

How Scotus Separates Morality from Happiness

by Thomas Williams

As everyone who discusses Scotus's moral theory points out, Scotus recognized two fundamental inclinations in the will: the *affectio comodi* and the *affectio iustitiae*. Everyone agrees that these two *affectio-nes* play an important role in his moral theory, and there is virtual unanimity about what that role is. I contend that the standard view is misguided, and that it obscures the true character of Scotus's very un-medieval moral theory. I shall begin by laying out the context in which Scotus develops his theory of the two *affectio-nes*. The standard interpretation, I shall then argue, fails to appreciate that context; moreover, it can actually be shown to be contrary to Scotus's explicit statements. I shall then argue for my own interpretation of the two *affectio-nes*, which assigns to morality a role altogether independent of human flourishing.

1.

The Context of Scotus's Theory: According to the standard Scholastic account, all things have a natural inclination to their own perfection. In some creatures this "appetite" (as the inclination was generally called) is consequent upon some form of cognition. Creatures with sensation thus have a sensitive appetite, and creatures with reason have a rational or intellective appetite. Intellective appetite is the natural inclination of a rational nature to pursue its fulfillment as a rational nature, or "happiness," as this fulfillment was generally called. Such an appetite is directed at objects insofar as they are apprehended as being in conformity with our good. The Scholastics by and large identified the will with intellective appetite.¹

Because the will is an intellective appetite whose object is the good, the will can will only those things that are apprehended as good and can refuse to will only those things in which some admixture of evil is apprehended. Consequently, according to this view, if the intellect

apprehends happiness, the will cannot fail to will it. Nor can the will fail to will those things that are apprehended as means necessary to the attainment of happiness. As it happens, though, we do not in this present life have a clear vision of the highest good or know with certainty which things are necessary for us to achieve it. Furthermore, everything other than the highest good has some admixture of evil. The will's freedom is thus guaranteed in part by the intellect's ignorance and in part by the insufficiency of any creaturely good.

Scotus agrees that all natures have an inclination to their own perfection, and he makes no exception for rational natures. He parts company with the standard account, however, by refusing to identify the will with intellective appetite. In order to see how he does this, we must begin with a careful look at the *affectio commodi*. According to Scotus, the *affectio commodi* is a purely natural appetite. If we had nothing but the *affectio commodi*, we could not help will the *commodum* as soon as we had intellectual cognition of it:

Hence, an intellective [appetite], if it lacked the *affectio iusti* [*sic*], would naturally desire what is suited to the intellect, just as the sensitive appetite desires what is suited to the sense, and it would be no more free than the sensitive appetite.²

It is not only the objects of our volitions that would be thus determined. The intensity of our volitions would also follow naturally from intellectual cognition. The more suited to the intellect an object was, the more intensely we would will it; and upon intellectual cognition of happiness, the most suitable object of all, we could not fail to will it with the maximum intensity.

An angel that had only the *affectio commodi* and not the *affectio iustitiae*—that is, one that had an intellective appetite merely as that sort of appetite and not as free—could not fail to will *commoda* and to will such things in the highest degree.... Insofar as the will is merely intellective appetite it

¹ For an excellent discussion of Aquinas's understanding of intellective appetite, see David Gallagher, "Thomas Aquinas on the Will as Rational Appetite," *Journal of the History of Philosophy* 29 (1991): 559-84.

² Unde intellectivus, si careret affectione iusti, ita naturaliter appeteret conveniens intellectui, sicut appetitus sensitivus conveniens sensui, nec esset magis liber quam appetitus sensitivus. R 2.6.2/9 (W XXII:621). (Read this as *Reportatio parisiensis* Book 2, distinction 6, question 2, n. 9 (Wadding-Vivès edition, volume XXII, page 621). 'Ord.' will be used to refer to the *Ordinatio*.)

would actually be inclined in the highest degree to the greatest intelligible good. But insofar as the will is free, it can control itself in eliciting its act so that it does not follow its inclination, either with respect to the substance of the act, or with respect to the intensity, to which the potency is naturally inclined.³

It is important to note that both in this passage and elsewhere⁴ the *affectio commodi* is identified with intellectual appetite. For example, at *Ordinatio* 2.6.2/9, he says that

it is clear that a free will is not bound to will happiness in every way in which the will would will it if it were an intellectual appetite without freedom. Rather, in eliciting its act the will is bound to moderate its appetite *qua* intellectual appetite, that is, to moderate its *affectio commodi*, lest it will immoderately.⁵

By associating intellectual appetite with only one of the will's inclinations rather than with the will itself, Scotus makes a decisive change in moral psychology. He makes it clear that the moral life cannot be some sort of refinement of the Aristotelian project. The pursuit of happiness, however conceived, is not the whole story. It is not even a *moral* story at all.

Why not? Because if the will is nothing but intellectual appetite, it is a natural agent. Like the sensitive appetite, which follows naturally (read: deterministically) upon sensitive cognition, intellectual appetite

³ Angelus tantum 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... voluntas in quantum est mere appetitus intellectivus summe inclinaretur actualiter ad optimum intelligibile ... tamen in quantum libera est, potest refranare in eliciendo actum ne sequatur istam inclinationem, nec quantum ad substantiam actus, nec quantum ad intensionem, ad quam potentia naturaliter inclinatur. *Ord.* 2.6.2/8 (W XII:353-4). The translation preserves an ambiguity in the Latin: the word 'which' in the last clause can refer either to 'intensity' alone or (what seems more likely) to both 'substance' and 'intensity.'

⁴ Throughout *Ord.* 2.6.2; *Ord.* 2.39.2/5; *Ord.* 3.17.q.un. *passim*; *Ord.* 3.26.q.un./17

⁵ Patet quod voluntas libera non tenetur omni modo velle beatitudinem quo voluntas, si esset tantummodo appetitus intellectivus sine libertate, vellet eam; sed tenetur in eliciendo actum moderari appetitum unde est appetitus intellectivus, quod est moderari affectionem commodi, ne scilicet immoderate vellet.

follows naturally upon intellectual cognition. Now it is a fundamental conviction of Scotus that morality is impossible without freedom, and by definition there is no freedom in a natural agent. Paradoxically, therefore, if the will is to be a rational agent it must pursue something besides its fulfillment as a rational nature. It must be something more than mere intellectual appetite.⁶

That something more is provided by the *affectio iustitiae*, which transcends the merely natural and provides a spring of action that is directed toward the goodness that things have independently of their being suited to our rational nature. The *affectio iustitiae* thus frees us to restrain our natural appetite. This applies not only to the intensity of the desire but also to its object:

Therefore, that *affectio iustitiae*, which is the first controller of the *affectio commodi* with respect to the fact that the will need not actually will that to which the *affectio commodi* inclines it, or will it to the highest degree, is the innate liberty of the will.⁷

Thus the *affectio iustitiae* provides the freedom that the will could not have if it were merely intellectual appetite.

As we have seen, the standard account of will as intellectual appetite was taken to have certain implications regarding the will's freedom. For example, on Scotus's reading at least, Aquinas had held that the will is bound to will happiness understood "universally" but not "in particular."

⁶ It is worth pointing out that Scotus always speaks of the *affectio commodi* as intellectual appetite, never as rational appetite, although the two terms were generally taken to be interchangeable. There is a reason for this. According to Scotus, there are two kinds of powers: rational and natural. A natural power is one that is determined in such a way that given a certain set of circumstances it cannot do otherwise than it does in those circumstances. A rational power, by contrast, is one that is capable of determining itself to either of a pair of contradictories. Given these definitions, it turns out that the will is a rational power, while the intellect, perversely enough, is not. (See *Questiones subtilissimae super libros Metaphysicorum Aristotelis* 9.15/4-7, W VII:609-11.) Consequently, the *affectio commodi* cannot properly be described as a rational appetite, since it is determined by cognition. It can, however, be properly called intellectual appetite, since the cognition by which it is determined is *intellectual* cognition. This understanding of natural and rational powers also explains why Scotus applies the term "natural appetite" to the natural inclinations of inanimate objects, the sensitive appetite, and the *affectio commodi*, even though the term was usually reserved to the first of these.

⁷ 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, nec etiam summe appetere; illa, inquam, affectio iustitiae est libertas innata voluntatis. *Ord.* 2.6.2/8 (W XII:353).

That is, the will necessarily wills happiness, although it does not necessarily will that object in which happiness as a matter of fact is found. Furthermore, everything else that is willed is willed for the sake of happiness.

It is not surprising, given Scotus's introduction of the *affectio iustitiae* into his moral psychology, that he rejects these implications of the standard account. It is true, he admits, that the natural appetite is bound necessarily to will happiness, but the natural appetite is neither the will itself nor any elicited act of the will. When the will elicits an act, it does so freely.⁸ Granted, the natural appetite is so fundamental to the will that the will does in fact generally will happiness.⁹ Even the damned, human beings and angels alike, will their own happiness. In fact, Scotus says, they very likely will it even more intensely than we do in this present life. The problem is that their will for happiness is not moderated by the *affectio iustitiae*.¹⁰

As for the distinction between happiness as understood universally and happiness as understood in particular, Scotus will have nothing to do with it.¹¹ All one has to do to see what is wrong with the distinction, he believes, is to look at the arguments that supposedly show why the will necessarily wills happiness. According to the standard psychology, the will can refuse to will something only if it has some admixture of evil or at least deficiency of goodness. So if happiness is presented to the will by the intellect, the will has no choice but to will it, because happiness has no evil and is complete in goodness. If this argument works, Scotus says, it should apply even more decisively to happiness in particular than universally. For the goodness of the particular object

⁸ *Ord.* 4.49.10/2-3 (W XXI:318-9)

⁹ So fundamental is this inclination, Scotus says, that it is impossible for the will to be habituated by any habit more strongly than it is inclined by the natural appetite. Thus, a just man, whatever praiseworthy habits he might happen to have, will find it difficult to choose death; such a choice will be a matter of suffering for him, because it is in opposition to his natural appetite. *Ord.* 4.49.10/6 (W XXI:331)

¹⁰ *Ord.* 4.49.10/11-13 (W XXI:379-80). Scotus deals with two interesting objections to this thesis. First, it would seem that the damned cannot desire happiness, since they apprehend it as impossible for them. Scotus claims, however, that it is possible to have a volition—even a “maximally intense” volition—with respect to an impossible object. Such a volition can even be meritorious or demeritorious, as, for example, if someone wills to fornicate when fornication is impossible for him.

Second, it would seem that, if it remains even in the damned, the natural appetite would be in vain. To this Scotus responds that it would indeed be in vain if it was not satisfied in a whole species, but that it is not in vain if it is unsatisfied only in certain individuals. This is then unexpectedly turned into an argument against “those who claim that all angels differ in species.”

¹¹ *Ord.* 4.49.10/4-5 (W XXI:330-1)

in which happiness is found is more complete, and its freedom from any taint of evil is more obvious, than the goodness of happiness conceived of merely abstractly.

So in fact, confronted with happiness either universally or in particular, the will can either will it (*velle*) or fail to will it (*non velle*). What the will cannot do is to will-against it (*nolle*). Willing-against, like willing, is a positive act elicited by the will; it is therefore not to be identified with merely not-willing, or failing to will, which implies that no act is elicited by the will.¹² In a similar way, when confronted with unhappiness, the will can either will-against it or fail to will it. What the will cannot do is positively to will unhappiness. Confronted with any object other than happiness or unhappiness, the will is free to elicit either an act of willing or an act of willing-against; it is also free to elicit no act at all with respect to that object.¹³

If the will is not bound to will happiness, it clearly seems to follow that it is not bound to will everything else for the sake of happiness. There are two ways in which the will can will something without willing it for the sake of happiness. One way is "negatively," when one simply omits to consider the relation of the willed object to happiness. The other way is "contrarily," when one wills something knowing full well that it cannot be ordered to happiness. For example,

a certain believer, apprehending the end, apprehends with certainty that happiness is found in God the One and Three. In the same way, however, he apprehends fornication as incapable of being ordered to that end. Nonetheless, even with the intellect pointing out that fornication cannot be ordered to that end, which is happiness—that in fact it is contrary to the end—the will chooses fornication.¹⁴

2.

The Standard Interpretation of the Two Affectiones: This freedom from the natural inclination to pursue happiness (here seen in one of its less reputable activities) is, as we have seen, in some way a consequence

¹²I follow Marilyn M. Adams's translation of '*nolle*' as 'to will-against.' Wolter translates it as 'to nill.'

¹³*Ord.* 4.49.10/8 (W XXI:332)

¹⁴*Aliquis fidelis apprehendens finem, apprehendit certitudinaliter esse beatitudinem in Deo uno et trino. Similiter autem apprehendit fornicationem ut impossibilem ordinari ad finem illum; sed dictante intellectu quod fornicatio non est ordinabilis ad illum finem, qui est beatitudo, imo est contraria fini, et tamen voluntas eligit fornicationem.* *Ord.* 4.49.10/15 (W XXI:382).

of the two *affectiones* of the will. I have yet to explain exactly what those *affectiones* are. Commentators often imply that Scotus understood the *affectio commodi* as the inclination to pursue what is beneficial to oneself and the *affectio iustitiae* as an appreciation of other things (and people) for their own sake. It is quite easy, however, to show that in fact the *affectio commodi* must involve the love of others for their own sake, and not merely the desire for what is beneficial to oneself. Scotus explicitly affirms that every elicited act of the will is elicited either according to the *affectio commodi* or according to the *affectio iustitiae*.¹⁵ He also affirms that no sinful act is elicited according to the *affectio iustitiae*.¹⁶ Now if there is any sinful act that involves the love of another for his own sake, it follows that the *affectio commodi* encompasses more than merely self-regarding desires. Surely it is not difficult to think of sins that have their root in the love of others for their own sake. If, for example, my disinterested, unselfish love for my best friend prompts me to skip church to help him with a late paper, I am clearly sinning. But only someone in the grip of a theory would suggest that I committed this sin out of an inordinate desire for what was beneficial to myself. I skipped church out of love for my friend, and genuine friends are of course loved for their own sake.

This example shows clearly that the *affectio commodi* does not exclude loving things for their own sake. But we need no example to show the complementary truth that the *affectio iustitiae* does not exclude loving things because they are good for oneself. For Scotus explicitly tells us so: "to have a perfect act of desiring a good for oneself ... is on the basis of the *affectio iustitiae*."¹⁷

Quite simply put, the standard interpretation fails to do justice to Scotus's identification of the *affectio commodi* with intellective appetite. As all of Scotus's contemporaries would have agreed, and as we have seen Scotus himself assert, the principal object of intellective appetite is the perfection of rational nature, or happiness. So, what Scotus in fact does is to take the whole of eudaimonistic ethics—which surely includes the love of certain goods for their own sake—and assign it to the *affectio commodi*. In his mind, the *affectio commodi* is neither more nor less than what the will is in the standard Scholastic account. If the

¹⁵ *Ord.* 2.6.2/5 (W XII:348).

¹⁶ *Ibid.*

¹⁷ *Habere actum perfectum appetendi bonum sibi ... hoc est ex affectione iustitiae.* *Ord.* 2.6.2/11. From a corrected text supplied by the Scotistic Commission to Fr. Wolter, in *Duns Scotus on the Will and Morality* (Washington, D.C.: Catholic University of America Press, 1986), 476.

Scholastic will can will something, so can the Scotist *affectio commodi*.

The standard interpretation in effect reads Scotus as dividing the role of the will as conventionally understood between two different inclinations: one by which we desire things for ourselves, and another by which we love things for their own sake. This is a mistake. When Scotus says that the *affectio commodi* is intellectual appetite, he means that it just is the will as conventionally understood. And when he insists that there must also be an *affectio iustitiae*, he means that the will has been conventionally *misunderstood*. Say everything that the Scholastic says about the intellectual appetite and its relation to happiness, Scotus claims, and you will not have said one word about morality, because you will not have said anything about the *affectio iustitiae*.

The standard interpretation of the two *affectiones* was not manufactured out of whole cloth. There are texts that do seem to associate the *affectio commodi* with the love of things for oneself and the *affectio iustitiae* with the love of things for their own sake. Before I proceed to give my own view of the *affectio iustitiae*, therefore, I wish to take a look at those texts and explain how I think they should be interpreted.

One of the passages that have suggested the understanding of the *affectio commodi* against which I am arguing here is Scotus's statement that "by the *affectio commodi* one can will nothing except in order to oneself."¹⁸ On my view we should not interpret that as meaning that the *affectio commodi* can only will selfishly. Rather, "*in ordine ad se*" means something like "with reference to one's own nature." That is, by the *affectio commodi* one can will things only as they are seen as suited to one's nature as a rational being. This interpretation emphasizes the fact that intellectual appetite is just like any other natural appetite, since all things seek the good proper to their own nature. I will not attempt to deny that this interpretation is hardly the most obvious reading of the phrase, but it is surely a possible reading. And if, as I believe, we must reject the obvious reading on other grounds, my reading enables us to make sense of the passage without rendering it inconsistent with Scotus's other statements about the *affectio commodi*.

Another basis for the standard interpretation of the two *affectiones* is the fact that the *affectio commodi* is often spoken of as an inclination "*ad propriam perfectionem*" or "*ad proprium bonum*." While one could of course understand this as meaning simply "to one's own perfection" or "to one's own good," it is better to understand it as meaning "to one's proper perfection" or "to one's proper good." This again emphasizes that

¹⁸Secundum affectionem commodi nihil potest velle nisi in ordine ad se. *Ord.* 3.26/17 (W XV:340)

intellective appetite is simply a species of natural appetite, and it carries no implication that intellective appetite is purely selfish, since the proper perfection of a rational nature need not be understood as entirely self-regarding.

Perhaps the most plausible textual basis for the standard interpretation is found in *Ord.* 4.49.5. Scotus is arguing that happiness consists in *fruitio*, which is the love of something for its own sake. He says:

There are two sorts of willing: either on account of the thing willed ... or on account of the one who wills.... The first willing is said to be of the love of friendship (*amor amicitiae*), and the second is of the love of desire (*amor concupiscentiae*) ... An act of friendship is in the will according as it has the *affectio iustitiae* ... An act of desire is in the will according as it has the *affectio commodi*.¹⁹

He goes on to say that an act of friendship tends toward an object as a good in itself, whereas an act of desire tends toward it as it is a good for me.

Now this would appear to make just the claim that the standard interpretation makes: by the *affectio iustitiae* we love other things for their own sake, and by the *affectio commodi* we love things because they are good for ourselves. Such a conclusion, however, is too hasty. Let us look first at another passage where Scotus makes use of the two loves, which is found in the discussion of the fall of the angels. From what Scotus says there it is quite clear that the love of desire is not limited to the desire for things that are beneficial to oneself. For example:

The will has a twofold act of loving, namely, the love of friendship, and the act of desiring (*concupiscendi*) something for the thing that is loved. Either act has the whole of being for its object. Thus, just as [an angel] can love any being with the love of friendship, so he can desire any being for the thing itself that is loved.²⁰

And in the next question:

The order of the two willings is evident, since desire (*concu-*

¹⁹Velle etiam est duplex in genere: aut propter volitum ... aut propter volentem.... Primum velle dicitur esse amoris amicitiae, secundum amoris concupiscentiae.... actus amicitiae inest voluntati secundum quod habet affectionem iustitiae.... actus autem concupiscentiae inest voluntati secundum quod habet affectionem commodi. *Ord.* 4.49.5/2-3 (W XXI:172-3)

piscentia) presupposes that willing of friendship. For since with respect to the thing desired (*concupitum*), the thing loved is like the end for which I will a good (for it is on account of the thing loved that I desire for it whatever good I will for it), and since the end of the will has the first *ratio* of a willed object, it is evident that the willing of friendship precedes the willing of desire.²¹

What these two passages make clear is that the love of desire is not aimed at things that I will for their own sake, but at things that I will for the sake of other things that I love with the love of friendship. If I love my father and want him to have success, I love success with the love of desire and my father with the love of friendship. So while the love of desire can aim at goods that one wills for oneself, it can also aim at goods that one wills for others. Moreover, the love of friendship can involve not only the love of others for their own sake, but also the love of oneself for one's own sake. In fact, Scotus says that the first sin was the devil's inordinate love of friendship for himself (*Ord.* 2.6.2/4). It should perhaps go without saying that if the love of friendship can be inordinate, it can hardly be identical with the *affectio iustitiae*.

Why then does Scotus seem to say otherwise in the other passage? The context of the discussion is clearly responsible. He is talking there about the will for happiness, and since our happiness consists in the love of God, his question amounts to this: Is the love of God that constitutes our happiness a love of friendship or a love of desire? We shall see later on that if one limits one's consideration to God as an object of will, the love of God for his own sake happens to coincide with the *affectio iustitiae*, whereas the love of God as a good for me happens to coincide with the *affectio commodi*. So in the particular context of this question, he is justified in saying that an act of friendship *for God* belongs to the *affectio iustitiae* and an act of desire *for the happiness that God brings* belongs to the *affectio commodi*.²² The other passage, which is not

²⁰Voluntas habet duplicem actum amandi, scilicet amorem amicitiae et actum concupiscendi aliquid amato, et secundum utrumque actum habet totum ens pro obiecto, ita quod sicut quodcumque ens potest ipse [Angelus] amare amore amicitiae, ita quodcumque ens potest concupiscere ipsi amato. *Ord.* 2.6.1/2 (W XII:334)

²¹Istorum duorum velle patet ordo, quia concupiscentia praesupponit illud velle amicitiae. Cum enim amatum sit respectu concupiti quasi finis cui volo bonum, nam propter amatum concupisco sibi bonum quod sibi volo, et cum finis voluntatis habeat primam rationem obiecti voliti, patet quod velle amicitiae praecedit velle concupiscentiae. *Ord.* 2.6.2/4 (W XII:346)

²²It should be noted that the statement I dealt with earlier, "by the *affectio commodi* one can will nothing except in order to oneself," also occurs in the

limited to the consideration of the one object in which the two distinctions coincide, shows that we cannot distinguish the two *affectiones* in the way that the standard interpretation requires us to do.

3.

Boler's Reading of the Two Affectiones: The *affectio commodi*, then, is simply intellectual appetite conceived of as analogous to any other natural appetite. It is the inclination of a rational nature to seek the perfection proper to it as rational nature. So how are we to understand the *affectio iustitiae*? The best work on this question is John Boler's recent paper "Transcending the Natural: Duns Scotus on the Two Affections of the Will."²³ Boler sets out to make many of the same points that I have made regarding the *affectio commodi*. He argues that the *affectio commodi* is to be understood as natural appetite and that Scotus's insistence on the importance of the *affectio iustitiae* is meant as a criticism of any moral theory that ties morality to human flourishing. It is in attempting to explicate the *affectio iustitiae* that he falters, but his mistakes are so suggestive that they repay careful examination.

Having argued that Scotus intends to reject any eudaimonist moral theory, Boler goes looking for the "something more, pertaining to the will alone, that needs to be identified in order to make the moral picture complete for Scotus."²⁴ After rejecting certain suggestions, Boler writes, "What Scotus does say is that the will is bound (*tenetur*) by a 'higher will' not to pursue unchecked the natural potential of the agent's (intellectual) nature." He then refers to a passage in *Ordinatio* 2.6.2: "[T]his power, I say, through its liberty could moderate itself in willing.... And from the fact that it could moderate this, it is bound to do so according to a higher will." Boler comments,

If one is already convinced (as I am not) that Scotus holds some form of divine command morality, it may seem obvious that the higher will here is God's.... My hypothesis is that the higher will at stake is *affectio iustitiae*: its job, after all, is to moderate the demands of *affectio commodi* (or the lower will).²⁵

In what way, according to Boler, does the *affectio iustitiae* moderate

context of a discussion of our love for God.

²³ *American Catholic Philosophical Quarterly* 67 (1993): 109-26.

²⁴ *Ibid.*, 123.

²⁵ *Ibid.*, 124.

the demands of the *affectio commodi*? It transcends the claims of the *bonum sibi* by introducing considerations regarding the *bonum in se*. That is, the *affectio iustitiae* involves an appreciation of the intrinsic value of things and thus frees us from the constraints of merely natural appetite, which is directed at things only insofar as they are good for us.

Since I have already argued that the distinction between the two *affectioes* is not what Boler makes of it, I must of course reject Boler's account on that point. Nonetheless, nothing in my interpretation prevents me from accepting Boler's view that the "higher will" in question is the *affectio iustitiae*. Since in fact I reject that view, I must provide separate arguments against it.

Note first that Boler's view derives much of its plausibility from a mistranslation. In the passage that Boler quotes, he has Scotus saying that "from the fact that [the will] could moderate itself, it is bound to do so according to a higher will." The Latin actually says, "from the fact that [the will] could moderate itself, it is bound to do so in accordance with the rule of justice that is received from a higher will."²⁶

What Scotus's actual words imply is quite different from what Boler suggests. Boler's translation implies that the will is obligated to moderate its *affectio commodi* in accordance with a "higher will," and since (as he rightly says) it is the task of the *affectio iustitiae* to moderate the *affectio commodi*, it makes sense to say that the *affectio iustitiae* is the higher will Scotus is talking about. Scotus's actual words, however, do not allow us to identify the *affectio iustitiae* with the "higher will," because they say that the rule of justice, which the will is obligated to follow, is received from a higher will. And the rule of justice is of course received from the divine will, not from the *affectio iustitiae*.²⁷

Thus, even if Scotus never told us what that higher will is supposed to be, we would have good reason to reject Boler's view. In fact, however, Scotus explicitly denies Boler's view. Scotus's clearest statement on this matter is found in the passage of the *Reportatio* parallel to the passage

²⁶ Ex quo potest moderari, tenetur moderari secundum regulam iustitiae, quae accipitur ex voluntate superiori.

²⁷ Two further textual points that show why Boler's interpretation is highly unlikely: (1) The subject of the sentence that he quotes is '*voluntas*.' So even on Boler's translation, when Scotus says that it—the will—must moderate itself in accordance with a higher will, how could this mean that it must moderate itself in accordance with the *affectio iustitiae*, since the *affectio iustitiae* is of course not higher than the will? If the subject were '*affectio commodi*' this interpretation would be possible, and perhaps irresistible. (2) Scotus uses the expression '*voluntas superior*' over and over again throughout his writings, and the meaning is *always* the divine will. It would be very strange indeed if in this one passage Scotus used what is for him practically a technical locution in a non-standard way.

Boler cites from the *Ordinatio*:

A free appetite ... is right ... in virtue of the fact that it wills what God wills it to will. Hence, those two *affectiones*, the *affectio commodi* and the *affectio iusti* [*sic*], are regulated by a superior rule, which is the divine will, and neither of them is the rule for the other. And because the *affectio commodi* on its own is perhaps immoderate, the other [that is, the *affectio iustitiae*] is bound to moderate it, because it is bound to be under a superior rule, and that rule ... wills that the *affectio commodi* be moderated by the other.²⁸

Here we are told that the *affectio iustitiae* is not the rule for the *affectio commodi*; rather, God's will is the rule for them both. So, notwithstanding Boler's reluctance to say that Scotus holds some form of divine command morality, the higher will in question is indeed God's will.

4.

The Two Affectiones and the Role of Reason in Morality: This still leaves us with the question of what the *affectio iustitiae* actually is. The only remaining option I see is that the *affectio iustitiae* is an inclination in the will that prompts it to act in accordance with the moral law simply as such. Although Scotus never defines the *affectio iustitiae* in this way (or indeed at all), I believe that such a definition is perfectly consistent with what he does say. Moreover, it helps to make sense of at least two other features of Scotus's theory: his restrictions on the scope of reason in ascertaining moral norms, and his insistence on a close association between freedom and morality.

Scotus regards the role of reason in ascertaining moral norms as very limited indeed. Much of this restriction arises from his high view of God's freedom in establishing the moral law. Since no truths about human nature, or for that matter about any contingent thing, constrain God's creative decision with regard to the moral law, the actual moral law cannot be "read off" his creation. Apart from truths that are *per se notum ex terminis*, therefore, the intellect has no obvious way of getting

²⁸ *Appetitus liber ... est rectus ... ex hoc, quod vult illud quod Deus vult eum velle. Unde illae duae affectiones commodi et iusti regulantur per regulam superiorem, quae est voluntas divina, et neutrum illorum est regula alterius, et quia affectio commodi ex se forte est immoderata, alia tenetur istam moderari, quia tenetur subesse regulae superiori, et illa regula ... vult affectionem commodi per aliam moderari. Rep. 2.6.2/10 (W XXII:622)*

hold of the moral law.

Yet Scotus echoes St Paul's view that the moral law is "written on our hearts."²⁹ Revelation certainly helps inform us about the moral law, but no one really needs special revelation to know that theft is wrong and marital fidelity is right. How do we account for this on Scotus's view? The obvious answer is the *affectio iustitiae*, an inclination to observe the moral law simply as such. The *affectio iustitiae* cannot of course tell us that God has commanded a particular moral law; it is not a cognitive faculty. But given that God has commanded a moral law, he has created in us an inclination to follow that law. This inclination gives us a "sense" of what is morally required of us, a sense utterly independent of the satisfaction of our desires or even the perfection of our nature as rational agents. In this way we have immediate, non-discursive awareness that certain actions are right or wrong. The moral law is indeed written on our "hearts," that is, on the affective, rather than the cognitive, part of the soul.

It is tempting to draw the conclusion that we could derive some more or less satisfactory knowledge of the requirements of the moral law by reflection on our experience of the tugs of the *affectio iustitiae*. That is, even though the *affectio iustitiae* cannot tell us what is commanded, it provides us with the inclination to do what is commanded. So (to put it somewhat crudely) if we simply look at the things we are inclined to do and to avoid, and eliminate the ones that are obviously chosen with a view toward our fulfillment as rational beings, we will be left with a list of injunctions that have as their likeliest source the divine will. If the moral law is indeed written on our hearts in the way I have suggested, can we not read it there? It would certainly be comforting to think that we could read it somewhere other than in the Bible.

I must confess that I cannot establish with absolute certainty what Scotus thought about this possibility, but I can offer one reason for thinking that he ought to have rejected it, and some slight textual evidence that he did in fact reject it. I begin with the reason why he ought to have rejected it. As we have already seen, Scotus rejects the view that the will is an intellectual appetite on a par with natural appetites. He nowhere rejects the view, however, that the will acts on the basis of cognition. The will can will an object as presented to it by the intellect, on the basis of the features discerned by reason. So we can think of both *affectioes* as inclining to their objects *under a certain*

²⁹*Ord.* 3.37/14 (W XV:851): "In statu innocentiae et ante legem scriptam tenebantur omnes ad ista [sc. praecepta], quia erant scripta interius in corde." In the state of innocence, and before the written law, all were bound to observe those [commandments], because they were written inwardly on their hearts.

description. The *affectio commodi* has to do with objects under such descriptions as “conducive to my happiness” and “detrimental to my flourishing”; the *affectio iustitiae* has to do with objects under the descriptions “commanded” and “forbidden.” Now clearly, the cognition on the basis of which an object is willed must be prior to the willing of that object. Consequently, the cognition that an object is commanded must precede one’s willing that object. That willing is, as we have seen, a function of the *affectio iustitiae*. From all of this it follows that the *affectio iustitiae* can function only if we already recognize objects as commanded or forbidden; consequently, the operation of the *affectio iustitiae* cannot itself be the source of our knowledge of what is commanded or forbidden.

It seems apparent, therefore, that our knowledge of the contingent part of the moral law is prior to the operation of the *affectio iustitiae*. But how do we obtain that knowledge? By this point it should come as no surprise that the answer is “through revelation.” Unfortunately, Scotus has little to say by way of elaborating this answer. The most suggestive passage is from his discussion of the Decalogue, particularly in his replies to the arguments given at the beginning of the discussion.³⁰

According to the second argument, not all of the commandments of the Decalogue belong to the law of nature. For St Paul writes, “I should not have known covetousness had not the law said, ‘You shall not covet.’” Commandments belonging to the law of nature are known, however, even if they are not written down, so it follows that the commandment “You shall not covet” is not part of the law of nature. To this Scotus says,

I reply that even if the existence of God could have been shown by natural reason on the basis of principles that are *per se nota*, nonetheless, it was only through the law that this was known to that people, which was uncultured and inexpert in intelligible things. Hence the statement in Hebrews 11 that “One who comes to God must believe that he exists”—meaning, if he does not and cannot have any other knowledge of God. In the same way, even if some covetousness could be shown to be against the law of nature, corrupt human beings did not know that it is against the law of nature. It was

³⁰*Ord.* 3.37.q.un. The arguments are given at n. 1, the replies at nn. 13-14. I have taken the liberty of correcting certain obvious errors in the Wadding-Vivès edition. These corrections are supported by Wolter’s text, which is a revision of the Wadding edition on the basis of Codices A and S. (See *Will and Morality*, 284 and 286.) In places, however, Wolter makes other corrections, mostly in punctuation, that seem to me to rob the text of any sense. The reader will have to accept my assurance that nothing in my analysis hinges on these disputes.

therefore necessary to explain this fact through some law given to them. Or, alternatively, covetousnesses are prohibited by commandments of the second tablet; and it has been conceded that they are not *per se nota*.³¹

The analogy between knowledge of God's existence and knowledge of the natural law is not so straightforward as one might think. Scotus does of course believe that the existence of God can be proved by natural reason, and so we might suppose that he also believes that the secondary precepts of the law of nature are also subject to proof. But I am not so sure that we ought to suppose this. For the kind of proof Scotus here envisions, a proof "on the basis of principles that are *per se nota*," is not the kind of proof he gives for the existence of God. The premises of his arguments for the existence of God are not all *per se nota*, since some of them depend upon our experiential knowledge of causation.³² Moreover, the last part of Scotus's reply reminds us that he has already admitted that the commandments of the second tablet are not *per se nota*.

So the analogy is not meant to suggest the possibility of a proof of the secondary precepts of the natural law. The important point is that just as some people might need special revelation in order to know the existence of God *even though* his existence is in principle discernible by natural reason, so some people might need special revelation in order to know the precepts of the natural law *even though* such knowledge is in principle available independently. Scotus certainly means to leave open the possibility that knowledge of the secondary precepts of the natural law is available independently of a special revelation, although he insists that such knowledge does not come by demonstration. His reply to the third argument suggests the way in which this knowledge might come about.

The third argument draws the same conclusion as the second, but

³¹Ad secundum dico quod etsi Deum esse posset concludi ratione naturali ex principiis per se notis, tamen illi populo rudi et inexercitato in intelligibilibus non erat hoc notum nisi ex lege. Unde ad Hebr. 11, "Oportet accedentem ad Deum credere quia est"—intellige, si non habeat, nec habere possit aliam notitiam de Deo. Ita etsi aliqua concupiscentia possit concludi esse contra legem naturae, hominibus tamen corruptis non erat notus esse contra legem naturae. Ideo necessarium fuit explicare per legem datam. Vel aliter concupiscentiae prohibentur pro praecepta secundae tabulae, et de illis concessum est quod non sunt per se nota. n. 13.

³²In particular, the claim that there is some nature among beings that acts as an efficient cause (*aliqua est natura in entibus effectiva*) could only be derived from experience, and Scotus's arguments for the claim make it clear that he was aware of this. See his *De primo principio* 3.4-3.6.

from somewhat different premises. The law of nature has always been in force, the argument says, whereas the Decalogue was not in force before the Fall, since at that time the Decalogue had not yet been given. Scotus replies that,

In the state of innocence, and before any written law, everyone was bound by [the precepts of the natural law], since they had been written inwardly on their hearts, or perhaps through some outward teaching given by God, which parents learned and passed on to their children. Nor was it necessary for them to be written in a book, since they could be easily committed to memory and remembered. For the people of that time were longer lived and of a better disposition in their natural powers than the people who came later, when the weakness of the people required that the law be given and written down.³³

Now it seems to me that the expression “written inwardly on their hearts” means neither more nor less than this: that our natural knowledge of the precepts of the natural law—if indeed we have any such knowledge, a question that Scotus’s “or perhaps” leaves open—is simply an internal analogue of the knowledge that we owe to revelation. Our natural knowledge that we ought not murder, for example, is a kind of brute knowledge, a free-floating cognition not tied down, by argument or otherwise, to other bits of cognition. The moral law revealed in Scripture is not generally explained or argued for, and the moral law revealed in our hearts is presumably of the same character.

Let me sum up what I take to be the results of this analysis. There may be, Scotus thinks, a natural knowledge of the contingent part of the moral law. If there is, it is easily obscured by moral corruption. This natural knowledge is in part propagated by moral education. Thus, whatever natural knowledge of the moral law remains among those who do not know or accept revelation is either the half-understood remnants of a tradition originally of divine origin but now much attenuated, or a brute knowledge that is at the mercy of moral and intellectual decay. Those who stand outside revelation will therefore find themselves with

³³In statu innocentiae et ante legem scriptam tenebantur omnes ad ista, quia erant scripta interius in corde, vel forte per aliquam doctrinam exteriorem datam a Deo, quam discebant parentes et derivabant in filios. Nec oportuit ea scribi in libro, quia potuerunt illa faciliter memoriae commendare et retinere, quia populus illius temporis erat longioris vitae et fuit melioris dispositionis in naturalibus quam populus temporis posterioris, quo tempore infirmitas populi requirebat legem dari et scribi [n. 14].

a sense that they ought to obey precepts for which they can give no reason, and with an inclination to obey precepts that make no appeal to the interests that usually motivate them. The obvious conclusion is that there is no secure knowledge of the moral law apart from revelation.

The relation of Scotus's moral psychology to his devaluation of the role of reason in ascertaining moral norms becomes even clearer when we consider a criticism that H. A. Prichard made against views that attempt to link moral obligation to human flourishing. As Prichard says, if I ask, "Why should I keep my engagements?" it is usually because I find that keeping my engagements threatens to prevent the satisfaction of some desire I have. It is therefore tempting to answer the question in a way that takes into account my motivation for asking it in the first place. This can be done by showing that it is to my advantage to keep my engagements, that keeping my engagements will lead to my happiness. But, Prichard complains, "The answer is, of course, not an answer, for it fails to convince us that we ought to keep our engagements; even if successful on its own lines, it only makes us *want* to keep them."³⁴

Scotus, I believe, feels the same way. Any argumentative appeal to human happiness will, even if successful, engage only the *affectio commodi*. Whatever act might result from this engagement will therefore have no moral worth. But Scotus goes a step further than Prichard by insisting that as a matter of fact no such argumentative appeal will be successful. Looking to human nature for moral directives is a waste of time, since we simply do not live in a world in which moral norms are written into human nature. We have evidence for this from revelation. God has, Scripture informs us, occasionally dispensed certain persons from the requirements of the present moral law.³⁵ We cannot think that in doing so God was diverting people from their proper end, whether natural or supernatural. What these dispensations show, therefore, is that the present moral law is only loosely related to human flourishing. Even given human nature as it is presently constituted, the moral law might have been other than it is. Scotus thereby gives support to those who are inclined to be skeptical about the prospects for success of a Thomistic-style theory of natural law.

But to say that Scotus is skeptical about such an approach is to understate the case. For on Scotus's picture (as on Prichard's), the important point is not merely that human nature does not yield a determinate set of moral norms, but rather that concerns about what is truly perfective of human beings must be brushed aside as irrelevant. What matters for morality is not the good but the right. Thus, where

³⁴"Does Moral Philosophy Rest on a Mistake?" *Mind* 21 (1912): 23.

³⁵This claim was a controversial one.

Aquinas says that we naturally apprehend as goods those things to which we are naturally inclined (1-2.94.2), Scotus must say that we naturally apprehend as right those things to which we are supernaturally obligated.

I have been speaking of our knowledge of the contingent part of the moral law. I must point out, however, that the *affectio iustitiae* is not concerned exclusively with the contingent part of the moral law. Consider, for example, our love for God himself, which is enjoined by the natural law in the strict sense. According to Scotus, both the *affectio commodi* and the *affectio iustitiae* have God as an immediate object. The *affectio iustitiae* tends to God as he is a good in himself, whereas the *affectio commodi* tends to God as he is perfective of rational nature. Here again the basic difference between the two *affectioes* is that the *affectio iustitiae* is oriented to the moral law,³⁶ whereas the *affectio commodi* is oriented to natural perfection. In this case that happens to coincide with the difference between loving something for its own sake and loving something because it is a good for oneself, but that difference is not what is fundamentally important.

5.

The Affectio Iustitiae, Morality, and Freedom: My reading of the *affectio iustitiae* also makes good sense of the close connection Scotus sees between morality and freedom. As Scotus repeatedly says, it is the *affectio iustitiae* that distinguishes a free appetite from a natural appetite. On my reading, that means that freedom consists precisely in the ability to transcend the deterministic pursuit of happiness by means of the ability to act with an eye to the moral law. Freedom is thus defined in terms of morality.

Conversely, morality as Scotus understands it is possible only where there is freedom. On Scotus's view, morality requires obedience to the commands of the divine will, and what God commands is not simply our perfection as rational creatures. Therefore, if we are to act morally, we must be provided with some inclination of the will that enables us to follow God's commands independently of their relation to human nature. This inclination is the *affectio iustitiae*.

In this way freedom and morality reciprocally imply each other. Because we must abide by the moral law, we must be free; because there is no freedom in the pursuit of happiness, the will must be able to will

³⁶Hope perfects the will as having the *affectio commodi*, while charity perfects the will as having the *affectio iustitiae*. (Ord. 3.26/18, W XV:341) Thus, for Scotus as for St Paul, "Charity is the fulfilling of the law." (Romans 13:10).

the moral law as such. The parallel with Kant's theory is striking. There is, however, an objection often brought against this feature of Kant's view that might also seem troubling for Scotus. It seems that such a close connection between freedom and morality has the undesirable consequence that only good actions are free. Actions that violate the moral law are performed as a result of appetite, which is determined. Thus bad actions are not moral actions at all, and so we are not morally responsible for them.

In order to see how Scotus's view evades this objection, it is important to realize that neither the *affectio commodi* nor the *affectio iustitiae* actually elicits an act. In fact, Scotus says that the two *affectiones* are not to be thought of as really distinct from the will itself. They are simply inclinations of the will. A will with both inclinations is a free will, and any act that it elicits will be elicited freely. Thus, for the will to be free, it need only *have* the *affectio iustitiae*. It need not actually elicit its act in accordance with the *affectio iustitiae*. As Scotus puts it,

The inclination of a natural appetite is not an elicited act. Rather, it is like first perfection, and that is not immoderate. Similarly, the nature that has that appetite is not immoderate when it is thus inclined toward its object by the *affectio commodi*. If by itself it had an elicited act, it would not be able to keep that act from being elicited in the highest possible degree. But the will as having only the natural *affectio commodi* is not the cause of any elicited act, but only the will as free. Therefore, the will as eliciting its act has the wherewithal to control its passive inclination.³⁷

Thus Scotus's understanding of freedom escapes this objection. An elicited act that accords only with the *affectio commodi* (and is consequently a bad act) is not determined, even though the *affectio commodi* itself is a merely natural appetite. For such an act is elicited, not by the unfree *affectio commodi*, but by the free will. Freedom consists in the possession, not the exercise, of the *affectio iustitiae*.

Thus, as I understand him, Scotus makes a sharp and un-medieval distinction between morality and happiness. His theory of the two

³⁷Non est enim inclinatio appetitus naturalis, aliquis actus elicited, sed est sicut perfectio prima, et haec non est immoderata, sicut nec natura cuius est, cum ita inclinatur affectione commodi in obiectum suum. Quod si haberet ex se actum elicited, non posset illum moderari, quin eliceretur summe quantum posset elici; sed voluntas ut habens solam affectionem commodi naturalem non est causa alicuius actus elicited, sed tantum ut libera, et ideo ut eliciens actum habet unde moderetur passionem. *Ord.* 2.6.2/10 (W XII:355)

affectiones sets aside any Aristotelian ethics, not merely as incomplete, but as wrong-headed. If our will were nothing more than intellective appetite, he claims, our pursuit of happiness would be no more an expression of freedom than is the stone's pursuit of the center of the earth. Freedom comes only when we have the possibility of stepping outside natural appetite and choosing something with no reference at all to our own flourishing. This freedom comes, paradoxically, from the imposition of a moral law.

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