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# Juan Iribarne e Uraburu on the voluntary, will, and nature

*Juan Iribarne e Uraburu sobre lo voluntario, la voluntad y la naturaleza*

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**Abstract:** In this paper, the author examines the theory of will outlined in the *Tractatus de actibus humanis* of Juan Iribarne Uraburu. Juan's discussion of will is situated in relation to various Thomistic thinkers of seveneenth-century Iberia and is shown both to be continuous with and innovative within the Scotistic tradition. The conclusion reached is that Juan's theory highlights fundamental disagreements that distinguish Scotistic theories of the will from those of other Scholastic theories, whether Thomistic or Suarezian, and thus is extremely instructive for current philosophical reflection.

**Keywords:** Juan Iribarne; Thomas Aquinas, Duns Scotus; Francisco Suarez; will; nature; freedom.

**Resumen:** En este artículo el autor examina qué teoría de la voluntad se delinea en el *Tractatus de actibus humanis* escrito por Juan Iribarne Uraburu. La discusión abierta por Juan Iribarne acerca de la voluntad se sitúa en el contexto de los planteamientos tomistas de la península ibérica en el siglo XVII y manifiesta tanto continuidad como innovación dentro de la tradición escotista. La conclusión que se alcanza es que la teoría de Juan Iribarne muestra desacuerdos fundamentales que distinguen las teorías escotistas respecto de otras teorías escolásticas acerca de la voluntad, sean de corte tomista o suareciano, y, por tanto, es un ejemplo muy instructivo para el actual debate filosófico.

**Palabras clave:** Juan Iribarne, Tomás de Aquino, Duns Escoto, Francisco Suárez, voluntad, naturaleza, libertad.

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The world of the Scotistic author Juan Iribarne e Uraburu is the world of the Iberian peninsula in the first half of the seventeenth century, that time of transition and turbulence in the history of Western philosophy. During Juan's lifetime, after all, Francis Bacon published his *Novum Organum* (1620), the Galileo trial was conducted in Rome (1633), and René Descartes published the programmatic for much of modern philosophy in his *Discours de la méthode* (1637). Though Juan's thought may not develop with an eye to dealing with the intellectual challenges that would soon beset Scholastic thinkers of succeeding generations, it does bring to fruition certain strands of thinking within Scholasticism that date back to the late thirteenth and early fourteenth centuries. Its treatment of the metaphysical problems associated with action theory is very much in the line of a long series of reflections by thinkers belonging to the Scotistic tradition upon the meaning of Scotus's teaching on will and appetite. Yet, Juan's thought is also embedded in the contemporary intellectual scene in the Iberian peninsula, a scene occupied in part with the neo-Scotistic movement of which he was a member, Thomism—in several species, associated with various universities on the Iberian peninsula—, and Suarezianism.

Juan's date of birth is unknown, but he was probably trained, from what Jacob Schmutz tells us,<sup>1</sup> at Alcalá, Spain, studying under the Dominicans Juan Montesinos and Gabriel Vazquez while he was there. Whether he was already an Observant friar at the time of his university studies is unclear and his whereabouts are unknown for some time after he completed his university degrees, but he eventually became a jubilate lector in the Franciscan Order, qualified examiner of the Inquisition, and minister provincial of the province of Aragón. Other known honors belonging to him are that he was the confessor of the princess Margaret of Austria, herself a disalced nun at the St. Clare Convent of Madrid, and that he functioned as one of the synod's examiners within the diocese of Saragossa. His two major philosophical and theological works are a massive commentary on the fourth book of Scotus's commentary

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1. J. SCHMUTZ, *Juan Iribarne e Uraburu*, at "Scholasticon" ([http://www.scholasticon.fr/Database/Scholastiques\\_fr.php?ID=21](http://www.scholasticon.fr/Database/Scholastiques_fr.php?ID=21)).

on the fourth book of the Sentences in two volumes, published in Spain, at Saragossa and Tarazona, in the years 1614-1615, and the work with which we shall be mainly concerned, the *Tractatus de actibus humanis*.

First published in 1635 in Venice, but republished in Spain at Saragossa in 1643 and dedicated to the minister general of the Franciscan order, Juan Merineros (himself the author of compendia of Scotistic teaching and a well-known professor at Alcalá), the *Tractatus* is a remarkable work on Scotus's action theory. Here is how Juan describes it in his dedicatory letter to Merineros:

I have prepared this treatise on human acts in which I treat theological matter not well covered in our schools; this material is scattered piecemeal in various bits in the text of Scotus and is perhaps treated in works that have not yet been printed<sup>2</sup>.

Certainly, Juan Iribarne is not mistaken in his assertion that the material he treats so compendiously in his *Tractatus* is scattered throughout Scotus's philosophical and theological writings: he cites from all four books of Scotus's *Commentaries on the Sentences* (chiefly, the *Ordinatio*) and his *Quodlibet*, but also shows familiarity with Scotus's *Quaestiones super libros Metaphysicorum*.<sup>3</sup> At one level, then, the work is itself a compendium of Scotus's teaching, but it is much more than that; Juan takes clear positions on different philosophical problems arising out of Scotus's views and does so by defending those views against alternative positions found in contemporary or near-contemporary authors.

The present study will focus on only three principal themes in the *De actibus humanis*: the voluntary, will, and nature. Interspersed with these themes will also be the subordinate themes of freedom

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2. *Tractatum paravi De actibus humanis, in quo materiam verso theologicam, in Scholis nostris non tritam, in textu Scoti minutim dispersam per grana et publico praelo fortasse nondum excusam*, IOANNIS YRIBARNE ET YRABURU, *Tractatus de actibus humanis: iuxta mentem Scoti* (Typographica officina Regii Nosocomii Deiparae de gratia, Caesaraugustae [Saragossa], 1643) epistula censuram deprecans.
  3. See, for example, Juan's citation of Scotus's *QQ. super lib. Metaph.* at disp. 3 sectio 8 (*Ibidem*, 50b): "Circa hoc dubium notato verba Scoti lib. 6 *Metaphysicae* qu. 3 nu. 3...".

and necessity inasmuch as the will and nature present occasions for differentiating their features in reference to the notions of freedom and necessity. Furthermore, though the themes may be three, in general, the treatment of nature is never independent from that of will since the conceptual contrast aimed at is always some kind of distinction of nature from the will. The order to be followed will be that used by Juan himself, namely, first a discussion of the voluntary and then a treatment of the will with the allied distinction between will and nature. The entirety of the first two disputations of the *De actibus humanis* are devoted to these themes, comprising nearly a tenth of the whole work.

### 1. *THE VOLUNTARY*

The first disputation introduces the various senses of the voluntary to be found in a number of authors, ranging from Aristotle to Gregory of Nyssa, John Damascene, Thomas Aquinas, and Duns Scotus, who is credited with three distinct definitions of the voluntary. The most important of these for subsequent discussion and the only one to require detailed analysis of its terms is the famous definition of Aristotle at *Nicomachean Ethics* III c. 1, 1111a23-24: "...the voluntary would seem to be that of which the moving principle is in the agent himself, he being aware of the particular circumstances of the action."<sup>4</sup> As Juan understands it, the definition's genus, namely, 'internal principle' is a univocally common term predicable of the intellect, the will, the sensitive and vegetative souls, the heaviness of a heavy body, and the lightness of fire; the balance of the definition's terms are meant to distinguish what is involved in the voluntary from the other items of which 'internal principle' may be predicated<sup>5</sup>. So,

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4. ARISTOTLE, *Ethica Nicomachea* III, 1, 1111a23-24. Juan's Latin translation reads here: "Voluntarium dicitur quod est a principio intrinseco cum cognitione vel scientia singulorum in quibus est action."

5. IOANNIS YRIBARNE ET YRABURU, *Tractatus de actibus humanis* cit., disp. 1, sect. 1, 1a: "Genus in hac definitione est principium intrinsecum univocum ac commune ipsi voluntati, intellectui, animae vegetativae et sensitivae, lapidis gravitati et ignis levitati; haec enim omnia suoapte interno pondere suas erumpunt in actiones. Ceterae omnes, quae adduntur particulae, differentiae sortiantur rationem."

for example, the note of cognition eliminates the vegetative soul as the sort of internal principle that could govern a voluntary activity.

It is to this first definition of the voluntary so understood that the second disputation returns after an interlude in which Juan discusses the voluntariness of original sin, the habits of the will, and the torments of the martyrs. The question at hand is whether the lower animals may be said to act in a way that allows their deeds to be called voluntary. The question was one that was raised frequently in the literature of the early seventeenth century, both by Scotists, such as Juan Iribarne, and Thomists, such as Gregory of Valencia, S.J. As we shall see, the difficulties both schools saw in attributing voluntary actions to animals came from related elements in their respective action theories. Since Juan explicitly refers to Gregory of Valencia, S.J. when he presents his own view, let us start with an overview of Gregory's position.

Gregory begins his treatment of the voluntary by reporting and criticizing in his turn the early sixteenth century theologian Jacques Almain, a theologian of the College de Navarre at Paris who had studied under the distinguished philosopher John Major. Apparently much influenced by the thought of John Buridan and William of Ockham in terms of his moral theory, Almain claims in his *Moralia* that the voluntary is an act or a failure to act that abides in the power of the agent when all the required conditions for acting are present such that it is in the power of the agent to act or not.<sup>6</sup> Gregory observes that this definition does not fit the voluntary as understood commonly, but rather describes freedom. The voluntary is, instead, a more comprehensive notion:

The voluntary is clearly a broader notion than the free; for the act of loving God in someone blessed is indeed voluntary, yet neither in respect of specification nor with respect to exercise is that act free<sup>7</sup>.

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6. JACQUES DE ALMAIN, *Moralia* in *Aurea clarissimi et acutissimi doctoris theologi Magistri Jacobi Almain* (Aegidius de Gourmont, Paris, 1518) cap. 'De voluntario', fol. 1ra.

7. "Voluntarium autem latius patet quam liberum; nam actus dilectionis Dei in beato est utique voluntarius et tamen neque quoad specificationem nec quoad exerci-

Though we may find it remarkable that Gregory uses a theological example here when so many more obvious examples from everyday life would seem to suffice, his choice of example is one that tells us something about his own thought and locates the classical place for testing the limits of theories of voluntariness and/or free action.

We see this quite clearly in his own positive treatment of the voluntary since, although his Latin version of the relevant definition differs only slightly and unimportantly from that of Juan Iribarne, Gregory makes not simply knowledge, but knowledge of the end of an action part of the description of the voluntary.<sup>8</sup> As a result of his gloss on the Aristotelian definition of the voluntary, Gregory takes a rather unusual position, for a Thomist, in regard to the question whether animals properly have acts that are voluntary; he answers that properly they do not. The reasoning here is that formal knowledge of the end is required for an agent to fit the description of the voluntary, but an animal, though it may be aware of the thing that is an end, does not formally grasp an end. Hence the animal is not properly engaged in a voluntary action<sup>9</sup>. Of course, Gregory does acknowledge that, if we would reduce the requirement to simply awareness of the occurrent situation rather than knowledge of the end of the act performed, animals do have voluntary acts, though in an imperfect and qualified manner.

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tium est in beato liber...” GREGORIUS DE VALENTIA, S.J., *Commentaria theologica*, tomus secundus complectens omnia I-IIae D. Thomae theoremata, editio postrema (Sumptibus Horatii Cardom, Lugduni, 1619), disp. 2, q. 1, punctum 1, col. 121, B.

8. *Ibidem*, disp. 2, q. 1, punct. 1, col. 123, A: “Nam voluntarium est id quod fit ab intrinseco cum cognitione finis.”
9. *Ibidem*, disp. 2, q. 1, punct. 2, col. 125, A-B: “[U]t sensus eius doctrinae divi Thomae sit voluntarium, secundum speciem illius perfectam in sola rationali creatura inveniri; secundum imperfectam vero etiam in brutis; ut si quis diceret rationam animalis in homine perfecte, in mure autem imperfecte. Si vero voluntarium nominemus in praesenti id quod est ab intrinseco cum cognitione finis formaliter, quatenus finis est, tunc non est simpliciter dicendum agere bruta voluntarie, sed cum addito, videlicet, adiungendo particulam ‘secundum quid et imperfecte’, quoniam eiusmodi voluntarii non participant bruta omnino sed solum ex parte, quatenus, videlicet, cognoscunt ipsam rem quae est finis, quam etiam cognoscit creatura rationalis cum cognoscit finem perfecte, puta, etiam formaliter.”

Probably because Gregory adverts to ‘animal’ as imperfectly realized in lower animals such as mice, but perfectly in humans as an analogue for understanding the difficulties connected with the voluntary and thus hints at a kind of analogical sense to the term ‘voluntary’, Juan is not simply content to disagree with Gregory in straightforward terms. Instead, he also categorizes the type of univocity that the term ‘voluntary’ enjoys, when he states the rationale for the opposing position.

The substantive issue is whether animals’ action may be termed ‘voluntary’ or not. For Juan, the case for the voluntariness of animals’ actions is quite strong, since all that is required in a proper reading of Aristotle’s definition of the voluntary, and even a correct understanding of one of Scotus’s own definitions is an action arising from the internal principle and knowledge of the occurrent object:

The Aristotelian definition of the voluntary and even Scotus’s definition are correctly applied to an action arising from the sensitive appetite of a lower animal as that action is determined to an object of pleasure known to the animal; accordingly, that action will be properly and univocally voluntary<sup>10</sup>.

To be sure, there are, for Juan, some difficulties connected to the philosophical understanding of the animals’ psychological states and the precise limits of their awareness of the objects they seek or avoid. He enters into this matter in some detail since Scotus himself at *IV Sent.* d. 45 q. 3 art. 1 of the *Ordinatio* hesitates to assign to the lower animals any kind of memory that involves awareness of the past as past, that is to say, remembrance (*recordatio*)<sup>11</sup>. Yet, as Juan acknowledges, Scotus eventually does come around to the view that

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10. “Tunc sic: huic actioni <ed.: quaestioni> prodeunti ab appetitu sensitivo bruti et terminatae ad obiectum delectabile praecognitum convenit definitio voluntarii Aristotelica, imo et Scotistica; ergo proprie et univoce erit voluntaria.” IOANNIS YRIBARNE ET YRABURU, *Tractatus de actibus humanis* cit., disp. 2, sect. 1, 11b.
11. I. DUNS SCOTUS, *In IV Sent. [Ordinatio]* d. 45, q. 3, art. 1 (Sumptibus Laurentii Durand, Ludguni, 1639; rpt. Georg Olms Verlagsbuchhandlung, Hildesheim, 1968) 8-11. Ed. Wadding, X: 197-198.

animals' knowledge of the past as past is a plausible interpretation of animal behavior, even though the Subtle Doctor would prefer an explanation that simply appealed to an occurrent phantasm or image that contained the representation of a sensible object as pleasurable or painful to the animal rather than posit actual awareness within the animal of the object as past<sup>12</sup>. Juan thinks that once we posit, as he thinks the Scotistic school ought, knowledge of the past in animals their being aware of the ends of their actions is a probable claim, especially in the light of the examples Scotus himself gives of birds building their nests and different animal species interacting in mutually beneficial ways<sup>13</sup>.

But even deciding upon these details of animal psychology is not quite germane: the Aristotelian definition of the voluntary does not invoke awareness of the end as a requirement. Hence, even if all we admit is that animals know what are materially ends, the notion of the voluntary can be satisfied in their case. Juan insists, however, that this is not simply the verification of the notion of the voluntary within animals' activities, but the affirmation of a 'univocal' notion of the voluntary in both animals and humans. As alluded to before, this is probably because of Gregory of Valencia's allowing for what is tantamount to an analogical notion of the voluntary in his discussion of the problem, but then Juan takes the occasion to point out that the notion of univocity admits of degrees for the Scotistic school and the lowest degree of univocity simply requires that the two items agree in the selfsame concept. This agreement can be found in the case of the voluntary when applied to humans and animals; indeed, even the term 'will' may be applied univocally to the sensitive appetite, Juan claims, if we reduce the content of will to simply natural inclination. The case is parallel with that of animals being generated by members of the same species and

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12. I. DUNS SCOTUS, *In IV Sent. [Ordinatio]* d. 45, q. 3, art. 1 [12] (ed. Wadding, X: 200): "Ad ultimum, licet probabiliter possent actu brutorum salvari, non ponendo memorationem proprie in eis sed solum imaginativam cognitivam obiecti quod est praeteritum licet non ut praeteritum, tamen ea quae videmus in actibus eorum facilius salvantur ponendo in eis memoriam." IOANNIS YRIBARNE ET YRABURU, *Tractatus de actibus humanis* cit., disp. 2, sect. 1, 11b.

13. IOANNIS YRIBARNE ET YRABURU, *Tractatus de actibus humanis* cit., disp. 2, sect. 1, 11b-12a.

animals generated (according to medieval physiology and biology)<sup>14</sup> by the spontaneous generation from decaying matter; both would and should be called ‘animals’ in the same sense despite their varying causal origins.

Before we leave the topic of the voluntary, I think we should note something else about Juan’s position here. He is, in effect, whether he knows it or not taking sides in an earlier difference of opinion within the Scotistic school that focused upon the very same issues. Although in the earliest period of the Scotistic school, the period of William of Alnwick and James of Ascoli,<sup>15</sup> many Scotists did not accept the teaching of Scotus on will and nature, by the fifteenth century most Scotists did. How to align the notions of appetite, will, and nature was not something, however, upon which even the fifteenth century Scotists agreed. An example of a Scotist whose position is strikingly similar to the Thomist Gregory of Valentia, S.J. is the famous Franciscan Nicholas of Orbellis. Nicholas, too, argues that the voluntary is only improperly applied to animals and for the reason given by Gregory: animals only have an imperfect

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14. Curiously the same case recurs in more recent science with animals generated by the artificial means of test-tubes and animals generated through the usual biological processes.

15. See G. ALLINEY, *La ricezione della teoria scotiana della volontà nell’ambiente teologico parigino (1307-1316)*, “Documenti e studi” 16 (2005) 337-39 and *Libertà e contingenze della fruizione beatifica nella scotismo del primo ‘300*, “Veritas” 50 (2005) 95-108. Cf. ALNWICK, *Determinationes*, q. 18 n. 94 (Bibliotheca Apostolica Vaticana, Pal lat. ms. 1805, f. 146r): “Respondeo igitur ad quaestionem quod voluntas movet se ipsam per se et primo ad suum actum volendi et quod respectu cuiuslibet citra finem potest libere se movere et non movere ad actum voluntatis respectu illius. [...] Quaero igitur a quo effective est actus nolendi in voluntate: aut a voluntate, aut ab obiecto? Non ab obiecto, quia causa effectiva per se effectus positivi non est privatio sub ratione qua privativum est malum autem moris, ut peccatum, sub ratione qua malum est, privativum est et sic est obiectum actus nolendi; igitur relinquitur quod actus nolendi sit effective et immediate a voluntate, et per consequens voluntas agit in se et movet se ad actum nolendi.” Cf. IOANNES DUNS SCOTUS, *Ordinatio*, d. 2, n. 149 (Ed. Vaticana, II, 100): “Ad tertium dicitur uno modo quod licet non sit ibi defectus alicuius boni nec aliqua malitia et ideo forte non posset voluntas illud nolle, quia obiectum actus nolendi est malum vel defectivum, potest tamen illud bonum perfectum non velle, quia in potestate voluntatis est non tantum sic et sic velle, sed etiam velle et non velle, quia libertas eius est ad agendum vel non agendum.”

awareness of the ends of their activities and the voluntary requires more than that<sup>16</sup>.

## 2. *THE WILL: FREEDOM, NECESSITY AND NATURE*

Juan lets us know as he enters into discussing will and its freedom that the voluntary is a genus but ‘free’ functions like a species:

It is clear from the points made above the voluntary is related in the manner of a genus and the free in the manner of a species, but ‘free’ is understood in Scotus’s thought as distinct at times from the necessary and at others it is distinguished from the natural<sup>17</sup>.

Getting clear on how these two senses of ‘free’ differ is, for Juan, the key to understanding the ultimate principles behind Scotus’s theory of action. The meaning of ‘freedom’ at stake in this second section is the freedom of contradiction or freedom involved in the ability to act or not act and hence freedom as distinguished from necessity. Juan argues that freedom in the sense of freedom as opposed to necessity is univocally common to God and creature and constitutes a pure perfection in God.

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16. NICHOLAS DE ORBELLIS, *In libros Ethicorum* III (Basel, 1503) f. 207vb-208ra: “Declarat consequenter Aristoteles genus electionis, dicens quod omnis electio est voluntaria, sed non e converso. Voluntarium enim est in plus ut genus est communius speciebus. [...] Circa quod notandum quod bruta animalia non communicant in voluntario proprie sumpto. Voluntarium enim dicitur a voluntate quae est appetitus intellectivus ex III *De anima* et dominatur suae operationi, nec necessario sequitur passiones appetitus sensitivi, sed potest agere et non agere. Bruta non habent huiusmodi appetitum. Communicant tamen in involuntario large sumpto in quantum habent in se appetitum sensitivum qui est principium intrinsecum suae operationis cum aliqua cognitione finis, sed ista cognitio est imperfecta. Unde apprehendendo finem non deliberant, sed subito feruntur in ipsum nec dominantur suae operationi, sed necessario sequuntur passiones appetitus sensitivi; et si passiones sint contrariae, cuiusmodi sunt concupiscentia et timor, sequuntur passionem fortiolem. Non sic homines.”
17. “Constat ex supra allatis voluntarium habere se instar generis, liberum autem instar speciei; quod sane, quia apud Scotum interdum sumitur ut condistinctum necessitati et interdum ut opponitur naturalitati.” IOANNIS YRIBARNE ET YRABURU, *Tractatus de actibus humanis* cit., disp. 2, sect. 2, 13a-b.

The Doctor holds the same conclusion in many places within his texts [...] and there is proof of this since everyone is aware that our will bears itself contingently in regard to any objects that it encounters in the present life -- nay, according to Scotus, the will is even borne contingently towards the Beatific Object, at least that is by intrinsic contingency. Who doubts, moreover, that the divine will enjoys the freedom of contradiction regarding its activity *ad extra*?<sup>18</sup>

Notice the examples given here: the wayfarer with regard to any object in the present life and even the blessed as regards God in heaven with what Juan calls intrinsic contingency as opposed to extrinsic necessity, i.e., the blessed could will not to love God in the sense of fail to will to love Him, but they will not. Notice, too, that this type of freedom is found in God regarding any thing ad extra. Strictly speaking, in other words, this freedom would be found in God even in a world in which He willed not to create since then too a free decision bearing upon items ad extra would be found in Him.

Juan now takes up a much thornier matter: what exactly is the meaning of free as opposed to the natural? Here we are thrown directly into the heart of Scotus's metaphysical distinction between will and nature, a distinction that Juan, as we shall soon see, rightly understands as a first-order metaphysical distinction that is transcendental in scope. Is freedom understood in this sense, as able to be further specified by either necessity or contingency, univocally common to God and creature? Juan acknowledges that Aquinas and the person who is his contemporary representative for Juan, the Jesuit Gabriel Vazquez, S.J., would disallow such a sense of freedom in the case of God at least, for they align freedom with contingency utterly and only allow such contingency to be found

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18. "Hanc conclusionem tenet Doctor multis in locis [...] et probatur, quia in primis neminem latet voluntatem nostram in via contingenter ferri in quaecumque obiecta, immo et in patria docet Scotus ipsam, contingentia saltem intrinseca, contingenter in obiectum provehi beatificum. De divina etiam quis dubio fluctuet liberrime contradicitorie extra operari?" IOANNIS YRIBARNE ET YRABURU *Tractatus de actibus humanis* cit., disp. 2, sect. 2, 14a.

in God's actions ad extra, whereas, for them, the natural and the necessary are concomitant features. The procession of the Holy Spirit, accordingly, is for them necessary, natural, and in no way free, except perhaps in the rather thin sense of free as unconstrained by anything else.

By contrast, Scotus defends the traditional Franciscan claim that the procession of the Holy Spirit is by will, voluntary, and free. To make sense of this, Juan explains that the necessary and the contingent align in a non-isomorphic way with the two fundamental senses of freedom: : freedom as opposed to necessity is co-extensive with contingency; and freedom as opposed to active naturalness may be found with either necessity or contingency. Juan's examples are God's loving Himself freely in the second sense, i.e., as opposed to naturally, but nonetheless necessarily in such a way as to produce the Holy Spirit, whereas He loves creatures contingently:

For God necessarily yet freely loves Himself and produces the Holy Spirit in this manner, yet God loves creatures freely and contingently. Accordingly in God's love towards creatures freedom is accompanied by contingency, whereas in His love of Himself and in case of the production of the Holy Spirit freedom is associated with the Highest Necessity. Likewise our will in its wayfaring state contingently loves God, but in heaven, when the will is blessed it loves God, clearly seen, freely, though by at least extrinsic necessity. Hence in the blessed's love freedom is the companion of necessity, yet it is the freedom that is opposed to naturalness, but in the love of a wayfarer freedom is bound up with the liberty of indifference and contingency<sup>19</sup>.

Unsurprisingly, Juan's conclusions are that freedom as opposed to naturalness is common to God and creature. The evidence is the parallelism: humans understand (nature at work), but will (will at work); God produces the Son (by natural production) and the Holy Spirit (by voluntary means). But freedom as opposed to naturalness

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19. Cf. *Tractatus de actibus humanis* cit., disp. 2, sect. 3, 16b.

as specified by the notion of intrinsic necessity is not found commonly in God and creatures, for intrinsic necessity does not belong to the sole human act of will that has the feature of necessity at all, namely, the act of the blessed in loving God inasmuch as that act is intrinsically contingent and only extrinsically necessary. Furthermore, freedom as opposed to naturalness understood as specified by extrinsic necessity is also not common to God and creatures: God's will cannot be constrained by any extrinsic necessity. What this amounts to is that freedom as opposed to naturalness is found as paired with intrinsic necessity only in the case of God in his act of self-love; in all other cases freedom as opposed to naturalness is *de facto* accompanied by the mode of contingency, at least intrinsic contingency.

If we feel confused, perhaps even intellectually cheated at this point, we should. For matters are still none too clear. That is why Juan immediately adds another section on just the issue of what the liberty as opposed to necessity consists in and what the sense is of 'naturalness' that is at stake. The position of the *Thomistae* is to identify naturalness with necessity and freedom with the liberty of indifference. On this point Juan cites Vazquez, tom. 2, *in primam partem* ST, disp. 161 cap. 3. to the effect that Vazquez wants to distinguish within the will its operations as natural from those understood to belong to will precisely as will. Suarez is interpreted along the same lines; the text cited is Suarez's *De originibus*, lib. 6 c. 4. Suarez actually complains that Scotus should grant that the act of the will is natural and allow that one and the same act can be natural and voluntary<sup>20</sup>.

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20. IOANNIS YRIBARNE ET YRABURU, *Tractatus de actibus humanis* cit., disp. 2, sect. 4, 17b-18a. Suarez's text at lib. VI, c. 4 reads: "Sed [Scotus] disputat tantum de nomine, nam libertas aliquando coactioni et sic verum est illum actum [producendi Spiritum Sanctum] esse liberum, id est, libenter factum. Proprie vero et magis absolute loquendo, libertas opponitur necessitati, ut ex dictis constat, et hoc modo non potuit Scotus asserere illum actum esse liberum; imo expresse fatetur esse necessarium. Non video autem cur negaverit vocandum esse actum naturalem, quod quod sit ab obiecto cognito non tollit quin etiam sit ex intrinseca inclinatione et determinationis voluntatis ad unum respectu talis obiecti. Illa autem determinatio voluntati naturalis est, quia voluntas suam habet naturam; ergo non repugnat voluntatis actum esse naturalem. Et sumendo liberum solum pro spontaneo, non repugnat actum esse simul naturalem et liberum illo modo, qui melius dicitur

But as Juan points out, Scotus does not hold any kind of position that would allow him to call the love involved in the production of the Holy Spirit both natural and voluntary. Here Juan engages in an extensive commentary upon Scotus's *Quodlibet* q. 16. The difficulty is that "nature" means a principle that does not determine itself to its activity, whereas "will" means something that does so determine itself even when it necessarily does so. Even if the 'determination' is necessary the 'manner' of determination remains self-determination in the latter case.

We should say that this distinction has to do with the differences between naturalness and freedom, because naturalness consists in the positive manner of determination to one, whereas freedom has to do with the positive manner of determining itself to its activity [...] therefore, just as in fire the positing of a determination to one and the denial of self-determination show there is a naturalness opposed to freedom, the words of the Doctor [in *Quodlibet* 16] should be noted: 'the caused will, however, if it necessarily wills something, is not determined a causing principle to that act of will in the manner of a heavy object going down, but only in the sense that from a causal principle it has the principle that determines it to will'<sup>21</sup>.

But we might ask why can't we just hold the position that will requires

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voluntarius." F. SUÁREZ, *Opera omnia* (Apud Ludovicum Vives, Bibliopolam Editionem, Paris, 1856) I: 682a.

21. "Dicendum est hoc discrimen versari inter naturalitatem et libertatem, quod naturalitas consistit in modo positivo determinationis ad unum; libertas vero innititur in modo positivo se ipsum determinandi ad agendum. ... ergo sicuti in igne positio determinationis ad unum et negatio determinativitatis sui arguit naturalitatem oppositam libertati, notanda sunt Doctoris verba: 'voluntas autem causata si necessario vult aliquid, non sic est determinata a causante ad illud velle, sicut grave ad descensum, sed tantum a causante habet principium determinativum sui ad velle.'" IOANNIS YRIBARNE ET YRABURU, *Tractatus de actibus humanis* cit., disp. 2, sect. 4, 19a. The text of Scotus's *Quodlibet* that Juan intends may be found in T. B. NOONE and H. F. ROBERTS, *John Duns Scotus's Quodlibetum: A Brief Study of the Manuscripts and an Edition of Q. 16*, en C. SCHABEL (ed.), *Theological Quodlibet in the Middle Ages: The Fourteenth Century* (Brill, Leiden, 2007), q. 16, n. 62-64, 192-194.

for its very functioning as free certain preconditions that can only be supplied by itself understood as a nature? In other words, why can't we just say that will is a natural agent in regard to some of its functions and free in regard to others? Thomas argues along such lines in *Summa theologiae* prima pars, q. 41 art 2. Bañez seems to hold this view, too, generalizing the claim to mean that will as free presupposes will as nature is a necessary precondition of its very freedom and activity. But this is precisely what Juan, basing himself upon the best of Scotistic grounds, simply disallows; for this is to attribute to one and the same entity the status of being a nature and a will as an active power. Juan denies that one and the same active principle can both act naturally and freely, for much the same reason that one and the same entity cannot be both finite and infinite, i.e., 'natural' and 'free' are transcendently opposed ways in which things are:

From these points it stands pretty clear to us that to act in a manner of freedom or freely and to act in the manner of a nature or naturally so divide the category of active principle that they cannot be found together in the same principle even with respect to distinct operations. For they are so related that they are like differences dividing a genus or like intrinsic modes; for example, infinite and finite as these contract being which transcendently is prior to them. Wherefore, just as one and the same being cannot be finite and infinite nor to one animal can there be united rational and irrational, so too one and the same will cannot be a natural principle with regard to some operations and free with respect to others<sup>22</sup>.

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22. "Ex quibus haud subobscure nobis constat 'agere per modum libertatis seu libere' et 'agere per modum naturae seu naturaliter', eo usque dividere principium activum, ut nullo prorsus modo, eodem principio etiam respectu diversarum operationum cohaerere possint; habent se enim, vel instar differentiarum genus dividendum, vel instar modorum intrinsecorum, verbi gratia, finiti et infiniti, ens transcendentissime supervolans ad se divisim contrahentium. Quamobrem, sicuti unum et idem ens finitum simul ac infinitum esse nequit, neque uni cum animal rationale iungitur <ed. iugiter> et irrationale, perinde una et eadem voluntas naturalis principium respectu harum operationum et principium liberum respectu aliarum nullatenus esse quivit." IOANNIS YRIBARNE ET YRABURU, *Tractatus de actibus humanis* cit., disp. 2, sect. 6, 23a.

Summarizing the whole debate, Juan argues that the attempt to divide one and the same active principle, the divine will, into two opposed modes of functioning as an active principle is simply incoherent; this is what he thinks Bañez, Vazquez, and for that matter Suarez are doing.

What to make of all of this philosophically? The active power of will is what intrinsically has the feature of being autonomous or self-determining. From our point of view, that autonomy is normally and usually found accompanying the sort of freedom to act otherwise, or what Juan calls the liberty of indifference/liberty of contradiction. But strictly speaking these two features can come apart such that the self-determination may be found with necessity as opposed to contingency. That is what goes on in the case of the Holy Spirit.

Yet it seems that, despite Juan's best efforts, we are at a baseline disagreement that cannot be gotten passed. Aquinas, if Bañez gets him right, and Suarez want to oppose freedom to necessity or to coercion; in the former dichotomy freedom is contrasted to nature and all that is necessary is free, but in the latter sense an action can be free even if necessary through some internal principle. Scotus, by contrast, according to Juan, wants to distinguish freedom from necessity but also freedom from naturalness; in the former case, there is a strict division into free and necessary, but in the latter the distinction is between what is internally moved or autonomous and what is determined to one from without. Both of the latter may be necessary, but one is natural and the other free. Hence the realm of the natural and the necessary are not co-extensive. There seems no good way in which we can resolve this disagreement and Juan has given us little to understand how will, as a principle, has both the freedom of self-determination and the freedom of the ability to act otherwise as ordered properties. Perhaps that is why the issue of the distinction between nature and will is still an on-going philosophical question<sup>23</sup>.

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