

le la philosophie est totale à chaque moment, d'une totalité anhistorique, sans progrès, qui contèrè à la science une dimension patrimoniale. Toute l'affaire est de savoir s'y joindre.

THE THEORY OF THE WILL IN NICHOLAS OF AUTRECOURT: A THREEFOLD STRUCTURE

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With respect to the ethics of Nicholas of Autrecourt there are results which seem in no way questionable: it is based on a strong intellectualism, it operates a reduction of psychology disregarding the role of the will, and finally it tries to define the human personality by means of the physical atomic causality?

What I would like to underline here is that in this way not only

the general conclusions of the ethics of the Lorraine philosopher are highlighted, but also three different aspects of his theory of the will, which are certainly linked within his global thought, and nevertheless they are fairly autonomous. These are sectors, which may be marked by different features: the first as a philosophical and social moral, where the interest of Nicholas is concentrated on the individual and collective behaviour inside the society¹ and the universe's structure through the analysis of the intellectual path followed by the philosopher, in order to reach the good. Secondly, Nicholas traces a psychology of the voluntary action, based on the dynamics of what are traditionally known as the powers of the

¹ See for instance C. GRELLARD, «Amour de soi, amour du prochain. Nicolas d'Autrecourt, Jean Buridan et l'idée d'une morale laïque (autour de l'article condamné n° 66)», *Chemin de la pensée médiévale. Etudes offertes à Zénon Kaluza*, éd. R. J. J. M. BAKKER, avec la collaboration de E. FAYE et C. GRELLARD (Fédération International des Instituts d'Etudes Médiévales. Textes et Etudes du Moyen Âge, 20). Turnhout, Brepols, 2002, p. 244; as far as I know, only Mario Dal Pra disagreè with this conclusion: see M. DAL PRA, *Nicola d'Autrecourt* (Storia universale della filosofia, 18). Bocca, Milano, 1951, p. 172.

² Z. KALUZA, «La convenance et son rôle dans la pensée de Nicolas d'Autrecourt», in *Metaboles et statut des sciences à la fin du moyen âge*, éd. C. GRELLARD (Histoire des sciences). Villeneuve d'Ascq, Presses Universitaires du Septentrion, 2004, p. 83; GRELLARD, «Amour de soi», p. 247.

³ Z. KALUZA, «La récompense dans les cieux. Remarques sur l'eschatalogie de Nicolas d'Autrecourt», in *Księga pamiatkowa ku czci Profesora Zdzisława Knieiewiczza*, Wydawnictwo Uniwersytetu Łódzkiego, Łódź, 2000, p. 102.

BRENET, «Perfection de la philosophie ou philosophie parfaite? Jean de Jandun lecteur d'Averroès», *Recherches de Théologie et Philosophie médiévales*, 68/2 (2001), pp. 310-348; ID., *Transfers du sujet*, pp. 411-432.

soul – intellect and will. This kind of psychology wants to explain the mental processes, which lay on the foundations of the above mentioned phenomenon. Thirdly, the objective of the Lorraine philosopher is to provide a philosophical anthropology, namely an organic description of the human personality, which paves the way for the former two aspects.

This division may seem arbitrary because of the lack of a corresponding partition in the text of Aurecours, but it nevertheless keeps a heuristic importance. The separated study of the three levels of the theory of the will allows indeed to grasp a complex and not homogeneous net of doctrinal references in all the treatise: in the first level Nicholas refers to models of the philosophical ethics reproduced, among the others, by Siger of Brabant. On the contrary, in the third level the doctrinal background represents the reduction of the anthropology to the atomistic naturalism. On the one hand these results as a whole are sufficiently accepted, but, as far as I know, both the reconstruction of the theory's second level, namely the psychology of the voluntary act, and the analysis of the doctrinal material used to create it have not reached the same level of results.

Because of the limited space, I do not have the opportunity to describe with the due accuracy all the three aspects of the ethics of the Lorraine philosopher; therefore I will only provide the necessary general conclusions for the first and the third level, and focus on the second level thanks to the text analysis.

I

The first level of the ethics of Nicholas will be here subject to a very schematic study, both because of the space I have and mostly because it has already been brilliantly discussed. The ethical concern in all the works of Nicholas is clear since the first prologue, where he criticises the university Masters because of their love for the Aristotelian logic, which brings them further away from the moral and civic concerns⁴, and where he clarifies that the acting for good of men is the cause for his philosophical research: those who

⁴ NICOLAUS DE ULTRICURIA, *Exigit ordo*, ed. J. R. O'DONNELL, «Nicholas of Aurecours», *Medieval Studies*, I (1939), p. 181, 16-17 (hereafter EO): «[...] propter legicos sermones Aristotelis et Averrois deserabant res morales et cura boni communis».

were born well will know that they do not need to accept the appearances and for this reason they will opt for the right morality and thus for the Christian rules⁵. As has already been noted⁶, the convergence hereby affirmed between the knowledge of the true good and the respect of the christian rules is more rhetorical than substantial, as also in other occasions Nicholas would highlight the distance between his rational conclusions and the religion's precepts, for example as regards the resurrection⁷ and the eternity of the world⁸. The adhesion to the Christian law in fact makes up, because of its closeness, for the philosophical wisdom in those, who have not the ability to pursue it⁹.

To overcome this "temporary moral" of the revealed law, Nicholas introduces the 'moral' and 'civil' rules¹⁰ to reach the knowledge of the truth. Its outcome is understanding that to act in a good way richness is not an instrument. The truth lays rather in the speculation of God and in the use of the moral virtues¹¹. The philosopher has gifts of nature, which render him more capable of a perfect understanding of the things, which lead him to a desire to know, and not only to observe, the law: as has been noted by Paul

⁵ EO, p. 183, 23-26: «Unde [...] novit quod divitiae non sunt instrumenta ad bene operandum; novit bonum quod est in speculatione Dei et in usu virtutum moralium [...]».

⁶ GREILARD, «Amour de soi», p. 250.

⁷ EO, p. 187, 33-36: «Adhaeremus quoque legi Christi et credamus quod numquam contingit repraesentatio bonorum neque punitio malorum nisi per illud modum qui est expressus in illa lege sacra».

⁸ EO, p. 204, 11-14: «Scio vero quod veritas est et fides Catholica hoc tenet quod non omnes res sunt aeternae nec huic rei videor contradicere quia solum dico quod ista conclusio secundum apparentia naturalia quibus nunc participamus est probabilior opposita». On this point see Z. KALUZA, «Éternité du monde et incorruptibilité des choses dans l'*Exigit ordo* de Nicolas d'Aurecours», in *Tempus, aevum, aeternitas: la continuité de la civilisation médiévale. Acti del Colloquio Internazionale di Firenze*, 4-6 marzo 1999, ed. G. ALLINEY e L. COVA, Firenze, Olschki, 2000, p. 225, note 29.

⁹ GREILARD, «Amour de soi», p. 250.

¹⁰ EO, p. 182, 36-38: «Et ut veritas videatur ponam unam regulam, regulam moralium quae mihi videtur esse notabilis et utilis multum [...]»; EO, p. 183, 36-37: «Igitur ad me exonerandum pono aliam regulam civilem [...]».

¹¹ EO, p. 183, 23-26: «Unde [...] novit quod divitiae non sunt instrumenta ad bene operandum, novit bonum quod est in speculatione Dei et in usu virtutum moralium».

On the basis of these conclusions, which have been just mentioned here, Grellard has spoken about «d'une traîtement objectif et d'une naturalisation» of the ethical problems¹⁸, with which Nicholas is well integrated in the elite and intellectualist stream, represented among the others by Siger and Buridan¹⁹.

II

Let us now move to the analysis of the second level. Nicholas does not extensively deal with the will, but, as is well known, he fully works up the study of the intellect to vast parts of the *Exigit ordo*. In order to reconstruct the psychology of the voluntary act, a search for short passages, scattered in different sections of the work, is needed, together with the fundamental pages 259-262 of the *Exigit ordo*. I would like to underline that these passages have been often introduced almost by force in the viewpoint of the general naturalism of Nicholas and are for this reason treated in a limited way. Some scholars state that the will is not free, because it is subject to the univocal causality of the universe²⁰, or that there is a free will and a natural will, which is why the distinction between free causality and natural causality is only a matter of words²¹, or that natural cause and free cause are exactly alike²².

This is the state of the art. But now, focusing on Nicholas' texts, we need in the first place to underline how does Nicholas carefully tell the free causes from the natural causes each time he discusses the voluntary causality, as it is clear if we focus on the five mentions in the pages 259-262 of the *Exigit ordo*²³, starting from

perfectum secundum quartum principium; ergo ista res semper erit»; EO, p. 187, 7-10: «[...] quoniam de bona ordinatione universi hoc videtur esse quod boni reparamianur et mali puniantur, et hoc videtur esse de debito iustitiae universalis».

¹⁸ GRELLARD, «Amour de soi», p. 247.

¹⁹ GRELLARD, «Amour de soi», p. 240 in reference to EO, p. 181, 36-40 and to EO, p. 182, 3-9.

²⁰ KALUZA, «La convenance et son rôle dans la pensée de Nicolas d'Autrecourt», pp. 116-118.

²¹ KALUZA, «La récompense dans les cieux», p. 98.

²² GRELLARD, «Amour de soi», p. 248.

²³ See EO, p. 259, 37-38: «Et circa hoc quod dicitur est de causa naturali quod operatur secundum conditionem suae naturae, estne verum in potentia libera, pura volun-

Vignaux, the speculative order is thus different from the practical one²⁴. Vignaux's statement is to be rendered partly more relatively, because the clear knowledge of the concepts is not enshrined in the moral practice, but it is its premise: in the thought of Nicholas the «laticisation d'un discours de type théologique»²⁵ is carried out. Nicholas agrees with Aristotle on the difficulty of the implementation of the universal rules to the single cases, even if from the goodness of the behaviour of someone in a particular situation, his right judgement is recognised²⁶. For Nicholas the errors of evaluation seem to be deriving from a partial consideration of the object, seen as an apparent good: the same corporal pleasures are partial goods and not an evil thing themselves²⁶. Nevertheless, with the complete knowledge of the things, our opinions are transformed into certainities, so that the moral judgement and practice become absolutely good, correctly inserted in a universe, which represents a perfect whole where the single goods of all are interconnected and that through its good structure awards the good and punishes the evil²⁷.

²⁴ P. VIGNAUX, «Nicolas d'Autrecourt», in *Dictionnaire de théologie catholique*, 11/1, Paris, Librairie Letouzey et Ané, 1931, cols. 561-587, col. 583, referring to EO, p. 184, 32-35.

²⁵ GRELLARD, «Amour de soi», p. 244, note 71.

²⁶ GRELLARD, «Amour de soi», p. 243.

²⁷ EO, p. 184, 12-17: [...] sunt quaedam regulae in moralibus quae universaliter ponuntur de quibus frequenter est occultum demonstratis casibus particularibus an ad eos debet extendi regula universalis, et hic est opus epistolarum ut dicit Aristoteles ad quem ut ad rectam mensuram recurratur, et si de aliquo posset scribi quod in isto bene se habet, signum esset quod esset recte iudicium».

¹⁶ EO, p. 234, 22-35: «Et ne relinquatur locus dubitandi si fiat oppositio quod alii appetunt furari, alii interficere seipsos, alii delectationes corporis, eis respondebitur quod appetitus non est ad ista per se, sed solum ratione adiuncti, sicut in duobus primis; nam si interficere vel furari praescinderetur ab omni posteriori, priori et concomitante, nunquam ad ipsa esset appetitus. Sed ad furari concomitatur habitio pecuniae et certe habere pecuniam ad conservationem sui esse est bonum. Similiter praescindatur ab omni eo quod non est delectatio, est bonum; sed ipsum non est bonum quia si praescinderetur a delectatione nullus ipsum appeteret nisi esset propter generationem vel aliquid concomitans, et sic apparet quod illud quod appetitur est bonum quemadmodum illud quod apparet est verum modo supra exposito».

¹⁷ EO, p. 186, 23-26: «Est ad bonum totius multitudinis entium quia universum est totum connexum secundum et certum principium et universum est semper

But now, before going on with the analysis of Nicholas' texts, it seems proper to briefly reconstruct some development guidelines of the understanding of freedom of the will between the 13th and the 14th century. We know that the intellectualistic ethics of Thomas Aquinas tends to limiting the potestative sphere of the will, so that the will has a role of control of the irrational appetites and it is just the executive power of the intellect's decisions. For this reason Thomas could declare that if will is *materialiter* free, intellect is *formaliter* free. Henry of Ghent reverses Thomas' hierarchy of the soul's power and he affirms the superiority of will, which is an autonomous power able to choose irrespective of the judgement of the practical reason. In spite of this, and at the same time ascribing a necessary and almost automatic activity to reason, Henry does not deny reason a certain level of freedom, even if it is more limited than the freedom of the will; at the same time he does not exclude a natural activity of the will as regards the first practical principles.

In the controversy between Henry and Thomas the clear contradiction between reason and will is not yet as strict as it is going to be in the following debate. A few years later Duns Scotus would radicalize Henry's position by stating that intellect is a natural power, whereas will is a free power, which is why intellect shall never act freely and will shall never act naturally. These are not extrinsic attributions of the ways in which an action is taken, but constitutional features which form the respective powers. Intellect is a natural power not because it acts necessarily, but rather because it acts with natural necessity, that is to say because it is not free. On the other hand, will can act both necessarily and contingently, but it remains always free because it will never act because of a natural necessity²⁵. When Duns Scotus needs to clarify where does

²⁵ See for instance these passages: IOANNES DUNS SCOTUS, *Ordinatio*, I, d. 1, p. 2, q. 2, nn. 80-81, (*Opera Omnia*, II), (Opera del Vaticano, 1950, pp. 60-61: «Necessitas naturalis non stat cum libertate [...] quia natura et voluntas sunt principia activa habentia oppositum modum principandi, ergo cum modo principandi voluntas non stat modus principandi naturae [...] haec ratio non improbat omnem necessitatem immutabilitatis sed tantum necessitatem naturalem [...]»; n. 131, pp. 87-88: «[...] <potentia quaedam> aliquem <modum> unum habet, qui est per se, sed modi posteriores possunt variari [...] huiusmodi sunt 'necessario' et 'contingenter'. — Sed per se modus est 'libere' ut distinguitur contra 'naturaliter', 'libere' vero non infert 'contingenter'».

the question, which opens the section: «et circa hoc quod dictum est de causa naturali quod operatur secundum conditionem suae naturae, estne verum in potentia libera, puta voluntate?»²⁶. Many following passages confirm the fact that the philosopher wanted to tell reason from will to find a bond with the essential distinction between nature and freedom: for example, by expressing the general principle of causality (namely that any cause has only one possible effect, which is produced immediately if it finds no obstacle), Nicholas believe it is necessary to underline the fact that «sic est de qualibet causa, sive naturali sive libera»²⁷.

The two concepts are divided in all the text: in the final part of the analysis of the voluntary act, Nicholas estimates and rejects the hypothesis that the first infinite entity may move the first movable entity (because each cause shall produce a suitable effect, which is why the infinite cause can produce only an infinite effect) by considering the cases in which the infinite entity moves naturally or through the will always separated²⁸. What marks the difference between the free causality and the natural causality inside the strictly necessary universe of Nicholas is to be found in another passage where the philosopher discusses once again the action of the original cause, which acts in line with its nature and its will and so understands itself intellectually and «per complacentiam» produces a volition act for itself²⁹.

EO, p. 260, 8-11: «[...] sicut intellectus primus non potest habere nisi actum convenientem suae naturae, sic neque actum volendi. Et secundum hoc intellectus primus qui intelligit nobilissimum obiectum, scilicet seipsum, et habet actum volendi per complacentiam circa eundem»; EO, p. 260, 20-22: «[...] vel est aliqua causa naturalis sive libera est oppositorum eadem numero [...]»; EO, p. 260, 33-37: «Sed sic est de qualibet causa sive naturali sive libera; nam qualibet est determinata ad unum effectum [...] ita quod non potest nisi in unum effectum cuius sufficienter est causa, quia numquam unus effectus potest produci a duobus causis in specie [...] igitur non impeditur ponere suum effectum»; EO, p. 261, 12-15: «Si igitur aliquis poneret quod primum ens esset infinitum in perfectione et moveret primum mobile, hoc non potest intelligi quod moveret nisi naturaliter vel per suam voluntatem [...]».

²⁴ EO, p. 259, 37-38. For the text see herabove, note 23.

²⁵ EO, p. 260, 33. For the text see herabove, note 23.

²⁶ EO, p. 261, 12-15. For the text see herabove, note 23.

²⁷ EO, p. 260, 9-11. For the text see herabove, note 23.

the difference lay between the two types of necessity, in his *Quod-libet* he declares that there is no explanation of the principles, but he adds also that the essence of freedom consists in acting always *delectabiliter*.²⁹ The pleasure of the spontaneousness of action is the difference between our ability to love and our ability to understand, which does not take part in this pleasure.

The same definition is used, in a similar context but with completely different outcomes, by Peter Aureoli, who criticises Scotus and denies that the contingency is a feature of the voluntary action. For Peter the free will can act necessarily, but it is still free because it acts with a spontaneous pleasure. The Franciscan philosopher captures the essence of freedom in the *complacentia* and in the *delectatio* of the act³⁰, and he widens the sphere of the viability of the concept to children and animals, being for this reason defined as *free*.³¹ As is known, Aureoli opposes his own theory to Scotus's theory as regards the way voluntary action is taken for the ultimate end, which is contingent for Scotus and necessary for Aureoli, but here and now the interesting point is their convergence in determining the formal reason of freedom.

In the first years of the 14th century we are witnessing a thought which refuses the link of freedom both with the automatic rationality of intellect and also with the contingency of the choice, thus putting the very essence of free acting in the spontaneous pleasure of action. This position is not shared by everyone: William of Ockham, for example, refuses it in order to limit the applicability

²⁹ IOANNES DUNS SCOTUS, *Quodlibet*, q. 16, n. 16, *Opera Omnia*, ed. L. WADDING, Lugduni, Laurentius Durand, 1639 (Reprint Hildesheim, Olms, 1969), XII, 458; «[...] causatio gravitatis est naturalis, ista libera, quia hoc est hoc, et illud est illud»; n. 10, ed. WADDING XII, 455: «In quo igitur est ratio voluntatis? Respondeo, quia delectabiliter et eligibiliter elicit actum, et permanet in actu».

³⁰ PETRUS AUREOLI, *Scriptum Super Primum Sententiarum*, d. 1, sect. 8, art. 3, n. 115, ed. E. M. BUYTART (Franciscan Institute Publications, Text Series, 3), St. Bonaventurae, N.Y.-Louvain-Paderborn, Franciscan Institute-Nauwelaerts-Schöningh, 1952, p. 450: «[...] iste actus est formaliter liber, a quo denominantur et redduntur liberi omnes actus [...] sed omnis actus liber est, qui fit ex complacentia; et quanto ex maiori complacentia, tanto liberius fit [...] Ergo complacentia est formaliter libertas»; n. 118, ed. BUYTART, p. 451: «[...] ratio libertatis consistit in complacentia».

³¹ PETRUS AUREOLI, *Scriptum Super Primum Sententiarum*, d. 1, sect. 8, art. 3, n. 120, ed. BUYTART, p. 451: «[...] sine dubio verum est quod pueri et animalia voluntarium et spontaneum participant, et per consequens libertatem».

of the concept of 'freedom' to the events that may or may not happen on the basis of an autonomous decision of the agent; in this way 'free and 'contingent' become two synonyms.³²

If we summarize the partial results that we have reached up to this point, we may say that Nicholas seems to be following the path of the constitutive opposition between intellect/nature and will/freedom traced by Duns Scotus. The fact that the Lorraine philosopher knew Scotus's theory of will and that he used arguments of Scotian creation, even if in completely different contexts, has already been noted by Zenon Kaluza in various articles.³³ Secondly, Nicholas does still agree with Scotus and also with Peter Aureoli in believing that only the intrinsic pleasure of the voluntary act makes it free. Certainly in Nicholas' «omne totum perfectum» this will remain the only distinction and there is no trace of a defence of the freedom of indifference; in any case the fundamental distinction is clearly put forward and consistently kept.

Intellect and will are two principles that can not be reduced and they have different intrinsic ways of acting, which is confirmed in another passage of the *Exigit ordo*, where Nicholas traces an important bond between the epistemic certainty of intellect and the appetitive certainty of will. Nicholas declares that there is a «similitudo quaedam» between the principle, which finds the truth of intellectual apprehensions, and the principle, which finds the rectitude of voluntary desires, because everything that the will wishes is an absolute good and not an apparent good. He precises that if the means to prove the truth of something is the very appearance of the object, then the means to find goodness of something is the very act of appetition³⁴, which is the pleasure it derives from it.

³² GUILLELMUS OCKHAM, *In primum Sententiarum*, d. 10, q. 1, ed. G. ETZKORN (Opera Theologica, 3), St. Bonaventurae, N.Y., St. Bonaventurae University Press, 1997, pp. 344-345: «[...] dico quod <libertas> non est sic conditio intrinseca potentiae, sed est unum nomen vel conceptus quod non potest verificari de natura nisi [...] in ordine ad aliud respectu cuius contingenter se habet [...] Concedo quod voluntas est potentia libera, non tamen respectu cuiuscumque, sed respectu illius ad quod contingenter se habet».

³³ See KALUZA, «La récompense dans les cieux», p. 97, note 27; KALUZA, «La conscience et son rôle dans la pensée de Nicolas d'Autrecourt», p. 117, note 83.

³⁴ EO, p. 234, 18-22: «Et sicut diximus quod quiddam apparet est verum, idem secundum similitudinem quamdam dicendum est de voluntate ut quiddam appetit appetitus est bonum simpliciter non apparet bonum tantum; nam sicut medium probandi

Here Nicholas criticizes the «*quaestio de libertate voluntatis*», which in his point of view has no reason to exist when it is seen as the problem whether «*voluntas posset in hoc et in oppositum*»³⁹. Here we hear the voice of Peter Aureoli who, reducing the essence of the freedom of the *complacentia*, stated that only from the error of those, who think that being free means controlling their own acts, stems the debate on the essence of freedom⁴⁰. But if for Aureoli the free will could act both necessarily, as in God, in the angels, in the blessed, in the brutes and in animals, and contingently, as is the case of the *viator*, Nicholas thought that the intrinsic and constitutive freedom of the will does not imply any form of contingency.

I would like to highlight the fact that this conclusion follows the more general understanding of Nicholas of the «*omne totum perfectum*», which is necessary and eternal and not the subaltern relation between intellect and will. So, if we are to speak about the naturalisation of Nicholas' ethics, this may be justified because will and reason are in the same way submitted to the laws of the atomistic physics, which offers in the universe conceived by Nicholas an explanation to the apparent change of the judgements and desires. But we would be mistaken if we ascribed a natural causality to the will, being understood as the characteristic causality of the intellect⁴¹: the physical causation created by the combination of the atoms enshines everything in its necessary action; nevertheless, the natural causes and the free causes are to be separated, thus avoiding to refer to the general production of the universal events by the atomic movement with the ambiguous term 'natural causality' and rather opting for the term 'atomic causality'.

Let us shift now to the way in which Nicholas solves the objections posed on his necessarist conception of the will. The main objection, vaguely inspired by Scotus⁴², is the following: we may

³⁹ EO, p. 260, 15-17: «[...] *quaestio de libertate voluntatis cessat si fiat quaestio de eadem voluntate in numero, utrum posset in hoc et in oppositum*».

⁴⁰ PETRUS AUREOLI, *Scriptum Super Primum Sententiarum*, d. 1, sect. 8, art. 3, n. 120, ed. BUYTVAERT, p. 451: «[...] *ex hac deceptione oritur difficultas, quae hodie habetur circa formalem rationem libertatis, quia putant homines quod idem sit esse liberum et habere dominium sui actus*».

⁴¹ For instance see KALUZA, «La convenance et son rôle dans la pensée de Nicolas d'Aurécourt», p. 118; GRELLARD, «Amour de soi», p. 248.

⁴² See KALUZA, «La convenance et son rôle dans la pensée de Nicolas d'Aurécourt», p. 117, note 83.

want the same object with different intensities, as we may throw a stone at different distances, and therefore we may chose freely, but above all in a contingent way, which action to take. Nicholas continues by saying that this conclusion is supported by many theologians, but it carries an unacceptable consequence, as it introduces a contingency factor in the effect of the first cause, which acts through intellect and will together⁴³. Nicholas' reply has already been cited: each cause, natural or free as it may be, acts always in line with the capability of its nature, thus producing only one effect⁴⁴; Nicholas seems to make another reference to Duns Scotus, who however considered the subject valid only for the natural causes⁴⁵. Nicholas goes on in saying that one effect can not have many different causes, but only one cause, so if this effect is not produced, this is due to an obstacle, which prevents its production and not, «*ut imaginantur adversarii*», for the freedom of the cause⁴⁶.

⁴³ EO, p. 259, 37-47: «Et circa hoc quod dicitur est de causa naturali quod operatur secundum conditionem suae naturae, estne verum in potentia libera, puta voluntate? Ut dicitur est supra, nulla causa potest producere nisi unum effectum et quod actus animae non producuntur ab objectis; ex quibus sequitur quod voluntas non possit in actum nisi in velle. Videtur quod non; primo de actu inmanente elicit; possum velle hoc intensius vel remissius; similiter possum velle proicere lapidem duorum pedum vel trium, et ex hoc quod voluntas non operatur secundum totum suum cogitatum, <quod> dicunt multi theolog[i] [quod], consequentia est mala quod, si primum moveret mobile primum, quod moveret in instanti, moveret per intellectum et voluntatem, et ita posset velle movere in tali gradu». The parenthetical words indicate a slight variation of the text of *Exigit Ordo* set by O'Donnell.

⁴⁴ EO, p. 260, 4-11: «Et sicut dicitur est quod nullus intellectus operatur ultra suam naturam neque infra, sic neque etiam voluntas; nam, si aliquando velle[m] infra suam naturam, semper velle[m] infra suam naturam quia una causa non habet duos effectus, et ita gradus perfectionis excedens esset superfluus in ea. Et ideo dicitur: videtur quod sicut intellectus primus non potest habere nisi actum convenientem suae naturae, sic neque actum volendi. Et secundum hoc intellectus primus qui intelligit nobilissimum objectum, scilicet seipsum, et habet actum volendi per complacentiam circa eundem».

⁴⁵ On this point see KALUZA, «La récompense dans les cioux», p. 97, note 27.

⁴⁶ EO, p. 260, 30-40: «[...] *omnis causa una habens solum unum effectum in potestate, cuius sufficienter est causa, producit suum effectum demonstrato aliquo instanti vel tempore, nisi aliquid impediat, alias nunquam produceret. Sed sic est de qualibet causa sive naturali sive libera; nam quaelibet est determinata ad unum effectum [...] ita quod non potest nisi in unum effectum cuius sufficienter est causa, quia nunquam unus effectus potest produci a duobus causis in specie [...] igitur non impedita potest suum effectum. Et ita de quacumque causa mundi, si non ponat suum effectum, verum est dicere quod est propter hoc quod est impedita non propter ejus libertatem ut imaginantur adversarii*».

sibilities, because this would exclude «a priori» the achievement of the other possibility: Nicholas does not want to reduce the voluntary action of man to the action of a natural agent, which is determined on an effect, as when a stone falls. The problem then lays in the fact that if the two opposite wills – going or not to church – could «michi equaliter copulari» before action is taken: which means if both the dispositions («virtutes volitivae») to elicit two opposite acts are already present in the subject before its acting, even if those dispositions have not been yet accepted or rejected.

Nicholas answers that in the same subject there can not be two *virtutes*, which can produce their effect at the same time, because this would be in contrast with the general principle for which each cause may produce immediately its own effect: indeed as both are equally ready, they should act simultaneously. A certain attention is needed here: with this statement the Lorraine philosopher answers to an opponent, who would like to demonstrate the existence of an indifference freedom in the voluntary action of man, which does not mean that he wishes to exclude the analysed hypothesis, indeed he adds that the possibility of the existence of two *virtutes* at the same time may be accepted in the presence of an «aliqua causa» for which one of the two will give up⁴⁷.

Even if Nicholas does not use in a precise way the term '*virtus*', he wants to say, as he is going to clarify at the end of the section of the *Exigiti ordo* dedicated to the will, that when will at opposite sides is at stake, this does not mean that one single will wants to produce different effects (as each will is determined to produce one single effect), but a «voluntas secundum speciem» needs to be referred to, a specific will, which contains both a will determined to produce an effect, and another will, determined to produce the opposite effect⁴⁸. On the basis of this statement the prior apparent

⁴⁷ EO, p. 260, 23-30: «Si autem sit causa unius et non alterius, tunc illud, cuius non erit causa, mihi non copulabitur. Et si dicas quod iam insunt isti supposito illae virtutis, licet nondum acciperet vel repudiet, adhuc secundum hoc videtur quod nunquam est verum dicere quod quaelibet pro aliquo instanti possit producere suum effectum; nam una est aequaliter potens producere suum effectum; vel igitur utraque produceret vel oportet quod insit aliqua causa propter quam alia habet cedere».

⁴⁸ EO, pp. 261, 47-262, 3: «Quod igitur dicitur quod voluntas est ad opposita non est intelligendum secundum individuum quod sit aliqua voluntas particularis quae sit ad opposita, immo quaelibet est determinata ad unum [...], sed intelligendum est secundum speciem; nam est aliqua voluntas quae est respectu unius et alia respectu oppositi».

If this principle is true, why is the subject apparently able to want opposite things? For the same reasons that allow it to understand different concepts, explains Nicholas: as there are as many stand different concepts, in the same way there are as many desired objects as there are wills⁴⁷. So, when I want something more (or less) intensely than before, I don't change the level of intensity of the same desire act, but I rather enact another will, which causes its effect with its proper intensity⁴⁸. Because of this multiplication of the wills, all of which are determined freely on their effect, the problem of the freedom of indifference is solved; but, as Nicholas himself says, is this kind of freedom to be excluded from the will and not at all the freedom of spontaneity: «quaestio de libertate voluntatis cessat si fiat quaestio de eadem voluntate in numero, utrum possit in hoc et in oppositum»⁴⁹.

Now we shall tackle and analyse the solution offered by Nicholas to the central problem of any theory of the will, namely the choice between different practical opportunities, as is the case in deciding to go to church or not. The same will can not contingently decide for one of the two possibilities, because of the known principle that each cause, be it natural or free, can not have opposite effects, but it produces always what it is more suitable for itself: the contemporaneous possibility of two conflicting effects would paralyse the accomplishment of both of them⁵⁰. But we can not even admit that there is the cause of only one of the two pos-

⁴⁷ EO, p. 259, 47-260, 3: «Ad contrarium videtur quod probatum est supra quod quot sunt intelligibilia vel quot sunt conceptus, tot sunt intellectus quia una causa non producit diversos effectus. Et ita dicendum esset hic propter eandem rationes quod quot sunt volibilia, [vel] tot sunt voluntates [...]».

⁴⁸ EO, p. 260, 11-14: «Et quod dicebatur quod nos possumus velle intensius et remissius dicendum quod hoc non est eadem voluntate sed alia et alia sicut quando aliquis potest onus seu lapidem durum pedum vel trinum, hoc est non eadem virtute sed alia et alia».

⁴⁹ EO, p. 260, 15-17.

⁵⁰ EO, p. 260, 17-23: «Sed adhuc remanebit quaestio sic: una est voluntas eligendi rationem eundi ad ecclesiam et alia repudiendi. Nunc quaeri potest utrum de quolibet possit vere enuntiar quod possibile est ipsam mihi copulari; et videtur quod non, quia vel est aliqua causa copulationis aequalis ad utrumque extremum, et hoc non potest esse quia nulla causa naturalis sive libera est oppositorum eadem numero; ex quo enim per se quaelibet potest mihi aequaliter copulari, non est illa causa plus unius quam aliterius, et sic neutrorum».

anyway admits that in such a case there will be a «*virtus volitiva movendi*» towards any direction; but the hypothesis itself needs to be rejected, as it is not possible that in nature there are two identical effects, as he has already proved¹¹.

The answer is seemingly in contrast with the general solution of Nicholas, who supposes the presence of different «*virtutes volitivae*», each with its own effect within the same specific *voluntas*. Indeed, if the hypothesis that Nicholas at the beginning rejects is the fact that the same will can produce different effects, then Nicholas seems to admit, with a lack of consistency, that there is a «*virtus volitiva movendi se ad quamlibet partem*», but I believe we may assume that he wants to refer not to a single *virtus* producing many effects, but rather (with a certain arbitrary use of the term), to a specific *virtus* (or better, *voluntas*), which contains various *virtutes tendendo* to different effects. If this would be the case, his discussion against the logical paradox would be completely consistent with his thought and would also be strongly founded, as only undistinguishing situations may be thought of in an abstract way, but they can not be carried out in reality if this is considered under each different perspective, as was already stated by Thomas Aquinas.

III

The third aspect, or level, of the ethics needs to see the establishment of the foundation of the *virtutes* involved in the moral act in the human soul, in order to guarantee unity and continuity of the morally responsible subject, but Nicholas does not offer an ultimate solution to the question.

Nicholas avoids to give a precise definition of 'soul' and he seems to use the word without any precise philosophical meaning.

¹¹ EO, pp. 260, 40-261, 12: «*Et si quis poneret aequalia impedientia et expedientia ex parte duarum, sequitur quod neutra produceret suum effectum vel utraque simul ut si quis esset in circulo super cuius partes aequalis naturae et Socrates esset in qualitate, et esset secundum omnes ejus partes aequalis naturae et Socrates esset in modo videns cibum similem sub aequali quantitate in qualibet parte circuli; [...] dices quod [...] inerat virtus volitiva movendi se ad quamlibet partem; nam ex quo ponitur distantia aequalis, partes similes et aequales, et sic de cibo ibi appposito eiusdem virtutis est, posse in omnes actus ex quo sunt omnes actus similes omnino; quantum unus continetur in ista virtute activa tantum et reliquus. Consequentia videtur esse vera secundum supradicta; et ideo dicerem quod hypothesis non est possibilis; nam ut dixi impossibile est esse duo effectus omnino similes et aequales in natura [...]*».

rejection of Nicholas to admit the existence of two volitions not yet linked to the desiring subject becomes clear: it is a controversial answer to the contingentism of the theologians, but it is not Nicholas' answer, as he shifts the centre of the discussion from the question of the determination of a particular effect, chosen among the other possible effects by a single will, to the question of the determination of which will among conspecific wills produces its single effect.

Which is the cause impeding to one of the two wills to produce its own effect, still needs to be understood. Nicholas does not give a clear elucidation for this point, because he does not articulate a finished solution, but he highlights one more time the general principles (which we have already analysed), which govern each causation, be it free or natural, and he concludes that any cause does not act only if there is an obstacle and not a particular freedom, as was stated by his opponents¹². Anyway, the «*aliqua causa*» could be the lack, in one of the two cases, of the *delectatio*, which is the spring of the self-determination of free action, or the judgement of the practical reason, which estimates that one action is better than the other and thus does not allow the *delectatio* to develop the opposite action, as we have seen above. Maybe the thing that allows the causative actualization of one of the two single «*virtutes volitivae*», contained in the specific will is in this case, as in other passages of the *Exigit ordo*¹³, the «*cause without name*», the astral influence described by Nicholas some lines on, where he discusses a sophisticated version of the classical problem of the donkey of Buridan.

Nicholas is indeed involved in a long logic controversy in which the «*virtus volitiva*», in the case that the presence of other operative *virtutes* is accepted, should become active in the case that there is an absolute symmetry in the action. In other words: at the centre of the circle there is Socrates, who sees the same food at any point of the circumference, in the same subjective, objective and astral condition. In this case Socrates would have the will obstructed by the perfect equivalence of each determination of the same will and he could therefore not move in any direction. Nicholas states that this is by no means a case in which will is free *ad opposita*; he

¹² EO, p. 260, 30-40: see hereon, note 46.

¹³ See KALUZA, «*La recompense dans les cieux*», pp. 96, note 26, and 104.

last forever⁶². Finally, understanding is a corruptible activity for the single subject, which sometimes can think and sometimes not⁶³ but we may say that the "continuatio" is guaranteed in an aversive way by the possible intellect, which is always actual at least in a component of the human species.

This permanence in the single intellects and desires does not ensure the conscience continuity of the individual more than the permanence of the words preserves a book: without a coordination and structural principle (the author) the words do not make up a text and in the same way the acts of the soul do not form a person without the coordination of the conscience 'me'. In the thought of Nicholas the problem of identity is general and it involves all the *res*. It derives from the rejection of any metaphysics of the substance⁶⁴, but this difficulty is certainly particularly vast in the case of the human subject.

To explain where does the weak foundation of the spiritual acts lay, Nicholas proposes an *imaginatio*, for which he supposes that the man has two *spiritus*, intelligence and sense; the latter serves the first and allows it to grasp the universal models through the sensitive stimulus of the material and particular models. Nicholas believes that these *spiritus*, single spiritual atoms, survive to the atomic disgregation of the body, and are ready to unite themselves again and again with other atomic aggregates⁶⁵. The two *spiritus* seem to

run supra: omne totum perfectum requirit suas partes esse sicut in isto materialibus in quibus nihil est novum, saltem de entibus permanentibus; est ratio men ista res aliquando praesens alicui cui prius non erat praesens per motum localem; sic tibi scilicet in anima nostra per motum spiritualem».

⁶² EO, p. 206, 9-10: «Ad propositum redentes posset dici quod intellectio quae nunc est praesens mihi post est praesens alii supposito, et sic semper».

⁶³ EO, p. 205, 17-22: «Nunc quoque (scilicet sicut Commentator) dicam quod 50-51 est conformis actualiter phantasmati actu existens in cogitativa, et tunc argueretur sic: si intelligere poneretur esse corruptibile, hoc esset pro tanto quod homo quandoque intelligit et quandoque non; sed istud non obstat quia et licet intellectio sit in intellectu, non tamen intelligit quia non est conformis phantasmati suo»; see also EO, p. 225, 30-37, and KALUZA, «Éternité du monde», p. 236.

⁶⁴ KALUZA, «La récompense dans les cieux», p. 80.
⁶⁵ EO, p. 187, 16-26: «Primo vellet aliquis dicere: imaginemur in homine bono duos spiritus, quorum unum dicitur intelligenda, et alius sensus; et spiritus sensus est sicut subsevens quia exemplaria universalia et divina non sunt nata venire ad spiritum, qui dicitur intelligenda nisi quando primum veniunt ad spiritum, qui dicit sensus,

referring with the term rather to the intellective capabilities⁶⁶ than to a centre of the human self-conscience to the point that it has lost its Christian sense⁶⁷. The information that we can gather with the analysis of the *Exigit ordo* are scarce: as regards the origin of the soul, Nicholas, on the basis of his well known principles, concludes that the human soul is not produced by the man, nor by the very perfect first agent, but by an intermediate agent, which is superior to the man and inferior to the first principle⁶⁸. Nicholas is not more precise as regards the fate of the human soul, as he does not speak about it, but he concentrates his interest on the fate of the soul's actions, which in his opinion are eternal because of the impossibility to change of the «omne totum perfectum».

Just as the material things are formed thanks to the aggregation of material atoms, thus the spiritual acts of the soul are formed thanks to the aggregation of spiritual atoms: Nicholas thinks that the analogy may be brought further on, because, as a non suitable aggregate of material atoms becomes a monster, thus may also become 'monstrous', which means false, the spiritual aggregations (the intellects) if they are not suitable with the objects «extra animam»⁶⁹. The single intellects are not intentional objects of the subject, but proper everlasting *res*⁷⁰, made up by spiritual atoms, so that an intellect, which is present in myself because of its conformity to the *phantasma* actualized in my cognitive faculty, will be then present, because of a spiritual movement, in another subject⁷¹, and this could

⁶⁶ KALUZA, «La récompense dans les cieux», p. 89.

⁶⁷ *Ibidem*, p. 85.

⁶⁸ EO, p. 257, 29-37: «Ex illis regulis suprapositis [...] sequitur quod anima unius hominis qualiscumque sit non est producta ab alio homine. [...] Producitur igitur ab aliquo agente superiori». See KALUZA, «La récompense dans les cieux», p. 96.

⁶⁹ EO, pp. 205, 40-206, 2: «Et considerare oportet etiam consecutionem unius intelligibilis ad aliud et distinctionem quae est intra ipsa et habitudinem quam habent ad obiecta. Sciendum tamen quod aliquando fit congregatio talium entium atomalium spiritualium disconveniens, aliquando conveniens et sicut in rebus materialibus extra, propter disconvenientiam <et convenientiam> in congregatione dicuntur interdum monstra interdum bene composita, sic et in anima propter congregationem disconvenientem dicitur <...> seu composito falsa; propter convenienti vera cum est modo convenienti et quod est extra in re».

⁷⁰ KALUZA, «Éternité du monde», p. 235.

⁷¹ EO, p. 205, 24-30: «Possumus tamen dicere quod potest sustineri probabiliter et est probable quod actus animae nostrae sunt aeterni recapitulando aliqua prius dicto-

be the support of the *virtutes*, or intellectual abilities, namely what remains of the human individuality in the time; they would keep their level of goodness (or evil), reached during their life, and they would aggregate with other atoms to reassemble, after the cyclic universe movement, an always identical subject⁶⁶. An interesting point (and we will return on this issue) is that the will is never reduced among the spiritual atoms: the human being is reduced to the dimension of a mere conscious subject⁶⁷, for which the universal justice and the individual morality are united in the perfecting of the cognitive abilities of the man.

Nicholas proposes also other alternative hypotheses to try to explain the change of the subject without renouncing to the permanence of its 'me', as has been explained in detail by Zénon Kaluza in a recent paper, but without decisive success⁶⁸. In any way it is difficult to find an unambiguous and precise doctrine in this series of indications. We may only say that Nicholas does not have a proper philosophical anthropology: the subject remains a changing combination of simple atoms and of atomic associations, it is fragmented in the succession of the different *virtutes*, which are not unified by an individual substance, constantly rejected by Nicholas, so that its identity is rather conventional⁶⁹.

exemplaria particularia et magis materialia. Nunc quando dicitur illud suppositum corruptum non est nisi segregatio corporum atomalium; remaneat spiritus qui dicitur intelligentia et qui dicitur sensus; et isti sicut se habebant in bono, in optima dispositione sic se habebunt infinites secundum quod illa indivisibilia infinites congregabuntur iterato. Et sic iam in hoc abundat bonus a malo qui habebit suam malam dispositionem infinites sicut ille suam bonam».

⁶⁶ EO, p. 205, 12-17: «Item secundum dicta <ista> faciliter potest apparere qualiter posset dici, si corpora caelestia quorum motibus ista inferiora assequuntur aliquando revertantur ad eundem situm in quo nunc sunt. Dicit potest quod idem suppositum quod nunc est, aliquando erit. Nam secundum positam conclusionem omnia corpora atomalia ex quibus res componuntur remaneant, et ita congregatione facta, idem erit suppositum in numero quod erat prius».

⁶⁷ See KALUZA, «La récompense dans les cieux», pp. 89, 95, note 24.
⁶⁸ See for instance these problematic passages: EO, p. 252, 10-12: «Et quod dixi quod non est idem senex et puer declaratur ex hoc quod nulla virtus potest immutari in sua essentia nisi corruptatur»; EO, p. 252, 28-29: «[...] verum est dicere quod punitur ille qui non delinquit, et ideo naturae inditus est timor talis ut praeterit illius se retrahat a peccato». See also KALUZA, «La récompense dans les cieux», p. 100 on EO, pp. 251, 44-252, 6.
⁶⁹ KALUZA, «La récompense dans les cieux», p. 102.

But, to go back to the stature of the will, what are we particularly interested in here is that the *spiritus*, if they could represent the permanent reference of the succession of the soul's acts, regard only the sense and the intellect. The will has never been listed among them, so that it seems not to be a simple spiritual atom, which can in a way be the mainstay for the next volitive acts, but just a *virtus*, a motive faculty without a subject⁷⁰, that is the successive series of volitions, which adhere, because of the universe causality without a name, to different subject in different occasions.

⁷⁰ EO, pp. 199, 47-200, 1: «Secundus modus esset ut diceretur quod sicut potentia sit corrupta, similiter diceretur de omnibus aliis virtutibus [...]»; see also KALUZA, «Éternité du monde», p. 235.