freedom in a self-moving cause.⁶¹ In respect to the same temporal instant, the will is capable of acting in an opposite manner or ceasing to act as it did.⁶²

Scotus returns to this angelic example, initially presented by Anselm and critiqued by Olivi, in his final Parisian teaching on distinction 25 of Book II. This passage, taken from the *Reportatio* teaching of post 1302 Paris is chronologically parallel to the *Quaestiones super libros Metaphysicorum* and *Quodlibetal* discussions.⁶³ It names two of the three authorities (Aristotle and Anselm) and yet relies principally on a third person not named: Olivi both in his affirmation of self-mastery as the heart of freedom and in his critique of Anselm's argument of *De Casu diaboli*.

⁶⁰ See note 57 above.

⁶¹ "The Origin of Scotus's Theory of Synchronic Contingency," 160-67. In this article Dumont used the "Apograph" version of Bk. I, d. 39 (according to Balić's hypothesis, this was the work of Scotus's students) since "its organization is more clear." According to Dumont, "there is no doctrinal conflict between this 'Apograph' and the Lecture" (op. cit., 150, note 7). The "Apograph" is found in the Vatican edition VI, 417-19.

⁶² *Et respectu eiusdem nunc et secundum illam prioritatem naturalem in ipso eodem nunc fuit prius naturaliter potens ad exeundum in actum oppositum seu ad cessandum ab ipso quam fuerit ponendus in actu ipse effectus*. Olivi, II, q. 57 (Jansen, II, 348). Dumont aligns this text with a near identical citation from Scotus. See "The Origin...", 165.

⁶³ Alluntis/Wolter date the *Quodlibetal* questions between Advent 1306 and Lent 1307. The editors of the *Quaestiones* on the *Metaphysics* date the final questions to late in Scotus's teaching career. See *OPh* III, xlii-xlvi.

I say that the intellect can be understood insofar as it is a certain operative power, or insofar as the intellect and will are concurrent principles as regards practical things that are produced outwardly through the intellect and will. The Philosopher rarely speaks of the intellect in the first sense, but refers to it very frequently in the second sense throughout almost the entire book of the *Ethics* and in Bk. 9 of the *Metaphysics*, Bk. 3 of the *De anima*, and Bk. 2 of the *Physics*, [section] 'On rational power.' And in this sense 'one acting through the intellect' is distinguished from 'one acting through nature.' Apart from this, 'an intellective appetite that is not able to determine itself but that is drawn [to something] naturally' can exist without contradiction. E.g., Anselm makes up something like that in *De casu diaboli*, chapter 12, [i.e.,] that [supposedly] first there was one angel who had only the intellect or the appetite, so that he could have an affection for the useful, but would lack an affection for the just. That angel, then, could only be drawn to intelligible things, by way of nature: just as presently a sensible appetite is naturally drawn to sensibles that harmonize with it, but could not be drawn to intelligible things as something harmonious with it. Therefore, there is nothing except the will in created reality that can of itself determine itself, and consequently nothing else in created reality apart from it can be the total cause of volition.⁶⁴

⁶⁴ *Dico, quod intellectus potest accipi secundum quod est quaedam potentia operativa, vel secundum quod intellectus et voluntas sunt principia concurrentia respectu practicabilium, quae extrinsecus producuntur per intellectum et voluntatem. Primo modo parum loquitur Philosophus de intellectu, sed secundo modo multum frequenter fere per totum librum Ethicorum, et 9. Metaphysic. Et 3. de Anima, et 2. Physic. De potentia rationali; et isto modo agens per intellectum distinguitur contra agens per naturam. Praeter hoc, sine contradictione posset esse appetitus intellectivus non potens se determinare, sed appetens per modum naturae, sicut fingit Anselmus de Casu Diaboli, cap. 12, quod primo esset unus Angelus, qui haberet intellectum vel appetitum tantum, ita quod posset habere affectionem commodi, et non daretur sibi affectio iusti. Iste Angelus cum [recte tunc ?] non possit appetere nisi tantum intelligibilia, et hoc per modum naturae,*

In this text, as I have argued elsewhere,⁶⁵ we find Scotus's most mature position on the rational will as that capacity for free self-determination that functions with the intellect as a "complex cause." The indetermination he initially inherits from Olivi becomes, thanks to Aristotle's causal distinction, the self-determination that is the heart of freedom.⁶⁶

Quodlibet question 16 makes this point even more strongly. In this text, Scotus argues for the fullness of freedom as the capacity for self-mastery. The power of the will to command other powers includes its own power to suspend itself.

Nothing is so in the power of the will as the will itself." [Augustine, *Retractions* I, 9] This should be understood as referring to the will's action rather than to the will itself. It is in the power of the will that by its command another power act or refrain from acting, for example, that the intellect refrain from considering at least that object whose consideration is necessary for issuing the command. Hence it is in the power of the will that it does not act regarding that specific object. I do not understand this in the sense that the will could voluntarily suspend all its activity. It could voluntarily not will that object and still have another volition, viz., one that reflects on its own act, for instance, "I will not elicit an act as regards that

sicut nunc appetitus sensitivus appetit per modum naturae convenientia secundum sensum, nec appeteret ille convenientia secundum intellectum. Nihil igitur est creatum praeter voluntatem, quae potest se determinare ex se, et per consequens nihil aliud creatum a se potest esse causa totalis volitionis. Reportatio II, 25, n. 20 (Vivès 23, 128a-b).

⁶⁵ See "The Birth of the Rational Will: Duns Scotus and the *Quaestiones super libros Metaphysicorum Aristotelis*, Book IX, q. 15," *Medioevo* 30 (2005): 139-70.

⁶⁶ Ernst Stadter claims that Olivi is also the source for Scotus's notion of superabundant sufficiency in this text. See *Psychologie und Metaphysik...*, 300. While this may be true, I do not see within Olivi's texts the sort of *non velle* we find in Scotus's *Quaestiones super libros Metaphysicorum*.

object.” This can well happen; otherwise the will could not suspend an act after deliberating.⁶⁷

Quodlibetal Question 16 mirrors the *Metaphysics* IX, 15 discussion in a number of ways. Scotus refers to Aristotle’s categories of rational and irrational potencies, as well as to the important distinction between natural and free causes. He identifies the will’s indetermination as most perfect when it appears as self-determination. Finally, he affirms the truth of the nature of freedom in a manner similar to his earlier discussion, as well as to Olivi’s arguments: no reason can be given other than “this is the will” and the will wills in this manner.⁶⁸ But here, the metaphysical backdrop is not the two orders of Aristotelian causality, but the divine will itself. Self-mastery, self-restraint and self-determination have no greater exemplar than in the activity of the Triune God. And here, even the Stagirite is eclipsed by Christian revelation.

Like Olivi, Scotus identifies freedom as grounded in the will’s self-mastery as a reflexive capacity that belongs to the will alone. Like Olivi, he appeals to self-awareness in the moment of choice as certain proof for the existence and superiority of freedom in the will. The natural will, constituted as it is by the two Anselmian affections, has all it needs for its own self-regulation and, thus, for its own perfection. It is in its nature as a sole rational potency, that the human will distinguishes itself from all other beings.

These elements come together for Scotus as a possible defense for and explanation of the centrality of *usus pauper*, not merely for the vow of poverty, but for the excellence of the rational will. Restrained use is based upon the natural constitution of the human will. It is evident to anyone who is attentive to her own activity of willing. It is perfective of the human person and human moral living. The metaphysical grounding of this rational will is discovered, claims Scotus, when we reflect with Aristotle on the orders of causality at the heart of reality. The rational order is self-determined be-

⁶⁷ Quodlibet 16, n. 4 in *God and Creatures: The Quodlibetal Questions*, ed. F. Alluntis and A.B. Wolter (Princeton: Princeton University Press, 1975), 373.

⁶⁸ Quodlibet 16, n. 9 (*God and Creatures*, 379).

cause it is undetermined by natural causality. The ability of the will to move itself is based upon its reflexivity. This act of self-movement and self-determination, based upon the natural capacity for self-restraint, is perfected in self-mastery, as a superabundant sufficiency. Thus imperfect freedom (*indeterminatio*) is the starting point for perfect freedom. Finally, the vow of poverty, understood both as lack of possessions and as restrained use of the goods of the earth, supports and perfects the natural constitution of the human person as rational and as free.

PART III: IMPLICATIONS AND SIGNIFICANCE OF OLIVI'S INFLUENCE ON SCOTUS

The presence and influence of Olivi as a background figure in Scotus's texts may indeed fill out and be filled out by adverting to the concepts involved in the *usus pauper* controversy: the role of self-restraint, the natural dignity of the will, the place of the vow of poverty (and Franciscan identity) at the heart of Scotus's ethics. If indeed Scotus's own reflection and teaching on the rational will was influenced by the poverty discussions at the close of the thirteenth century, then his own particular notion of human freedom may hold far more than an affirmation of the will's *indeterminatio*. This notion of freedom is only the necessary (yet imperfect) condition for the exercise of freedom and not the fullness of *superabundant sufficiency*, itself the fruit of the will's self-mastery.

The role of Aristotle in Scotus's reflection on the question of the will's freedom, the metaphysical categories of rational causality, and the identification of the three acts of the will (*velle/nolle/non velle*) point to Scotus's own original response to this question and to the voices within the Franciscan tradition with which he was familiar. Olivi had argued that the Christian sage should never be servile toward pagan authorities. Scotus takes up, and by transforming Aristotle's notion of rational causality, develops his own position on the will's dignity and freedom, one that might serve to ground the theoretical position on poverty as *usus pauper*. At the

close of this study, we list what might be considered the key elements in his own theory of *usus pauper*, based upon the rational will as centerpiece for a Franciscan theory of human ethical freedom.

Scotus identifies of the *affectio iustitiae* as native to the will *pro statu isto*. This is his debt to Anselm. Scotus saves that very freedom that is so dear to Olivi by placing it not simply in the natural rectitude of the will *as created and intended by God*, but in the actual exercise of human willing. No longer proper only to the state of innocence, this freedom can now be placed in connection with Aristotelian notions of rationality and of voluntary action. These basic causal categories enable him to ground the natural dignity and perfection of the will on its capacity for self-control, the foundation for all ethical behavior.

Scotus brings out more clearly the consequences of freedom as self-mastery when he names the three acts of the will: *velle, nolle, non velle*. These acts reveal the will's dominion over itself and other powers. They belong to the primary data of human experience, available through introspection. They do not, however, exist in a vacuum. They are the result of the dynamic interaction of the two Anselmian affections within the will, explaining more carefully how the will is capable of self-movement and how, at the very moment of willing, the will retains the ability to do otherwise. These three acts of the will manifest the self-mastery and reflexive dominion which Olivi prized. But now, thanks to Aristotle, the data of human experience is given philosophical and metaphysical grounding, which Scotus will ultimately (in *Quodlibet* 16) tie to the divine will as exemplar of perfection.

If indeed Scotus's discussion, as I suggest here, can be read against the backdrop of a Franciscan reflection on the nature of poverty as *usus pauper*, then he would have provided Minister General Gonsalvo of Spain exactly what he needed to appeal to his brothers, and to call them toward an authentic Franciscan life of detachment from worldly goods. His theory grounds *usus pauper* on the nature of the will, as capable of controlling its own behavior for "nothing is so in the power of the will as the will itself." This category of voluntary action, present in Augustine and Aristotle, is foun-

dational to any ethical theory. It provides the philosophical underpinning for a discussion of human perfection, based upon the natural dignity of the will itself. Scotus's theory identifies self-mastery and self-dominion as the highest form of rational freedom and as an experience which is evident to introspection. His theory modifies the traditional Anselmian categories of *commodi / iustitiae* and the two affections in the will to advance the particular Franciscan vision of the primacy of the will and its superiority over the intellect. And, finally, his renewed vision of a truly rational will, into which the activity of intellection is integrated, effectively cuts him from the more extreme intellectualist Aristotelians at the close of the thirteenth century.

Scotus has, in the formulation of this position, exercised that very independence from philosophical authorities and freedom which Olivi had advocated. He offers a renewed vision of the rational will that makes its highest act one of self-restraint. The fullest perfection of rational freedom can now be seen to lie beyond the borders of Franciscan membership: *usus pauper*, the restrained use of the goods of the earth belongs to every rational will. The Franciscan vow of poverty, understood in this way, is perfective of all persons. Indeed, it belongs to the human vocation. Gonsalvo would have done well to have made this argument to his brothers.

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