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THE MENDICANT PREACHERS
AND
THE MERCHANT'S SOUL

THE CIVILIZATION OF COMMERCE IN THE LATE-
MIDDLE AGES AND RENAISSANCE ITALY (1275-1425)

Tesis doctoral dirigida por
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Table of contents

Prologue	7
PART I: BACKGROUND	
Chapter 1: Introduction The Merchant in the Wilderness	27
1. <i>Economic Autarky and Carolingian Political "Augustinianism"</i>	27
2. <i>The Commercial Revolution</i>	39
3. <i>Eschatology and Civilization</i>	54
4. <i>Plan of the Work</i>	66
Chapter 2: Theology and Civilization	73
1. <i>Theology and Humanism</i>	73
2. <i>Christianity and Classical Culture</i>	83
3. <i>Justice, Commerce and Political Society</i>	95
PART II: SCHOLASTIC PHILOSOPHICAL-THEOLOGY, ETHICS AND POLITICAL PHILOSOPHY	
<i>Introduction</i>	103
Chapter 3: Creative Distance and Intention	107
1. <i>Divine Simplicity, Divine Love</i>	107
2. <i>Thomas Aquinas: Divine Simplicity</i>	112
3. <i>Duns Scotus: Divine Simplicity</i>	125
4. <i>Divine Love and Freedom in Aquinas and Scotus</i>	142

TABLE OF CONTENTS

Chapter 4: Human Action	157
1. <i>In the Image of God</i>	157
2. <i>The Natural and the Voluntary</i>	167
a) <i>Aquinas' "Naturalism"</i>	171
b) <i>Duns Scotus' Voluntarism</i>	189
3. <i>Variety in Virtue Ethics</i>	203
4. <i>Charity and the Perfection of Spiritual Life</i>	222
Chapter 5: Medieval Political Thought	233
1. <i>Common Good(s) and Human Society</i>	235
2. <i>The Concept of Peace: Duplex Ordo and Dynamic Hierarchy</i>	252
3. <i>Original Sin, Political Institutions and the New Law</i>	260
a) <i>Thomas Aquinas</i>	265
b) <i>William Ockham: Franciscanism</i>	276
4. <i>Origins and Ends: Temporal and Spiritual Authority</i>	296
5. <i>Unity to Multiplicity: Restraining the Law, Retaining the Common Good</i>	310
PART III: THE ETHOS AND ETHICS OF POLITICAL ECONOMY	
<i>Introduction</i>	321
Chapter 6: The Renaissance of the Merchant	327
1. <i>Pax Romana, Political Prudence and the Good of the Commune</i>	332
2. <i>Civic Ethos, Manly Virtue and Nobility</i>	347
3. <i>The Spirit of Poverty, Civic Wealth and Commercial Magnificence</i>	367
Chapter 7: The Formation of the Merchant	389
1. <i>The Merchant in the Aristotelian Tradition</i>	389
2. <i>On Commerce and the Perfect Merchant</i>	400
3. <i>The Discipline of Prudence</i>	415

TABLE OF CONTENTS

Chapter 8: Late-Medieval Economic Ethics	429
1. <i>Law, Imperfect Justice and the Use of the World</i>	429
2. <i>Free-Bargaining, the Common Need and the Just Price</i>	442
3. <i>Market Price and Merchant Profit</i>	453
4. <i>Social Personae and Social Distinction</i>	460
Conclusion	471
Bibliography	491
Primary Sources	491
Secondary Literature	495

Prologue

This thesis is about ethics and economics. It is about the spirituality and ethics of the mendicant religious orders in the late Middle Ages and their influence on the formation of commercial agency and society in Europe. It is, therefore, not about ethics and economics in the abstract. It is not about economics as analytically separated from ethics. It is about economy as distinguished by the concrete ethos and ethics that constitute a critical element in the relative dynamism and particular behavioral regularities that any real economy displays. It is about the historical origins of the dynamism, not the dynamics, of Western capitalist economy. It is, therefore, not about economic analysis but about the analysis of the motives and ideals that give an economy its particular form, character and intensity. In this regard, it is worth prefacing the entire work with a few remarks that do not form its content but merely situate its theme within the framework of a broader discussion of economics and ethics. For there is significant confusion about the relation between ethics and economics, both on the level of theory and on the level of reality - particularly when it comes to any talk of capitalism.

Many critics, and not a few advocates, of the ill-defined and nebulous historical phenomena, "capitalism," are generally among the men most likely to impugn the motives of business and conflate market economy with liberty from ethical constraints and equate "unrestrained liberalism" with the *aura sacra fames* that knows neither conscience nor limit. Although not necessarily, but not accidentally given the frequent uses and abuses of the phrase "self-interest" as well as the influence of utilitarianism in the history of economic thought, the conflation of liberalism with an unethical egoism is all the more easily achieved when economics as a discipline offers a conception of the economy in abstraction from ethics. That is, economics proceeds as though the latter were merely a set of external limits marking off the field for economic behavior and that those limits may be appended as a

question after the economic analysis is done. In this view, if ethics has a place near economics, it is as a "disturbing cause" that represents a potential non-economic influence on the selection of economic actions under consideration.¹ It is this theoretical attitude toward ethics that is quite readily misunderstood as implying that economic analysis of what is best in terms of an unqualified desire for wealth entails a subtle normative "ought" or encouragement with respect to the priority of that desire or at least of its liberty. It is this theoretical attitude, which as we shall shortly see is in fact a conscious correction of classical liberalism's analytical confusion between utilitarianism and economic theory, that is therefore also misunderstood as claiming that beneficent equilibrium and harmony, dynamic growth and economic justice derive from narrow and hedonistic self-interested utilitarian individualism.* Thus, it is suspected, that when the objective possibilities of economic action are analyzed and ready to be subjected to considerations of ethical restraint, they are in reality resistant to any significant measure of ethical constraint as would conflict with an overall outcome to the benefit of the desire for wealth - or at least must prove that they do not overly burden the outcome or the social *status quo*. As a charge against any worthy

¹ The phrase "disturbing cause" being borrowed from John Stuart Mill's characterization of the work of the economist as interested in that class of social phenomena "in which the immediately determining causes are principally those which act through the desire of wealth; and in which the psychological law mainly concerned is the familiar one, that a greater gain is preferred to a smaller"; John Stuart Mill, *A System of Logic Ratiocinative and Inductive*, in *Collected Works*, vols VII–VIII. Toronto: Toronto University Press (1973), p. 901. In other words, economists are engaged in "isolating by means of abstraction one specific range of social phenomena relative to the production and distribution of wealth, leaving aside all non-economic aspects; they eliminate later every secondary economic 'disturbing cause' that might influence the 'desire of wealth'"; Michel Zouboulakis, "From Mill to Weber: the Meaning of the Concept of Economic Rationality," *European Journal of the History of Economic Thought*, Vol. 8 (1), (Spring 2001), pp. 30-41, p. 32. Here the theoretical confusion between a concrete utilitarian "self-interest" or desire for wealth and maximizing behavior are on display in Mill's thought, as it was in much of classical liberalism and as it frequently is in marginalism and beyond.

* As though the crudest, most violent, unthinking passions of men, uninhibited in their immediacy, untamed by custom and unformed by ethics, were not precisely the distinguishing mark of an economy that failed to move beyond only sporadic and occasional cooperation submerged in violence, corruption and oppression.

PROLOGUE

orthodox economic theory, this misses the mark - even if it may well capture something of "capitalism."

For economics does not, or at least should not, claim any concrete primary-guiding motive whatsoever, neither the desire for maximized consumption nor maximized profit nor material wealth nor altruistic desires nor whatever the case may be, as essential to the purely instrumental rationality it posits. Indeed, by doing so, it would assume what it cannot if its claim to universality is to be at all plausible - namely, a particular empirical-psychological guiding motive for an abstract theoretical deductive logic of choice. Instead, what economics really claims is that whatever a man's motives, he seeks to achieve his given purposes to the greatest extent possible and selects the best means he is aware of to achieve those purposes. Thus, in consumption, man's sub-purpose is utility-maximization in connection with given preferences/ends within the limits of his budget. This is very different from saying he is intent upon consumption in any utilitarian or, worse, narrowly hedonistic sense - which would be to mistake what ought to be an instrumental rationality for a global-guiding reason, namely, that one seeks the highest satisfaction *for oneself* rather than simply the best possible outcome-bundle according to finely ordered preferences which may or may not be *for oneself*, i.e. the greatest fulfillment of *one's purposes*. Similarly, in production, man's sub-purpose is profit-maximization in connection with given motives/ends within the bounds of limited resources. This is very different from saying he is singularly intent upon profit-making in life - which would be to mistake the fact that he pursues his business rationally, i.e. with a view to maximizing profit in relation to given resources, etc., with the notion that he pursues his business infinitely to make ever greater profit. With the positing of given preferences/ends and limited budgets and of given motives/ends and limited resources, a calculation is made as to the means to the best possible result in relation to a given objective end. There is no discussion of the preferences or motives that posit that end, there are no reasons why an end is given, and none are required to enter into it - the calculation of the best means to that end require only an economic calculus and logic. Thus motives as well as ethical considerations concerning both the motives and the means toward their fulfillment are excluded from man's economic consideration of the means/end relationship.

This is not because any utilitarian or unrestrained egoism is presumed to drive that consideration, but because normative-ethical criteria are a separate perspective to be superimposed upon a range of economic options and motives. This separation from ethics is, therefore, something different than that egoistic resistance to ethics which is both denounced as the system of greed and lauded as "self-interest."

The two visions of economy are clearly elaborated on completely different levels. One level is a concrete-practical vision that understands "self-interest" and "utility" as concretely egoistic motives. The other level is an abstract-theoretical vision that understands, or ought to understand, "self-interest" and "utility" to be concepts covering all motives under the umbrella of "means" and "ends." From the concrete perspective, the claim of economic analysis that ethics are theoretically suspended is viewed with suspicion as making ethics an after-thought or simply marginalizing it altogether in favor of "laissez-faire" understood as rampant "self-interest" egoistically understood. In the perspective of economic theory, such a critique misses the mark because ethical considerations do not alter the universal instrumental logic concerned with the means to the ends they might posit, they simply negate or commend certain means on the basis of non-economic criterion or they negate or commend certain ends altogether.

And indeed, it is to be readily admitted that a man bent on greed of gold is different than a man bent upon the selection of the best means for the achievement of his ends and the greatest achievement of those ends that is possible to him. The first man has a concrete motive and falls under the second category only as one concrete figure among many, the second is an abstract category and does not fall under the first and implies nothing in particular with regard to the motives and ethical conduct of men. Of course, the confusion becomes particularly acute, and practically hopeless, when economic theory itself, as it has so often done since its origin, conflates its abstract theoretical postulate of utility or profit-maximization with a concrete-guiding "self-interest," a desire for wealth or with any concrete utilitarian motives rather than grasping its principles of maximization as the secondary sub-purposes of an instrumental rationality of men who have ends that, for one reason or another, involve them in economic pursuits. In such a confused theory, economic thought proceeds as though the theoretical

PROLOGUE

perspective entailed some concrete motive that was only secondarily to be "limited," to some extent compatible with liberty, by ethical considerations. In this form, economic theory, and advocacy of laissez-faire thereby, thus appears very much like the market economy criticized as an economy of egoistic self-interest separated from ethical concerns and insisting upon non-interference for the sake of a liberty of license.

However, whatever other difficulties may confront economic theory in either its purer or confused forms, for our purposes, a real problem enters when economics proclaims that ethics, motives and preferences are irrelevant to instrumental rationality applied to static, abstract economic logic *but then* happily proceeds to extend that claim into reality as though the same is true in explaining anything like the economic dynamism which occurs among real men in pursuit of profit and improvement precisely under the influence of a variety of motives and ethical rules. For, having totally precluded motives and marginalized ethics as an ex post or separate set of reflections, the problem then arises for economic theory as to whether motives really are irrelevant to the scope, duration, intensity, adaptivity, etc. of any real economic endeavor. Moreover, the problem also arises as to whether ethical rules of conduct are, in reality, related to economics as something simply superimposed upon instrumentally rational decision-making economic agents and irrelevant to the very fact that men choose to produce and exchange goods, form expectations on the basis of trust, etc. and other conditions that allow for any market economy to exist instead of either merely occasional and suspicious exchange or rapacious anti-social disorder.

Indeed, in any realistic picture, a motiveless man is a man without drive, not readily disposed to the rigors of modern capitalist pursuits; of course, in reality, everyone has their motives, and in a highly constituted and developed environment, they pursue their ends variously but peaceably, there is economic activity and men tend to optimization in consumption and production. However, the realistic picture is far from the abstraction. To move that abstraction to reality and maintain the indifference of motives simply ignores the fact that while perhaps men can be expected to optimize or prioritize in the satisfaction of their *given* wants and can be said to maximize their profits with regard to *given* information, *given* resources and

given methods, it in no way necessarily follows that where such are not immediately *given*, or were given only incompletely, they seek greater or even a maximum of consumption and seek greater or even a maximum of profit in any dynamic or urgent sense.* Only on the assumption of a given concrete end, for instance, maximum hedonistic consumption or maximum profit purely and simply, could they be considered "driven" - to obtain precisely that which they were not *given* in advance. And yet, in the abstract, they have no particular motive to do so, they have no need of any particular motive under the assumptions of economic theory and theory needs them to have none; and if, suddenly, all those givens were no longer readily available and assumed, and they had to have motives, those motives would vary in their influence on the pursuit and conduct of business. It may be true that, for each, they might pursue their endeavors with some degree of a maximizing spirit in accord with their now concrete motive and the scope, intensity, etc. it imparts to their activity. However, this is precisely to say that in reality motives are important and some are more and some less conducive to something like "capitalism." In short, the cost of a truly theoretical perspective is dropping consideration of any particular empirical-psychological motives - but the cost of dropping such motives is that a universal, instrumental logic can explain no significant variation in real, dynamic, economic activity where some men pursue business more and others not, some more intensely and other less, where the majority of men are satisfied with far less than were they to competitively seek improvement in their material welfare and social status or be forced to seek the maintenance of their present condition and status by more rigorous

* The cumulative set of "givens" approximates the distinction between traditional-stationary and innovative-dynamic economies, not simply because the "givenness" of what is assumed approximates what is received by tradition - which would be to conflate the theoretical static level with the concrete traditional-stationary level, but on account of the completeness of what is thus given insofar as this conjunction of completeness and givenness implies that nothing but a purely customary and traditional approach to means and methods is requisite to the performance of the economy. The problem being that by such completeness, the theoretical-abstract model where everything is completely given and perfect converges with a purely traditional-stationary model where everything is approached as completely given and perfect such that motive and dynamism are made equally unimportant in both cases.

PROLOGUE

competition. Indeed, the entire notion of competition as a necessary spur to activity and agent of discipline only makes sense under a very different vision of man than that postulated by economic theory's man who behaves the same regardless of motives.

The question may be asked again, then, as to whether the relationship of ethics and market economics is *in reality* rather more intimate and more complicated than the manner in which any straightforward *theoretical* dichotomy may present it. A more complex relation is clearly suggested when it comes to treating economic development - for not every rule of conduct, not every motive, and not every set of preferences however "rationally" pursued, is conducive to economic order or development. Least conducive of all are those rules that give free rein to the entirely unrestrained passions of men, those motives very little interested in or induced to achievement, or those preferences peculiar in their evaluation of objects (an inordinate delight in wine and rest, an obsessive collection of antique items or neurotic stereo-typed repetitive restricted behavior in, say, food consumption).² One might, if one intended a thorough consideration of the complexity of the relationship of ethics (which in a broader sense includes consideration of motives and preferences) and market economics, address the question analytically in the abstract, but it makes for a rather dry affair in comparison with historical texture. In any event, this thesis does not intend a thorough analytical treatment of that relationship, but is instead a historical inquiry - yet it is one that affords the opportunity to touch upon that perennial problem of the origins of Western "capitalism" precisely where ethos and ethics are concerned. The question of the relationship of ethics and economics is encountered in a particular shade of historical specificity.

² For example: "it is evident that in society some perfectly regular behavior of the individuals could produce only disorder: if the rule were that any individual should try to kill any other he encountered, or flee as soon as he saw another, the result would clearly be the complete impossibility of an order in which the activities of the individuals were based on collaboration with others. ... Society can thus exist only if by a process of selection rules have evolved which lead individuals to behave in a manner which makes social life possible"; F. A. Hayek, *Law, Legislation and Liberty*, Vol. 1, *Rules and Order*, London, UK: Routledge (1973), p. 44.

The historical period which the thesis treats is that of the late medieval and early Renaissance era, roughly, 1275-1425. The focus is on the mendicant preaching orders, the Dominicans and Franciscans, their spirituality and their efforts to baptize and guide commerce in ethical conduct and religious life. The location is double, first in Paris, then in Northern Italy. At Paris, the thesis treats of mendicant Scholastic thought in its lofty academic distinction from daily and worldly affairs. In Florence and Siena, it treats of mendicant preachers in their engagement with the world, and in particular, the world of merchants. Both selections represent over-generalizations. However, the University of Paris was not the only *studium* of medieval Christendom - but its fame and centrality were recognized at the time "for almost having monopolized the *studium*, just as Italy harbored the *sacerdotium* and Germany the *imperium*."³ Northern Italy, for its part, was not the only commercial center of the time but it was by far the most distinctively vibrant and commercially developed exception in an otherwise feudal Europe. Even therein Florence and Siena were exceptional in their early development beyond primarily commercial endeavors into sedentary industry and banking. Nevertheless those Italian cities, precisely in their extremity, reveal most clearly the full extent to which the preachers' efforts to incorporate the life of the laity into religious practice could be brought to their potential as a force for shaping the ethics and ethos of emergent and flourishing commercial and civic society.

However, it is one thing to speak of ethics as the rules of conduct, which are in any case often the freely admitted conditions for the possibility of a functional market economic order, and it is another to speak of an ethos, the driving intentions and aspirations, that distinguishes a tumultuously innovative and dynamic economic system from a static vision of market exchange. To somehow lose sight of the ethical status of the latter in favor of the former is to lose sight of the whole meaning and purpose of ethical reflection as well as the particular motives that drive men to pursue business as the primary avenue of professional development and social identity. Indeed, it is in the space and play between the two, as complementary and as

³ Ernst Kantorowicz, *The King's Two Bodies: A Study in Medieval Political Theology*, Princeton, NJ; Princeton University Press, (1957), p. 254

PROLOGUE

in tension, that commercial life of Europe showed its first tremors of intense energy, stepping toward that economic nationalism called "mercantilism" that exalted commerce within certain ethical-legal bounds as beneficial to the common welfare and emerging precisely not as utterly unrestrained *aura sacra fames* so that the phrase "unrestrained liberalism" somewhat misses the mark in practice as well as in theory.

For classical liberalism is suggestive of and entails restraint: "economic life naturally does not go on in a moral vacuum. It is constantly in danger of straying from the ethical middle level unless it is buttressed by strong moral supports." "The market, competition, and the play of supply and demand do not create these ethical reserves; they presuppose them and consume them."⁴ Indeed, it just so happens that it is a certain modicum of restraint and direction that defines liberalism in opposition to more dishonest, more corrupt, more violent and more oppressive forms of acquisition. It is, perhaps, a mere modicum of restraint that characterizes market economy, but that the channels which liberalism offers for the passions of men for recognition and distinction, power and wealth, do not always hold him does not vitiate the fact that some degree of civility bounds it nonetheless. Moreover, most of the basic ethical-legal rules of conduct characteristic of that civility come down to us from, or as sanctioned and elaborated by, Scholastic economic ethics as elaborated in the 13th and 14th centuries. Still further, it is on the basis of those rules that the ethos of capitalism reveals itself as - in a certain sense - Prometheus bounded. That is to say, the rules themselves are conditions concerning the behavior appropriate to a new social figure, the ideal merchant, that the Christian merchant was to strive to imitate: an honored social image toward which passions of ambition previously directed toward other objects might increasingly seize. And seize they did - and in such a fashion that they were bounded by the very fact that their novel object inspired and channeled their energy into the behavioral patterns and social images that characterize commercial society in the Middle Ages, the Renaissance and beyond.

⁴ Wilhelm Ropke, *A Humane Economy: The Social Framework of the Free Market*, Indianapolis, Indiana: Liberty Fund, Inc., (1971), p. 124-25

Now, from the perspective of mainstream neo-classical economic theory, the late Middle Ages and the early Renaissance are as unimportant to economics as Aristotelian physics is to contemporary physics. Even from a broader perspective wherein history, economic sociology and institutional analysis are considered relevant or even critical to the formation of economic agency and patterns of economic behavior, the philosophical-theology and spirituality of the late 13th and the singularly transitional 14th century, falling between the height of medieval culture and the emergence of Renaissance civilization, are rarely familiar to students of the onto-genesis of the civilization of capitalism. The late 13th and 14th centuries are, then, from the perspective of economic orthodoxy, the sealed realm of medievalists and historical research. They are the treasure of the antiquarian.

Nevertheless, in the late-Middle Ages, cultural impetus and form are given to the reemergence of commercial society in Europe in the conception of the heroic Christian merchant and the ethics by which he was to abide if he was, as San Bernadino put it: to "be made, with God's help, a wealthy and celebrated merchant, pleasing to God and man: an exemplar and a mirror for those desiring to trade justly, and a figure of consternation for all infidel merchants."⁵ Indeed, therein the mendicant religious orders, the Dominicans and the Franciscans, preached and imparted a certain measure of their ethical-religious discourse to the nascent civic life of Europe and to the merchant's soul. Their teaching was in the process of formulation and promulgation just as the earliest forms of civic life were developing over the previous centuries, but only in the late 13th century did the fully articulated message achieve its most triumphant clarity. This fully elaborated religious message reveals the form in which their spirituality had already been diffused from Paris in sermons pronounced in piazzas and town squares throughout the continent for more than half a century and as it was to be for more than a century onward. As such, the impact that this dominant spirituality and ethics had upon commercial agency, practice and aspiration was significant in channeling the energies of men along certain lines and within certain bounds such that most economic agency and action was

⁵ San Bernadino, cited in Margaret Carroll, "In the Name of God and Profit: Jan van Eyck's Arnolfini Portrait," *Representations* N. 44 (Autumn, 1993), pp. 96-132, p. 96.

PROLOGUE

culturally constituted in a certain pattern connected to a shifting but sufficiently clear, positive, dignified and even exalted social meaning. This positive social meaning and the significant impetus it gave to commercial endeavor has its importance for economic theory where, in the very least, it might be said that some preferences are more favorable to economic pursuits than others, particularly social values that lend themselves to the formation of preferences that favor precisely economic pursuits over others. However, with regard to economic theory, it is unnecessary and undesirable to encumber the reader with a monotonous justification *a priori*. Instead, it is sufficient to indicate a recent, but by no means novel, development in economic thought and the reasons for our interest in an at first apparently antiquarian venture.

As already partly discussed, "at the center of current orthodox economic theory is the utility-maximizing consumer who attempts to allocate his income in such a way that he obtains the highest possible degree of satisfaction. This he achieves by equating the marginal utility of all available goods and services in all their uses."⁶ More precisely, "*homo oeconomicus* chooses on the basis of constant tastes in a world entirely without time and space, or at best knows time and space only as notional categories. There is thus no change in this world, no choice under uncertainty, no risk. Choices, on the contrary, are based on complete information, and information is freely available."⁷ These assumed conditions are then set within a minimalist abstract context of private property, perfect market competition, and given wealth-budgets. Thus the agent can freely transact exchange, is a price taker and his adjustment, through the mechanism of choice, to instantaneous and costless information is simply a matter of rational optimization in the satisfaction of given wants within the constraints of a given income-budget.

⁶ Max Alter, "Carl Menger and *Homo Oeconomicus*: Some Thoughts on Austrian Theory and Methodology", *Journal of Economic Issues*, Vol. 16, No. 1 (Mar., 1982), pp. 149-16, p. 149

⁷ These conditions are subject to further elaborations upon which it is not necessary to dwell: "Choice can thus be continuous, and it is called rational when the individual's preference structure is complete (that is, out of any two commodities or bundles, one is either preferred to the other, or they are judged indifferent), transitive, convex, and continuous"; Max Alter, *ibid.*, p. 149.

Moreover, this figure stands at the center of production as well and runs his business according to the principle of profit maximization where the use and/or selection of methods and means of production is likewise a matter of clarity and optimization. In short, the rationality of *homo oeconomicus* is, as already indicated, principally an instrumental rationality concerned with the appropriate adequation of means to given ends and the allocation of resources along those lines in the face of a situation where choice is a matter of nothing other than calculation. Such calculation proceeds in the same manner whatever the ends and whatever the motives. In a sense, this conception of calculation is not so much a conception of economic agency as economic passivity, with man as a functional conduit for the organization of information.

There has however, in recent decades, been a double fissure in this conception: first, on the side of information and, second, on the side of the ethos, social values and institutions driving the pursuit of maximization in the direction of economic endeavors. Notions of incomplete information, choice under uncertainty, bounded rationality, game theory and the formation of expectations have become current. Moreover, the consideration of these perspectives by new or revived schools of more or less heterodox economists as problems for mainstream neo-classical economics is inescapably related to the fact that, in order to better approximate reality, so many of the orthodox are already engaged in the business of relaxing the assumptions of formalized *homo oeconomicus*.^{*} The venerable triad of assumptions, stable-complete preferences, perfect-free information and utility-maximizing economic rationality, was not haphazardly created. On the contrary, *homo oeconomicus* emerged in the history of economic thought as a progressive movement of simplification as political economy sought to establish itself as

* The heterodox schools alluded to are, for example, on the side of information, primarily to the Austrian School, the work of F.A. Hayek, and that of Herbert Simon; on the side of ethos and ethics, there is the revival of the German Historical School (see the work of Peter Koslowski, e.g. *Methodology of the Social Sciences, Ethics, and Economics in the Newer Historical School*, ed. Peter Koslowski, Berlin - Heidelberg, Germany: Springer, 1997) or the New Economic Sociology (see the work of Richard Swedberg, e.g. "The Economic Sociology of Capitalism," *Journal of Classical Sociology*, Issue 2, 2002, pp. 227-255).

an independent discipline. Political economists attempted to characterize their work and methodology accordingly as focused on a particular aspect of human life. In such a view, the history of economics can and has been presented as "the process by which political economy became economics, through the desocialization and dehistoricisation of the dismal science, and how this heralded the separation of economics from the other social sciences at the beginning of the twentieth century."⁸ Thus political economists deliberately, though not without much controversy, used these assumptions to carve out the space for economics as an autonomous discipline and the conditions requisite to a mathematical formalization thereof.⁹

In other words, the assumptions were the rock upon which all broader perspectives were ship-wrecked in their attempts to claim a place in the sun of economic theory. Thus conceived, the relaxation of assumptions

⁸ Dimitris Milonakis and Ben Fine, *From Political Economy to Economics: Method, the Social and the Historical in the Evolution of Economic Theory*, London: UK, Routledge (2009), p. 1; this work is a lamentation, somewhat akin to Geoffrey Hodgson, *How Economics Forgot History: the Problem of Historical Specificity in Social Science*, London, UK: Routledge (2001), the inverse of the heroization of the history of economic thought construed as the progressive and continuous discovery of scientific economics as found, for example, in the works of Mark Blaug or Joseph Schumpeter.

⁹ For a brief account, Milan Zafirovski, "Classical and Neo-Classical Conceptions of Rationality - Findings of an Exploratory Survey," *The Journal of Socio-Economics*, 37 (2008), pp. 789–820. Essentially, in the process of formalization, psychological motivation and the formation of preferences, ethics, history, institutions, etc. were placed outside the realm of economic theory in favor of a deductive method rooted in a universal logic of choice or instrumental rationality based on axiomatic assumptions. For example, the assumption of stable-given preferences excludes consideration of psychological motivation and the formation of tastes-preferences. That system of assumptions was the work of deliberate formalization which, even in the work of Leon Walras, were originally presumed to reflect a certain idealized reality through some inductive observations (see Donald Walker, *Walrasian Economics*, Cambridge, UK: Cambridge University Press, 2006). However, this formalization gradually came to be considered either, in heterodox schools, a simply heuristic or useful assumption or, in mainstream economics, the veritable universal truth of man in abstraction from other "disturbing causes" or non-rational influences: "In early contemporary economics the definition of economic rationality as optimality, viz. utility-profit optimization, has almost become canonical despite the various challenges, including the theory of bounded rationality or satisficing (Simon, 1982)" - M. Zafirovsky, *ibid.*, p. 815.

constitutes a perilous adventure for economics by opening the gates to all that orthodoxy had hitherto denied admittance: Moral Philosophy, Political Economy, the German Historical school, the Austrian school, Behavioral Psychology, Institutionalism, Economic Sociology, and Philosophy. For where information is not perfect, questions arise concerning bounded rationality, choice under uncertainty and the use of incomplete information; and where the pursuit of information, the selection of optimal means and appropriate strategy is not free in terms of price, opportunity cost, and effort, and even in relation to non-economic motives and pursuits, questions arise concerning the social-economic ethos formative of men who approximate an intensive application of maximizing rationality, an adaptive strategic and an innovative spirit in *economic* pursuits and men who act more or less within the limits of ethical-legal norms rather than engaging in other non-economic pursuits, in purely traditional and routine economic pursuits, or in economic pursuits and strategies less congenial and far less sociable.*

Neither is the history of economic thought without its own tradition of reflections on such matters. In fact, the "Adam Smith problem" - the fissure between his two great works, *The Wealth of Nations* and *The Theory of Moral Sentiments*, where in the former he treats of self-interest and the individual, in the latter he treats of the role of community values in formation of behavior¹⁰ - marks the beginning of an awkward history of parallel discourses on the fragments of man. It is a discourse that oscillates

* By "intensive application" we here understand more than the casual maximization of given information and resources that precisely requires no cost or effort; in other words, we understand "intensive" as the dedicated drive to pursue information not given and to seek improvements that do indeed entail cost and effort and that require significant motives and inducement. It could be said, in the language of Herbert Simon, that while "satisficing" may be the posture of bounded rationality - the notion of optimizing is derived precisely from the intense motivation, the *striving* to optimize, of a certain social-historical type who thereby approximates, as toward an impossible limiting point, *homo economicus*, particularly in production.

¹⁰ See Jerry Evensky, "Adam Smith's *Theory of Moral Sentiments*: On Morals and Why They Matter to a Liberal Society of Free People and Free Markets," *Journal of Economic Perspectives*, Vol. 19, No. 3, Summer, 2005, pp. 109-130; or again, Jerry Evensky, "The Role of Community Values in Modern Classical Liberal Economic Thought," *Scottish Journal of Political Economy*, Vol. 39, No. 1, February, 1992, pp. 21-38.

PROLOGUE

between the polarity of analytical perspectives focused variously on the individual and the community with no end to methodological dispute. This curious relationship has been an ever-present, if peripheral, exchange between "pure economics" and all that would complicate the shifting boundaries of economics and sociology with some greater measure of reality and authentic dynamism. The line runs through Gustav v. Schmoller's dispute with Carl Menger, Alfred Marshall's economic sociology, Max Weber's and Joseph Schumpeter's work as varieties in social economics, and up through F. A. Hayek's effort to theorize the evolution of ethical and legal norms that have provided the framework, the rules of conduct, for market economies. In not a few alternate narratives, the assumptions of economic orthodoxy become heuristic approximations to cultural realities that have emerged in history - making that history and culture important to analysis of economic agency and behavioral patterns.

In such a view, the universal validity and explanatory scope of *homo oeconomicus* is severely tested and economics tends toward inter-disciplinarity in order to explain real cultural historical economic behavior. The difficulty is that the shades of proximity and distance between pure economics and other disciplines were sufficiently and firmly, if unrealistically, fixed by assumptions without which economists cannot proceed as though the relaxation of those same assumptions did not have dramatic implications. Indeed, the looser the assumptions are now made in order to "fit" reality, the more *homo oeconomicus* looks like an ideal type to which historical and cultural man can only approximate in accord with a certain set of social-ethical, institutional and psychological conditions. Thus, the door opens toward views such as Schumpeter's conception of economics as including a) pure economics b) economic history c) statistics and d) economic sociology: "To use a felicitous phrase: economic analysis deals with the questions how people behave at any time and what the economic effects are they produce by so behaving; economic sociology deals with the question how they came to behave as they do. If we define human behavior widely enough so that it includes not only actions and motives and propensities but also the social institutions that are relevant to economic behavior such as government, property inheritance, contract, and so on, that

phrase really tells us all we need."¹¹ Or toward similar propositions as "implied in [Max] Weber's ([1908] 1975, 32) statement that the 'outlook involved in commercial bookkeeping is . . . the starting point of the constructions of marginal utility theory.' As a result, marginal utility theory and economics generally treat the human psyche as what Weber ([1908] 1975, 32) terms a 'merchant's soul,' thus conceiving all actors as merchants and economic behavior as the working out of such a soul, although such assumptions are clearly unreal."¹² Setting aside the philosophical and evolutionary propositions concerning the total historical-cultural constitution of human behavior and rationality, even under the assumption of a universal "logic of choice" understood as human rationality, the singular dedication of that rationality to economic endeavors and especially to the desire for greater wealth is difficult to universalize even to those engaged in such economic endeavors. For in reality we are confronted with variation both in the fact of non-economic or anti-social forms of economic pursuits and in the intensity of those engaged in economic pursuits. In light of variation, such universalization represents the assumption of the primacy and dominance of the dedication of the "merchant's soul" and his calculating rationality. Yet what such a universalization neglects is what drives that soul to the intensive dynamism it has displayed in Western "capitalism", the kind of society and culture that produced that soul, and how the merchant came to achieve such prominence that it might readily be equated with the conduct of the ordinary man in the course of the ordinary business of life. For that we turn to the re-emergence of commercial society in Europe and the mendicant orders' effort to impart to the merchant's soul an ethos and ethics conducive to economic civility. In short, we turn to the mendicant's effort to civilize commerce.

For the content and spirit of the thesis, I owe a debt of gratitude, which debt cannot be adequately expressed, to all those who have contributed to my formation and education, from my parents and siblings, for their

¹¹ Joseph Schumpeter, *History of economic analysis*; edited from manuscript by Elizabeth Booddy Schumpeter. New York [etc.] : Oxford University Press, (1961), p. 19

¹² Milan Zafirovski, "Max Weber's Analysis of Marginal Utility Theory and Psychology Revisited: Latent Propositions in Economic Sociology and the Sociology of Economics," *History of Political Economy*, Vol. 33 (3), (2001), pp. 437-548, p. 452

PROLOGUE

constancy, moral and intellectual orientation and provision, to my early teachers, in particular to Dr. Travis Curtwright and Dr. James Lipovsky who introduced me, respectively, to the Greek and Roman worlds. To all my professors at the University of Dallas but in particular to Dr. Philipp Rosemann, Dr. William Frank and Dr. Joshua Parens, for their guidance in philosophy. To my professors here at the University of Navarre, but in particular to my director and co-director, Dr. Miguel Alfonso Martinez Echevarria and Dr. Antonio Moreno Almarcegui, for their guidance and conversation in connecting philosophy to the history of economic thought. For the expense, in financial support and personal effort, which the thesis represents, I owe thanks to the Universidad de Navarra, the Asociacion de Amigos, and to my family and friends for their support, not least for their prayers, the benefits of which I have received over the course of years.

Part I

Background

Chapter 1

Introduction

The Merchant in the Wilderness

Economic Autarky and Carolingian Political "Augustinianism"

In *Law and Revolution: The Formation of the Western Legal Tradition*, Harold Berman opens with a citation from Maitland's *History of English Law* to express the danger of speaking of origins in history: "Such is the unity of all history that anyone who endeavors to tell a piece of it must feel that this first sentence tears a seamless web. The oldest utterance of English law that has come down to us has Greek words in it; words such as *bishop*, *priest*, and *deacon*. If we search out the origins of Roman law we must study Babylon ... The web must be rent."¹ Time, therefore, is out of joint when we begin with an exaggerated break: "From whatever standpoint it is studied, the civilization of the ninth century shows a distinct break with the civilization of antiquity. Nothing would be more fallacious than to see therein a simple continuation of the preceding centuries."² Despite exaggeration, this is an important impression to which we must concede a fair degree of truth: "In the field of economics the contrast, which the Carolingian period shows to Merovingian times, is especially striking. In the days of the Merovingians, Gaul was still a maritime country and trade and

¹ Harold Berman, *Law and Revolution: The Formation of the Western Legal Tradition*, Cambridge, Massachusetts; Harvard University Press, (1983) p. 49.

² Henri Pirenne, *Medieval Cities: Their Origins and the Revival of Trade*, trans. Frank D. Halsey, Princeton, New Jersey; Princeton University Press, (1974) p. 27.

traffic flourished because of that fact. The empire of Charlemagne, on the contrary, was essentially an inland one. No longer was there any communication with the exterior; it was a closed State, a State without foreign markets, living in a condition of almost complete isolation."³ Whatever qualifications there may be on the extent of its validity, the Pirenne thesis - that the closing of the Mediterranean Sea by Islamic conquest and the raiding of the Northern continental coasts by the Norsemen are the most important factors in the explanation of Carolingian social, political, institutional and economic culture - can be taken as a point of departure. More precisely, since our theme in all that follows is the influence of high and late-medieval Scholastic Christianity on the development of European commercial culture and on the cultural-historical formation of the North Italian Renaissance merchant's exalted "economic" ethos and intensive-rationality, it is of the utmost relevance that the early Middle Ages was an obscure unity of Empire and Church in a monastic, militaristic and agricultural Carolingian age.

For not only was the Carolingian age set off against the preceding era, but it is even more commonly distinguished from the increasing stability and agricultural productivity of the 10th century and the re-emergence of commerce and civic life that is most noticeable in the 11th century: "Engendered no doubt or made possible by the cessation of the last invasions, but first manifesting themselves some generations later, a series of profound and very widespread changes occurred towards the middle of the eleventh century. ... There were, in a word, two successive 'feudal' ages, very different from one another in their essential character."⁴ Thus idealized, the Carolingian age offers us the picture of a culture wherein the merchant found no place. The lack of opportunity on account of tremendous risks and insufficient productive surplus, in conjunction with the cultural ideals necessary for agricultural sufficiency and military defense, located commercial activity on the margins of Carolingian society. We begin, therefore, with the merchant's re-emergence in European history.

³ Henri Pirenne, *ibid.*, p. 29

⁴ Marc Bloch, *Feudal Society*, trans. L.A. Manyon, Chicago, Illinois; Chicago University Press, (1964), p. 60

INTRODUCTION

Without truly engaging the history of the turbulent centuries after the Fall of Rome and the invasion and pillage of Europe from North and South, it can be simply be said that the "disappearance of the small free proprietors continued. It seems, in fact, that as early as the start of the Carolingian period only a very small number of them existed in Gaul. ... The need of protection inevitably made them turn to the more powerful individuals to whose patronage they subordinated their persons and their possessions."⁵ From the economic point of view, "the most striking and characteristic institution of this civilization is the great estate. Its origin is, of course, much more ancient ... But what was new was the way in which it functioned from the moment of the disappearance of commerce and cities. So long as the former had been capable of transporting its products and the latter of furnishing it with a market ... it carried on a reciprocal exchange with the outside world. But now it ceased to do so."⁶ The great estates suffered the same "fate as the Frankish empire. Like it, they lost their markets ... For an economy of exchange was substituted an economy of consumption ... in which production had no other aim than the sustenance of the demesial group."⁷ Thus "a man's condition was now determined by his relation to the land, which was owned by a minority of lay and ecclesiastical proprietors, below whom a multitude of tenants were distributed within the framework of great estates."⁸ These great estates, the consolidated and self-sufficient agricultural, military and religious units into which the Carolingian empire formed itself, were host to the few cities that remained. Yet even their definition as cities "depends on the meaning given to the word 'city.' If by it is meant a locality the population of which, instead of living by cultivating the soil, devotes itself to commercial activity ... if we understand by 'city' a community endowed with legal entity and possessing laws and institutions peculiar to itself," then we must qualify the name; instead, we must think "of a city as a center of administration and as a fortress."⁹ What cities remained

⁵ Marc Bloch, *ibid.*, pp. 43-4

⁶ Henri Pirenne, *Economic and Social History of Medieval Europe*, New York, New York: Harcourt, Brace and Company, (1937), p. 8

⁷ Henri Pirenne, *Medieval Cities: Their Origins and the Revival of Trade*, *ibid.*, pp. 45-6

⁸ Henri Pirenne, *Economic and Social History of Medieval Europe*, pp. 11-12

⁹ Henri Pirenne, *Medieval Cities: Their Origins and the Revival of Trade*, *ibid.*, p. 56

were primarily centers of diocesan administration under the local bishop. Thus, "in this strictly hierarchical society, the first place, and the most important, belonged to the Church, which possessed at once economic and moral ascendancy ... From the ninth to the eleventh century the whole business of government was, in fact, in the hands of the Church."¹⁰ Yet we should have no illusions as to character of this arrangement, for it was the Carolingian empire and those who followed in its path, that aspired to the absorption of the Church: "La mayor parte de los obispos, provenientes de los medios aristocraticos y llegados a sus cargos sobre todo por razones politicas y economicas, vivian como grandes senores y se comportaban mas como potentes que como hombres de Iglesia."¹¹ It is no surprise that what was considered the purer form of religious life was the monastic ideal of absolute withdrawal from such a world rather than that of lordly bishops.

The near compression of "pure" Christianity into the idealistic communal life of the monastery and the near absorption of the external Church into the organism of the State undoubtedly helps to account for the Carolingian-style efforts to enforce Divine Law. It served the king well. Thorough confusion of Church and State proceeded as though Charlemagne's renewed Holy Roman Empire was to be the very incarnation of Augustine's *City of God*: "Under such circumstances, it is readily comprehensible that during the early medieval centuries Augustine's essentially secular understanding of the role and status of civil rulers should be lost sight of, and that the prestige of his name should come to be attached not to the somber and New Testament-oriented Augustinianism of the *City of God* but to the essentially theocratic pattern of thought to which Arquilliere gave the name 'political Augustinianism.'"¹² For St. Augustine, the "city of God" had been a way of indicating the distinction of the other-worldly Christian ideal from the earthly city. The worldly city was, for Augustine, the distinct, secular, sinful and imperfect city of Roman political empire. It was not to be confused with Christian community. The Carolingian kings, however, aspired to the

¹⁰ Henri Pirenne, *Economic and Social History of Medieval Europe*, *ibid.*, pp. 12-13

¹¹ Vauchez, A. *La espiritualidad del occidente medieval*, Catedra, Madrid, (1985), p. 32

¹² Francis Oakley, *Empty Bottles of Gentilism: Kingship and the Divine in Late Antiquity and the Early Middle Ages (to 1050)*, New Haven, Connecticut; Yale University Press, (2010), p. 163

INTRODUCTION

theocratic rule, not only of ancient Rome, but of the contemporary Byzantine empire in Constantinople. Thus understood as the earthly instantiation of the "city of God," the Carolingian emperors and other Christian kings of the early medieval period had no hesitancy in adopting a sacral, theocentric view of kingship, enforcing religious law and, ultimately, in adapting two singularly important themes to their self-image. First, the Old Testament history of the kings of Israel was gradually adopted and adapted to their purpose. The "development became more strikingly evident as the Carolingian era wore on, and contemporaries became more prone to portraying the Frankish kingdom as itself 'the kingdom of David' and the Frankish king as a new Moses, a new David, a new Solomon, a truly sacred monarch worth of being acclaimed ... 'priest and king.'" ¹³ Second, the Carolingians furthered this exaltation of their monarchy through a Christocentric vision of kingship as the visible image of Christ and His vice-regent here on earth such that both king and priest alike are both Christ: "[T]hrough them speak also Christ and the Holy Spirit ... each is in the spirit Christ and God and in his office is the figure and image of Christ and God. ... The priest, of Christ's lower and human office and nature, the king of his higher and divine office and nature." ¹⁴ Charlemagne's kingship was expressly conceived as "a rebirth of the Old Testament Jewish kingship symbolized by the very name David which he bore: [Charlemagne's] throne in Aachen was modeled on Solomon's throne: Aachen had become another Jerusalem."¹⁵ Thus the pure *imago Dei* of a Christian life had nearly been reserved to the monastic life on the one hand, or alternatively, to high lordly clerical office and - at the pinnacle - to the king.

Indeed, this conception of kingship "is evident already in the first capitulary of 769 promulgated soon after [Charlemagne's] accession, in which he lays down the basic principles which were to guide his actions - the assertion of the authority of the bishops, the moral reform of the people and

¹³ Francis Oakley, *ibid.*, p. 162

¹⁴ Francis Oakley, *ibid.*, p. 170

¹⁵ Walter Ullmann, *The Carolingian Renaissance and the idea of kingship*, London, UK; Methuen & Co. Ltd, (1969), p. 44

the raising of intellectual culture among the clergy."¹⁶ These principles were expressly "reasserted in the great capitulary of 789 in which [Charlemagne] explains his theocratic conception of his mission as ruler and guide of the Christian people, prescribes the precise duties which were to be fulfilled by the clergy and repeats the canons of the great Councils ... which had been sent to him by the Pope."¹⁷ This practical confusion of the Church and the Empire had been a necessary supporting condition for Charlemagne's unification of his realm. For the empire was not a geographically, politically, ethnically or linguistically circumscribed entity, "but a military and spiritual authority."¹⁸ Viewed politically, on the other hand, it was "a society of many different tribes and peoples, each possessing its own code of laws and united only by the authority and military power of the King of the Franks from whom all the three hundred Counts of the Empire derived their authority."¹⁹ Only religiously, therefore, was Charles "the leader of the Christian people, who were united by their common faith, their common baptism and the common laws which were those of the whole Church."²⁰ In fact, it "is not strictly correct ... to speak of the kings and emperors of western Europe in the sixth to eleventh centuries as 'laymen.' ... They were 'deputies of Christ,' sacral figures, who were considered the religious leaders of their peoples."²¹ Thus Charlemagne was aware that "his kingdom needed not only a larger body of ecclesiastics ... but above all a better educated and better trained clergy, if indeed, as his biographer tells us, his kingdom was to be modeled on the *civitas Dei*, an aim which we should not consider a hagiographic overstatement."²² Charlemagne needed this, not only on account of his peculiar religious spirit, but also to give some unity to the empire greater than that of simple military force. In connection with the military and feudal structure of the age, whereby all authority, including ecclesiastical posts,

¹⁶ Christopher Dawson, *The Formation of Christendom*, San Francisco, California; Ignatius Press, (2008), p. 194-5

¹⁷ Christopher Dawson, *ibid.*, p. 195

¹⁸ Harold Berman, *ibid.*, p. 89

¹⁹ Christopher Dawson, *ibid.*, p. 195

²⁰ Christopher Dawson, *ibid.*, p. 195

²¹ Harold Berman, *ibid.*, p. 88

²² Walter Ullmann, *The Carolingian Renaissance and the idea of kingship*, *ibid.*, p. 3

INTRODUCTION

derived from the sacred authority of this theocratic model of kingship, this spiritual model had significant consequences for the entirety of social organization at the time.

For with power descending from above in such a fashion, and united to the Frankish-Germanic and barbarian tribal social relations, "Christianity served to transform the ruler from a tribal chief (*dux*) into a king (*king*)."²³ This did not result in the dissolution of the personal and kinship ties of tribal social relations or their transformation into a distinct and dominant ecclesiastical order. On the contrary, the situation was quite precisely the reverse: "Prior to the late eleventh century, the clergy of Western Christendom - bishops, priest and monks - were, as a rule, much more under the authority of emperors, kings, and leading feudal lords than of popes ... as lay proprietors, [the emperors, kings, and feudal lords] not only controlled church lands and incomes but also appointed persons - often from among their close relatives - to the bishoprics and other ecclesiastical offices which were part of their property."²⁴ Such appointments and offices, entangled confusions of ecclesiastical, political, military and economic order that they were, constituted not the dissolution but the sacralization of personal loyalties and kinship ties. Moreover, coming as they did with obligations to provide revenues and services, they formed a truly rigid social structure built upon a hierarchical network of sworn loyalties. Thus, for instance, a pyramid of oaths pervaded the medieval estate: "a bishopric was usually a large feudal estate, with manorial lords to administer the agricultural economy and to carry out its military duties, and with peasants to provide the labor. ... A lesser church office ... might also be a lucrative property; the patron would be entitled to a share of the agricultural produce and of the income."²⁵ These descending positions of authority with ascending loyalties formed an entire network of known social relations that united the smallest local political units, *villae* (villages), and their larger groupings, *centenarii* (hundreds), and *comitatus* (counties): "[t]heir number increased as settlers 'commended themselves' to leading personages among them and promised to render

²³ Walter Ullmann, *ibid.*, p. 67

²⁴ Walter Ullmann, *ibid.*, p. 88

²⁵ Walter Ullmann, *ibid.*, p. 88

services in return for food and clothing as well as for protection against enemies. The person who commended himself became 'the man' of the lord ... the oaths were part of a solemn rite."²⁶ Such "benefices" and "offices," secular and ecclesiastic, became an integral, even defining, part of the social order: "The term 'benefice,' which at first connoted that the tenant was to receive the grant on relatively easy terms, was eventually confined chiefly to grants to a church; in the late eighth and ninth centuries it was largely replaced by the Germanic term *feod* ... rendered *feudum* in Latin."²⁷ Feudal social arrangements therefore bound such "men" in a deeply "personal" hierarchy of social status. This binding of persons within a social hierarchy, that an agricultural-militaristic structure that grew ever more rigid, only furthered the social ambiguity of anyone who might be called "merchant." One might say of the social estimation of the merchant in the early medieval period, what Adam Smith noted of pre-commercial society in the heroic age of ancient Greece: "In a rude society nothing is more honourable but war. In the *Odyssey*, Ulysses is sometimes asked, by way of affront, whether he be a pirate or a merchant. At that time a merchant was reckoned odious and despicable. But a pirate or robber, as he was a man of military bravery, was treated with honour."²⁸ In any event, in the early middle ages, such a figure fell fairly outside the schema of recognized social *personae*.

In fact, in such a world, where the vast majority of the population was tied through these bonds of feudal loyalty to agriculture in varying degrees of serfdom, to military or ecclesiastical service or monastic seclusion, we must be somewhat nominalist with respect to the term 'merchant.' For the connotation of that term then brought to mind an altogether different figure than it would later. The "historical literature of the ninth century contains, it is true, certain references to merchants (*mercatores*, *negociatores*), but no illusion should be cherished as to their importance. Compared to the number of texts which have been preserved from that era, these references are extremely rare. The capitularies, those regulations upon every phase of social life, are remarkably meager in so far as applied to commerce. From this it

²⁶ Walter Ullmann, *ibid.*, p. 298-9

²⁷ Walter Ullmann, *ibid.*, p. 298

²⁸ Adam Smith, *Lectures on Jurisprudence*, (LJ A, ii.54)

may be assumed that the latter play a role of only secondary, negligible importance."²⁹ Even the existence of a multiplicity of small local markets is to be understood as a sign of the impoverishment of the age with respect to commerce rather than the reverse. For such markets served the purely local estate-community and barter-exchange rather than functioning as centers of anything recognizable as commerce: "People normally endeavored to produce (or have produced by their dependents) nearly all they needed. What small transactions still occurred, and many larger ones, could be carried out by exchanging one good for another."³⁰ Moreover, "the privileged few who had both food and money to spare ... kept their treasures idle in their coffers or froze them into readily enjoyable jewelry rather than investing them in business ventures. This ... accounts for the fact that prices tumbled down in the midst of scarcity ... and coinage was reduced to a trickle of coins with the highest purchasing power, while the smaller denominations used in daily transactions gradually disappeared."³¹ The use of treasure reflected long-standing habits of a world that, since the fall of Rome, had to do without any daily concern with commerce: "A sixth century king of the Burgundians named Gunthram once had a dream in which he received directions for finding a cache of buried treasure ... digging they found 'inestimable treasures' of gold. Gunthram had the gold fashioned into an alter canopy of wondrous size and great weight, adorned with precious gems, his intention being to send it to the holy sepulchre in Jerusalem."³² For the longest time, treasure was ornamental and found no outlet in commercial uses. The purely local affairs of small fairs and markets were not, therefore, indications of vibrant commerce but of its destitute state.

In fact, if there be commercial agents at this time, "the merchants with whom we have to deal here were not, in fact, professional merchants but servitors charged with the duty of supplying the court or the monks. They were, so to speak, employees of the seigniorial household staff and were in

²⁹ Henri Pirenne, *Medieval Cities: Their Origins and the Revival of Trade*, *ibid.*, p. 32

³⁰ Robert Lopez, *The Commercial Revolution*, Cambridge, UK; Cambridge University Press, (1976), p. 18

³¹ Robert Lopez, *ibid.* p. 18

³² Lester Little, *Religious Poverty and the Profit Economy in Medieval Europe*, Ithaca, New York; Cornell University Press, (1978), p. 3

no respect merchants."³³ Moreover, this mundane seigniorial and administrative exchange was not even the most significant connotation attached to the figure of the merchant. For even "the largest and best managed estates which were geared for the production of a salable surplus and collected modest dues in cash from tenants, the golden rule was seeing to it that 'it should not be necessary to request or buy anything from outside.' Without the stimulating medium of substantial towns, merchants and craftsmen had to seek their customers in a myriad of unreceptive rural mansions and hamlets, and could not easily enlarge their operations and grow rich enough to command respect."³⁴ If, therefore, the merchant of the time was not in any respect a merchant, nor was there any respect for the profession when it did exhibit commercial features. For if "the people of pre-commercial Europe, regardless of their social level, typically lived in small, closed groups, typically did not travel about, and typically did not often have dealings with strangers,"³⁵ and the majority of these people were bound to feudal obligations and a fairly fixed social environment, the wandering stranger for whom there was no place amidst those who worked, those who fought and those who prayed was a rather unstable and occasional figure. The stranger's liberty of movement was alien to those who tilled the earth, he was either a daily huckster-peddler without a fixed home or clear loyalty or a much hated hard-bargainer in times of need: "In the larger part of Europe ... the visitations of trade tended to be as unexpected as famines, plagues and invasions; as a matter of fact, these calamities drove holes into the thin armor of countrified self-sufficiency, and then the not-always-available help of an international merchant (often, a Jewish one) was the only alternative to starvation. But there were also more pleasant windfalls, such as the appearance of a peddler on a feast day."³⁶ Neither impression tended to inspire social esteem or good-will.

Further, his life and purpose were not rooted in the familiar and contrasted with the agricultural, military and spiritual ideals of the age. Those ideals were of a "personal" nature, sanctified by personal oaths of

³³ Henri Pirenne, *Medieval Cities: Their Origins and the Revival of Trade*, *ibid.*, p. 36

³⁴ Robert Lopez, *ibid.*, p. 22

³⁵ Lester Little, *ibid.*, pp. 20-1

³⁶ Robert Lopez, *ibid.*, p. 20-1

INTRODUCTION

fealty regarding work, war and administration that gave security to the peasant in exchange for his labor, accorded honor and privilege to the knight in exchange for his military service, and conferred dignity of administrative and judicial office upon the bishop, lord and king. By the very fact that these relationships were thus sanctified and honored, and codified in detailed penal codes that laboriously took into account the status of the persons involved, the recognized social identities of local community within a demesne were defined. Therein, in the realm of social and religiously sanctioned, the merchant does not put in a regular appearance. Nor, evidently, would the merchant have found any place in the high spiritual ideals of monastic community.

Indeed, it is important to emphasize that the highest spiritual ideals of the age not only saw the highest form of Christian life as withdrawal from the world, but that true Christian living was quite nearly reducible to monasticism. This attitude was so deeply embedded in the early medieval view that even at "the beginning of the twelfth century, Rupert, abbot of Deutz (d. 1130) composed a treatise on monastic life entitled *De vita vere apostolica* (On the Truly Apostolic Life). What later generations might find disturbing, Rupert defended boldly by suggesting that monastic life, the *vita monastica*, was the true pattern of life for the Church. "If you desire to consult all the testimonies of the Scriptures," said Rupert, "they seem to say nothing other than that the church originated in the monastic life.' He also wrote, "It is evident that monks, insofar as they are monks, take their form [of life] from the apostles; therefore, all apostles were truly monks."³⁷ Yet this testimony is of a later epoch than the ninth century, as are the impressions the huckster-peddler and hated merchant-bargainer whose advent implied the minimal existence of markets that, we are told, did not truly exist in the 9th century. That the ideal should be stressed and insisted upon at this later date is due more to transformation of culture than to its continuity. For "from the sixth to the eleventh centuries in the West, when the separate and self-sufficient Benedictine rural estate remained the ideal setting for living the religious life, any flight from cities existed only in

³⁷ Samuel Torvend, "Lay Spirituality in Medieval Christianity," *Spirituality Today*, Summer 1983, Vol. 35, No. 2, pp. 117-126.

traditional Christian literature ... There were virtually no cities from which to flee."³⁸ Under such conditions, there is either no image of the merchant of which to speak or, at the most, the very pathetic image of an insignificant nomadic peddler who did not rightly belong to the community. Where the Christian spiritual ideals of the age ventured beyond the perfection of monastic withdrawal, it was not to address themselves to nearly non-existent city life and commercial conduct. Instead, it was to baptize the warrior and king through a chivalric code that attempted to tame his violence in an ideal conception of knighthood and minimize his militaristic obsession with familial honor and kinship driven vendetta through the conception of a sacred truce or to call upon him for defense.

Nor did the contracted organization of the Carolingian empire enable Europe to receive too much more than a respite from external violence, for the empire crumbled in the face of the invasions and raids of the 10th century and gave rise to anarchy: "the higher civilization of the Carolingian court and the great monasteries broke down into a mass of feudal states founded by successful warriors and maintaining themselves by perpetual war and violence."³⁹ The bishops of the province of Rheims in their synod at Trosle in 909 sum up the situation as follows: "The cities are depopulated, the monasteries ruined or burned, the land is reduced to solitude. As the first men lived without law or constraint ... so now every man does what he pleases ... Men devour one another like the fishes in the sea."⁴⁰ None of this was particularly conducive to a serious resurgence of commerce and the merchant remained an ephemeral figure "more than offset by the agricultural, military, and religious shape of the barbarian society."⁴¹ However, all of these themes, from absolute priority of self-sufficient autarky to monasticism, from kingship and imperial Christology to the simple uninspiring agrarian life of the laboring laity and the honored chivalry of the warrior knight, would be re-imagined beginning in the 11th century and gaining strength in the 12th and 13th centuries, first by the Cistercian reforms and then, more

³⁸ Lester Little, *ibid.*, p. 35

³⁹ Christopher Dawson, *The Formation of Christendom*, *ibid.*, p. 206

⁴⁰ Christopher Dawson, *ibid.*, p. 206

⁴¹ Robert Lopez, *ibid.*, p. 21

INTRODUCTION

directly, more expansively and more intensively, by the Mendicant orders: the Dominicans and the Franciscans.

The Commercial Revolution

Violent and disturbed though it was, the course of the tenth century saw gradual stabilization. The internecine conflicts of local feuds were increasingly suppressed and there was a re-establishment of a tenuous peace. This stabilization grew out of the dissolution of the very unity that the Carolingians had provided. For with the dissolution of the Carolingian empire, the old "cities" - the fortified episcopal centers of administration, religious ceremony, festival and local markets - became increasingly important as points of refuge and the bishops within them, the Church or the cathedral as it were, became the center of authority. Moreover, the local territorial lords who had eagerly tore the Empire apart and devoured it, warring with each other over its remnants, were forced to undertake the obligations that came with their ambition: "As their power grew and was consolidated, they became more and more preoccupied with giving their principalities an organization capable of guaranteeing public order and peace."⁴² Still living on their manorial estates, they ordered the construction of fortresses through their realms, traveling from one to another to minister to the needs of justice and administration. In addition to the more stable episcopal centers, then, "Western Europe became covered with fortified castles, erected by feudal princes to serve as a shelter for their men. These castles ... these *bourgs* or *burgs* ... like the ecclesiastical city, lived on the land. Neither had any economic life of its own."⁴³ With these fortifications, ecclesiastical and feudal lords set out to restore order in their dominions: "The first Truce of God was proclaimed in 989. Private wars, the greatest plagues that harassed those troubled times, were energetically combated by the territorial counts in France and by the prelates of the imperial Church in

⁴² Henri Pirenne, *Medieval Cities*, *ibid.*, p.72

⁴³ Henri Pirenne, *Economic and Social History of Medieval Europe*, *ibid.*, p. 40-1

Germany. ... Dark though it was, the tenth century nevertheless saw in outline the picture which the eleventh century presents."⁴⁴ The seeds of a new order had been laid as new generations struggled to rekindle the unity of the Holy Roman Empire re-organized from below on the basis of local peace, the reform of monastic centers and the rebuilding of estates.

Thus, underneath the entire general impression of an age of stagnancy and terror that is painted above, and which is produced by methodological abstraction and ideal type, it must be understood that when "an historian writes of an age of change, an 'era of transition,' he must refer either to a heightening in the pace of historical development or to an unusual degree of compression and confluence of alterations in the fabric of history";⁴⁵ and conversely, when he speaks of a period of stagnancy or apparent immobility, and generalizes over the breadth of a continent, he is aware of the exceptions and variations. In the case at hand, it is "virtually impossible to distinguish one chronological period from another in the agricultural history of the barbarian age, because agriculture changes so slowly, and produces very few quantitative records."⁴⁶ However, change there was. For with peace came stability and the quiet growth of agriculture: "The take-off of European population in the eleventh century was sustained - if not actually caused - by an 'agricultural revolution.' ... The innovations of the eleventh century (not all newly discovered then but only then gaining general currency) consisted in the use of horses (with horse-collars and horse-shoes), the use of deep, mould-board ploughs, and the use of systematic crop rotation in combination with improved fertilizing techniques."⁴⁷ In fact, the process of agricultural development cannot be marked off, as early as 820, it has been noted that deep inland in Switzerland, the monastic estate "was no longer the simple religious community envisaged by the old monastic rules, but a vast complex of buildings, churches, workshops, store-houses, offices, schools and almshouses, housing a whole population of dependents, works and servants like

⁴⁴ Henri Pirenne, *Medieval Cities*, *ibid.*, p. 78

⁴⁵ Harry A. Miskimin, *The Economy of Early Renaissance Europe, 1300-1460*, Cambridge, UK; Cambridge University Press, (1975), p. 1

⁴⁶ Robert Lopez, *ibid.*, p. 19

⁴⁷ Lester Little, *ibid.*, p. 21

INTRODUCTION

the temple cities of antiquity."⁴⁸ If development had never been extinguished and its spread had begun earlier, already "by the tenth century, the signs were clear and unmistakable: the population was growing."⁴⁹ Of course, it took "many generations before the sustained demographic growth supplied the manpower needed to eliminate the wide uninhabited stretches which made communications difficult, organization spotty, and food supply inadequate."⁵⁰ Nevertheless, demographic growth transformed the character of the fortified towns and the character of medieval life.

Indeed, the true re-emergence of the merchant on the scene was at this time. The growing population, in particular sons not in line to inherit indivisible land, tended to leave the isolation of rural life when necessary and to move for the protection of the towns: "it is incontestable that commerce and industry were originally recruited from among landless men, who lived, so to speak, on the margin of a society where land alone was the basis of existence."⁵¹ The revival of commerce "had as a result the detaching from the land an increasingly important number of individuals and committing them to that roving and hazardous existence which ... is the lot of those who no longer find themselves with their roots in the soil."⁵² While in the countryside, therefore, "the incessant gnawing of the plough at forest and wasteland"⁵³ cleared hitherto uninhabited spaces, "the revival of commerce soon completely altered [the town's] character."⁵⁴ The wandering life of the new merchant, still confronted with grave risks in transit and at the mercy of the lord's whose lands they passed through, sought out the protection of the *burgs* as destinations along their routes. Soon, the spaces offered by fortresses not originally intended to serve as cities were insufficient and the new-comers "were driven to settle outside the walls and to build beside the old burg a new burg, or ... a *fauburg* (*foris-burgus*), i.e. an

⁴⁸ Christopher Dawson, *Religion and the Rise of Western Culture*, New York, New York; Image Doubleday, (1991), p. 63

⁴⁹ Robert Lopez, *ibid.*, p. 29

⁵⁰ Robert Lopez, *ibid.*, p. 29

⁵¹ Henri Pirenne, *Economic and Social History*, *ibid.*, p. 45

⁵² Henri Pirenne, *Medieval Cities*, *ibid.*, p. 114

⁵³ Marc Bloch, *ibid.*, p. 69

⁵⁴ Henri Pirenne, *Economic and Social History*, *ibid.*, p. 45

outside burg."⁵⁵ Moreover, "the collection of merchants in a favorable spot soon causes artisans also to collect there. Industrial concentration is as old as commercial concentration."⁵⁶ There was, then, a movable population of commercial men, joining together in armed caravans for their movements, but settling at and around the gates of fortifications. In short, there grew whole sections of "civic" activity previously unimagined by the knights and ecclesiastical administrations of the fortifications.

Yet early on, despite acceptance of their presence and demand for the benefits they brought, these merchants were neither so rapidly nor so well received: "Let us avoid exaggeration ... The picture would have to be carefully shaded - by regions and by classes. To live on their own resources remained for long centuries the ideal."⁵⁷ The first appearance of the merchant, in this situation, made for a very dark first impression and a strong cultural reaction of, to say the least, loathing - and guilt. For when the first agricultural surpluses appeared and demographic growth gave rise to towns and, therefore, to markets, "in an age when local famines were continual, one had only to buy a very small quantity of grain cheaply in regions where it was abundant, to realize fabulous profits, which could then be increased by the same methods."⁵⁸ The position of the merchant, still uncommon and alien at times of local need was, by the very fact of diminished but continuing local isolation and instability that occasioned his existence, also destined to appear where and when prices were inevitably perceived as extortionist and predatory. His position and character, no doubt, were conditioned by this fact just as much as the usurer's image was conditioned by the general scarcity of capital and the insecurity thereof. For where the usurer was thus associated with exorbitant rates of interest and reviled collection tactics, the merchant was associated with pure, cold-hearted indifference and avarice. His reservation, his apparent callousness for the misfortune of others who stood in need of his aid were marked by the scarcity and uncertainty of commercial opportunity amidst the same dangers and risks of the countryside that made him seek the shelter of the *bourg*. The solicitude with which he began to

⁵⁵ Henri Pirenne, *ibid.*, p. 41-2

⁵⁶ Henri Pirenne, *ibid.*, p. 42-3

⁵⁷ Marc Bloch, *ibid.*, p. 71

⁵⁸ Henri Pirenne, *ibid.*, p. 46

keep a record of deals and debts was stamped by the precariousness of his profit in relation to sudden grave loss by robbery or lord. His appearance, however, marked a distinct moment in feudal society. Whereas previously there had been little mention of merchants, their activity now begins to receive attention associated with transaction courts, aptly named *piepowder* (*pied poudre*) courts, that is, "dusty-foot" courts, "because the feet of the merchants who resorted to them were still dusty from the roads."⁵⁹ Now the culture began to seethe at his repeated and insistent presence.

Secondary literature has developed around tracing the emergence of what has been called "a furious chorus of invectives" hurled against the new figure of avarice.⁶⁰ Indeed, in "the age of the Commercial Revolution some European thinkers ceased to regard pride as the worst of all vices and bestowed this signal dishonor instead upon avarice. Between the eleventh and fourteenth centuries, in other words, when European society experienced a profound structural transformation that brought a commercial economy, an urban culture, and a widespread use of money, European thought registered a corresponding shift in values within the traditional scheme of the cardinal vices."⁶¹ In its art and in its fabulous stories, the early Middle Ages, still lingering at the height of the monastic culture, frequently expressed loathing for the indifference of the wealthy man and revulsion at his apparent love of gain. For example, and in some of the least graphic imagery that can be found: "Avarice and the Lazarus story appear together on the porch of the monastic church at Moissac ... the movement is from top to bottom. One sees the sumptuous banquet of the rich man and, lying on the ground outside, Lazarus, poor and sick, with the two compassionate dogs licking his painful sores. ... Half-way down, the rich man dies. Grotesque monsters yank out his soul, while another grasps his moneybags. Then we see the demons punishing him. The rich man is weighted down with a moneybag; the demons press and pull his twisted body"; or again: "Where avarice is shown being punished in a sculpted relief on a church near Parma, his neck is bent

⁵⁹ Henri Pirenne, *ibid.*, p. 52

⁶⁰ Johan Huizinga, *The Waning of the Middle Ages*, trans. F. Hopman, Gardell City, (1954), pp. 27-8.

⁶¹ Lester Little, "Pride Goes before Avarice: Social Change and the Vices in Latin Christendom," *The American Historical Review*, Vol. 76, No. 1 (Feb., 1971), pp. 16-49

by the weight of a huge moneybag, another bag hangs from each shoulder, by his side stands a devil who yanks out his teeth with pincers, and above him another devil presses down the weight of a treasure chest that he carries on his back."⁶² Yet the age of the barbarian and the secluded monastic community, which had appropriately emphasized withdrawal from the world and a knightly ideal in a violent world, and had been drawn to an economic model of self-sufficient feudal and monastic estates, was slowly passing away. The merchant ceased to be an uncommon and marginal figure associated with the stranger.

Significant towns were sprouting up across the continent as both older episcopal centers and new fortified communes were, quite symbolically and literally, incorporating their "new burgs" into the city with new walls. The swelling population of the towns gave a new energy and status to the civic population. This was particularly true of the merchant class since the profits of their commerce tended to dominate the productive class both in terms of wealth and strength of position in communal life. Their travel, their risks, their acumen and information gave life and direction to the craftsmen, their profits gave further impetus to all involved. The greater the civic activity, the greater their status became. They played a double role of hated outsider abroad and recognized benefactor at home. Soon, in connection with the inadequacy of traditional law, they strove for the establishment of their own legal procedures and relative autonomy from the irregular and ill-fitting justice of feudal lords which had not dealt with the exchange of hitherto immobile property. A much more adequate and "more expeditious law was necessary, means of proof more rapid and more independent of chance, and judges who were themselves acquainted with the professional occupations of those who came under their jurisdiction ... Very early, at the latest at the beginning of the eleventh century, the pressure of circumstances led to the creation of a *jus mercatorum*, i.e. an embryonic commercial code."⁶³ If once, at the beginning of the feudal age after the Fall of Rome and the barbarian invasions, men had more or lessly freely" subjected themselves to local lords in the face of dire circumstances, now local lords more or less freely

⁶² Lester Little, *Religious Poverty and the Profit Economy*, *ibid.*, pp. 36-7

⁶³ Henri Pirenne, *ibid.*, p. 51

INTRODUCTION

acquiesced to the "liberties" and "privileges" of merchants and townsmen as long as their ultimate authority was unchallenged; for the nobility recognized the benefits of the towns for their treasuries, seeing their own wealth swell on account of their tolls and the duties they levied on the populace. Much the same can be said of the bishops whose benefices and cathedrals received much attention from merchants seeking good standing.

Thus, "from the end of the eleventh century onwards the artisan and the merchant class, having become much more numerous and much more indispensable to the life of the community, made themselves felt more and more vigorously."⁶⁴ With jurisdictional autonomy came greater regular municipal administrative autonomy and contribution. Yet we should not imagine this as something simply inimical to the feudal lord, whose power and honor was generally accepted by the merchants and taken for granted, particularly where this power was exercised irregularly. More importantly, this movement toward civic life is not to be understood as something inimical to religion and ecclesiastical authority. The bishops whose dioceses were co-extensive with and definitive of the municipal boundaries were not agents of a Christian religiosity somehow foreign to the common folk, imposing belief where there was none. Rather, whereas the monastic advocates of seclusion and pure Christianity at first remained inclined to revile the new civic life, the authority and centrality of the bishops and of diocesan clergy was central to the very identity of the commune. If during darker times, the bishop and the cathedral had served as the town's nearly "theocratic" administrative authority, this prestige remained well into the 13th century: "The city: the church. The church: the bishopric. When the north and central Italian cities shook off imperial control and established their unique form of government, the commune, the word they used for city (*civitas-citade*) said that the municipality was the seat of a bishop. To have a bishop was to be complete as a church, complete as a city."⁶⁵ This centrality of the bishop and cathedral, routinely referred to as *Ecclesia Matrix*, was not done away with by the slow growth and commercialization of the city. On

⁶⁴ Marc Bloch, *ibid.*, p. 71

⁶⁵ Augustine Thompson, O.P., *Cities of God: The Religion of the Italian Communes 1125-1325*, University Park, PA; Pennsylvania State University Press, (2005), p. 16

the contrary, the merchants and active citizenry clamored to participate in municipal decisions and to participate in the organization religious activities, often seeking appropriate ways in which to use their wealth. The purely miserly merchant - the popular image of the very unpleasant figure of avarice - was more of a rarity than an everyday fixture. There was an increasing gap between the still popular condemnation of sinful commerce and the emerging merchant-artisan administration of communal life that generally and genuinely sought to contribute to the religious and civic life of society.

Indeed, the municipal decisions made were often patterned upon cooperation with religious activity: "Just as landowners in the past had showered gifts of land on the monasteries, so now merchants used their fortunes to found parishes, hospitals, almshouses, in short, to spend themselves in religious or charitable works for the benefits of their fellow citizens and the good of their own souls."⁶⁶ Moreover, it was not only the content of the decisions that rang of religiosity, but the very place in which these decisions were made: "In the late 1100's and early 1200's, before the creation of the first communal public buildings, the cathedral served as site of the most important civic functions. This was natural, since the nave, uncluttered by the modern invention of pews, was certainly the largest interior space in the city. There, in the nave, the consuls and other government officials took their oaths of office; there the bishop and clergy blessed the banners of the army and its battle wagon, the *carroccio*. ... City assemblies deliberated there and officially proclaimed their treaties with other communes."⁶⁷ As a matter of fact, "the cathedral belonged as much to the city as to the bishop. Communes monopolized its construction, reconstruction, and embellishment. In 1267, the city fathers of Siena organized the Opera del Duomo, a board responsible for the material upkeep of their beloved Santa Maria. After first funding the city's vigil lamp before the altar of Mary, the fathers stipulated the officers, oaths of office, funding, and responsibilities of the board."⁶⁸ The whole confused order of imperial-

⁶⁶ Henri Pirenne, *ibid.* p. 48-9

⁶⁷ Augustine Thompson, *ibid.*, p. 22-3

⁶⁸ Augustine Thompson, *ibid.*, p. 20

church relations was nearly repeated, with the exception of the independence of the bishop (still often dependent on feudal lords for his nomination), on a micro-scale in the relations between religious and municipal administration in civic life. Yet as time progressed, this dignified social role of the merchants in the towns contrasted more and more with the old monastic and feudal ideals that held sway outside the cities and at a provincial level and that still associated commercial work with *turpe lucrum*, that is, with filthy profit.

Contrary to the suddenness which the phrase "commercial revolution" seems to imply, then, this state of affairs where a nearly theocratic interpenetration of ecclesiastical and merchant-artisan administration of civic life formed in Northern Italy in - as Augustine Thompson has titled them - "cities of God" that emerged quite gradually. The ascendancy of merchants was the process of centuries. After all, at about 1200, two hundred and fifty years into the so-called "commercial revolution" that is supposed to span from 950 -1350, "the populations of both Florence and Pisa were estimated at 15,000–20,000, Siena's was 10,000–15,000, and those of Lucca and Pistoia were closer to 10,000."⁶⁹ Moreover, Tuscany was among the very few comparatively dense populations in Europe. The supposedly dramatic emergence of civic life and wealth, transformative though it may have been, was not quite an explosive affair, but it was a steady affair. All the while, the "revolution" was characterized by an incremental increase in lay participation in civic administration as the merchant-artisan classes grew in importance. The local ecclesiastical authority, the Bishop withdrew, or was hounded by laity-based reform movements to withdraw, from its confusion with secular government. These reform movements objected most strongly to the growing effects of commercialization precisely where they led to the gradual enrichment of secular clergy and monastic centers. Bishops and abbots, so often the scions of feudal nobility, were not generally the initiators of spiritual reform foisted on the people but the intended targets of reforms started by the laity in new religious movements.

⁶⁹ R. Goldthwaite, *The Economy of Renaissance Florence*, Baltimore, MD: Johns Hopkins University Press, 2009, p. 23-24

More precisely, the central question for the Church at the time was not at all one of ordinary citizenry and laity in revolt against religious belief in favor of commercial decadence. Instead, it was a question of the transformation of society away from early medieval Carolingian political "Augustinianism", i.e. the confusion of the spiritual and temporal world. The continuing involvement of the ecclesiastical hierarchy in now evidently wealthy temporal government increasingly conflicted with the ideal of spiritual perfection as renunciation of worldly goods. The laity and strenuous religious souls demanded religious reform and a return to a poor, spiritual and charitable Church that left the administration of temporal affairs to the laity. This is suggested by the whole of the "investiture controversy," where the Papacy, in the hands of the reformers, aimed to regain from feudal lords control over the power to appoint the clergy and thereby re-dedicate its priests to truly religious purposes. This is indicated as well by the fact that the whole Cistercian reform of monastic life in the 12th century reveals that sincere traditional monastic spirituality was mostly concerned to divest itself of the wealth that had been bestowed upon it in honor of its spiritual labors for the community and to re-dedicate itself to the highest ideals of monastic seclusion. It is also in evidence in the myriad of early lay religious reform movements, which shall be discussed shortly, that challenged the new wealth of the Church. Thus, while it is true that the emerging wealth created by commercial revival provoked a reaction throughout Christian Europe, it would be deeply mistaken to imagine that reaction to have been against oppression of economic practice by dominant theocratic bishops' and secular clergies' rather than against their grasping complicity with commerce in what was often still perceived to be avarice and corruption.

On the contrary, where there were violent tensions between the ecclesiastical hierarchy, bishops, diocesan clergy and the merchants, the artisans and the laity in general, they were rarely concerned with any simplistic ethical suppression of lay economic activity. The frequent stereotype of historical-sociological narratives is that the traditional values and dominant authorities of kinship and personal loyalty based pre-commercial societies primarily function in a manner antithetical to the emergence of commercial society. In fact, the situation was more complicated. First, there was more than one Christian authority. There was

INTRODUCTION

the local ecclesiastical hierarchy in the persons of the secular clergy and bishops, then there was the Papacy and its agents as well as the complicated myriad of religious orders of different stripes and colors. The princely-bishops, comfortable diocesan clergy, and established abbots, whose own wealth and benefices were so positively affected by the emerging commercial revival, were not very keen to suppress the commercial activity of civic life. Nor were the myriad of more ascetic religious orders strictly opposed to lay economic pursuits. For the reception of the wealth generated by the laity by the clergy and religious, itself not necessarily out of a purely base love of worldly gain even if it may or may not have been more or less commonly so, was often for the construction of new spiritual institutions of charity, new chapels, new churches, even new cathedrals. This was well within the realm of their conception of a monetary economy's version of legitimate industry for the support for "those who pray." Secondly, the deeper Christian values of universal charity were often less favorable to the pre-commercial "inter-personal" society of kinship ties and factious favoritism than they were to a universal recognition of persons in more formal and equitable laws. In the main, then, the orthodox ecclesiastical hierarchy and the orthodox religious orders, that is, the "Western Church of the eleventh and twelfth centuries ... believed in the possibility of reconciling commercial activity with a Christian life, just as it believed in the possibility of reconciling agrarian activity with a Christian life. Its moral attitude toward wealthy merchants was not essentially different from its moral attitude toward wealthy landowners. ... The monastic life ... continued to be considered the closest to the kingdom of heaven. But except for a few voices, [it] not only did not denounce money and riches as such, but indeed encouraged the pursuit of money and riches provided that such pursuit was carried on for specific ends and according to certain principles."⁷⁰ This encouragement was a process that attempted a reconciliation of Christian life with the manifold professions of the laity and had begun with the simple legitimation of the variety of professions proliferating in the 12th century: "These men [Robert Courcon, Stephen Langton, James of Vitry] discussed, for example, the legitimacy of the activities of judges, notaries, merchants,

⁷⁰ Harold Berman, *ibid.*, p. 338

teachers and physicians. And although they repeated some of the old clichés so hostile to commercial activity, they none the less began the painstaking investigation, point by point, of the many particular activities engaged in by merchants and urban professionals. In the end they did not by any means approve all such activities, but they prepared the way for the spiritual justification of merchants and professionals that the thirteenth-century theologians were going to develop."⁷¹ The merchant's and the lay professional's acceptance had thus begun by his being subjected to the initial outlines of an emergent code of Christian civility, wherein the rudeness of his sinful intentions were shaved and any grotesque outbursts of avarice were constrained and channeled into more suitable pursuits and sociable patterns of behavior. Traditional values functioned, not so much to oppose, as to channel and form emergent commercial society. It is in this trend, earlier than might be expected, that the Italian city of Cremona produced the first merchant-saint: canonized as an ideal for merchants in 1199, Omobono [Homobonus].⁷² The process was not unlike that to which the barbarian feudal warrior was simultaneously subjected in order to be re-constituted as a chivalric Christian knight and crusader.

And yet, significant truth may readily be granted to the view that the most traditional values, those of a pure monastic withdrawal and the simplicity of inter-personal social life so deeply ingrained in the ordinary laity, were slow to accept the new forms of civic life insofar as they remained opposed to an unqualified commercial life. In fact, however, those qualifications, rather than retarding commercial society, were at least partly conducive to its development by their much needed insistence on its civility. What undermined any absolute opposition was not the rejection of those traditional values, but precisely their spiritual renovation through new reform movements that confronted the decadence of old monasticism with a new vision of Christian civilization. That new vision, set forth by new orders of reformist preachers and friars, was to elaborate upon the notion of Christian civility in commerce and to attempt to ensure that the inter-personal relations of pre-commercial society were upheld, on a higher level and with broader

⁷¹ Lester Little, *Religious Poverty and the Profit Economy*, *ibid.*, p. 175

⁷² Lester Little, *ibid.*, p. 215

INTRODUCTION

inclusiveness, in new ethical-religious forms and rules of conduct suited to civic life. The new vision, rather than simply siding with the social institutions of corporate loyalties of guild associations and the practices of factious inter-familial strife, often proved rather inimical to them on account their incessant disruption of civic life through their violent considerations of honor and privilege prejudicial to the common life and rule of justice in the city. Nevertheless, despite its qualifying acceptance of lay civic life, it is true that what the new vision of Christian civilization had to deal with was precisely the meaning of wealth in relation to the Church's spiritual ideals of simplicity, humility and charity.

The transformation of Christian ideals, then, was born of the tension between monastic religious ideals of poverty and simplicity and the new forms of civic life and wealth inasmuch as they influenced the ecclesiastical hierarchy. In the 11th and early 12th centuries, donation to the Church or monastery was conceived as perhaps the laity's most significant contribution to spiritual life. Men honored perceived sanctity with gifts - with wealth. This was the illiterate and uneducated laity's second-hand participation in spiritual practice. The increasingly educated and religious laity, however, wanted more than this second-class spiritual status of renouncing their compensatory worldly wealth and turning it over to a secular clergy who then, presumably, lived in both greater spiritual perfection and greater worldly comfort as well. The fury which this could inspire in religious zealotry is well captured in the career of canonical reformer Arnold of Brescia (c.1100-1155): "Arnold preached ... that no monk or priest or bishop who owned property could be saved ... called to Rome in about 1147 to be reconciled with the pope, at the time when a communal revolt against the pope's secular rule of Rome ... he was shocked by the 'table of the cardinals loaded with gold and silver plate, and their luxury in feasting.' He reproved them ... the cardinals took this criticism badly and threw him out."⁷³ Arnold quickly joined the communal revolt in Rome and eventually met his fiery end after the intervention of Emperor Frederick Barbarossa, his ashes scattered on the Tiber so that none would venerate his remains. Spiritual reform movements, together with the more or less inclined Papacy, sought to

⁷³ Lester Little, *ibid.*, p. 110

resolve the awkward circumstance of an ideal of spiritual perfection that ought to place little stock in worldly goods and a Church that could hardly avoid, if not enjoy, becoming rich.

It is simply erroneous, then, to conceive of the still un-reformed but reforming ecclesiastical hierarchy of the 11th and 12th centuries as monolithically and unqualifiedly opposed to the rise of civic life and commercial society. Rather, there were increasing tensions between "the Church" elusively defined as familiar local ecclesiastic elites and "the Church" vaguely conceived as the whole social body of Christians everywhere. The problem was that early medieval spirituality did not really have a clear place for lay professional life, particularly one that matched the increasing importance of the merchant's status in civic life. Lay Christian professionals did not really know what to do with excess wealth except renounce it and turn it over to often grasping spiritual leaders, to the detriment of the latter's spiritual image. The lay merchant was, therefore, in a position of considerable ambiguity with respect to feudal-agrarian society, intensely desirous of religious and social acceptance and participation, but spiritually under-served and roundly condemned for avarice, the merchant's own image was as yet only "legitimate", but remained tainted with suspicion. This problem only grew more intense the greater the role of the merchant class in municipal administration: "If there is any single generalization concerning upper-class bourgeois behavior in the thirteenth century,' writes Marvin Becker, it would treat the alacrity with which the *popolani grassi* sought to participate in religious life."⁷⁴ Popular piety's esteem for real spiritual labor soon made the Cistercian reformers and the Papacy, despite their intermittent resistance, richer than the Benedictines and the ecclesiastic elite had ever been before. Yet popular suspicion of the merchants' and the secular clergy's avarice, perceived and real, also gave rise to a multiplicity of spiritual movements toward ideals of poverty verging on or crossing over into heresy in their repudiation of the world. Popular religiosity, therefore, still adhering to the older monastic ideal of world renunciation, soon gave rise to the tensions in civic life between the official Church hierarchy and the Church citizenry.

⁷⁴ Lester Little, *ibid.*, p. 210

INTRODUCTION

Indeed, local bishops were not infrequently faced with the task of taming and directing the rather wild religious spirit of zealous citizens who inclined toward extreme forms of religious practice or, worse, toward radical opinions concerning the wealth of ecclesiastic and social elites alike. There arose, for example, four major semi-heretical or purely heretical lay movements, the Humiliati, the Waldensians, the Beguines and the Cathars: "The Humiliati originated in Milan ... The Waldensians ... spread throughout southern France ... The Beguines ... in the cities of the low countries, the Rhineland, and northern France ... the Cathars ... in south-western France but also numerous in the Rhineland and in northern Italy."⁷⁵ All four movements were associated with heresy insofar as they not only held to the renunciation of worldly life, but also proclaimed the world and worldly goods so wholly wicked that they denounced the very existence of an official ecclesiastical order that participated in the world in *any* way (apart from renouncing property, some verged on suicidal inclinations and absolute rejection of marriage, sex and procreation; in short, absolute rejection of the human worldly needs and life). That the geographic dispersion of these movements parallels that of economic development at the time, Southern France and Northern Italy, is but an indication that their reaction was associated with the revival of commerce and that their general reaction was against the wealth of society and its corruption of the Church rather than any oppression of economic activity on the part of the Church.

Apart from confronting the Papacy's own efforts to reform their corruption, therefore, the secular clergy and princely bishops were also confronted with a second movement, from below as it were, "mounted by various groups of laymen who sought deeper spiritual meaning outside the established forms of the religious life. What many of these had in common was a rejection of the new ... materialism, particularly as found in ecclesiastical institutions."⁷⁶ The concern of many in the established ecclesiastical-feudal order, not to be confused with the Papacy and reformers who they often did their utmost to resist (often with the help of kings and princes), was not to pit themselves against emergent commercial wealth and

⁷⁵ Lester Little, *ibid.*, p. 113

⁷⁶ Lester Little, *ibid.*, p. 99

activity. On the contrary, it was to pit themselves against those dramatic instances of lay reactions against all worldly values that led to heresy. On this point, they vigorously joined the Papacy in condemning such heresy as dangerous to the entirety of social order. They encouraged the repression of those lay spiritualities that condemned the whole ecclesiastical hierarchy, the official Church itself, as mediator of God's sacraments, along with local clerical and monastic attempts to pander to or obtain their shares of the new wealth. Indeed, they sought to suppress even the Papacy's favored lay spiritualities and reform minded preachers and friars as well. The Papacy, for its part, in conjunction with the reform efforts, sought a middle road that gave moderate approbation to civic life and commercial activity while favoring the mendicant orders exaltation of Christian perfection in simplicity and poverty and their calls for a poor Church. Such problems center on the tension between the Carolingian political "Augustinianism" of local ecclesiastical authorities and the new civic order wherein the evident wealth of secular society could not co-exist with ecclesiastical involvement in administration of temporal affairs without making the same Churchmen the very image of corruption and avarice. At the same time, the role of the merchant as an important participant in the civil administration of urban Christian society was in stark contrast to the image of the avaricious stranger which not only still clung to his profession, but was now also increasingly associated with the corruption of God's Church.

Eschatology and Civilization

It was onto this stage, at the end of the 12th century, that Saints Dominic (c. 1170-1221) and Francis (c. 1181-1226) stepped, founding two new spiritual-religious orders with the blessing of the reform-minded Papacy. The Papacy approved the new orders with both *a*) the intention of blunting the criticism of the Church's wealth by semi-heretical or heretical sects such as the Humiliati, Beguines and Waldensians and Cathars as well as *b*) the intention of serving the Papacy directly for the purposes of reform of the ecclesiastical hierarchy and secular clergy to correct their over-involvement

INTRODUCTION

in worldly affairs. The Order of Preachers (Dominicans) and the Order of Friars Minor (Franciscans) were, at first glance, a simple and traditional proposal to the problem of wealth. Against the Church's image of wealth and corruption was to be placed a visible reaffirmation of the image of spiritual perfection in poverty and charity that did not denounce all others as strictly sinful for their possession of worldly goods and their worldly professions, but rather stood among them as a reminder and as a call to all to live the spirit of poverty for charity's sake - and only to some as a counsel to the perfection of religious life. Moreover, they were to refuse gifts of wealth and thus seek to maintain their poverty voluntarily and strenuously. In this capacity they were to reform the Church by calling it back to its roots as a spiritual institution, away from its confusion with temporal authority and wealth. Against the heretical movements' denunciation of all worldly life and of the Church's ownership of property and exercise of any authority whatsoever, they were to pronounce the goodness of creation and the goodness of man, and the goodness of man's moral and moderate use of the world as well as the Church's rightful ownership of its property and spiritual leadership itself.

Yet this was only the beginning of their mission. They were also to teach and preach the faith and Christian living. For the situation confronting early medieval culture was not as simple as to be solved by a renewal of the monastic dedication to perfect simplicity of life and the re-affirmation of moderation in the use of the world for the laity who could not be perfect. The new civic order required a thorough, clear and promulgated assessment of the spiritual status of the life of the rising laity and a temporal Christian civilization that offered an expanded path to perfection short of abandoning the world. For with the resurgence of European society, the crusades, the expansion of Christendom, the traditional sense of an embattled Church awaiting the imminent end of the temporal world with Christ's triumphal return began to give way to a sense that the secular life of man was to endure longer than hitherto expected. An early wave of 13th century apocalyptic prophecy was the expression of its passing vision than of its durable character: "The middle years of the *trecento* were the locale of a formidable critique of traditional medieval eschatology. Instead of riveting their gaze on the imminence of the Second Coming and the finitude of time, observers

fixed their attention on problems of individual salvation."⁷⁷ Whereas "relying upon Christ's own words that He would soon return to judge the world in righteousness, many among the early Christian believers felt that the time of man's work had expired and, consequently, they not only saw the end of time as being imminent, but they actually yearned for this final and conclusive event," the flourishing of Christendom in the high Middle Ages presented a new problem that required urgent attention.⁷⁸ The link between the eschatological vision of Christianity and the spiritual emphasis upon poverty awaiting Christ's return was in need of an adjustment with respect to what constituted a Christian life in an evidently flourishing civilization. This adjustment was among the works of the friars preachers and minor, the mendicant religious orders.

Thus, with the emergence of medieval cities and the so-called commercial revolution, there was a need for the development of Christian thought and the creation of new forms of Christian spirituality. For mendicant Scholasticism, while certainly drawing on the Patristic intellectual tradition of the Church, the task was to articulate a more complete vision of the meaning for Christian civilization. It was precisely through the mediation of these new ideas and forms of religious practice that not only civic life but the merchant's character and image was shaped in a manner inseparable from the Christian ideals that were themselves in transition. The medieval and scholastic world that was emerging, therefore, ought not to be conceived of as purely traditional in character, it was the laborious creation of an already complicated tradition's encounter with its own complicated development and transformation in connection with the needs of a new society. Nor should traditional early medieval monastic Christianity be set alongside the commercial revolution as though they can be simply isolated, separated, juxtaposed and analyzed with traditional social ideals and ascetic monks on

⁷⁷ Marvin Becker, *Florence in Transition, Volume Two: Studies in the Rise of the Territorial State*, Baltimore, MD; The Johns Hopkins Press, (1968), p. 43

⁷⁸ Anton Chroust and Robert Affeldt, "The Problem of Private Property According to St. Thomas Aquinas," *The Marquette Law Review*, vol. 34,(3), Winter 1950-1, p. 152

one side with novel economic values and merchants on the other. Instead, they grew and developed together.*

That is to say, although the merchant was at the heart of the growth and development of economic activity of the Middle Ages, nevertheless the lives and ideals of these merchants considered as economic agents cannot be viewed as simply in confrontation with "a solid phalanx of ethical opposition, although [they] certainly encountered resistance."⁷⁹ They cannot be viewed thus not only because such an ethical phalanx did not exist pure and simple, but also because the merchant was not an economic agent pure and simple. On the side of the ethical authorities and social values of the age, it is not true that "the dominant doctrine rejected the spirit of capitalistic acquisition as *turpitude* [filthy], or at least could not give it a positive ethical sanction."⁸⁰ In part our denial of such a strict ethical opposition to the spirit of gain comes from an alteration in the definition of "capitalistic acquisition." If by "capitalistic acquisition" is understood making money as an endless end in itself and by any means or a simply irrational pursuit thereof, then doubtless Scholasticism and medieval preachers were quite opposed. However, if "capitalistic acquisition" such as exceeds economic

* Sociological-anthropological analytical paradigms such as gift economy in contrast to market-exchange economy, religious values in contrast to capitalistic values, personal social relations in contrast to impersonal market relations, whatever light they may shed on historical developments, cannot be quite so easily disentangled in reality as they are in ideal-type abstraction. In fact, the historical examination of the passage from one into the other, i.e., gift to profit economy, etc., generally leads to the conclusion that the latter extremities are incapable of independent emergence and existence so that many of their apparently distinguishing features are independent only in abstractions. That is, the latter extremity's emergence requires a certain measure of continuity that betrays their strict opposition to the initial stage they supposedly supplant. Indeed, many distinguishing features of the so-called profit economy are reflections of the influence of gift economy, many of the so-called capitalistic values of commercial society are reflections of the influence of ethical-religious values, and many of the so-called impersonal market relations of organic society are really an effort at the formalized extension and purification of the personal relations of mechanical society.

⁷⁹ Ronan MacDonald, "Schumpeter and Max Weber," *The Quarterly Journal of Economics*, Vol. 79, No. 3 (Aug., 1965), pp. 373-396

⁸⁰ Max Weber, *The Protestant Ethic and the Spirit of Capitalism*, trans. by Talcott Parsons with a foreword by R. H. Tawney (New York: Charles Scribner's Sons, 1930), p. 73-4

pursuits driven by traditional motives and means, such as familial provision or sufficiency of material life and by means of conquest or predatory strategies, is neither quite so "endless" nor quite so predatory, then the issue is quite different. This particularly where economic acquisition has precisely an extraordinarily elusive aim, namely, that honor which comes with an approved life contributing to the common welfare and with that honor the potential for illustrious social distinction which comes with excelling therein. In fact, it can be - and in what follows will be - seen that the late-Medieval period was *not only* critical to the ethical justification for a dramatic expansion of intensive, not to say unbounded, economic pursuits *but also* to the social conditions requisite to intensive motives for the pursuit of apparently *scrupulous** business as a path to social distinction even if those motives were not themselves fully justified ethically.

Yet, additionally, on the side of the merchant, the matter is not so simple as to proceed as though "[pre-]capitalistic acquisition as an *adventure* has been at home in all types of economic society which have known trade with the use of money,"⁸¹ and that this adventurous spirit combined with the

* "*Scrupulous*" being taken in a double sense: as opposed to morally unscrupulous and also as disciplined or meticulous.

⁸¹ Max Weber, *The Protestant Ethic and the Spirit of Capitalism*, trans. by Talcott Parsons with a foreword by R. H. Tawney (New York: Charles Scribner's Sons, 1930), p. 58; italics my own in order to clarify that here Weber speaks of a universal [pre-]capitalistic instinct of acquisition rather than a strictly *modern capitalist* mode of acquisition. This former being universal precisely because it is not bounded and infused by an ethos of calculating rationality and *scrupulous* endeavor but is generally more undisciplined and more unscrupulous. Rather than the specifically modern spirit of capitalism he seeks to define in connection with Protestantism, then, Weber here refers to the "absolute unscrupulousness in the pursuit of selfish interests by the making of money [that] has been a specific characteristic of precisely those countries whose bourgeois-capitalistic development, measured according to Occidental standards, has remained backward" [ibid., p. 57]. This is the unethical spirit of acquisition which fails, in Weber's eyes, to overcome staunch Catholic religious-cultural resistance and - therefore - also fails to be reconciled with the ethical-spiritual conditioning that might have, as Weber claimed in the case of Protestantism, given rise to modern capitalism rather than the sort of conduct which could only be condemned by Catholicism. Of primary import for our purposes, however, is not that Catholicism substitutes for Weber's Protestantism. Rather, it is that the ethical-cultural conditioning of economic behavior, regardless of origin, is constitutive of and

"inner attitude of the adventurer, which laughs at all ethical limitations', could never have prevailed against the medieval Catholic *zeitgeist*" which was simply opposed to commercial life.⁸² For it is also not true that medieval merchant culture displayed such a purely a-moral inner attitude; on the contrary, merchant culture quite definitely sought, not merely accommodation, but affirmation for their commercial endeavors from the Church. In short, Max Weber's analysis of the Middle Ages yields a double-excess, first on the side of the Catholic *zeitgeist* and again on the side of [pre-]capitalistic acquisition in the Middle Ages, which makes the polarity of the two rather greater and, consequently more irreconcilable, than they in fact were. Such a brute *homo economicus* did not generally exist, with that "absolute unscrupulousness in the pursuit of selfish interests" as it were, formed independently of the Christian culture of the age as if from the hand of his Creator or from the head of Zeus fully armed and commence an ill-fated assault upon a strict opposition from a dominant monastic Catholic *homo religiosus*. Instead, as the merchant had not so emerged, a hitherto repressed, latent determinate and barbarous species of man, so when he re-emerged in history, centuries into the Christian Middle Ages, he did not therein find conditions which simply limited his obscenely egoistic motivations and raw avaricious pursuits. Rather, these motives and pursuits were neither immediately so grand nor so rapaciously unending as they were simpler and narrower and it was precisely in their growth and development that they were very much products of their conditions and a part of that history of which they are an element. It was by the early and effective reconciliation of a more unrestrained form of narrow acquisition with an ethical-social and religious pursuit thereof that Occidental capitalism took a first step toward a society distinguished by its intensive economic rationality.

It must, then, be noted that when Weber precluded the Middle Ages as having been one of the essential moments in the formation of the famous

necessary for the emergence of commercial capitalism, but it is not thereby necessarily causal thereof. It may be causal if ethics commands intensive economic labor for its own sake or it may be, as it were, a *sine qua non* cause inasmuch as it's contribution is to the formation of the social object to which normal aspiration and intense ambition, an otherwise indeterminate passion, might be drawn of their own volition.

⁸² Ronan MacDonald, *ibid.*, p. 378

spirit of modern capitalism, he focused his attention on the asceticism and other-worldly character of early monastic forms of Catholic culture. Predictably, he tended to find therein only an early medieval cloistered asceticism and this he found to be essentially of the Benedictine or Eastern model, recognizably efficient on their own estates but bounded by an ideal of withdrawal from the world, self-sufficiency and a disdain for particularly secular labor. In short, "not only did Weber write relatively little on the subject of monasticism in general, but he also addressed himself even less to the classic period of western monasticism - i.e. roughly between the sixth and thirteenth centuries."⁸³ Weber was undoubtedly aware of the Florentine and Siennese friars, but constantly discounted both their harmony with the broader vision of the Catholic Church as it developed in Scholastic thought and the extent of the departure of Scholastic thought from the old monastic ideals that did not stretch out toward the incorporation of the laity through the "baptism" of their civic lives. Yet even now, with all the emphasis of recent scholarship on the innovative productivity of the Cistercian orders and their contributions to disciplined, even rationalizing improvement of estate management, it has not been sufficiently recognized that it was never the Cistercians who were primarily responsible for the baptism of the merchant and civic life.

This work was retained for the mendicant orders, the Dominicans and Franciscans of the 13th and 14th centuries, whose mission took them quite deliberately to the cities and to those who worked. It was Dominicans and Franciscans, particularly those in Southern France and Northern Italy, whose poverty and preaching formed the most vibrant link between religious tradition and economic life. Their work, in this regard (and it is important to keep in mind that this was neither their only nor their most singular work), was precisely the reformulation and clarification of traditional spirituality through a "novel" emphasis on charity that dramatically transformed the cultural ideals of monastic withdrawal and contemplation toward incorporating secular activities into Christian spiritual life as spiritual avenues of service to the common good: "The thrust was away from a

⁸³ Ilana Friedrich Silber, "Monasticism and the 'Protestant Ethic'," *The British Journal of Sociology*, Vol. 44, No. 1 (Mar., 1993), pp. 103-123

culture whose principal remedies had been asceticism and withdrawal toward a religious program dramatizing that problematic world where lay virtues would find both their justification and their limit."⁸⁴ In other words, the mendicant orders went to work on the spiritual and social imagination of economic agents and the motives of their economic activity, further guiding an already less barbaric, less unscrupulous and more or less Christian age more or less into the demands of a Christian civic or communal ethos and into new ways of properly combining and ordering a variety of motives at the same time as discouraging other anti-social or egoistic motives.

Thus, though not without some exaggeration, it has been rightly said that "the unique achievement of the friars was their creation of new forms of religious expression specifically for the urban sector of society and those people dominant within it. These new forms included an ethical justification for urban society itself as well as for the characteristic activities of its more influential members; they also included new forms of worship, new devotional practices, new structures for lay participation in organized charity, and, above all, an enhanced sense of spiritual worth."⁸⁵ In this way, the novel economic aspirations of the age were not at all simply juxtaposed to a repressive religious power but were formed in a more creative way. They were formed by the new preachers and by the very enthusiasm that civic leaders had for the mendicant orders, by the religious motives and ethical-social conditions that so evidently characterized the late-Medieval and early Renaissance. It is, therefore, critical to keep in mind a point that Joseph Schumpeter makes concerning the historical generation of the novel: "Social structures, types and attitudes are coins that do not readily melt."⁸⁶ The innovator, then, may well "be inspired by combinations of values, ideals and attitudes inherited from previous eras."⁸⁷ Here, however, the word "inherit" is cause for some reservation and clarification.

⁸⁴ Marvin B. Becker, "Lay Piety in Renaissance Florence," in *The Pursuit of Holiness in Late Medieval and Renaissance Religion*, Leiden, Netherlands, E.J. Brill, 1974, pp. 177-199

⁸⁵ Lester K. Little, *ibid.*, p. 173

⁸⁶ Joseph A. Schumpeter, *Capitalism, Socialism and Democracy*, (3d ed.; New York: Harper and Brothers, 1950), p. 12

⁸⁷ Ronan MacDonald, *ibid.*, p. 379

It is a word unfortunate in its ambiguity - for it might be taken to suggest, as Schumpeter is sometimes want to do, that those values, ideals and attitudes represent an almost genetic-atavistic instinct or dead patrimony that mysteriously still inspires men of a later epoch. This cannot quite be - for such ideals significantly inspire, not because they were the values, ideals and attitudes of previous ages, but because they are at least in some definite way, the very values, ideals and attitudes present in the age they so inspire, i.e. they are indeed, in some definite way, inherited.* Of course, "previous ages" could simply mean either that such values are in decline more generally or will thereafter be in decline precisely because of the agent's innovation. In such a case, the reservation partly subsides. However, it must be understood that not every innovation is an abandonment of one's inheritance - indeed, tradition is generally formed not by mere repetition but by development and much innovation falls within the realm of the traditional in some way. This is so particularly in the case of Scholastic thought, the values, ideals and attitudes of the previous age were presented anew in a manner concordant with an obviously thriving tradition that drew upon novel possibilities discovered in their beloved "authorities" for the development of that tradition. If, as is likely, this particular innovation, that absorbed the merchant and the laity partly into the category of the religious, ultimately led, over a period of centuries, to a severe test of or rupture with the limits of the Scholastic tradition in which it was born, this does not mean that it was originally so or even that it necessarily became what it may in fact have later become. A great many other factors, the 14th century rise of philosophical nominalism (which we steadfastly ignore in this study) and the consolidation of the territorial state (which we shall touch upon) among them, contributed to the decay of that tradition and the limits it still placed on commercial

* This, we take it, is not opposed to Schumpeter's thesis of "over-lapping *Geists*" - such that, for example, feudal nobility and landed elitism of an agricultural "superstructure" may exercise an inspirational influence on men of commercial pursuit. The difficulty is that for these latter men to come into their own, the very nobility, status and social distinction which they seek in their atavistic desire for reflected landed elitism must be transferred to the their commercial conduct. Such a transvaluation, however, requires that social values recognize, in that commercial conduct, something of primary value *for the community*. The point is that what society values often also conditions the conduct it recognizes as licit and even more so that which it recognizes as honorable.

society.⁸⁸ What we seek, therefore, is a glimpse of the link between Scholastic philosophical-theology at the height of its tenuous but forceful unity and the late-Medieval civic humanism of the Italian city-states wherein the merchant, and society at large, displayed most of the typical characteristics of a spirit of intensive rationalization of economic behavior and business organization. The question is how the conjunction of religious-social and economic motives formed the commercial ethos and ethics of the age and - in particular - how they gave special impetus to and formed the intensity with which the merchant applied to himself the rigors of

⁸⁸ Literature addressing this aspect of the 14th century and making it of absolutely central importance to the rise of fideism and secularization, Renaissance Humanism and the Protestant Reformation is significant. For a concise summary of the view: Gordon Leff, "The Fourteenth Century and the Decline of Scholasticism," *Past & Present*, No. 9 (Apr. 1956), p. 30-41. For more in depth treatments: see Etienne Gilson, *The Unity of Philosophical Experience*, ; Hieko Oberman, *The Harvest of Medieval Theology*, Grand Rapids, MI: Harvard University Press, (1963); more recently, Catherine Pickstock, *After Writing: On the Liturgical Consummation of Philosophy*; Brad Gregory, *The Unintended Reformation: How a Religious Revolution Secularized Society*, Cambridge, MA: Belknap Press of Harvard University Press, (2012). There are, in fact, a wealth of such studies. Our principal difficulty with these narratives is that they tend to find the emphasis on charity and the active life to be primarily a reaction to the dissolution of the priority of the contemplative life and ascribe certain other emergent features of late-medieval culture, such as the territorial absolutist state, primarily to the philosophical decay of Aristotelianism and to the rise of fideist, Divine command ethics. It is clear, however, from William Courtenay's *Capacity and Volition: A History of the Distinction of Absolute and Ordained Power*, Bergamo, Italy; Pierluigi Lubrina, (1990), that the relation between monarchy and "absolute power" has a longer history than nominalism; so too any immediate historical connection between the demise of the natural law and Ockhamist thought - see Marilyn McCord Adams, "The Structure of Ockham's Moral Theory," *Franciscan Studies*, Volume 46, (1986), pp. 1-35). Moreover, the rise of a more civic-oriented and broader lay ethos, and the territorial state, not only seem rather more easily connected with intact Scholastic thought relating itself to partly independent medieval realities than by reference to the intricacies of the logicism and nominalism of late-medieval thought but also clearly appear to predate the influence of these intricacies. At any rate, these stories, with qualification of both their interpretation of authors and events, can be sparsed into complementary narratives that assist in explaining what happened to the wave of civic life, lay piety and practice after its emergence and impact as it transforms in conjunction with their influence. Thus these and similar narratives of decay are simply left-aside in what follows.

professional discipline and related that energy to the new territorial community which he increasingly "served." The whole process was one of an immense stimulus of ambition given to commercial and professional life that nevertheless remained within what Schumpeter has called the 'protective strata' formed by feudal and ecclesiastic social institutions that were effectively and often quite voluntarily supported by wealth generated by commercial activity and the bourgeois class.⁸⁹

This stimulus we shall indeed find in the manner in which the Dominican and Franciscan orders developed the Christian intellectual tradition in the direction of a philosophical theology and anthropology that deployed the primacy of Christian charity and Christian community as a method of baptizing mercantile activity, justifying it and fostering it only by rectifying it. The friars thus created an ethos of *honorable* and *honored* lay Christian service critical to the merchant's self-conception and public image, as well as a significant impetus to Renaissance civic humanism and economic nationalism. Whatever else may be said of the individual nature of human preferences, there are evidently some objects and activities that are inescapably mediated by social values and very strongly conditioned thereby. Honor and social distinction are, inescapably, of just such a kind. In this case, it is the very fact that mercantile activity itself was not just permitted by but harmonized with social-religious value and endowed with an honored social status that at once conditioned its acceptance and infused its character with an additional inspiration for the disciplined energy it displayed. For Scholastics and preachers, certainly the most vibrant and attractive, though not the only, purveyors of Christian morality, offered to the merchant one of the strongest of inspirations of desire that exists - namely, social approbation and social distinction through an honored, publicly recognized status. It is a status without which commercial pursuits and agency are unlikely to become a dominant or even equally attractive source of inspiration in any culture. Neither the ancient world nor the early medieval period had ever accorded the merchant or businessman a similar place in the pantheon of cultural heroes of a military and agricultural aristocracy, not because they had no commerce - far from it - but because such a life was never harmonized with

⁸⁹ Joseph A. Schumpeter, *Capitalism, Socialism and Democracy*, *ibid.*, pp. 134-139

INTRODUCTION

aristocratic ethical and military ideals of either Greece, Rome or Aachen. That the Scholastic Christian social approbation was in part religious is without a doubt a further and important motive. That religious authority and conscience would give such approbation in an age so thoroughly imbued with spiritual concern perhaps lend that motive critical importance. Nevertheless, our concern is primarily with its function as a principle of social esteem that ties ethos and ethics to the advent of commercial society as critical to the intensive constitution of modern economic agency, distinguishing it from traditional pre-capitalistic acquisition by its ethical conditioning and by the disciplined intensity of its *scrupulous* ethos. We are further concerned with the resultant intensity and its difficult relation to Scholastic economic thought's conception of justice in a broader and more thorough sense than that so often found in secondary literature on the medieval conception of the "just price."

One might call the work of the friars a creative, artistic spiritual effort rather than a simple religious-intellectual containment policy. For the mendicant movement was not intent on the suppression of economic energies, was only secondarily concerned with their encouragement, and was primarily concerned with their religious education and formation. To interpret this effort *simply* in terms of negative power and control is to misunderstand real power's positive and formative influence as well as to import prejudiced contemporary judgment into history. Real power is not prophylactic, it is creative. Nor is insistence upon its significant, even critical, influence as a factor in the formation of Western economic agency also to be taken as proclamation of the success of the full moral aims of the endeavor. In fact, it seems that it is precisely the quite limited nature of their success, both *a)* on account of their theoretical vision of a gap between what ought to be in a perfect Christian community and what Christianity can legitimately demand of the natural world as well as *b)* on account of their prudentially circumspect aims even with regard to the latter, that created a rather different society and a rather different economic agency than their full intellectual model of perfection had projected. Indeed, we shall see how what that society did in fact become was not originally what was hoped by the friars or even what it was in their message but nevertheless almost directly followed from the limited success, and even, the limited aims of their project. This in

such a way that it would be very difficult, as the friars well knew, to have an absolutely "just price."

In any case, the educational and formational work of the Dominicans and Franciscans can be placed at the heart of the problem of the origins of Renaissance "capitalism." And it is in their more Scholastic work that the first, clearest, and most abstract and pure articulations of the novel vision entailed in their spiritual reform is to be found. The axis of connection between Scholastic philosophical theology and their respective political philosophies is, of course, their philosophy of man and the ethical life. It is among these writings, from philosophical-theology all the way to political, social and economic thought, with their emphases on charity, the common good, the basic and special value of the individual human person, his innate freedom and social character, then, that this thesis first turns. Only thereafter can the form that this message took in the churches, streets and piazzas in the figures and speeches of the preachers be properly treated. If, in Scholastic theory, we do not readily find an exaltation of the merchant so much as the conditions for his legitimation and a sketch of his status within a larger vision of Christian civilization. Nevertheless, we do indeed encounter the possibility of such an exaltation in their work and we do encounter such praise in the preaching of the friars in the cities. That praise and the manner in which it was critical to the advent of Renaissance capitalism's commercial ethos will be found there. The reasons lie in the transferal of Scholastic theory to the realities of the medieval world and in a stark prudential realism of the preachers, an accommodation that contrasts with both the rigid regime required by Carolingian theocratic political aspirations - and with the sterner "*paideia*" of the mercantile interests of the later Renaissance monarchs and princes.

Plan of the Work

And yet, neither did Scholastic thought and preaching operate within a historical-intellectual vacuum. In fact, the mendicant Scholastics drew on many intellectual traditions - not least of which was Christianity's previous

effort to find its place within and relation to the civilization of the ancient world. It is, therefore, to that encounter - which forms the intellectual background to medieval philosophical-theology and social thought - that we must first turn (Chapter 2). Only after surveying Christianity's previous major intellectual encounter with civilization can we see how Scholastic efforts took up many of the principles developed in that encounter, expanded on them and transformed the Church's conception of its mission in relation to medieval civilization.

This process began, as might be expected, with high philosophical-theology and, in short, with questions about God, His character, the purpose of His creative act and the purpose of the world. We shall explore, with scandalous brevity, those questions of high Scholastic thought in order to reveal just how close mendicant spiritualities were in their aim and content as well as just how deep a subtle difference between Thomistic and Franciscan thought could run (Chapter 3).^{*} The most salient difference lies in their respective treatments of God's love. Nevertheless, we emerge from that discourse with the commonly agreed upon guiding principle of mendicant spirituality in their mission to foster a new, Christian civilization: charity.

From there, the Scholastics examined human nature, human rationality, freedom, man's place within the cosmos, his purpose therein and the character of human virtue (Chapter 4). Again the proximity and difference between the Thomistic and Franciscan visions must be carefully noted and we shall see that the proximity is much greater than the difference. Nevertheless, despite their coincidence in upholding the primacy of charity as the measure of human action, the differences between the two begin to

* In this regard, and given the failure of his remarks to make a sufficient impression, we take the road that Werner Sombart left untraveled in his nevertheless valuable analysis of medieval Catholicism and economic rationality when he stated: "Religious and metaphysical hairsplitting are quite unnecessary for the solution of the problem; all that is needed is just to view the practical rules of everyday life and common religious exercises. There is no need for our purpose, it seems to me, to go into the philosophical and theological depths of the problem. Deep ploughing is not always a necessity of successful tillage" in Werner Sombart, *The Quintessence of Capitalism: A Study of the History and Psychology of the Modern Business Man*, trans. M. Epstein, New York, New York; Howard Fertig, Inc. (1967), p. 238.

show in Franciscan emphasis on the will and its liberty. This difference gave rise to two close but evidently distinct analyses of the appropriate ethical constitution of man and his struggle with respect to the elaboration of the virtues that ought to shape his character and characterize his life. Here Franciscan voluntarism begins to reveal what will prove a persistent emphasis on man's earthly life and a strong inclination to make allowances for the imperfection of this world and an exuberant spirit of free charity.

Having treated of Thomistic and Franciscan spirituality in the ethical life, we turn to late-Medieval political thought (Chapter 5). Again, the proximity of their visions shall be emphasized insofar as they shared a philosophy of the common good as the measure of human social and political life. This philosophy saw the greatest good of man and human community as consisting in an extraordinary ideal of harmonious union towards which society ought to strive. The Franciscan ideal, often said to differ significantly from the Thomistic-Aristotelian ideal, will be shown to be much closer than is generally recognized. However, the differences that stem from their philosophical-theologies and anthropologies, most notably from Franciscan voluntarism, begin to appear more significant in Franciscan insistence on the spiritual liberty of man, the separation of the Church from temporal power and the coercive and limited aims of law in man's earthly life. For while both Thomistic and Franciscan, as well as other sources, concur in restraining the ethical aims of political government and law - there emerges, in Franciscanism and the work of John of Paris, a significant push to turn the highest reaches of an absolutely just and harmonious spiritual society, man's supernatural end, into a more or less free or at least separate pursuit of human spiritual liberty. This constituted a significant fissure in the subordination of temporal power to the medieval ideal of a unity of Christendom under the firm guidance of the Papacy. The spiritual liberty of man increasingly stands in contrast to the coercive claims that may be made upon men in autonomous sovereign states aiming at the merely natural end of man, the life of virtue, rather than spiritual beatitude, if even that. The separation of temporal and spiritual powers, however, threw the rights of temporal power, the rights of kings, into potential question. The natural right of kings and the natural end of man to autonomy in the face of Papal power and the spiritual end of man raised the possibility of limitations of temporal

INTRODUCTION

sovereignty's power on the basis of prior natural rights that it is his duty to preserve and to which he was responsible. More durably, the Scholastic concept of law, as applicable in these newly independent states, particularly in its Franciscan conception, reveals a tendency toward prudential focus on the conformity of the exterior actions of men to an ethical minimum, an ethical framework, rather than on any pedagogical ethical-legal intent.

Amidst the emerging independent city-states of Northern Italy, particularly in Florence and Siena of the 14th century, the Scholastic philosophical-theology and philosophy of the common good was promulgated by preachers, developed by civic humanists, and brought to bear upon civic, political and commercial life (Chapter 6). The emphasis on the common good was forged into Christian civic ethos wherein the lives of the laity, their professional and civil services, are conceived anew as the specific manner in which lay professional life may be Christianized by becoming a particular mode of charitable service to the common good. Nevertheless, here the high social ideals of academic Scholasticism are moderated and transvaluated in their encounter with medieval social and political reality. Their exhortations to charitable service of the common good intertwined with the patriotic spirit of Italian communal life and with pragmatic attention to the common welfare. The ambiguous conflation of charity with patriotism and the common good with the common welfare gave new impetus to civic humanism's praise of the laity's active life and even to the merchant's position, his *officium*, within the civic community. The merchant insofar as he seeks to support his family is justified and, insofar as he serves the community and brings great wealth to it, is exalted - particularly in his display of the virtues of magnanimity and magnificence, his participation in charitable and public works, virtues for which he must have a greater sufficiency of wealth in accord with his social *officium*.

This exaltation, however, was not freely given - it was offered as the honor awarded to the honorable conduct of commercial pursuits (Chapter 7). The novel dignity of the merchant's profession is predicated upon his cultivation of a certain personal ethic or at least external conformity to a certain social *personae*, painted for him by preachers and humanist moralists. In working out their justification of commercial activity, the Scholastics and preachers were attempting to justify, in the sense of rectify, the merchant's

character and profession. In so doing, however, they exhort him to chivalrous and charitable conduct to be rewarded not only by the potential wealth he may gain, but also by the honor rewarded to those who contribute to society through their dedicated prudence and disciplined labor. Such exhortations and images, in fact, proved effective in giving shape and content to the merchant's social distinction - he was to be the figure of a prudent and quasi-virtuous discipline suited to a respectable citizen serving his community. This ideal, associated with an honored and elevated status in the community, constitutes the occasion for or focus of intense social ambition and a spur toward the adoption of a quasi-virtuous discipline of prudence characteristic of the ethos of social dignity among the elite merchants (as well as a guide to the very concept of what it means to be a respectable lay citizen).

However, for mendicant preachers and Scholastic theologians, a Christian merchant is not only characterized by the personal qualities and virtues of his profession, he is also - at least in their view - held to legalistic-ethical criterion concerning the justice of commercial transactions (Chapter 8). Here, the gap between the true and absolute justice of motivation and desire in a harmonious and perfect human society and the imperfect justice of commutative exchange and Scholastic just price theory, a gap produced by the very prudential accommodation allowed for by Scholastic thought and no doubt called for by the sheer difficulties of the age, is revealed. The merchant's motives were, in practice, to be measured by his public image of magnificent works and non-violation of certain legalistic ethical minimum standards in commercial life - standards which increasingly bear only upon external conduct deemed beneficial to the material welfare of the community, the commune utility. The tremor in pre-capitalistic business life already found in the baptism and justification of lay professional life as a religious path of charitable-civic service is much more prominently discernible in the fact that this made possible a distance between the intensity of social approbation awarded to profitable commercial conduct and the underlying simplicity of intention and life that society presumes to underlie those commercial pursuits in the interior, invisible, spirit of poverty that breathes in the full ideal of Scholastic charity and perfect justice as measured by Divine love. The conjunction of the elusive motives of social status and

INTRODUCTION

quasi-virtuous economic rationality are conducive to an enormous increase in economic energy that goes well beyond the medieval emphasis on "sufficiency" of personal or familial need, stretching into the limitless pursuit, not of profit as an end in itself, but as a measure of honored achievement - measurable only in relation to one's peers and by that most eminent of all goods: social distinction.⁹⁰

⁹⁰ In this regard, Joseph Schumpeter's remark: "In capitalist society, social recognition of performance or social prestige carries a strongly economic connotation both because pecuniary gain is the typical index of success, according to capitalist standards, and because most of the paraphernalia of social prestige - in particular, that most subtle of all economic goods, Social Distinction - have to be bought. ... And it is clear that among the incentives to supernormal performance this is one of the most important." - *Capitalism, Socialism and Democracy*, *ibid.*, p. 208.

Chapter 2

Theology and Civilization

Theology and Humanism

Medieval Scholasticism was not the first encounter between Christianity and civilization. Nor were medieval humanism and Renaissance humanism the first humanisms by any stretch of the imagination. On the contrary, European and Western history presents us with a whole series of renaissances only the largest of which have received their due recognition. The Platonic and Aristotelian moment had been but the most impressive in a series of ancient Greek intellectual achievements. The Romans adapted ancient Greek and neo-Platonic traditions. The early Middle Ages and the Carolingian renaissance had revived neo-Platonic and Augustinian thought, transforming it in the process of relating it to their own worlds. Each revival was shaped in varying ways by encounters between traditions of thought and their historical circumstances - and each revival contributed to the formation of its particular circumstances and traditions. Medieval Scholasticism was no different. Yet as far as the Christian tradition is concerned, Scholasticism was not, as the thought of the Church Fathers, Greek and Latin, had been before them, an encounter with a foreign political culture as it was in the case of Imperial Rome, which was vehemently opposed to Christianity. Nor was medieval Scholasticism an encounter with a civilization in decline as in the case of late-Hellenistic Imperial Rome, a civilization that sought to dominate and use Christianity to stem the tide of its own political dissolution. Nor was it an encounter with a Holy Roman Empire that was an embattled and fortified "Christendom," more a military-agricultural camp with monks to pray for its survival and redemption than a flourishing civilization. In other words, Christianity's major encounters with civilization prior to

Scholasticism had been dominated by the political authority of those civilizations. These authorities rather selectively borrowed certain Christian principles for use more or less completely on their own terms as they sought to keep civilization standing. As a consequence, in those encounters, Christian spiritual thought and intellectual development had generally kept to perfecting a life outside of civilization rather than detailing any program for a specifically Christian one.

Of the earliest encounter between Christianity and Rome, little needs to be said - it was indelibly marked by the persecutions of the early Church that precluded the idea of building a Christian civilization before making Roman civilization even remotely Christian. The late and final Roman Emperors had indeed attempted to deploy Christianity to unify a political order that was an end in itself. That order was so rigidly determinative of aristocratic privilege and plebeian servitude that any Christian notion of the universal dignity of its citizens was rather obliterated in the process. Speaking of Emperor Theodosius (c. 347-395) in this regard, Charles Cochrane Norris concisely sums up the problematic character of the Roman Imperial use of Christianity: "[t]hus apprehended, however, Theodosianism betrays a fatal confusion of ideas. For to envisage the faith as a political principle was not so much to Christianize civilization as to 'civilize' Christianity; it was not to consecrate human institutions to the service of God but rather to identify God with the maintenance of human institutions."¹ Doubtless, Charlemagne had proceeded down the same theocratic road of sacral kingship that was ever the temptation of otherwise unstable power in need of justification and unity: "Charles regarded the Pope as his chaplain, and plainly tells Leo III that it is the King's business to govern and defend the Church and that it is the Pope's duty to pray for it."² The reflections of the Patristics, their whole philosophical-theology and engagement with Classical intellectual culture, reflects this historical-circumstantial relation to pagan civilization and carries with it a deeply ingrained other-worldly emphasis. The focus of

¹ Charles Norris Cochrane, *Christianity and Classical Culture: A Study of Thought and Action from Augustus to Augustine*, Indiana: Indianapolis, Liberty Fund Press, (2003), p. 370

² Christopher Dawson, *The Making of Europe*, London, UK; Sheed & Ward, (1934), pp. 190-201

spirituality during the Carolingian era is much the same in that it had been a Christianity primarily for the monastery and for its reform - to cleanse it of its wanton secularity and perfect it as an other-worldly model.

Scholasticism, on the other hand, related itself to a culture that began precisely at the moment when the imperial aspirations of new Frankish kings for truly absorbing the Church were shattered in their own failure. It began at the moment when the Papacy was consciously reclaiming its own purposes and developing a thesis of its own with regard to culture and civilization, as pope Gregory VII (c. 1015/1028 - 1085) wrote: "Who does not know that kings and princes derive their origin from men ignorant of God who raised themselves above their fellows by pride, plunder, treachery, murder - in short by every kind of crime - at the instigation of the Devil, the prince of this world, men blind with greed and intolerable in their audacity?"³ It has been aptly stated that "the Papal Revolution started with this attempt by the papacy to reduce the Holy and Most High Christian Emperor - who for centuries played the leading role in the life of the Church - to the status of a simple layman."⁴ The reduction of earthly political power to the status of the laity and the exaltation of spiritual leadership, however, required the purification of the spiritual authority of its evident worldliness at the time. This meant that the Papal reform movement was in deep accord with the popular sentiments of the age with respect to the increasing wealth of secular and worldly Churchmen. Scholastic thought was essentially part of this cultural moment, a moment that was already deeply receptive to and supportive of its vision - not infrequently to the dismay and frustration of kings and feudal lords, whose power was greatly over-shadowed by the prestige of the Papacy at the time.

Medieval Christian thought, however, was not in the least *sui generis* simply because its circumstances were distinctive. In fact, one of its most distinguishing characteristics is its conscious recognition of "authority" - that is, of the "authorities" of the intellectual traditions with which it worked.

³ Gregory VII, cited in: Harold J. Berman, *Law and Revolution: The Formation of the Western Legal Tradition*, Massachusetts, Cambridge; Harvard University Press, (1985), p. 110

⁴ Harold Berman, *ibid.*, p. 110-1

These "authorities" were taken from a wide variety of distinct traditions not at all entirely compatible with each other. It was in their intricate synthesis and systematization of these traditions that the Scholastics showed their own ingenuity, an originality so often obscured by their constant reference to and use of the sources upon which they drew. Among these sources, the critical encounter of early Christianity with classical culture was of the utmost importance. For despite the fact that early Christian thought bore the otherworldly mark of their repudiation of ancient pagan civilization, they had nevertheless, in both the Eastern and Western halves of the Roman Empire, sketched the outline of a new vision of human life and history that was entailed from the very beginning in the principles of Christian theology.

Indeed, in their critical evaluation of classical culture, early Christian thought, best exemplified in the twin triads of Greek Fathers, the Cappadocians, St. Basil of Caesarea (c. 330-379), St. Gregory of Nazianzus (c. 329 - 389) and St. Gregory of Nyssa (c. 335 - 395), and the Latin Fathers, St. Jerome (c. 349 - 420), St. Ambrose (c. 340 - 397) and St. Augustine (c. 354 - 430), imagined another social world in opposition to that which had developed on the basis of pagan philosophies and pagan political ambitions. Thus, when the Christian Middle Ages confronted the necessity of stating the principles which were to guide an emerging civilization, they turned quite naturally to the Christian theological-cosmological tradition. Of course, in that turn to the Christian tradition, and with the recent rediscovery of Aristotle's works in the mid-12th century, Christianity encountered ancient philosophy again as well. Yet the difference between the two encounters is less in the basic tenets of the Christian positions than in the optimistic intensity, duration and systematicity which characterized the latter, Scholastic endeavor.

For the Church Fathers of the 4th and 5th centuries, "the preaching of Christ was early understood as the promise of a perfect social life, and the constitution of this society came to be looked upon as the last end of [Christ's] Incarnation."⁵ Yet just as much as the true destiny of man was an eschatological beatitude placed beyond this present life, and the "perfection

⁵ Etienne Gilson, *The Spirit of Medieval Philosophy*, trans. A.H.C. Downes, Indiana; Notre Dame University Press, (1991), p. 387

of the church as this divine society, moreover, was to be attained only in the consummation of the kingdom of God, 'that true and unapproachable kingdom,'" so too the struggling image and burdened copy of that society in the present life was not to be confused - even on the plane of practice in this life - with the brutal worldly order of Rome.⁶ It was, in fact, flight from that brutal order and the barbarism that followed its dissolution were behind the origin of the monastic ideals of the 4th century. These ideals were to last through the entire early medieval period up to and including the Cluniac reform of the 10th century and beyond. In the case of its most extreme hermetical form, "with respect to those ideals it may be observed, to begin with, that their 'political' value was precisely nothing."⁷ In the case of the monastic communalism that triumphed in Western spirituality, it was typically the social value rather than the political value of those ideals that was stressed. Any potential political import of that social ideal was generally expressed negatively as deliberate opposition to the political order of the civilizations that reigned in this world.

Nevertheless, the monastic community was to serve as a model Christian society. True, it was an ideal society unto itself and therefore a withdrawn model rather than any optimistic program, but the principles of a new social order emphasizing charity and basic fraternal equality were implicit therein. St. Basil, for instance, "drafted a scheme of communal organization designed to provide the appropriate means for its realization - an organization embodying principles which made it a model, no so much of, as for the *polis*."⁸ St. Augustine constructed a similar notion of small communities "founded on *mutua caritas* or *fraternitas* ... wherein the normal rules of competition are discarded and from which exploitation and parasitism, the twin evils of *Romanitas*, disappear [*nemo quidquam possidet proprium, nemo cuiquam onerosus*; no one possesses anything as his own and no one is a burden to anyone]."⁹ Such social ideals, of course, were a long way from

⁶ Jaroslav Pelikan, *Christianity and Classical Culture: the Metamorphosis of Natural Theology in the Christian Encounter with Hellenism*, New Haven & London; Yale University Press, (1993), p. 150

⁷ Charles Cochrane Norris, *ibid.*, p. 373

⁸ Charles Cochrane Norris, *ibid.*, p. 376

⁹ Charles Cochrane Norris, *ibid.*, p. 377

being readily related to broader civilization. The Scholastics, on the other hand, worked on every aspect of philosophical theology and philosophical anthropology until they could truly relate the entirety of the philosophical and theological traditions available to them to the work of giving Christian form to civilization. For medieval thought, the point was to bring the social ideals of monastic community into civilization and realize them there in accordance with the circumstances of the world rather than merely juxtapose them to it as a visible sign of civilization's inadequacy. It is, then, from the perspective of philosophical theology, natural and revealed, that the history of Christian literature appears "as a history of the gradual realization of the idea of a Christian civilization in all its essential aspects. Theology is throughout conceived by the Christian writers as the principle of a new culture."¹⁰ In Scholasticism and the high medieval period, then, Christian theology found itself with conditions more or less favorable to its cultural intentions. Those intentions were ethical in the strongest of senses: the interior formation of a certain type of person and not merely the nominal exterior conformity of actions to rules of conduct.

Philosophical-cosmology had played a similar role in the ancient pagan world with the introduction of philosophical reflection into poetic-religious thought. In poetic-religious thought, political-cultural education - at least in theory and in its highest aspirations - sought the formation of human beings according to a vision of the *cosmos* and judgments concerning the valuable and proper in human nature. This was true even where the excellence, *arete*, of a human being was first loosely defined in accord with the social esteem of certain qualities of heroic men that led their communities with wise counsel and words as well as competed and contended with each other in war just as the gods, conceived as personifications of natural forces, contended with each other: "the Homeric man estimated his own worth exclusively by the standards of the society to which he belonged."¹¹ Those standards were, evidently, militaristic and tribal - and honor went to the warrior and to the wise in words. This role for cosmology was all the more

¹⁰ Werner Jaeger, *Humanism and Theology*, Milwaukee, MN; Marquette University Press, (1967), p. 62

¹¹ Werner Jaeger, *Paideia: The Ideals of Greek Culture, The Mind of Athens*, Vol. 1, tr. Gilbert Highet, Oxford, UK; Oxford University Press, (1965), p. 9

evident where later philosophical thought assaulted the poetic-religious depiction of the gods, sought to develop a systematic philosophical vision of the *cosmos*, to define human nature and its particular qualities with respect to that world and to make these human qualities, not simply a social ideal, but a natural ideal that ought to be made the social ideal. If it is true that "[m]en, [as Aristotle] says, 'seem to pursue honour in order to assure themselves of their own worth - their *arete*. They strive to be honored for it, by men who know them and who are judicious,'"¹² then a truly good society should avail itself of this and honor what it ought to: namely, that which was excellent according to nature. Indeed, for Aristotle, political society was natural inasmuch as it existed for the very purpose of bringing about the fullness of human natural potential. Ancient philosophical cosmology fully intended, in its depictions of the ideal state, to link human ambition for honors to the newly defined (though not necessarily new) virtues that were the true excellence of human nature. That is, through philosophy, the dual natural and social character of this cultural ideal of excellence was made into a unified criterion of *arete*. This excellence was related to cosmology insofar as the natural order and the concept of what was natural to man could be theorized and made determinative of the social ideal.

The ancient conception of what constituted *arete* and the process by which this concept ought to be defined does not present a static picture but shows the effects of the historical emergence of philosophy and its engagement with opposing social values. Nevertheless, one thing unifies the ancient pagan vision of man: "In Homer, as elsewhere, the word *arete* is frequently used in a wide sense, to describe not only human merit but the excellence of non-human things - the power of the gods, the spirit and speed of horses. But ordinary men have no *arete*; ... *Arete* is the real attribute of the nobleman."¹³ A particular excellence was natural to man insofar as he was a man, but true excellence was only a natural quality of some, an innate potential of the splendid and noble and precisely not the quality of the ordinary man or barbarian. If in Homer this value was chiefly a copy of the refined warrior-orator, whose great words and deeds presented an aesthetic

¹² Werner Jaeger, *ibid.*, p. 9

¹³ Werner Jaeger, *ibid.*, p. 5

ideal for men this was primarily determined by the mechanism of external judgment, i.e. social esteem. If this warlike aspect and its elite-class character was transformed in the philosophical concept of human *arete* as derived from reflection on the world rather than from immediate social esteem, that philosophical version of *arete* nevertheless remained rooted in an elite nature. Men were born into it, not necessarily by their social class and standing, but by the happy coincidence of being an individual innately possessed of potential for a close approximation to the natural ideal type: man. And with respect to the cultivation of such excellence, the ancients had conceived of political-culture as appropriately organized when structured for the purpose of the educational-formation (*paideia*) of excellent men as both "the outer and the inner man are deliberately produced, by a conscious process of selection and discipline which Plato compares to the breeding of good dogs."¹⁴ This is not to say that ancient philosophy conceived of man as simply no more than an animal, since man was - famously - defined as a "rational animal" capable of political virtue and philosophical wisdom. However, they did indeed conceive of man's possession of this capacity in a very specific way, that is, in a very aristocratic way. Thus, despite attempting to substitute a rational-philosophical derivation of human excellence for a derivation through simple social esteem, the ancient world retained the strong link between human excellence and an aristocratic sense of distinction.

Man was possessed of an excellence (*arete*) particular to human beings as a species and that excellence was simply self-contained as nothing more than the proper exercise of the faculties that distinguished man as human from the other animals - in this case, "rationality" was the chief characteristic of human excellence. Yet natural as these faculties were to all men, with respect to the truly human perfection of these faculties, mankind was nevertheless characterized by the same chance gradations of nature as the animal world. An individual's innately given potential with respect to the specific type, man, was the sole measure of his value and some men were simply naturally and *fortunately* of higher quality than others. There was in this no element of the voluntary or meritorious as we would conceive it. Such men constituted a natural elite, being as it were, prototypical approximations to the perfection

¹⁴ Werner Jaeger, *ibid.*, p. 4

of man only in need of proper cultivation and training (*paideia*). It was antiquity's varying conceptions of what, precisely, this excellence was that guided their vision of what sort of political institutions and cultural education or training was conducive to such virtue in men. This ethical aim of political and cultural institutions was a common feature of political philosophy in the ancient world. Despite variations, all such projections of social-political order also upheld a principle of social subordination according to given natural qualities determinative of a natural potential that was, in turn, determinative of the place one ought or ought not to have in a political framework. In ancient political philosophy, this framework was principally designed with the intention of bringing the naturally best to the fullness of their completion in the exercise of philosophical-rational and political virtue in governing the *polis* with such justice and wisdom as to bring the whole order of human parts to their perfection as a hierarchy of parts. These parts, therefore, were ordained to obedience - their perfection was that of a part properly guided by the "philosopher-king." This did not distinguish ancient political thought from other naturalistic, deterministic systems wherein natural *arete* meant natural aristocracy - and natural slavery.

Early Christian thought recognized this ancient social exaltation of human excellence: "I myself have heard a man say who was clever at understanding a poet's mind,' Basil declared, ... 'that all of Homer's poetry is an encomium of *arete*.'" ¹⁵ However, while recognizing the value of this effort to bring society into an order of all playing their part with a spirit of "patriotism and civic virtue as a moral responsibility," the early Christians were united in mocking and "rejecting the equation of this civic virtue of patriotism with the idolatrous veneration of the Roman emperor and of his statues. The atrocities being committed against believers stood as a refutation of the claims of those who, in the ironic words of Nazianzen, admired 'this philosopher-king.'" ¹⁶ This failing was, to the early Christian minds, inextricably linked to the whole of ancient philosophy's conception of human excellence and, ultimately, to their conception of the *cosmos* itself. The ancient conception of the cosmos and of man had, in their opinion,

¹⁵ Jaroslav Pelikan, *ibid.*, p. 141

¹⁶ Jaroslav Pelikan, *ibid.*, p. 149

combined precisely to the glorification and *apotheosis* of purely natural and innate virtues in the "heroic" emperor. For both the ancient world and the early Christian world, therefore, theological-cosmological vision "is at once the constructive principle of human society and of the life of the individual"¹⁷ and it would be a mistake to think that the connection between theology and the cultural ideal of *paideia* and *arete* were ever divorced from each other "and that, when theology was Christianized, *paideia* was dismissed."¹⁸ If Christianity's own vision of *arete* and *paideia* was significantly different from that of the ancient world, therefore, it would due to broader differences in its entire theological-cosmological vision and the implications that this had upon its understanding of man. In other words, the metamorphosis of humanistic thought and *paideia* was the action of theology. Yet while the axis of the transformation of Classical humanistic culture lay in the impact of Christian theology upon ancient cosmological theory, and despite Christianity's conscious appropriation of ancient thought in a myriad of ways, such "transformation" implies an apparent similarity of their cosmological vision that obscures their radical irreducibility.

Here we encounter both the benefits and dangers of dealing in abstractions. For, taken from the point of view of abstraction, "if one understands humanism in general as a concern that man become free for his humanity and find his worth in it, then humanism differs according to one's conception of the 'freedom' and 'nature' of man. So too are there various paths toward the realization of such conceptions."¹⁹ Thus, "however different these forms of humanism may be in purpose and in principle, in the mode and means of their respective realizations, and in the form of their teaching, they nonetheless all agree in this, that the *humanitas* of *homo humanus* is determined with regard to an already established interpretation of nature, history, world, and the ground of the world, that is, of beings as a whole."²⁰ If, then, theological-cosmological vision is critical to the definition of human nature and to humanism, and humanism to cultural political thought, then it

¹⁷ Werner Jaeger, *Humanism and Theology*, *ibid.*, p. 56

¹⁸ Werner Jaeger, *ibid.*, p. 62

¹⁹ Martin Heidegger, *Letter on Humanism* in "Basic Writings", trans. David Farrell Krell, ed. New York, NY; Harper & Row, (1977), p. 201

²⁰ Martin Heidegger, *ibid.*, p. 202

may seem as though the range of possible conceptions of human nature is simply paralleled by variations in the appropriate aims of political order and the appropriate means thereunto. Yet this is not quite sufficient to capture the complexity of the situation; for, as we shall shortly see, there are potential determinations of humanity that, while they do not eschew relation to conceptions of human excellence and formative education, nevertheless exceed and subordinate the category of the political and the natural in ways that cannot be subsumed under a single abstraction. We may, then, suspend the abstraction and enter into the content to perceive its reductive character. For the operative conceptions of man in ancient and Christian thought, the humanity they sought to form, the manner in which they sought to do so and the end which they envisaged for that formation, can be included together in a unified genera of political *paideia* only at a level of abstraction that conceals the extent of their difference.

Indeed, to include such visions under the same title of a civic *paideia*, and equivalently under the title *humanism*, is misleading precisely inasmuch as Greek civic education is of quite a different species than Christian spiritual formation – perhaps even to the point of breaking the unity of the genera altogether. For insofar as both ancient and Christian thought were elaborated systematically, they each developed into a distinct metaphysical view of the *cosmos*, the coherence of each of which demands that when any element is altered, the effect is a transformation of the whole. Yet there is an entire coherence of philosophical-theological systematicity derivable from Christian belief whereby one cannot have a "Creator" and "Savior" if God and *cosmos* are not first conceived as of a radically different nature and character than the ancient gods and their disorderly *cosmos*.

Christianity and Classical Culture

In order to grasp the difference between Christian and Classical culture and their corresponding visions of the place of political order in human life, it is of the utmost importance that this radical difference arises out of the twin *economies* of Christian theology: God's creation of the world and His

love for man (the *economy* of creation and the *economy* of salvation). This new theology posited a twin excess with respect to ancient cosmology. The first proclaimed an excess whereby God was placed outside the cosmos as its origin rather than within it as an extraordinary and powerful part of the whole. The second heralded an excess whereby man's end was placed beyond the simple proper exercise of his specific natural differences and was thus placed in direct relation to God as man's final end. Together, these basic tenets of the new religion constituted both a repudiation of the basis for classical political culture as well as a solution to that culture's constant struggle with its own philosophical exaltation of exemplary superior natures - who so repeatedly disappointed with their ambitious lust for honored status and power.

With respect to the economy of creation, the notion of creation *ex nihilo* was, of course, a far cry from ancient philosophy. None of the ancient gods of Greek religion nor any of the gods of ancient philosophy, had created the world. They influenced that world as actors within it, they shaped it even, but did not create it. For instance, and with scandalous brevity: "nothing can give what it has not ... [and] Because the supreme Thought of Aristotle was not 'He who is,' it could not give existence: hence the world of Aristotle was not a created world."²¹ Thus "the pure thought of Aristotle, co-eternal with a universe which was none of its making, a universe of which it knew nothing, and which strove vainly toward it without hope of any help, was now replaced by the Heavenly Father Whose creative care extends to the least blade of grass that grows in the fields."²² Indeed, the Greek world view had, from the very imperfection of its search for an *arche* within nature, within the cosmos, and not beyond it as that upon which the *cosmos* was dependent for its existence, always concluded that there was neither a beginning nor an end to that *cosmos*, to time and to history: "Aristotle's seemingly innocuous dictum that 'time itself is regarded as a circle' had indeed been pregnant with momentous implications for the ultimate fortunes of the Greek Logos. For all its brilliance, for all its spectacular initiatives, it remained trapped within

²¹ Etienne Gilson, *God and Philosophy*, New Haven, Connecticut; Yale University Press, (2002), p. 66

²² Etienne Gilson, *The Spirit of Medieval Philosophy*, *ibid.*, p. 153

a spacious labyrinth where every move and enterprise led in the final analysis back to the same starting point."²³ That is, as long as the *arche* [origin] of motion was within the cosmos, ultimately all motion was cyclical and led to infinite repetition. It was for this reason that early Christian theology in both the East and the West had insisted upon "the positive correlation between *arche* and *telos* [that is, *origin* or *principle* and *end* or *purpose*]" and, conversely, upon the negative correlation of *tyche* and *telos* [that is, *fortune* or *chance* and *end* or *purpose*].²⁴ Thus they immediately focused upon the theme with great precision, pointing to "the systems of those whose lack of a proper comprehension of the *arche* led them to an inadequate understanding of the *telos*. Thus 'the philosophers of Greece,' in their efforts to explain nature and its origins, had fallen into one error after another ... But for all the differences of opinion among them, it had been common to all these systems that they were 'deceived by their inherent atheism,' which deluded them into supposing, on the basis of a mistaken view of origins, 'that there was nothing governing or ruling the universe, and that it was all given over to *tyche* [chance]."²⁵ The *cosmos*, for the Greeks, was a battleground between powerful deities whose force or attraction gave it some semblance of order on one side and inert chaotic formless matter on the other, the degenerative character of which implied a cosmic cycle of order generated and disorder at its heart. Lacking the proper comprehension of the creation of the *cosmos*, the Greeks lacked a conception of the cosmos as such - for the laws of God's providence, whether Hellenic or Stoic, could never extend to the entire cosmos and could never truly impose order upon it. There was always, in Greek and Roman religion, an oscillating uncertainty as to the significance of fortune, it bore down hard on their imaginations and recalled the worst misfortunes. Joined to this was an even darker view, the fact that behind Zeus, behind the gods, stood fate - and the grim figure of a tragic *ananke*. All man's efforts to order his life, for all the fortune that may favor him, were ultimately doomed to misfortune and dissolution through the ever-present danger and inescapable destiny of the return of disorder.

²³ Stanley L. Jaki, *Science and Creation*, Edinburgh, UK: Scottish Academic Press, (1974), p. 130

²⁴ Jaroslav Pelikan, *ibid.*, p. 152

²⁵ Jaroslav Pelikan, *ibid.*, pp. 153-154

For this reason, "among the basic points of the Aristotelian codification of the Greek world view that were steadily reasserted by the commentators was the eternity of the cosmos ... [and] the acceptance of perennial returns."²⁶ Indeed, "failure to make that distinction between Creator and creature with the utmost precision led to 'a total transformation of the doctrines of religion into a kind of anarchy and democratic independence,' in which the sovereignty of the Creator was compromised and eventually dissolved into a plurality of divine beings scattered throughout the cosmos."²⁷ Those same divinities whose discord had brought your house to ruin were the divinities to whom one prayed for assistance and they were the same anarchic principles with which one was left when all had been lost: *rerum lacrimae sunt et mentem mortalia tangunt* [There are tears of things and mortal life strikes the heart].²⁸ This whole view suggested a deep sense of tragic resignation in the face of the world's cyclical generation and decay: "It has been said of Marcus Aurelius that he has not had the god he deserved. It might still more truly be said that Marcus Aurelius has had no god at all. His piety toward god is but a wise resignation to what he knows will be inevitable. [*Instat tempus, quo tu omnium oblitus eris: instat, quo omnes tui obliti erunt.*] In a little while, you will have forgotten everything. A little longer, and everything will have forgotten you."²⁹ Moreover, and precisely to the point regarding ancient humanism, man's own being was conceived as completely absorbed in the realm of the natural, whereupon his will was no more than a nature, a determined quantity of potential force for approximating to the heroic warrior, magnanimous man or philosopher-king if fortune should smile upon it: "From time to time a few wise men succeed in sharing for a fleeting moment in the eternal beatitude of the divine contemplation. But even when philosophers succeed in descrying from afar the highest truth, their beatitude is a short-lived one, and philosophers are scarce."³⁰ Determinate as to its potential, indeterminate as to its fortune, momentary in its similitude to divinity - this was a human form incapable of

²⁶ Stanley Jaki, *ibid.*, p. 131

²⁷ Jaroslav Pelikan, *ibid.*, p. 250

²⁸ Virgil, *Aeneid*, Book 1, 462

²⁹ Etienne Gilson, *God and Philosophy*, *ibid.*, p. 36

³⁰ Etienne Gilson, *ibid.*, p. 34

the liberty of love that might otherwise have related him to the God he could not know as Creator and from whom he could not expect much.

With Christianity, now capable of knowing God as Creator, man was endowed with something much greater than a singularly excellent nature among natures - for his new-found knowledge explained that curious enigma of apparent human liberty, gave it sense and purpose in man's ability to love God. Moreover, it gave all men a special dignity beyond his natural physical or intellectual endowments - a point which, as we shall see, strikes at the heart of ancient political culture. However, the knowledge and love of God as the purpose of human life was not the end of the human story. For greater than that was God's Love for man and the concomitant conception of the final end of man as a *theosis* that is not the *apotheosis* of a natural, magnanimous man but the hitherto unimaginable gift of an ontological fulfillment wrought by Christ and bestowed upon the individual human person: "the outcome of the entire *economy* of salvation, was nothing less than the very transfiguration or *metamorphosis* of human nature."³¹ In this movement, human nature, now grasped as the *imago Dei* in its capacity for knowledge and love, ascended to a perfection conceived and summarized in three qualities: "immortality wrought through the resurrection; *apatheia* as freedom from sin and liberation from passion; and the illumination of the human *logos* by the divine *Logos*."³² Yet the discontinuous leap of thought that otherwise could never arrive at such a conception did not imply a similar discontinuity between nature and the concept, for it is a *theosis* that is not the repudiation of human nature but the restoration of a latent content difficult to discern in the present life. This, therefore, was the revelation of a seemingly "impossible" potential which is inexhaustible - inexhaustible not merely by the inclusion of a referent state of beatitude in excess of the given human nature towards which man's being stretches out in an openness seemingly unknown to nature, but more importantly by the very intimate mystery of the relation to God which that openness announces. This, then, is a "humanism" in which the present state of man, his nature, philosophy and society are all ultimately guided to an obscure definition by a referent *theosis* beyond the

³¹ Jaroslav Pelikan, *ibid.*, p. 279

³² Jaroslav Pelikan, *ibid.*, p. 287

common good of man naturally conceived and the common good of the universe, by reference to their future state as indicated by Christian theology.

Now, this "vertical" trajectory for man, the obscure theological orientation that separates his consciousness from the rest of the world, serves as the axis from which it is possible to glimpse the metamorphosis of Classical civic culture through the new value of human nature. It is necessary, then, to turn upon that axis and to turn toward the consequences of this new human dignity for political culture. For the early Christians, the meaning of this new dignity was immediately apparent: "the idea of citizenship, which was the fundamental idea of the classical culture, was transferred by Christianity to the spiritual order."³³ Simply put: the political could not achieve the perfection of man's voluntary, interior love for God and human dignity exceeded the political. Only man's voluntary co-operation with God's grace could accomplish his true end and final beatitude. The transfer of man's end beyond the simple natural and exterior exercise of his rational faculties, therefore, implied the subordination of the political to a place within a greater hierarchy of human ends. Whereas hitherto the political had been the end of ends for man, wherein the magnanimous man might bear an occasionally striking likeness to the divine, now it was evident that the political could only truly touch upon the exterior of man through his actions and that the good of man exceeded the exercise of grand political virtue. For as we have already noted in the more picturesque theological language of the Cappadocians, and in a telling repetition taken from medieval clarity:

"[I]f we speak of the end of ends for man and mean the thing itself which is the end, it is true to say that all other things have the same end as man, for God is the end of ends for man and for all other things. But if by the end of ends for man we mean the acquiring of this end, we should say that in this sense irrational creatures have no part in the strictly human goal, for man and other reasoning creatures reach their end by knowing and loving God, but the end for others is only a kind of likeness to God, whether these beings merely exist or live or have sense knowledge."³⁴

In other words, such men belonged to God and could not be used and abused for the sake of the "virtue" of their betters; thus, insofar as the "human person is ordained directly to God as to its absolute end ... Its direct

³³ Christopher Dawson, *The Making of Europe*, *ibid.*, pp. 26-27

³⁴ Thomas Aquinas, *Summa Theologica*, I-2, q.1, a.8

subordination to God transcends every created common good--both the common good of the political society and the intrinsic common good of the universe."³⁵ That potential was man's dignity and in the light of this individual dignity accorded to all men, "the fact that every human being is a creature of God implies that he or she is a member of a community which transcends the political community. There is thus a distinction between human dignity and citizenship."³⁶ In the presence of such a distinction, the Hellenic notion of a temporally bound, innately born *arete*, as a rare approximation to natural perfection in the exercise of virtues and the aesthetic elaboration of an innately splendid *ethos*, could neither serve the fundamental principle of the realm of civic *paideia* nor could it be turned to an aristocratic bent where *paideia* was only possible for those destined by nature to an *arete* inaccessible to the great majority of men.

Only from this perspective is it possible to see the manner in which Christian thought posits a social excess that break with the narrow confines of Classicism's purely civic orientation toward a rare, splendid and momentary magnanimity. This ancient civic order now became a Christian ontological and cosmic order wherein the possibility of *apotheosis* was no longer reserved for the hero, superman or sacred king: "For the one, such apotheosis depended upon the possession of inherent virtue. For the other, it was to be accomplished, not through the development of intrinsic qualities of surpassing excellence, but by submission to a law superior to that of nature."³⁷ In this regard, "it may be remembered that Aristotle, in proposing his scheme for political emancipation, had declared that the state is not for slaves and other animals, because these have no share in happiness or in the life according to choice."³⁸ Choice here for Aristotle, however, was the liberty of leisure based on aristocratic economic sufficiency to pursue greater things - true, it expressed the inverse of the often dire moral consequences of human material need, but it was precisely not the expression of a universal

³⁵ Jacques Maritain, *The Person and the Common Good*, trans. John J. Fitzgerald, Notre Dame, Indiana: University of Notre Dame Press, (1966), p. 15

³⁶ Michael A. Smith, *Human Dignity and the Common Good in the Aristotelian-Thomistic Tradition*, Lewiston, New York: The Edwin Mellen Press, (1995), p. 82

³⁷ Charles Cochrane Norris, *ibid.*, p. 411

³⁸ Charles Cochrane Norris, *ibid.*, p. 408

and innate liberty of man. In contrast, the dramatic change in perspective wrought by Christian belief was immediately apparent to the early Christians: "For Athanasius, however, felicity is not the peculiar privilege of the citizen, nor is liberty confined to civilized men; but, as these blessings depend upon the power of choice, and as this, in turn, is the function of conscious life, it is inherent in the native endowment of mankind."³⁹ The life of choice was not based upon the prior economic sufficiency of the aristocracy; though undoubtedly that sufficiency brought a certain independence, yet it only alleviated the burden of choice and did not itself give choice - which belonged to all innately. The same was true for the Cappadocians: "There is in us the principle of all excellence, all *arete* and *sophia* [wisdom] ... but preeminent among all of these is the fact that we are free from *ananke* [necessity] and not in bondage to any natural power, but have it in our own power to decide as we please. For *arete* is a voluntary thing ... that which is the result of compulsion and force cannot be *arete*."⁴⁰ Here, then, is "the fundamental truth governing the entire discussion--the truth in which nothing less than the very message of Christian wisdom in its triumph over Hellenic thought and every other pagan wisdom, henceforth toppled from their dominion, is involved."⁴¹ Only from the novelty of the Christian concept of human nature as free, from the concept of a "person" whose life and value as free for the love of God, could human life escape the political measure of his exterior acts and become a hidden, interior world of voluntary introspection, free intention and loving relation to a God Who could be known as Creator. Man's true perfection eluded the political and the manner in which it did changed the conception of human society and human history.

For precisely in the same movement as civic virtue and the establishment of purely political justice could no longer serve as the whole standard by which to measure the intrinsic value of individual dignity, and in the same movement as the interior human life of such an individual was extended to all men, the life of society itself was extended beyond the political order so that human history received a new meaning. With regard to the meaning of

³⁹ Charles Cochrane Norris, *ibid.*, p. 408

⁴⁰ Jaroslav Pelikan, *ibid.*, p. 160

⁴¹ Jacques Maritain, *ibid.*, p. 15

history, the consequence of viewing human life and society as intended for an end higher than the political community, namely, a communal union with God, proclaimed the excess of the category of the social over the political. Moreover, the extension of the category of the social beyond the political also indicated the subordination of the political to the broader life of the social - if society did not exist for purely political ends, neither did men exist so that the best at any time may be, as it were, at their very best. Instead, the political existed for society as an organ thereof. And thus, just as Christianity substituted the conception of voluntary service to others as the conceptual basis of social life for the principle of superiority by virtue of inherent natural superiority, so too political order now took on certain characteristics of the same simplicity of spirit and subordination as service. The new virtue of the political was in its service, and it was not served because of its virtue: "There is all the difference in the world between the Pauline doctrine of the mystical organism of the Divine Body in which every part achieves its own spiritual perfection and subserves the ends of the whole and the Aristotelian idea of society as a natural organism, sufficient to itself, in which the different classes exist solely for the sake of the whole, and where the ruler and lawgiver imprint form of the inert matter of the social body, so that the lower classes, which are concerned with the mechanical arts or with unskilled labor, have a purely instrumental character."⁴² Indeed, it is true that this new "doctrine of society involves the principle of hierarchical subordination at every stage, but unlike the Aristotelian theory it does not involve the total subordination or the institution of slavery. For every individual member of the whole is an end in himself, and his particular *officium* or *ministerium* is not merely a compulsory social task but a way of service of God through which he shares in the common life of the whole."⁴³ In such a view, man needed only to turn to God in the spirit of charity and there was no man who could not. The choice, the turn toward charity had become the principle of society: "'It is here,' [Augustine] declares, 'that the safety of an admirable state resides; for a society can neither be ideally founded nor maintained unless upon the basis and by the bond of faith and

⁴² Christopher Dawson, *Religion and the Rise of Western Culture*, New York, NY: Doubleday, 1991, p.

⁴³ Christopher Dawson, *ibid.*, p.

strong concord, when the object of love is the universal good which in its highest and truest character is God Himself, and when men love one another with complete sincerity in Him, and the ground of their love for one another is the love of Him from whose eyes they cannot conceal the spirit of their love."⁴⁴ The very capacity for knowledge and love of God had made the principle of charity a principle, not of political subordination, but the subordination of the political to an extraordinarily demanding vision of harmony and social *peace*.

Further, and with regard to the second point concerning history, just as the individual's progress toward virtue and social-political cohesion became a matter of choice, charity and readily forthcoming grace, human history now presented itself "in the form of a cosmic drama; but the drama is not Promethean, it tells no story of 'virtue' [and fortune] in conflict with 'chance' and 'necessity.' For, with the disappearance from Christian thought of the classical antithesis between 'man' and the 'environment' ... The destiny of man is, indeed, determined, but neither by a soulless mechanism nor by the *fiat* of an arbitrary or capricious power external to himself."⁴⁵ The "measured optimism" of the Christian conception of human nature as free and capable of consciously pursuing his ontological relation to God radically transformed the concept of history. It made it a story and a responsibility, not a fated cycle. From the Christian perspective, human history was not the oscillation between a purely natural social generation and social corruption but rather the history of a free progress grounded in the two-fold action of Divine Providence and free human response. That is to say, history was the *economy* of salvation. This meant that, on the one hand, "the panorama of human history may be conceived as a record of the divine economy, the working of the Spirit in and through mankind, from the creation of the first conscious human being to its full and final revelation in the Incarnate Word."⁴⁶ This history was one of promise, future and progress: "Every Christian realized therefore that he was called to enter as a member into a far vaster community ... A stranger to every nation, the City of God will gradually

⁴⁴ St. Augustine, *Ep.* 137. 17 *ad Volusianum* cited in Charles Cochrane Norris, *ibid.*, p. 425

⁴⁵ Charles Cochrane Norris, *ibid.*, p. 407

⁴⁶ Charles Cochrane Norris, *ibid.*, p. 407

build itself up while the world lasts, and the world has no other reason for lasting than the expectation of its final fulfillment."⁴⁷ On the other hand, man's varying response is responsible for the variations in this movement and his political institutions must be tailored to that variation if they are to truly serve his social end.

For there was not, in Christian thought, an unrealistic optimism concerning human nature in the present life. Rather, it is just that the exception, namely the limiting potential of man's free choice of charity, necessitates the transformation of the whole metaphysical vision; that is, "something methodologically decisive for all human thinking becomes visible here. The seeming exception is in reality very often the symptom that shows us the insufficiency of our previous schema of order, which helps us to break open this schema and to conquer a new realm of reality."⁴⁸ The human potential for a charitable love for and knowledge of other persons and for God is an obscurely apparent but limiting potential definitive of the human will and intellect. And indeed, it is precisely this potential that forms the fundamental basis of St. Augustine's conception of history: "And it is here that the true unity and significance of history is to be found. For love, in St. Augustine's theory, is the principle of society, and as the centrifugal and destructive power of self-love creates the divided society of the *civitas terrena*, so the unitive and creative power of divine love creates the City of God, the society that unites all men of good will in an eternal fellowship which is progressively realized in the course of the ages."⁴⁹ The constant tension between the world and the City of God are merely the reflection of the fact that the Christologically revealed but natural potential of the human person is the guiding exception rather than the rule and that the individual man, his particular society and human history stand in constant need of the grace of God.

⁴⁷ Etienne Gilson, *The Spirit of Medieval Philosophy*, *ibid.*, p. 387

⁴⁸ Cardinal Joseph Ratzinger, "Retrieving the Tradition: Concerning the Notion of Person in Theology," *Communio*, (Fall, 1990). 1990 by *Communio*: International Catholic Review

⁴⁹ Christopher Dawson, "The Christian View of History", in *Christianity and Culture: Selections from the Writings of Christopher Dawson*, <http://www.archive.org/>, p. 62

In other words, from this point of view, the principle of history is ultimately no different that it is for society, nor any different for society than it is for the individual - it is human freedom and the grace of God's pervasive providential and even salvational guidance. It would be fair to say of Augustine's theory of society what Christopher Dawson claims of St. Augustine's view of history: "His theory of history is strictly deduced from his theory of human nature, which, in turn, follows necessarily from his theology of creation and grace."⁵⁰ In fact, it was not only St. Augustine who drew such conclusions, in the East, Cappadocian theologians had seen that "viewed eschatologically, therefore, the divine *economy* was a process of *paideia*. Through it, 'by a sequence according to the order of history,' the *Logos* was 'leading our thought, as if by the hand, to the more sublime heights of *arete*.' All the events of human history and sacred history were divine instruments ... [and] the world was 'really the school for rational souls to exercise themselves, the training ground for them to learn to know God.' ... human history was to be viewed as 'the time necessarily coextensive with the development of humanity.'"⁵¹ Such a view was - in fact - quite necessary once "Christianity had put the end of man beyond the limits of this earthly life; [once] it had affirmed at the same time that a creative God allows nothing to fall outside the designs of His providence; [so too] it therefore had to admit also that everything, both in the life of individuals and in the life of societies of which individuals form a part, is ordered to this supra-terrestrial end."⁵² Moreover, such a view, rooted as it was in the *metamorphosis* of the Classical conception of human nature, did not merely transform that notion of humanity and extend it to all men; nor did it merely alter the hierarchical order through which political life was related to social life; nor did it merely fix an end to history; instead, it gave to each of these the measure of their value according to a new standard by which lives and cultures, as well as the political structures that served them, could be judged. With respect to the political-institutional order, their relative value and efficacy in serving man's social end was considered the proper measure of human activity and social life. Such an assessment had been well near impossible for Classical

⁵⁰ Christopher Dawson, "St. Augustine and the City of God," *ibid.*, p. 107

⁵¹ Jaroslav Pelikan, *ibid.*, pp. 320-321

⁵² Etienne Gilson, *The Spirit of Medieval Philosophy*, *ibid.*, p. 385

antiquity inasmuch as its leadership was, by very reason of its innate superiority and even deification, beyond the judgment of the ordinary populace and history offered no particular reason for hope that the situation might improve.

Justice, Commerce and Political Society

Among the features of early Christian and early medieval ethical reflections that is perhaps most striking to modern ears is that justice is not primarily conceived of along political lines. Rather, justice lies primarily in the will as a virtue thereof. As St. Anselm of Canterbury put it in the 11th century, in a quote that would serve as an "authority" for St. Thomas in the 13th century: "justice is rectitude of the will observed for its own sake."⁵³ In fact, it is all too often forgotten that "[g]enerally conceived, justice was not a part of virtue but co-extensive with virtue. In this sense a just man was one who kept the mean state of conduct and was equivalent to a virtuous man."⁵⁴ Only secondarily was justice the virtue of particular justice that dealt more directly with the affairs of human life and was in society as a condition thereof. Justice, then, was first and foremost the will's submission to reason in ordering its desires - this constituted its rectitude and was the measure of all other justice. If reason presented the will with the law of its proper rectitude, then justice in connection with a man's dealings with a particular reality and thus also his dealings in political society was merely a further particular instance of submission to rational order rather than the whole of justice.

As much as human freedom was trumpeted as an all-important requisite of Christian *arete*, then, this was not an anarchic principle, but a singularly rational pursuit of rectitude. If, therefore, the social ideal proposed to and juxtaposed to the "world" by Christian monastic communalism was

⁵³ St. Anselm, *De Veritate*, xii, cited in Thomas Aquinas, *S.T. IIa.IIae. q. 58, a. 4*

⁵⁴ John W. Baldwin, "The Medieval Theories of the Just Price: Romanists, Canonists, and Theologians in the Twelfth and Thirteenth Centuries," *Transactions of the American Philosophical Society*, New Series, Vol. 49, No. 4 (1959), p. 10

characterized by anything at all, it was most evidently this simplicity of life, maintained by ordering life toward religion (which, incidentally, was also a virtue that fell under the category of justice as proper order). That the principle of *mutua caritas* and *fraternitas* was the basis of Augustine's conception of small monastic communities, and that the evident principle of order in early Christian community was this simple service and ordered living, was of great import for Scholastic thought when it came time to consider what sort of political society might be in accord with Christian life. Only that political society could be optimal which, *so far as possible*, and in consideration of the varying degree of *mutua caritas* and *fraternitas* among a particular people, brought about a society more akin to Christian community than to a looser a-social political association. Effectively, this was a principle of declension in political institutions and laws in their relation to the extent to which men's wills were or were not properly ordered in accord with general justice - and right reason. That political order was best which best suited and served a given people at a given time and place with respect to the achievement of their harmonious social life and human perfection. A political order that neglected this aim was without true purpose or foundation in the common good.

This emphasis on personal submission to the proper ordering of desire as rectitude of will had thoroughly informed the early Christian attitude toward the place of economic activities within political society. The principle of justice, the spirit of ordered simplicity, tied as it was to a whole ethos of separation from the worldly political order at the time, was generally unfavorable to the unqualified commercial society. Ideally, a truly just society ought to aim higher than commercial society and pride of place would not be awarded to commercial endeavor and success. Precisely because Christianity was not to be part of such a worldly order, the fact that Christians should not join in the avarice and lust of Rome gave a certain preference to the lowly arts rather than to high commercial offices: "In place of the classical contempt for manual labor and 'vile mechanic arts', which was the inheritance of Hellenistic culture ... [Christians ought] Blush for sin alone,' says St. John Chrysostom, 'but glory in labor and handicraft. We are the disciples of of One who was brought up in the house of a carpenter, of Peter the fisherman and Paul the tentmaker. By work, we drive away from

our hearts evil thoughts, we are able to come to the aid of the poor, we cease to knock importunately at the doors of others and we accomplish that word of the Lord: 'It is better to give than to receive.'"⁵⁵ Commercial activity was associated with the corruption and worldliness of Rome and the accumulation of wealth was strictly representative of disordered will and abomination: "'What you give to the poor man', says St. Ambrose, 'is not yours, but his. For what was given for common use, you alone usurp. The earth is all men's and not the property of the rich ... Therefore you are paying a debt, and not bestowing a gift.'"⁵⁶ Or again: "St. Basil even more forcibly declares: 'He who strips a man of his garments will be called a thief. Is not he who fails to clothe the naked when he could do so worthy of the same title? It is the bread of the hungry that you hold, the clothing of the naked that you lock up in your cupboard.'"⁵⁷ Yet again: "St. Athanasius, who in this matter was definitely under the influence of certain ideas already voiced by Clement of Alexandria, Origen, and Lactantius, called the possessions of the wealthy 'empty fantasies of the dreamer which are even less reliable than mere shadows.'"⁵⁸ However, early Christian thought was not always strictly and unambiguously against commerce as such. After all, St. Augustine had agreed with the merchant that it was not the profession as such that was wicked, but it was made wicked by the merchant's iniquity. Rather, it was always mostly, but most seriously and sternly, a matter of avoiding any immoderate desire of avarice that would distort the whole general hierarchy of ordered justice in the will. Nevertheless, this very dedication to justice was an adherence to simplicity that ever favored the crafts and artisans rather than the merchants and financiers of Rome who, in turn, were subject to their proud landed, military and imperial superiors (in short, a long list of disordered, corrupt and predatory "superiors").

The constant threat posed by avarice to the general justice of the will, which stained the profession of the merchant and made it a morally suspicious activity, was most vehemently denounced precisely in connection

⁵⁵ Christopher Dawson, *The Formation of Christendom*, *ibid.*, p. 136

⁵⁶ Christopher Dawson, *ibid.*, p. 137

⁵⁷ Christopher Dawson, *ibid.*, p. 137

⁵⁸ Anton H. Chroust and Robert J. Affeldt, "The Problem of Private Property According to St. Thomas Aquinas," *The Marquette Law Review*, vol. 34,(3), Winter 1950-1, p. 166

with its broader consequences as they disfigured political society. Indeed, political society itself almost seemed cut off from the perfect communalism of early Christian and monastic ideals precisely on account of its inherent worldly wickedness. In this regard, therefore, the end and aim of such fierce criticism was primarily the rectitude of the will of souls to be saved from the world rather than effective reformation of that world: "The early Church could not but be conscious that she was separated by an infinite gulf from this great material order, that she could have no part in its prosperity or in its injustice. She was in this world as the seed of a new order, utterly subversive of all that had made the ancient world what it was. Yet though she inherited the spirit of the Jewish protest against the Gentile world-power, she did not look for any temporal change, much less did she attempt herself to bring about any social reform."⁵⁹ The passive acceptance of the Roman order in this manner was the distinctive feature of Christianity's early encounter with civilization - they did not at that time seek to establish a new order, but sought - intensely - to constitute small communities truly representative of new, simple ideals: "A positive Christian order was only possible after the centuries of destruction had done their work, but meanwhile the foundations were being laid."⁶⁰ These societies were, appropriately, not so much political societies as social communities distinct from and beyond the political realm.

It was not until Scholasticism and the advent of the Dominican and Franciscan religious orders that Christianity turned toward working out, in detail, what it might mean to have a Christian civilization beyond a small community. Until that time, the Christian concept of justice largely centered on its general character as a virtue of the will and it was held up in opposition to political society as the very measure of its shame and disfiguration. In other words, it was generally not elaborated upon by extending it to a particular judgment of political institutions and social arrangements. Only with the "Papal Revolution" and the optimism of the mendicant orders was there any pervasive attempt to transform political society - to the extent that Christian principles admitted of such a program.

⁵⁹ Christopher Dawson, "Catholicism and Economics in the Ancient World," *Blackfriars*, (July) 1924: <http://catholiceducation.org/articles/history/world/wh0079.html>

⁶⁰ Christopher Dawson, *ibid.*, <http://catholiceducation.org/articles/history/world/wh0079.-html>

For such a program, however, the developed sketch of Christian social principles made by the Church Fathers needed much greater elaboration in real connection with the whole range of problems posed by civilization. What this turn toward civilization meant for the merchant and for commercial society will be seen, yet that elaboration also meant a thorough return to philosophical theology and to a critical evaluation of the tradition they inherited from the Church Fathers and their encounter with and flight from the ideals of pagan antiquity.

Part II

Scholastic Philosophical-Theology

Ethics and Political Philosophy

Introduction

Far more has been said of Scholastic philosophical-theology than can be said or addressed here. In the following, the constant delimitation of what shall be said is what must be said if we are to grasp how mendicant Scholasticism envisaged the world and the influence they thought this vision ought to have on that world. This more ideal picture became effective in its influence both directly on persons but also indirectly and significantly through that pervasive and nebulous feature of culture that is called common or public "opinion" and which is an element in the direction and formation of the character of persons within any age, contributive to the historical "rationality" that motivates and structures their behavior. The channels through which this opinion is exercised are, no doubt, as historically diverse as the range of "opinions" are too - yet where we are concerned with the influence of a certain significant opinion, it is not a question of the "truth" where this opinion is concerned, for this is not our question. Man must always and ever have an opinion with regard to the "truth." It is an unavoidable but indeterminate relationship and that opinion ever serves to form his world and his intentions even if he never pursues its development intensively on his own but simply accepts it from tradition. We are, then, concerned here primarily with the constitutive influence of one such vision, the truly ample and complex vision of Scholastic Christianity, first in relation to medieval society generally and then in relation to commercial activity. And in this regard it should be noted that the mendicant orders did not set out first and foremost to baptize commerce or to deal with new economic realities, but to assure the Christian development of the broader array of all historical and social realities among which commercial activity was but one. That is, not only was Scholasticism not singularly focused on formulating opinions on economic matters, it was not at all primarily concerned with judgment of economic ethics, nor simply with ethics in general, but with formulating a whole philosophical-theological and anthropological vision wherein ethics was undoubtedly *the* particularly

important concern, principally as it was instructive for guiding man to his final end as characterized by that vision. Therefore, it was also concerned with economic ethics, but only as part of a more general vision of human life and human action. That more general picture was precisely much grander and more optimistic in the Scholastic university setting than in its transferal to the ordinary community for which it was ultimately intended.

If, chronologically speaking, moral theology and, therein, economic activity appear to take up a larger and larger share in medieval concerns, this is not simply on account of increasing economic activity, but also because the move from the academy to the city, from theologians to preachers, implied the likelihood of such a shift in focus. Economic activity constitutes a rather significant element of the daily life of ordinary people and the mendicants were, on the whole, concerned to incorporate that daily life in religious practice and shape those ordinary people according to the Christian vision of things. The expansion of economic activity was met by an expansion of spirituality. That economic activity, then, received greater attention is no surprise. That it received greater attention in the preaching of the friars than it does in high Scholasticism, and perhaps in Franciscan thought than Dominican, is no surprise - for the philosophers and theologians were first of all concerned with the Christian vision of the world while preaching activity was aimed at communicating this vision to society as a whole, it was also aimed at communicating that vision as relevant to that society and as an exhortation to that society in particular. This communication aimed at the production of Christian goodness in society and was very much intent upon elaborating ethics. Yet it was an ethics elaborated within an entire vision that situated man in the whole hierarchy of creation and situated economic ethics within a whole hierarchy of human passions, pursuits and ends. The reality of that whole hierarchy was to be brought into correspondence with a vision of man's original state of justice prior to original sin, wherein his passions and pursuits were properly ordained with intermediate ends subordinated to higher ends and to their ultimate end in knowing and loving God. From thence it would be directed through the Church toward supernatural ends. Such a vision suggests, at the outset, that the medieval realities to which the whole hierarchy had to be related would require a whole progressively more detailed focus on distributive justice and,

INTRODUCTION

even more so, on commutative justice in society that had nevertheless originated within the context of a vision of general justice as the proper ordering of the will and of human life and human action.

This vision, quite naturally, began with God and, all importantly, with His Love. For it was that Divine love which was:

"The standard for all human actions. In the case of products of human manufacture, each product is considered right and good when it conforms to a standard. So also each human act is considered right and virtuous when it conforms to the standard of divine love. But when a human act does not conform to the standard of love, then it is not right, nor good, nor perfect."¹

In their search for a principle, or rather, in their attempt to elaborate the principle which they already knew to be the necessary foundation of a Christian civilization, which was called to be right (just), good and perfect as measured by the standard of Divine love, Scholastic philosophical theology began with the enormously difficult task of discussing God, His Love and His Justice as the Exemplar. Only thereafter did they turn to what it meant for man's love and justice to conform to the image of God. Without further hesitation, then, they launched directly into the problem: who or what is God?

¹ St. Thomas Aquinas (*Opuscula*, In duo praecenta... Ed. J.P. Torrel, in *Revue des Sc. Phil. Et Théol.*, 69, 1985), pp. 26-29:
http://www.vatican.va/spirit/documents/spirit_20010116_thomas-aquinas_en.html

Chapter Three

Creative Distance and Intention

Divine Simplicity, Divine Love

When Christianity encountered pagan conceptions of God, it did not find a God who had created the world and who loved His creation. Thus, when early Christians addressed themselves to ancient pagan conceptions of God, they could recognize in those conceptions only a very distant shadow of what they thought should correspond to the term "God." It was, therefore, necessary for Christian theologians and philosophers to critique and transform pagan philosophy's conception of God if they were to develop a proper view of God as a God who created and loved the world. If, therefore, in the process of that critique, they spoke of the inherent atheism of pagan religions, this is not necessarily because those religions believed themselves to be atheistic but because Christians thought that the gods that pervaded paganism were not at all worthy to be called "God."^{*} Gods who were dominated by their passions, gods who could neither create nor govern the cosmos but were merely co-eternal with it and simply co-causes of the way that it was, could only be - for Christians - simply another class of beings among all the other classes of beings. Perhaps they were particularly powerful beings, but they were not gods - and certainly not God as Christianity conceived Him, as Creator and Savior. Now, to deny the

* "If, then, 'God' covers a particular semantic terrain, the refutation will not eliminate God absolutely but only the meaning of God that its initial 'God' offers to be disputed." Jean-Luc Marion, *The Idol and Distance*, New York, New York: Fordham University Press, (2001), p. 2

existence of such pagan gods or even Platonism's or Aristotelianism's foremost "God" is not more than to negate a particular concept of God in favor of a more appropriate vision of God - and early Christianity was very keen on such negation, precisely as a means to approximating some glimpse of the true and unknown God. In fact, it was precisely through a methodological process of negation that Christian philosophical-theology sought to purify man's conception of God and arrive at some glimpse of God. Hence the phrase "negative theology" was and is used to characterize their method in speaking about the Divine. *Apophysis*, the process of elimination whereby all language that does not properly characterize God was denied of Him, was the very method of this "negative" theology whereby man came to know something about God - even if the process inevitably left Him shrouded in mystery. That mystery was the obscurity of the Divine essence on account of what became known as "Divine simplicity." Yet such mystery, arrived at through the very default of language in the face of Divine simplicity and unicity, was the necessary price of having a God truly worthy of the name.

In this chapter, we shall take up the philosophical theologies of two of the greatest medieval thinkers as they too engaged in something of a similar process. We shall take them as representative of their respective orders, both because an exhaustive treatment of medieval thought would take us very far from our theme and because they were, in fact, the most influential mendicant theologians of the age and of their orders: St. Thomas Aquinas, a Dominican, and Blessed John Duns Scotus, a Franciscan. Now, the language and the thought of Aquinas is not the language and thought of Scotus, each is its own cathedral with its own distinctive architecture. Nevertheless, the questions that they posed and the solutions that they gave are strongly indicative of the general framework and spirit of Christian, medieval philosophy and thus serve to clarify how that philosophy envisaged God and His Divine Love - and how, on the basis of that vision, they envisaged man, human life and human society. Only by passing through their philosophical theology, no doubt with a truly scandalous brevity which is likely to offend the scholar, can we then understand their philosophical anthropology, ethics and political philosophy as it came to bear upon economic thought. For it is often through the framework of their theological reflections that Aquinas and

Scotus derived or situated their respective visions of human nature and through their respective visions of human nature that they arrived at in the development of what has, somewhat misleadingly, been called “medieval humanism.”¹ We shall concentrate on the unity of those visions in order to show how close they in fact were rather than on their differences - although their differences, significantly less than is frequently thought, still serve as a very useful perspective in grasping both the differences in their respective religious orders' spiritualities and the influence that those spiritual instincts would have in society. And in this long and intricate task, what they sought first was a God worthy of the name.

For if God was not to be just another part of an independently co-eternal cosmos, just a mere super-excellent anthropomorphic force that could not subdue the cosmos but was destined to struggle with it and within it eternally, or to be simply unaware of its tragic struggle beneath his placid self-contemplating gaze as in Aristotle, then He must be a Creator God. Only a Creator God could be truly capable of knowing, governing and loving the whole of His creation down to the last detail by the very fact that it depended upon His Power for its very existence and character and was, therefore, known to Him. Yet precisely as Creator, such a God must be removed from His creation in the sense that he must be fundamentally distinct from it as uncreated. God's Being must be His in a way that a creation's being was not precisely because this latter's being was not its own. This distinguished God insofar as He could only be known to exist indirectly, as the uncreated Creator, through grasping creation's non-essential and therefore created existence and only known to the extent that effects somehow bear the imprint of their causes. Yet in attributing such causality to God and discerning some reflected light of His in creation, medieval thought encountered a problem that led them into the issue of God's simplicity. For "we cannot simply say: God has a role with respect to creation similar to the one a human artisan has with respect to what he creates. In order not to fall into error, this first approximation must immediately be corrected. The creation of the universe does not refer to its author in the same way that the

¹ R.W. Southern, *Medieval Humanism*, Oxford, UK: Basil Blackwell Publishing LTD, (1970).

existence of a painting enables us to infer the existence of a painter."² After all, God's causality acts, not on pre-existing material, but on a previously non-existent material and is therefore a different sort of causality:

"Creatures are not led back to the first principle as to their proper and univocal cause (such as occurs when a man engenders another man), but to a transcendent and universal cause."³

Thus "God does not bring forth creatures as a man engenders a man. A man, who has been engendered, possesses the same nature and bears with due right the same name as the one who engendered him (a child is called a man in the same way as the father). But the effects created by God are not one with Him either in name or in nature."⁴ Moreover, even "in nature, certain efficient causes produce effects of an order specifically inferior to themselves. Since they produce them, these causes must in some way contain these effects, but they contain them in another manner and under another form. Thus, for example, solar energy causes at the same time terrestrial heat, drought and many other effects. We do not, however, call this [solar] energy 'heat' or 'drought,' but it is their cause."⁵ Or again, more generally: "effects are of two kinds. One kind is equal to the power of its cause; knowledge of such an effect fully reveals the power and therefore the [essence] of its cause. Another kind of effect falls short of any such equality with its cause. Through knowledge of such an effect, therefore, we cannot *comprehend* the power of its agent or the *essence* of that agent. We can only know that the agent exists."⁶ Now God, insofar as he must be uncreated, is this latter type of cause and creation, insofar as it is created, is this latter type of effect: for "every created effect falls short of the perfection of its divine cause. Because of this, in this life we can only know of God that he is."⁷ God's existence and character, then, could only be known in such a manner -

² J.P. Torrell, *St. Thomas Aquinas: vol. 2, Spiritual Master*, trans. by Robert Royal, Washington, DC: The Catholic University of America Press, (2003), p. 41

³ Thomas Aquinas, *S.T. Ia., q. 13, a. 2*

⁴ Etienne Gilson, *The Christian Philosophy of St. Thomas Aquinas*, trans. L.K. Shook, Notre Dame: Indiana, University of Notre Dame Press, (1956), p. 104

⁵ Etienne Gilson, *ibid.*, p. 104-5

⁶ John F. Wippel, *The Metaphysical Thought of Thomas Aquinas*, Washington, DC: The Catholic University of America Press, (2000), p. 509

⁷ John Wippel, *ibid.*, p. 509

namely, as a cause of a far, even singularly, superior order than its effects - and in such a manner that any language derived from knowledge of created beings could only bear some ambiguous relation to their singularly distinctive uncreated cause whose causality stretched the limits of the word "cause" as we know it. Thus, in some sense, the price of a true God with knowledge of and care for the cosmos was the humiliation of human knowledge of God insofar as all such knowledge could only ever be based upon highly derivative creatures. That is to say, all concepts so derived could only be imputed to God with the stringent qualification that, in fact, they do not really speak of God since men cannot really know what words derived from creatures might mean when attributed to an uncreated Creator, an uncaused cause. To put it in more precise form: with regard to the attribution of any name or concept to God, the problem was just that the manner in which the attribution made sense could not be made precise while human concepts were applicable to just one of the subjects of which it was being predicated (created beings) and not being able to conceive precisely how it was attributed to the other (uncreated being).

Philosophically however, apart from the distinction between types of causality, which approaches the distance between God and creatures in an abstract manner and thus from the exterior insofar as it does not, and without further clarification cannot, touch upon the peculiar character of God that gives rise to His distinction as cause in relation to His creation, there is a deeper reason for this faltering of language. That is, God's distinctive character as such a cause is that He exceeds His effects in a way that cannot be further determined without grasping how He so exceeds them - and yet, that cannot be determined by the very reason that His essence is distinctive. That reason is Divine simplicity itself and how it complicated matters for human knowledge and human language when these latter sought to predicate attributes of God. Yet in order to understand this simplicity and how it grounds the radical distinction of a Christian God, we must elaborate upon the necessary character of the so-called "prime mover" - whom everyone agreed - was God.

Thomas Aquinas: Divine Simplicity

In the work of Thomas Aquinas, Divine simplicity is generally, but not always, discussed after the demonstration of the necessity that there in fact is some first mover, a first cause, a first and necessary being. Thus, for instance, in the *Summa Theologica*, Thomas Aquinas first demonstrates the existence of God, or rather, that which is commonly, but quite imprecisely, called 'God' in five different ways. He discusses these demonstrations before moving to discuss more precisely what kind of a God is implied by the demonstrations that have arrived at notions of a first mover, a first cause, a first being. For "the five ways that Saint Thomas traces out do not lead absolutely to God; the first leads to the first mover and, once the demonstration has ended, must add innocently, in passing, 'and everyone understands this to be God'; the second leads to the first efficient cause, of which it is still necessary to specify that 'everyone names it God'; the third leads to a necessary being ... 'what everyone says to be God.' [etc.]"⁸ Only after these five ways does Aquinas proceed "to recognize the proper nature of the God whose existence they have demonstrated."⁹ In fact, the end of the demonstrations explicitly marks a turn: "When the existence of something has been ascertained there remains the further question of the manner of its existence, in order that we may know what it is."¹⁰ Or again, and more informatively:

"When we know the existence of some reality, it remains to be asked how it exists, in order to know what it is. But since we *cannot know what God is, but only what he is not*, we also cannot consider how he is, but rather how he is not. We must first examine *how he is not*, then how he is *known to us*, and finally how he is *named*. We can show how God is not by discarding what we know does not accord with him, such as being compound, in motion, or several other similar things. That is why we inquire first about his simplicity, by which we discard from him all composition."¹¹

Only after the five ways, then, does Aquinas proceed to discuss the first distinctive attribute of God, namely, the simplicity of God - an attribute

⁸ Jean-Luc Marion, *The Idol and Distance*, *ibid.*, p. 10

⁹ Etienne Gilson, *ibid.*, p. 87

¹⁰ Thomas Aquinas, *S.T. Ia, q. 3, Prologue*

¹¹ Thomas Aquinas, *S.T. Ia, q. 3, Prologue*

derivable from the very ways that God is first known as such a "prime mover," an "uncaused cause" and a "first being."

Thus, immediately after his five ways that lead to "God", St. Thomas begins a procedure of negation meant to illuminate, as far as possible, God's unique simplicity. That procedure is emphatically apophatic, for far "from being a way by which man exerts a dominating hold over the divine mystery, this approach awakens in him a keen sense of the mystery that eludes his grasp."¹² Aquinas, then, begins as far back as possible so as to gradually eliminate any and all composition that would conflict with God's status as unmoved, uncaused and uncreated. This procedure reveals that all composition implies some causation prior to God and does so in a manner repugnant to what is revealed to be the distinctive fullness of being requisite to God as first cause: "Now it is remarkable that the first of the ways of being which St. Thomas eliminates as incompatible with the notion of God is composition. He does this by establishing at the outset that God is simple, not in the hope of giving use a positive concept of a simplicity like God's but to make us conceive of Him, at least negatively, as the being free from all composition whatsoever."¹³ Rather than leading us forward to a knowledge of God's essence, then, Aquinas leads us toward the limiting point of human knowledge on account of the fact that even "being itself, *such as it is found in creatures*, is also denied him and he thus remains in a certain darkness of ignorance (*et tunc remanet in quadam tenebra ignorantiae*) ... as Dionysius says, this ignorance is a kind of cloud in which God is said to dwell."¹⁴ Or again: "That is why, to signify our ignorance of that sublime knowledge, it says of Moses that *he approached the dark cloud in which God dwells* (Exod. 20:21)."¹⁵ For St. Thomas, therefore, the apophatic process is ultimately aimed at distinguishing God's being from that of creatures, at knowing God as thus distinguished beyond our capacity to comprehend. It is aimed, ultimately, at the requisite simplicity of a Creator God and at the unknowable and unspeakable simplicity wherein He simply is *He Who Is*.

¹² J.P. Torrell, *ibid.*, p. 35-6

¹³ Etienne Gilson, *ibid.*, p. 87

¹⁴ Thomas Aquinas, *In I Sent.* d. 8 q. 1 a. 1 ad 4; cited in J.P. Torrell, p. 37

¹⁵ Thomas Aquinas, *SCG III 39, n. 2270*; cited in J.P. Torrell, p. 37

With this aim in mind, then, Aquinas begins with the most obvious conception of God to be negated, that of conceiving God as a body: "To eliminate body from the notion of God, it is enough to look again at the principal proofs of His existence. God is the first immovable mover; now no body moves unless it is moved ... God is the first being, and is therefore being in act, *par excellence*; now all body is continuous and, as such, divisible to infinity; all body is therefore divisible in potency; it is not being, in pure act; hence it is not God," etc.¹⁶ That is to say, with respect to the very important second part of the citation concerning God's being in act, *par excellence*, that this being in act follows from the consideration that God is the first being insofar as any being that is first must be necessarily be in act *par excellence* for otherwise it would not be first in some respect by reason of the fact that it could be in potency to some act from which it might be said to receive its act and therefore not be first:

"It is absolutely true that God is not a body ... because the first being must of necessity be in act, and in no way in potency. ... For whatever is in potency can be reduced to act only by some being in act. Now it has already been proved that God is the First Being. It is therefore impossible that in God there should be anything in potency."¹⁷

So too, on the basis of the same principle, we must deny that God is composed of matter and form: "for matter is what is in potency, and since God is pure act without any mixture of potency, it is impossible that He is composed of matter."¹⁸ Indeed, the "principle dominating these various arguments is one and the same. In each case, it is a question of establishing that whatever is incompatible with the pure actuality of being is incompatible with the notion of God."¹⁹ Moreover, the application of this principle, then, immediately entails the third conclusion, namely, that God is His Essence:

"To understand this, it must be noted that in things composed of matter and form, the nature or essence must differ from the suppositum [substance or thing in itself], because the essence or nature comprises in itself only what is included in the definition of the species; as humanity comprises in itself all that is included in the

¹⁶ Etienne Gilson, *ibid.*, p. 88

¹⁷ Thomas Aquinas, *S.T. Ia. q. 3, a. 1*

¹⁸ Etienne Gilson, *ibid.*, p. 88

¹⁹ Etienne Gilson, *ibid.*, p. 88

definition of man, for it is by this that man is man, and it is this that humanity signifies, that, namely, whereby man is man. Now, individual matter, with all its individualizing accidents, is not included in the definition of the species."²⁰

That is to say, if the essence or nature of things composed of matter and form is the definition of the thing, as for instance, humanity is the definition of man and "it is of the essence of humanity that every man should have a body. But the notion of humanity does not include the very body, the members, the flesh, the particular bones belonging to the substance of a given man," that essence is not the particular man, but only part of the man, the part that makes him a man by giving form to some particular flesh and bone.²¹ Now, God is not composed of matter and form and thus there "cannot, then, be in Him any distinction between essence on the one hand and substance ... on the other. We can say that man is man in virtue of his humanity but not that God is God in virtue of His deity. God (*Deus*) and deity (*deitas*) and anything else that can be attributed to God by way of predication are all one and the same thing."²² Put another way, God is not the formal cause of Himself, for nothing in Him is in potency to form so as to be caused thereby; rather, He is His form and His form is His essence. Moreover, while in beings composed of matter and form the individuating matter and all the accidental qualities that derive therefrom enable us to assign certain attributes to a being without predicating them of the essence of the thing, in the case of beings whose essence is their form, this is not the case. Instead, with regard to beings whose essence is their form, and with regard to this case in particular, any such attribute cannot be said to be distinct from God's essence:

"He must be His own Godhead, His own Life, and whatever else is thus predicated of Him."²³

Neither, however, is God the only being characterized by such simplicity as this. For while in this preliminary sense, God's essence is pure actuality - this does not yet clarify what act God is and nothing prohibits a form from being a limited act (namely, the act of some particular aspect of being) and nothing

²⁰ Thomas Aquinas, *S.T. Ia. q. 3, a. 3*

²¹ Etienne Gilson, *ibid.*, p. 88

²² Etienne Gilson, *ibid.*, p. 88

²³ Thomas Aquinas, *S.T. Ia. q. 3, a. 3*

in form of itself demands that that form be Godhead, Life or whatever else). Thus, for instance, in substances of this kind "we cannot find many individuals in the same species, there are as many species among them as there are individuals"²⁴ and there is such a possibility of multiple species because there is no reason why any particular species of such beings be of anything other than limited form, limited act, some particular kind of being.

For instance, the intelligences, angels that is, are of such a variety: "In a soul or intelligence, therefore, there is no composition of matter and form ... but there is in them a composition of form and being."²⁵ Moreover, these substances are various with respect to inferiority or superiority in the character of intellect: "These substances ... are distinct from one another according to their degree of potency and act, a superior intelligence, being closer to the primary being, having more act and less potency, and so with the others."²⁶ Or again, and more poignantly, while Aristotle "certainly conceived [the prime mover] as a pure Act and as an infinitely powerful energy; still, his god was but the pure Act of a Thought. ... it was a pure Act in the order of knowing"²⁷ but not pure Act in the order of Being. That difference, namely, to be pure act in the order of knowing is precisely to be limited with respect to the other aspects of being which it is not insofar as the act of knowing does not exhaust the fullness of Being. Thus, "substances of this kind, though pure forms without matter, are not absolutely simple; they are not pure act but have a mixture of potentiality"²⁸ - and the reason for this is that they are not necessarily, just by being pure form, the fullness of being itself and therefore remain in potentiality to being, from which they receive their act of being and to which they remain in potentiality to some aspect of the fullness thereof which they are not and which is not to be predicated of them. A pure form may, therefore, be the simple intellect of a simpleton and not necessarily being an infinite being purely and simply - in fact, the human intellect appears to be of such an unfortunately simple type:

²⁴ Thomas Aquinas, *De Ente et Essentia*, trans. Armand Maurer, Toronto, Ontario: Pontifical Institute of Medieval Studies, (1968), p. 54; hereafter *De Ente*.

²⁵ Thomas Aquinas, *De Ente*, *ibid.*, p. 52

²⁶ Thomas Aquinas, *De Ente*, *ibid.*, p. 58

²⁷ Etienne Gilson, *God and Philosophy*, *ibid.*, p. 66

²⁸ Thomas Aquinas, *De Ente*, *ibid.*, p. 55

"This gradation ends with the human soul, which holds the lowest place among intellectual substances."²⁹ Indeed, it is not merely intellectual substances that fall within this gradation of relative mixture of potency and act, but it is the entirety of creation insofar as all of it is possessed of some potency precisely because none of it is of itself the fullness of being.

This, in fact, is the critical point of inflexion in Aquinas' journey - for the "decisive progress achieved by metaphysics in the light of Christian faith has not been to realize that there must be a first being,"³⁰ it has been to realize that the being that this first, supreme being caused was not merely the essential character of the cosmos but its very being, its very existence. This contribution issued from the revelation that the first cause caused things to exist *ex nihilo* and did not merely cause them to be of a certain kind or character. This led Christian philosophy to the insight that precisely as such a first cause of creation's existence, this "prime mover" or "first cause" could not have a cause of its existence exterior to it that moved it from potency to act with respect to its act-of-being, for then it would not - by that very fact - be the first being at all; nor could it have a cause in terms of an intrinsic principle of its own nature where-from it received its being as though it were other than itself and, quite impossibly, cause of itself: "Everything that belongs to something is either caused by the [intrinsic] principles of its nature (as man's ability to laugh), or comes to it from without: from some extrinsic principle (as light's presence in air is due to the sun). Although Thomas does not explicitly refer to it here, a third possibility should be mentioned. That which belongs to a thing might be identical with that thing itself. But, continues the text, existence itself cannot be caused (efficiently) by the form or quiddity of a thing, for then something would produce itself. So much for the first possibility. Therefore, it is necessary for every such thing whose existence (*esse*) is other than its nature to derive that existence from another. So much for the third possibility to which reference was made above. Thomas has eliminated it by concentrating on entities in which essence (nature) and existence differ."³¹ Thus the first being's essence must

²⁹ Thomas Aquinas, *De Ente*, *ibid.*, p. 59

³⁰ Etienne Gilson, *God and Philosophy*, *ibid.*, p. 66

³¹ John F. Wippel, "Aquinas' Route to the Real Distinction: A Note on *De ente et essentia*, c. 4," *The Thomist* 43 (1979), pp. 279-95

be its act-of-being: "God is the first cause; He has therefore no cause; now God would have a cause if His essence were distinct from His existence, because then it would not be enough, in order to exist, to be what He is. It is therefore impossible that God's essence be anything other than His act-of-being."³² Now a being whose essence is being itself is not at all the same as the self-thinking Thought that Aristotle had posited as the supreme being; the latter is but an instance of a supreme being among other beings, while the former is a God, the fullness of being, the act of existing.

For because "the supreme Thought of Aristotle was not the pure Act of existing, its self-knowledge did not entail the knowledge of all being, both actual and possible: the god of Aristotle was not a providence; he did not even know the world which he did not make."³³ A Christian God, on the other hand, whose essence is being itself possesses the fullness of being within Himself precisely because it is the pure act that is the act-of-being and *is* precisely as opposed to all potency whatsoever, since potency is precisely a kind of non-being. Moreover, and more importantly for our purpose, such a God possesses the fullness of being within Himself in a simple way, such that all things pre-existed in Him, not as potential determinations of Himself but as potential creations: "The Divinity precontains in itself all existent things in simple and unlimited fashion."³⁴ The pre-existence of all things in God in this "unlimited fashion" means that they are present in Him precisely without the limitation that constitutes, for the human intellect, the condition for the possibility of their differentiation and definition, but all that pre-exists is in God as undifferentiated and therefore beyond definition. Or again, "as St. Thomas says, *nihil est in Deo quod non sit ipsum esse divinum*: whatever is in God is the very divine being itself."³⁵ Thus, even if there is "a certain gradation among creatures, in that some more fully participate in the perfections they receive from God and therefore more perfectly represent Him," since where the greater the effect the greater its reflection of its cause, this still does not bridge the gap between how any such quality or attribute which so participates is said of a creature and how it inheres in the Divine

³² Etienne Gilson, *The Christian Philosophy of St. Thomas Aquinas*, *ibid.*, p. 92

³³ Etienne Gilson, *God and Philosophy*, *ibid.*, p. 66

³⁴ Thomas Aquinas, *De divinis nominibus*, cited in John F. Wippel, *ibid.*, p. 527

³⁵ Etienne Gilson, *The Christian Philosophy of St. Thomas Aquinas*, *ibid.*, p. 105

essence and how it relates to other His other attributes.³⁶ We may call God a "living" God, we may call Him "good" and "wise," but:

"In saying that God is alive, we have in mind something else than that he is the cause of our life or that he is different from inanimate bodies ... Similarly, when we say: God is good, the meaning is not: God is the cause of goodness, or that God is not bad; rather, what we call goodness in creatures pre-exists in God - and, in truth, according to a superior mode."³⁷

Indeed, while any reflection of God we find in creatures does not speak only of His causality but also of His essence, they do not speak clearly inasmuch as they cannot elaborate upon the manner in which these reflections are in God in a super-eminent way:

"The names attributed to God do not aim only at his causality; they also aim at his essence. For when we say that God is good, or wise, we mean not only that God is the cause of wisdom or goodness, we mean that in him these qualities pre-exist in a super-eminent way."³⁸

When any reflection of Him found in a creaturely perfection is attributed to God on the basis of His causality, therefore, the "general principle governing these attributions is that God, the first cause, ought to possess in an eminent way all the perfections to be found in His creatures ... but the manner in which these perfections belong to him escapes us, even as does the divine act-of-being which they are."³⁹ It is, therefore, as an "equivocal cause that God contains the effects He creates and that, consequently, their perfections can be attributed to Him. We know that they are in Him but we do not know how. All we know is that in Him they are what He is and as He is. Thus nothing can be said univocally of God and His creatures."⁴⁰ This is true even, or perhaps, especially, in the case of that apparently eminent term, "being," such that God's uncreated Being is not the same as that created being in which creatures participate.

Thus the faltering of language which is the defining characteristic of negative theology is due to the indeterminate simplicity of God wherein all

³⁶ John F. Wippel, *The Metaphysical Thought of Thomas Aquinas*, *ibid.*, pp. 506-7

³⁷ Thomas Aquinas, *S.T. Ia. q. 13, a. 2*

³⁸ Thomas Aquinas, *S.T. Ia. q. 13, a. 6*

³⁹ Etienne Gilson, *The Christian Philosophy of St. Thomas Aquinas*, p. 104

⁴⁰ Etienne Gilson, *ibid.*, p. 105

pure perfections pre-exist in God in a super-eminent fashion so that any perfection attributed to Him not only exists in Him in obscure unity with His essence but also therein exists in degree of unlimited perfection and intensity that is repugnant to limitation: "Suppose I say "God is wise." A twofold deficiency enters into this statement. First, my use of the verb "to be" in concrete fashion seems to suggest that there is some composition in God between himself and his wisdom. Such composition must, of course, be denied of him. This deficiency also applies to my predication of "He Who is" of God. Second, the name "wisdom" itself is taken by us from the way we find wisdom in creatures. Any instance of created wisdom, however, necessarily falls short of the uncreated wisdom of God."⁴¹ This, therefore, is the ground of His distinction as a cause even if he can indeed be known obscurely cause of such perfections in creation. More precisely, God's fullness of being is an indeterminacy which is unlike the indeterminacy of the being of created beings because whereas Divine indeterminacy is an indeterminacy rooted in the fullness of the act of being, the being of created beings is indeterminacy which requires and receives some limitation in order to be what any created being is. That is, since the essence of any created being is not its being, the notion of created being is indeterminate inasmuch as it does not of itself include the concept of any particular created essence, but it requires that some essence be added to it to define and delimit: "even though the notion of universal being does not include any addition, it implies no prescinding from an addition. If it did, we could not conceive of anything existing in which there would be an addition to being."⁴² In other words, with created being, there is an existence which must be defined by addition and is not opposed to such an addition that delimits it. Now human concepts and language define any determinate being by addition to the concept of being such that the additions, the terms of the universal logical concepts of genus and species, constitute the definition of an essence independently of its being: "If the definition is real, the definition is given in terms of genus and specific difference and the demonstration is termed 'propter quid' (literally 'on account of the what'), its conclusion necessitated by the nature

⁴¹ John F. Wippel, "Thomas Aquinas on What Philosophers Can Know about God," *American Catholic Philosophical Quarterly*, Vol. LXVI, No. 3, 1992, p. 281

⁴² Thomas Aquinas, *De Ente*, *ibid.*, p. 61

(or quiddity) of the subject."⁴³ That is, to "define an object is first of all to assign its genus (e.g. 'animal'); to genus is added its specific difference (e.g. 'rational animal'); finally, this specific difference can be further determined by individual differences (e.g. 'Socrates')." ⁴⁴ Yet this logical structure is inapplicable to God: "He can be named; but to give Him a name is not to define Him. In order to define Him we should have to assign Him a genus. Since God is called *Qui est*, He has no genus, because if He had a genus, He would have an essence distinct from His act of being."⁴⁵ The genus would be added to His being as definitive by way of a limitation distinguishing Him from something He is not. In short, "owing to God's absolute simplicity, there is no real definition of God."⁴⁶ Thus unable to define God - thus unable to say what God is - we are left with a problem of language whereby we may know that God is, but we cannot know what it truly means to say that He is and cannot know what He is.

It is evident from above, with regard to the inevitable reflection of a cause in an effect, that this does not mean that we can say nothing of God. It means, rather, that all that we say is predicated analogically - as opposed to simply univocally or purely equivocally. Now, "something is predicated univocally when it remains the same in name and in intelligible content or definition. So it is that the term "animal" is said of a human being and of an ass, i.e., a brute animal. Each is said to be an animated sensible substance. Something is predicated equivocally of different things when only the name remains the same, but the meaning or definition is entirely different in its different applications. For instance, it is in this way that I apply the term "dog" to a barking creature and to a heavenly body, the "dog" star [Sirius in the constellation 'Canis Major']."⁴⁷ Finally, "something is predicated analogically when it is applied to things which differ in meaning or intelligible content but which are ordered or related to the same thing. To illustrate, Thomas uses

⁴³ Alexander Hall, *Thomas Aquinas & John Duns Scotus : Natural Theology in the High Middle Ages*, London: England, Continuum Publishing, 2007, pp. 49-50

⁴⁴ Etienne Gilson, *The Christian Philosophy of St. Thomas Aquinas*, *ibid.*, p. 96

⁴⁵ Etienne Gilson, *ibid.*, p. 96

⁴⁶ Alexander Hall, *ibid.*, p. 50

⁴⁷ John F. Wippel, "Thomas Aquinas on What Philosophers Can Know about God," *ibid.*, p. 290

an example originally introduced by Aristotle. The term "healthy" may be said of an animal's body, of urine, and of a healing potion but not in the same way.⁴⁸ Of course, it is all well and good to say that human concepts and language speak analogically of God, but the matter cannot quite stand there without further elaboration as to what analogy is and what the content of such an analogy is with respect to the distance between God and creatures.

With respect to God and creatures, then, the question is what and how concepts attributed to God signify: "Does the minimum degree of positive knowledge of God which Thomas grants to us in this life imply that what the names of pure perfections signify (their *res significata*) is exactly the same when they are applied to God and when they are applied to creatures? Put another way: is there some minimum core of meaning which remains exactly the same when we predicate such names of creatures and of God? To phrase it in still another way, are such names univocal at least as regards that which they signify when they are said of God and of creatures?"⁴⁹ As might be expected, Aquinas is careful to elaborate upon the meaning of analogy in this regard: "Thomas recalls once more the distinction between what the names of pure perfections are intended to signify (their *res significata*) and the way in which they signify (*modus significandi*). As regards that which they signify, such names are properly applied to God, but this is not so as regards the way in which they signify. Their way of signifying is appropriate for creatures."⁵⁰ The intelligible content of a concept derived from creatures, the only way in which a human mind can derive such a concept, is attributable to God only on the understanding that this attribution is analogical according to the way in which it signifies: "In the case of names which are predicated analogically, there is no single intelligible content (*ratio*) which the name signifies in its different analogical applications. Such would be true of univocal terms. Yet the intelligible content is not totally diverse, as with purely equivocal names."⁵¹ The basis for this difference of analogical application is precisely the ontological ground of Divine simplicity that is opposed to distinction between being and essence. For whereas, for example,

⁴⁸ John F. Wippel, *ibid.*, p. 290

⁴⁹ John F. Wippel, *ibid.*, p. 289

⁵⁰ John F. Wippel, *ibid.*, p. 296

⁵¹ John F. Wippel, *ibid.*, p. 296

"being" is said of creatures in a way that grasps their distinction from essence, namely, it is attributed to them as not belonging to them of their essence and therefore indicating their contingency and ordination toward another upon which they depend for their being, "being" is said of God in such a way that predication itself fails insofar as the attributed "being" is in fact identical with his essence and is that upon which the being of creatures depends: "in the case of analogical predication of names of creatures and of God, a relationship of causal dependency of the creature upon God is implied when we predicate the name of the creature. When we apply the same name to God analogically, we include in our understanding that he is the uncaused cause of this perfection as we find it in the creature."⁵² Thus, preserved in the theory of analogy of attribution, is the distinction between Creator and His creation - as well as the negative theology that leads the attribution back to the obscurity of the simplicity in which He is known to man through His Divine Name: *He Who is*.

Yet behind the whole analogy of attribution with respect to thinking and speaking about God is not merely God's essence but also man's own limitation and a delimitation of the extent of knowledge natural to him, as well as "natural" to him in this life. For there is no way to speak of knowledge of God without speaking in reference to some being's knowledge of God and, in this case, of how God is known by us. Now, God is more thoroughly unknown to us on the basis of the fact that the human intellect of itself is incapable of directly and clearly intuiting forms in themselves. Instead, the human intellect must rely on the assistance provided it by sense experience as it enables the intellect to discern the forms of the material substances it encounters. Much less is the human intellect capable of intuiting an infinite form that perhaps it might otherwise intuit through being actualized by an additional act beyond its own power, but even then it could never truly comprehend in the sense of exhaust such an infinite object. Indeed, it is on the basis of the rootedness of human knowledge in this world, where its only contact with form is through sensible experience and is derived from, abstracted from that experience, that man remains on the outside of any direct knowledge of God. Men must know God through

⁵² John F. Wippel, *ibid.*, p. 297

reasoning and the discursive process on the basis of principles apprehended at a lower level. The very lowliness of the human intellect, alluded to earlier with regard to its extreme degree of potency, so much so that it is naturally united to body for its own benefit, for thereby its weak and discursive act can glean from sense experience some apprehension of form and essence with greater ease and clarity, is the inverse side of the dual foundation of analogy. This insofar as it is only in relation to such an intellect that God remains quite so thoroughly and nearly completely unknown on account of His distinctive simplicity.

In this regard, however, there is a curious feature of the human intellect that must be noted: its potency is, in fact, a potency for the reception of all being. That is, since God is Himself the infinite act of being, only His infinite intellect's act can comprehend Him fully, and although man's intellect is on the opposite side of the intellectual spectrum, i.e., it is not pure being in act, it is nevertheless in potency to universal being. In other words, the weakness of the human intellect is in its agency more than its potential. The natural act of the human intellect is so weak and tied to the intelligible as found in the sensible that it can hardly actualize its own potential - and even if it were capable, as finite, it would still be incapable of comprehending God in the sense of exhausting knowledge of Him. Nevertheless, it could at least see His essence if, by some gift, God cared to infuse the possible intellect with a vision thereof that unfolded infinitely to a finite mind. In this sense, man is possessed of a dignity beyond that of his present state - for rather than simply held under the vault of the heavens, his destiny is the gift which he is naturally capable of receiving. It is in this sense that he is *capax Dei*. Of course, this openness is also simultaneously the sign of man's weakness with regard to its fulfillment.

Nevertheless, despite the weakness of man's intellect, his apprehension of form and principles in the sensible enable him to rise to an analogical knowledge of God. Moreover, the very recognition of the dual ground for this limitation makes possible a very important conclusion with regard to Divinity. The unity of diverse attributes in Divine simplicity, while derivatively known through the diverse manner in which our intellect grasps them, is all important in discussions of the Divine will and how God loves. Thus:

CREATIVE DISTANCE

"In saying therefore that Godhead, or life, or the like are in God, it must be ascribed to the diversity which lies in the way our intellect receives, and not to any diversity in reality."⁵³

The knowledge of the limitations of analogical predication, on account of God's essence and man's limitation, therefore, enables humanity to discern, albeit without precision or clarity, the unity of certain inevitable characteristic differences of some of the super-eminent perfections of God. Further, understanding the reasons for their super-eminence plays a critical role in philosophical anthropology by placing human capacities on a scale wherein man's soul is, as in potency, as *capax Dei*, as open to the multiplicity of being that it might unify in building up a unified vision, as a multiplicity of potential virtues that it might harmonize into a complementary unity, an imperfect image of God.

Duns Scotus: Divine Simplicity

The limitations of human knowledge and the simplicity of the Divine essence are equally at the root of John Duns Scotus' treatment of theories of analogy. Now, there is no shortage of literature, particularly very recent literature, that finds in Scotus a radical break from Thomism and, in general, from the medieval tradition - not least on the subject of analogy. Overly detailed considerations of this supposed "break" cannot take center stage in our exposition; for present purposes, what is important is not so much their difference as the fact that, viewed without the curious animosity or affection with which Scotus is so often read, the positions he takes are mainly continuous with medieval tradition. This particularly with regard to the attempt to preserve both a distance between Creator and creation and, at the same time, the meaningfulness of natural theology - and, for that matter, theological discourse in general. Indeed, many an exaggerated difference from Aquinas is greatly dispelled when one can reach the forceful spirituality of the Franciscans which expresses itself in Duns' work and grasp it on its own terms. For within its own, if incomplete, system, the philosophical

⁵³ Thomas Aquinas, *S.T. Ia. q. 3, a. 4*

theology of Duns Scotus follows and is structured by the same concerns as Thomism and expresses a basic common framework within which Scholasticism worked. If, as an expression, it is more exuberant concerning the spiritual dignity of human nature and the native liberty of man, this is far from a "Scotism" - for it was Franciscan long before Duns Scotus.

At this point, therefore, it should be reiterated that it is precisely the shared mendicant Christian spirituality as formative of the age that is the end that concerns us. Grasping the expression of that spirituality, in this case, in the philosophical theology of Duns Scotus, is the means to that end. Only after clarifying the two visions of philosophical theology, Thomism and Scotism, can we observe the common ethos that unites them precisely as expressions of medieval Christian spirituality. As such expressions, however, their spirituality is less immediately evident at the heights of discourse on language and the meaning of "analogy" with regard to Divine simplicity than it is when that discourse is grasped more as a movement, as an extraordinary effort, to situate human life with respect to God and to reach those heights primarily for the religious purpose of discerning some glimpse of God. This is important in distinction from the Arts Faculty of the University of Paris whose "exaltation of philosophical contemplation" as the perfection of human nature raised the debated question of "why should the philosopher sacrifice his good of contemplation in order to save the political community?"⁵⁴ For the danger was precisely that the answer to that question might isolate philosophical speculation and purely intellectual discourse as *the* perfection of human life and not one particularly dedicated and perfect form of life subordinated to religious practice. The contrast to such philosophical elitism is found in grasping philosophical theology as a movement that, insofar as attains to its vision, is best understood as a particularly special form of religious life, perfect only through charity rather than pure speculation. This, not coincidentally, is Scotus' position; namely, that theology is a practical science:

"[A]ny knowledge about the ultimate end and of what is conducive to attaining it is such that the more a well-disposed man knows about this, the more he is disposed to love God ... But the intellect perfected by the habit of theology

⁵⁴ Thomas Osborne, *Love of Self and Love of God in the Thirteenth Century*, Notre Dame, Indiana: University of Notre Dame Press, (2005), p. 125

apprehends God as one who should be loved and according to rules from which praxis can be elicited."⁵⁵

Rather than delve directly into manner in which Scotus turns the heights of speculative discourse into a reflection upon God's love, therefore, we shall invert the process we followed with Aquinas and, instead of beginning with God's simplicity and end on the weakness of human nature in need of special assistance, begin with man's limitations and end with the exalted aspiration of hope to glimpse God amidst His simplicity. Only thereafter can we turn to how Aquinas and Scotus understand Divine love and from there to their grasp of the perfection of human life.

With this in mind, an important guide to the parameters of that spirituality is the debate at the University of Paris concerning man's natural knowledge of God and, more generally, the perfection of human nature that had become central to the whole academic atmosphere in the late 13th century. The debate was not purely academic - for beyond the philosophical framework within which various questions were discussed lay the whole relation between Christian theology and human society: did human society serve to support the perfection of monks and philosopher-theologians or was the work of the latter intended for the perfection of human society such that all men might share in religious life? In this regard, a tension arose between the desire, on the one hand, for some natural knowledge of God's existence and character that grounded the value of speculative discourse and, on the other hand, the recognition that God remains hidden from man in this life in such a way that the revelation of His love was not a superfluous addition to the perfection of intellectual life. For insofar as human perfection was measured neither as the solitary prize of the leisurely philosopher-theologian nor as excluding the evident rights of that leisure, Christian society could take on a unity distinct from that of mere hierarchy and simply subordinate supportive roles.

Scotus approaches this debate quite immediately when he frames it as the disagreement between philosophers and theologians. In the Prologue to his main work, his commentary on Peter Lombard's *Sentences*, Scotus opens

⁵⁵ Duns Scotus, *On the Will and Morality*, trans. and ed. Allan B. Wolter and William A. Frank, Washington, DC, The Catholic University of America Press, 1997, p. 132

with the question: "Is it necessary for man in his present state that he receive supernaturally some special doctrine that his intellect cannot attain by the light of natural reason?"⁵⁶ He situates the question precisely in light of the controversy of his time: "A controversy appears in this question between the philosophers and the theologians. The philosophers maintain the perfection of nature and deny supernatural perfection. The theologians, however, are aware of the deficiency of nature, the necessity of grace and of supernatural perfection and therefore hold the supernatural perfection in greater esteem."⁵⁷ In addressing the dispute between philosophers and theologians concerning the fundamental questions of the extent and value of philosophical knowledge, the perfection of human nature and the character of the world in which we live, Scotus focuses on a rather dramatic problem: what is the relation of Christianity to natural man? Now, for Aristotle, as is well known, the natural perfection of man consisted primarily in the virtuous exercise and cultivation of his natural faculties, particularly his intellect. That perfection is the very end which man desires according to the inclination of a being toward its natural perfection that all nature has, human nature included. In response to Aristotelianism, Scotus' answer evidently intends, as does Aquinas', to strike a balance between the recognition of natural man and the need for Christian man through the re-evaluation of the end which was sought. In that effort, Scotus arrives at a conception of man as a being whose intellect and will are evidently inclined toward a fulfillment and completion beyond his natural powers as they appear to philosophers in this life. This end was not merely self-perfection according to nature, but was God Himself and love of God. With respect to man's knowledge of God, a critical element in situating man in relation to God, Scotus arrives, as does Aquinas, at "a balance between respecting the difference between creator and creation while honoring the generally Aristotelian bent of their natural theology."⁵⁸ It is, as we shall see, in the respectful maintenance of distance between Creator and creation that Divine love is exalted as the revelation that is the common property of all men and

⁵⁶ Duns Scotus, *Oxon. prol. Q. 1; Vives-Wadding ed., XXI, 318*

⁵⁷ Duns Scotus, *Oxon. Prol. Q. 1, Vives-Wadding ed., VII, n. 3, p. 11*

⁵⁸ Alexander Hall, *ibid.*, p. 120

that subordinates natural theology and speculative discourse as to their proper measure in charity.

As summarized by Scotus, the philosophers, on the one hand, "held that no revelation was needed for human perfection, because the Philosopher (Aristotle) had adequately accounted both for the nature of human fulfillment ... and for the powers of human cognition. ... Book X, 6-9, of the *Nicomachean Ethics* identifies the life of speculation and contemplation as that life which most completely fulfills the human natural desire to know."⁵⁹ Theologians, "on the other hand, counter that the beatific vision is something wholly supernatural. It is an action 'which exceeds the very nature of this instrument [namely, the agent intellect],' limited as it is to the senses and sense data. Hence, man must be disposed to attain this end through some supernatural knowledge."⁶⁰ After offering this initial description of the debate, Scotus presents his own critique of both sides.

First, let us begin with the philosophers: "in their assumption that the present human condition (*pro statu isto*) is itself human nature, the philosophers fail to identify the higher perfection of a rational nature and settle for the lower."⁶¹ Other philosophers, seeking to exalt the philosophic life even further, claim that the so-called supernatural perfection of the theologians is within the capacity of man's natural powers as described by Aristotle. In other words, some philosophers have thought too lowly of human nature and excluded supernatural perfection as completely unnatural, other philosophers have thought too lowly of man's ultimate supernatural perfection and placed it within the grasp of man's natural powers as described by Aristotelian epistemology.

Against this Greco-Arabian "naturalistic vision of human perfection based upon the intellect, the theologians of Scotus's Prologue emphasize the true nature of beatitude in the beatific vision (*visio Dei*). They claim that philosophers err in their understanding of the ultimate goal and, because of

⁵⁹ Mary Beth Ingham, *The Philosophical Vision of John Duns Scotus*, Washington, DC: The Catholic University of America Press, (2004), p. 122

⁶⁰ Allan B. Wolter, *The Philosophical-Theology of John Duns Scotus*, Ithaca, New York: Cornell University Press, (1990), p. 128

⁶¹ Mary Beth Ingham, *ibid.*, p. 124

this, err in their assertion about the way such a goal is the result of the natural life of virtue."⁶² The theologians of the time claimed that "the experience of the beatific vision is wholly supernatural and exceeds any capacity of the natural order"⁶³ and that man's nature is totally incapable of his supernatural end and his natural knowledge can know nothing of this end because it is a free, supernatural gift of God to the blessed. For Scotus, these theologians deprecate philosophy too much. Instead, it should be considered, he argues, that "the human condition may reveal something of human nature, but not enough to conclude to the state of perfection to which the human person is destined."⁶⁴ Scotus insists that some hint of human nature's capacity for greater perfection can be known in this life. And in this view Scotus therefore only partially concurs with the theologians, arguing that they "are also wrong in stressing the limitations of the intellect as such and regarding the beatific vision as in no sense natural. [For] if what they say were true, even divine illumination, which they postulate, or the addition of a special habitus of vision would be of no avail."; this since it would be nothing other than the destruction of a human nature wholly naturally unfit for its supernatural end and would require the creation of a new human being naturally fit for that supernatural end.⁶⁵

The question, then, revolves around Scotus' reassertion of the common Scholastic principle that grace perfects nature. Scotus' solution is to clarify the relation between the natural and the supernatural in a way that opens the horizon to a conception of the ecstatic character of human nature in distinction from the rest of the natural order. For Scotus, "the human soul in any state, be it that of original, fallen, or restored nature, has the same natural perfection, if this is taken to mean what necessity of nature demands. However, it only attains the supreme natural perfection in the third state, in which it will possess not only the supernatural perfection of glory but also

⁶² Mary Beth Ingham, *ibid.*, p. 122

⁶³ Mary Beth Ingham, *ibid.*, p. 123

⁶⁴ Mary Beth Ingham, *ibid.*, p. 123

⁶⁵ Allan Wolter, *ibid.*, p. 129

the supreme perfection of its nature.”⁶⁶ That is, human nature, according to Scotus, is defined in abstraction from its possible states as the full potential which is persistent through the changes in condition of its active powers and clarified through its inherent relation to the potential supernatural perfection which it is naturally capable of receiving. Human nature thus conceived is merely a particular application of the precise definition given to natural and supernatural:

"To the question, then, I reply first by distinguishing in what sense something may be called supernatural. For a capacity to receive may be compared to the act which receives it or to the agent from which it receives [this act]. Viewed in the first way, this potentiality is either natural or violent or neither natural nor violent. It is called natural, if it is naturally inclined toward the form it receives. It is violent, if what it suffers is against its natural inclination. It is neither the one nor the other, if it is inclined neither to the form which it receives nor to its opposite. Now from this viewpoint, there is no supernaturality.

But when the recipient is compared to the agent from which it receives the form, then there is naturalness if the recipient is referred to an agent which is naturally ordained to impress such a form in such a recipient. Supernaturalness is had, however, when the recipient is referred to an agent which does not impress this form upon this recipient naturally.

Applying this to the question at issue, I say that if the possible intellect be compared to the knowledge that is actualized in it, no knowledge is supernatural to it, because the possible intellect is perfected by any knowledge whatsoever and is naturally inclined toward any kind of knowledge. But according to the second way of speaking, that knowledge is supernatural which is generated by some agent which by its very nature is not ordained to move the possible intellect in a natural manner. For our present state, however, the possible intellect according to the Philosopher is ordained to be moved to knowledge by the agent intellect and the phantasm, therefore, that knowledge alone is natural to it which is impressed by these agencies.”⁶⁷

It is precisely this receptive character to the supernatural as impressed upon the intellect by God that constitutes the unique feature of man in the natural order. Here taken in reference to man's cognitive faculties in relation to the

⁶⁶ Duns Scotus, *God and Creatures: The Quodlibetal Questions*, trans. and ed. by Felix Alluntis and Allan B. Wolter, Washington, DC: Catholic University of America Press, (1975), *Quodl. Q 14. N. 2, 14.4*

⁶⁷ Duns Scotus, *Oxon. prol. Q. 1, Assisi ms 137, f. 2rb, Vives-Wadding ed., nn. 20-21; VIII, 48*

beatific vision, the principle that grace perfects nature reveals that, since human nature is possessed of a passive capacity for receiving the vision of an object, a perfection of its nature which it is nevertheless beyond its active capacity to attain by its own natural effort, is nevertheless not discontinuous with that nature. It is true, therefore, that the vision of God lies beyond man's agent intellect and its knowledge of created being through sense experience. However, that vision is not "unnatural" to man strictly speaking, namely, it does not do violence to his nature - man can receive his true fulfillment. It is helpful, therefore, to follow a little further Scotus' account of man's intellectual powers as he finds them across the different states in which man may find himself (i.e., innocence, fallen, restored). It is helpful in order to discover how man's limitations in the present state structure Scotus' discussion of the question of Divine simplicity and reveal how our abstract knowledge thereof fails to grasp His essence and fails in a way that preserves the distance between Creator and creation but nevertheless enables us to ascertain what was the most fundamentally distinctive, and Franciscan, claim concerning Divine love and the Divine will.

For Scotus, man's potency to receive a direct cognition of the Divine Essence, although it be a potency which cannot be achieved in this life, entails a further claim concerning man's intellectual faculties: human nature must be possessed, not only of a capacity for abstractive cognition, but also of a faculty for intuitive cognition: "For the beatific vision is an immediate intuition of the divine essence on the part of a created intellect. This implies that the intellect as such is capable of an intuitive knowledge."⁶⁸ Thus, Scotus maintains, that if "we consider the nature of our intellect as a power or potency, its adequate or commensurate object is no more restricted than that of an angel."⁶⁹ As one commentator put it somewhat misleadingly, "the human intellect, Scotus tells us, is capable of far greater intellectual activity than we would dream of if we merely analyzed its functions in our present state of existence. If man's soul is not a fallen angel, as Plato suggested, at least his intellect is not essentially inferior to that of an angel."⁷⁰ Here, it is

⁶⁸ Allan Wolter, *ibid.*, p. 132

⁶⁹ Duns Scotus, *Quodl. Q 14. N. 2, 14.44*

⁷⁰ Allan Wolter, *ibid.*, p. 132

important to note precisely what is misleading in this interpretation that references Plato - for Scotus has not said quite said, "intellectual activity," but rather "as a power or potency," which indicates that it is capable of that activity, but not necessarily by its own agency or, even if so, it may not be capable of that activity of its own agency in a degree of perfection equal to that of the angel. The emphasis falls on the equality with angels as regards potency. In fact, what remains through various states is this potency to all knowledge, for in this way the intellect's indeterminate being is in a way all things, while it is the agent intellect's capacity that is somewhat more variable as united to the human body and to that body in various states, original justice, corrupted, or resurrected. Moreover, it is precisely at this point that Scotus introduces the interplay between the various states in which man may find himself (innocence or original justice, original sin, and beatitude). For if we are essentially possessed of "an intellectual power rooted in a spiritual nature ... [that] is incapable of being limited to a certain sphere of objects by an intrinsic limitation ... [then] any limitation of [the intellect's] activity must come from a positive ordination on the part of the Creator."⁷¹ Such a conception of the intellect makes it "imperative for Scotus to distinguish between (a) what is natural to the intellectual as a faculty or power and (b) what is natural to it in some particular state."⁷² Hence, the fact that our intellect is, in the present fallen state, limited to abstraction of form from sense data through the phantasm in the imagination, "or that its intuitive powers are restricted to the knowledge of our conscious acts," or to an awareness of the presence of sensible singulars we encounter, is attributable to the fallenness of our human condition.⁷³

This insistence, on the part of Scotus, in attributing to man's nature an apparently "higher" spiritual character than is found in perhaps, say, the Thomistic system, is typical of the Franciscan tradition in which Scotus is working. The human soul, for the Franciscan tradition, is less immediately, though no less inextricably and necessarily, related to the human body - which it needs to enhance its otherwise impoverished intellectual agency. Put

⁷¹ Allan Wolter, *ibid.*, p. 134

⁷² Allan Wolter, *ibid.*, p. 134

⁷³ Allan Wolter, *ibid.*, p. 135

another way, however, the human soul is here more “firmly,” or perhaps merely more exuberantly, a spiritual dignity and image of God, but not for that reason less necessarily related to the corporeal. For present purposes, what is important is that the detection of and distinction between abstract and intuitive cognition serves as the framework through which we can explain the famous or infamous Scotistic theory of the conceptual univocity of being as a theory of analogy of attribution of being to God and creatures.

For while it is as true for Scotus as it is for Aquinas that human limitations qualify man's knowledge of God and make it impossible to know His essence, since "the commensurate object naturally within the reach of our intellect in its present state may indeed be the quiddity of material things, or more precisely, the quiddity of sensible things, meaning by this not just that of the sensible proper but also the quiddity of what is essentially or virtually included in the sensible,"⁷⁴ the presence of an abstract, indeterminate concept of being virtually contained in this sensible experience and reachable through discursive logical operation is, for Scotus, an important element in articulating and grounding any theory of ontological analogy between God and creatures and for natural theology as a science, *but* it is important in a manner different than it is for Aquinas. That is to say, for Scotus the importance of the abstract, indeterminate concept of being which we derive from creatures is not this concept's meaningful analogical attribution to God but its capacity to serve as ground for that analogy of being. It serves as that ground in making possible a conceptual univocity that preserves the meaning of human theological discourse but removes it from any intimacy with the Divine essence. In other words, Scotus argues that because of its very imperfection as abstract and incapable of capturing the singularity of an entity's ultimate reality, the concept of being is so indeterminate that it can serve as a concept univocal between God and creatures that guarantees both natural theology and the strictly analogical relation between God's Being and the being of creatures. No doubt, it is a complicated claim.

Since - as indicated - Scotus detects within the human intellect, a weak, dimmed, faint and passive but nevertheless ineradicable intuitive capacity,

⁷⁴ Duns Scotus, *Quodl. Q 14. N. 2, 14.43*

this enables us to compare the abstractive-discursive cognition of intelligible form familiarly available to us in the present life with a direct intuitive cognition of an entity's actual existence of which we are but dimly aware here below: "According to Scotus *esse* and *ens* differ only in this: that the former expresses actual existence, whereas the latter designates a subject which actually exists or can exist."⁷⁵ Now abstractive knowledge aims at the intelligible essence, *ens*, but only by way of an epistemological process in which it is known precisely as common to entities, i.e., man, and not also in its singularity except by further predicative determination - for instance, Socrates is sitting. The singular as singular is not its object, but rather, the essence or intelligible species is its object: for "natures or essences in themselves are, for Scotus—as they are for Aquinas—indifferent to being either singular or universal. In and of themselves natures are common, although they only exist actually in things as singular. Consequently, common natures are found as common only in the intellect. The actual entity Scotus assigns as responsible for rendering the “common” nature singular is the principle of singularity, *haecceitas* (“thisness”).⁷⁶ Nor is this *haecceitas* the object of intuitive cognition; rather, it is strictly speaking, unknown except through familiarity with a singular object as the subject of further predication. For its part, actual existence (*esse*) that is the object known to a fully operative intuitive cognition, but to our rather weak capacity, what is known is merely a vague awareness of our own internal acts reflexively and our immediate sensible encounters with the singular and it knows these, not as essences or forms, but as existing - it is an awareness of the singular as *present and existing*, as indeterminate entity that exists. In performing this comparison between abstractive and intuitive cognition, therefore, we come to understand the limitations of an imperfect concept of things known through their abstract intelligible species - whether that imperfection consist in not knowing the principle of singularity that gives the thing its ultimate entity or "thisness" or it is not the same as an intuitive grasp of things as actually existent: "Scotus appealed to the distinction between intuitive and

⁷⁵ Allan B. Wolter, commentary in *A Treatise on God as First Principle*, trans. and ed. Allan B. Wolter, Chicago, Illinois: Franciscan Herald Press, (1966), p. 159

⁷⁶ James B. Reichmann, "Scotus and *Haecceitas*, Aquinas and *Esse*: A Comparative Study," *American Catholic Philosophical Quarterly*, vol. 80 (1), 2006, p. 66

abstractive cognition. Here abstractive cognition is defined as knowledge through a species of a thing not present in itself and intuitive cognition as knowledge of a thing as it has being in actual existence. Scotus argued that abstractive cognition of the divine nature, which is nonetheless distinct, is available to the wayfarer since only intuitive cognition of God constitutes beatitude."⁷⁷ This meant that, in this life, the capacity for intuitive cognition of a concept of being, of a concrete being as existing and present, is obscurely understood as a mode of understanding one aspect of an ultimate reality, namely, its existence, as not reducible to the intelligible species. Abstractive cognition, on the other hand, is in fact clarified as an understanding that halts at abstract species or quiddity.

Now, though intuitive cognition is perhaps of no immediate importance to human knowledge in the present life, this distinction nevertheless enables us to grasp how it is that abstract concepts remain outside the understanding of actual existence: an intelligible species or essence is not a thing's reality. It not only requires some further act to contract it to singularity if it is to have *individual* existence, to give it the being of an actually individual thing, but it also requires a further act to give it the being of an individual *existence*.⁷⁸ That faintly intuited non-quidditative additional determination of a thing, the act that makes a singular thing a thing that actually *is*, is a determination that remains outside the scope of abstractive knowledge of a thing by way of its intelligible species. For while a particular actual existence is given through our apprehension of the sensible, it is known only insofar as human knowledge in this life is arrived at through abstractive cognition; that is, it is only known through cognition that revolves around the quiddity through gradual abstraction from concrete individual existence. Thus we proceed away from the concrete individual existence until we are left facing the curious indeterminate concept of being independent of its ultimate reality and mode of existence. This absolutely indeterminate concept of being is therefore a concept of no actual ultimate reality. We are thereby made aware that we have not, with the indeterminate concept of being, understood as a

⁷⁷ Stephen Dumont, "Theology as a Science and Duns Scotus's Distinction between Intuitive and Abstractive Cognition," *Speculum*, Vol. 64, No. 3 (Jul., 1989)

⁷⁸ James B. Reichmann, "Scotus and *Haecceitas*, Aquinas and *Esse*: A Comparative Study," *American Catholic Philosophical Quarterly*, vol. 80 (1), 2006, p. 75

thing in its ultimate reality and existence. Instead, we have arrived at an indeterminate concept of that existence as distinct from the essences we understand and, precisely, as ambiguously related thereunto - indicating that they are opposed to non-being. The ultimate reality of the entity, which is not, for creatures, essentially contained in the essence of that entity and thus cannot be known by way of that essence, eludes the abstractive conceptual order as such and requires a knowledge beyond that available to us in this life.

Thus the intuition of concrete being as present and existing is quite important, but only indirectly, i.e. mediately, since it is really only because "this individual being" is concretely known as present and existing that we understand that although abstractive cognition may gradually rise to an indeterminate conception of its being, that concept is so indeterminate that it is beyond all ontological import inasmuch as it abstracts from the very concrete mode of existence it is supposed to signify. It is no longer this being, but merely abstract and indeterminate being. In other words, since in reality this actual existence is nothing abstract but is uniquely singular as the actuality of this or that particular being, an abstract concept of being cannot of itself conceive of such entity without disregarding the intrinsic mode of being, the sort of existence, that belongs to an entity. That some sort of actual existence belongs to this being is given, but the precise being that belongs to it is not - even if in some cases we can add determinations of genus and species to know more about what sort of being it is and reason to the fact that its being does not belong to it of necessity on account of its limitation.

Thus, because this abstract concept of being is a concept so very abstract, it is also indeterminate in relation to and abstracted from both finite and infinite modes of existence: "For the core transcendental signification through which these terms are related (in the example of being, being prescinding from consideration pertaining to degree) applies equally to both God and creatures while referring properly to neither until joined with the notion of infinitude or finitude, respectively."⁷⁹ This is a well-known distinction, namely, that prior to the categories, being is divided into potency

⁷⁹ Alexander Hall, *ibid.*, p. 101

and act and that there seems to be a hierarchical gradation among beings; thus "finite" and "infinite" are concepts that Scotus uses to indicate the difference between the limited and unlimited implied in a scale from pure potency to pure act. The meaning of a conceptual indeterminacy of being is that the concept of being cannot be a perfect concept and thus cannot be predicated without further clarification: "Scotus concedes that the univocally common concept of being is "contracted" to [form] the proper concepts of infinite and finite being."^{80*} That is to say, the indeterminate concept of being is an imperfect concept insofar as it seems to indicate merely that there is some sort of a being opposed to non-being, some sort of existence or presence, without indicating what particular mode of opposition to non-being is attributable to that being.

It is, then, because we do not truly understand in this imperfect concept the actual being even of creatures that we can take our imperfect concept thereof, as possessing some sort of existence, as univocal. It is, to put it bluntly, vague because it indicates only presence and some indeterminate mode of existence and is therefore attributable to all creatures and to God without ontological import as to their particular mode of being. Again, because the concept we have stands outside the very content of the existential order insofar as it is impossible for us to grasp any being without further clarity as to what kind of being it is, it is just as proper to God as it is to creatures and just as proper to substance as it is to accident. From the concept in its indifference to either intrinsic mode, any intrinsic difference in

⁸⁰ Stephen Dumont, "Scotus and Scotists," *Topoi*, Vol. 11 (2), (September, 1992), p. 138

* While we do not wish to conflate the singularity of "thisness" or *haecceitas* with another of Scotus' distinctions, his modal distinction between a reality and its intrinsic mode of existence, there is a certain similarity between the function of *haecceitas* on the ontological level with a modality on the purely logical plane. This is particularly evident where the latter is "finite" or "infinite" being; for while on the ontological level a common nature, to be a singular, stands in need of further determination by a principle of singularity (*haecceitas*), on the purely conceptual order, the concept "being" is such that, to be understood, the additional attribution of an intrinsic mode which either implies that this being is Being itself such that its essence is its existence and is analogically related to all other cases as their origin - since the attribution of "finite" would not imply this identity, since in all other cases "necessary existence" is not necessarily implied any more by "individuality" than it is by "essence."

the relation between an essence and its existence and what this latter might mean is hidden. The concept is indifferent to what really matters - namely, how existence is differentiated or limited by or related to essence. Thus, in this conceptual indifference, the concept, as incomplete, is univocally predicable of both finite and infinite modes: "This does not mean that the divine Being is of the same order as created being; Duns Scotus is very well aware that they are but analogues. Nor does it mean that being is a universal concept logically attributable both to God and creatures; for this everyone would admit, with the reservation, of course, that it has still to be determined in what sense it is attributable. What the doctrine really means is that the quiddity, the very essence of the act of existence, taken apart from the modalities which determine the different modes of existence, is apprehended by the intellect as identical, whatever in other respects the being in question may be."⁸¹ We can, on the one hand, obtain a certain degree of distinct knowledge of the reality of a being when this concept is taken out of its indifference and combined with the predicate "finite." That is, we can, to some extent, grasp "finite being" through its definition and limitation abstractly, through the elaboration of the categories that enable us to discern, in the creatures we encounter, what determinate characteristics these at first indeterminate beings have by assigning them to a genus and further distinguishing them through attribution of a specific difference. Further, we know that there are certain concepts that transcend and are common to all such categories and are therefore coextensive with this universal created being as being common to all things we encounter. Yet the same distinct knowledge cannot be had of infinite being.

For while the abstract conception of indeterminate being - and all that is co-extensive with it by transcending the categories - can become the subject of metaphysics, which is thereby re-conceived as a science of the transcendentals, these transcendentals, i.e., "whatever predicates are common to God and creatures are of such kind, pertaining as they do to being in its indifference to what is infinite and finite,"⁸² though we know

⁸¹ Etienne Gilson, *The Spirit of Medieval Philosophy*, trans. A.H.C. Downes, Indiana, Notre Dame: Notre Dame University Press, (1991), p. 264

⁸² Duns Scotus, *Philosophical Writings*, trans. Allan B. Wolter, Edinburgh and London, England: Thomas Nelson and Sons. Ltd. (1962), p. 3

they are appropriate to being as such, can nevertheless only be attributed to "infinite being" on the understanding that we do not know the manner in which they *are* in a mode other than that finite mode with which we are only partly familiar. In other words, while this indeterminate concept of being is the anchor of the transcendental concepts common to all being insofar as they are precisely any concepts co-extensive with being in general as commonly applicable to every being we encounter (and can therefore be predicated of any being whatsoever, both God and creatures, of finite and infinite), this does not carry us further into understanding God's being in itself. Rather, it merely enables us to know that they are somehow appropriate to Him. For the infinite mode of being is to be understood as indicating pure act of being - that is, the pure act of being is extensively infinite insofar as it includes all being within itself and intensively infinite insofar as it includes that being in the highest degree, namely, as perfections. Moreover, this is not an infinitude of quantitative addition that is at every moment in potency to further addition, but an infinitude of act to which no addition can be made because it stands in potency to no perfection but is precisely infinite and infinitely perfect in its possession of all being. This condition of pure act of being means that, when the abstract concept of being is taken out of its absolute abstract indeterminacy and predicated of this infinite condition, the sheer simplicity and unicity of such a pure act of unlimited being makes it impossible for the human mind to grasp the manner in which that which has been predicated actually inheres in such a simplicity that it is not distinct from its essence. An imperfect univocal concept is not thereby further clarified, but rather is muddled and becomes analogical. With finite being, the predication does allow us some knowledge of the manner in which an entity exists, namely, as composite, as limited to a genus, as a certain species, even if it does not give us access to the ultimate reality of the thing.

The imperfect concept of being, then, does not capture the Divine Essence in itself but only does so when combined with the mode of infinitude which confuses it and makes it a proper concept only by way of super-eminence. In short: it is predicated of modes of existence which are analogical - one finite, that is distinct from it, another infinite that is somehow absolutely identical with existence in a way we can't understand:

"Inasmuch as what we think is the act of existing in its common applicability to all that exists, it is clear that it is not of God that we think; did we do this we should have to conceive Him as Infinite Being, Pure Being; that is to say under modalities that would break through the univocity and bring us back to analogy. ... Thus ... the common attribution of the concept of being to God and creatures requires precisely that it should not be extended to that which makes the being of God to be God."⁸³ For "infinite being" is composite concept, just like "pure being," "pure act," "first cause," or "unmoved mover" and all predicates about the divine include two terms, the one univocal and incomplete and the other completing the concept but only with the result that it confuses it in an attribution that indicates only an ontologically analogical sort of being to God. This kind of predication, then, signifies that the meanings of the transcendental concepts, as analogically predicated of Infinite Being, while indeed proper to the Divine essence are nevertheless incapable of truly expressing how the transcendental predicates are present in the simplicity of supereminence arising from the absolute unity of Divine pure perfections in an infinite act of being that cannot be comprehended.

For Scotus, then, the univocity of the concept of being is akin to an indeterminate immediate object of the human intellect that secures our analogical knowledge of God by anchoring its demonstrability. Since, as Scotus argues, a concept is univocal "if it possesses sufficient unity or singleness of meaning that it can serve as the middle term of a syllogism or if to affirm and deny it of the same thing is a contradiction."⁸⁴ The concept of being, accordingly, must be univocal if it is to serve as the axis of syllogistic demonstrations of the being of God. In other words, we can say that God exists, we can predicate of Him the transcendentals, only because the terms do not change meanings and destroy the syllogism. The concept of being is clear to us as the concept of what is indeterminate to us as some sort of existence and can thus be used in such syllogisms. However, the Divine simplicity, on the other hand, is confused and indistinct being to us because it is most truly determinate in its Pure Act of Being - so determinately

⁸³ Etienne Gilson, *The Spirit of Medieval Philosophy*, *ibid.*, p. 266

⁸⁴ Duns Scotus, *Philosophical Writings*, *ibid.*, p. 23

uniting in itself all the Divine perfections that we cannot grasp them in their simple identity. It is this simplicity that eludes the grasp of our abstract concept, even if it is this abstract concept that enables us to say: that while we can know that God exists, we cannot know what He is or how He exists. It is this simplicity as well that provides the grounds for the all-important Scotistic-Franciscan argument for the necessary identity of Divine perfections that constitutes the basis for a novel concept of Divine Love and the Divine Will. For the Divine essence is precisely unlimited, not only extrinsically inasmuch as it contains all being within itself as Pure Being, but intrinsically with regard to the relation of the perfections between themselves. That is, the Divine perfections do not limit each other but are identical - and this, as we shall now see, is used in distinguishing what is meant by Divine love and freedom.

Divine Love and Freedom in Aquinas and Scotus

If St. Thomas' theory of analogical attribution forms both a critical attenuation of negative theology insofar as it stabilizes the content of our knowledge of God as valid, this content has very often been exaggerated in neglect of that fact that analogical attribution is a continuation of negative theology which leaves us with primarily negative concepts rather than a positive knowledge of God's essence. As we have seen, Duns Scotus theory of the univocity of the concept of being functions similarly to both ground the validity of our concepts with respect to God, apparently bringing us closer to knowledge of God only to then removes the concept to the margins of His being so that while one can say that we can know God as some sort of a being, something opposed to non-being, we cannot go beyond this to His essence. Both theologians posit this epistemic gap between Creator and creation wherein human concepts and language falter on account of their diversity and combination in speaking about what truly united as one in a simplicity which lies beyond abstract human knowledge and predication. Thus, when it comes to speaking of God's will and of Divine love, the question of what such a will and such a love signifies inevitably produces a

unique conception of love and will that is all important for how we understand, not only the human will as a special case of will, but the whole cosmos in a manner distinct from the ancient pagan vision of it.

In the first article of the sixth question of the *Summa Theologica*, St. Thomas asks: "Whether there is Will in God?" and the second of the initial objections presents the problem of what *will* could possibly mean in God: "Further, will is a kind of appetite. But appetite, as it is direct to things not possessed, implies imperfection, which does not belong to God. Therefore there is not will in God."⁸⁵ The problem is that as far as we know will, it is some sort of appetite for the good - insofar as that good is not possessed and is something distinct from the will itself. Thus, according to our experience, the will seems to be a tending toward what it does not have. As such, it is in potency and is a moved mover insofar as the object, when presented to it as good, moves it to act from its prior state of inactivity. Of course, this cannot be the case with God, since he is neither imperfect, nor in potency nor moved - and is precisely in fullness of act. Indeed, on account of His divine simplicity, God is not other than the object of His will, namely, His Goodness, and neither is God other than His will: "Although nothing apart from God is His end; yet He Himself is the end ... And this by His essence, for by His essence His is good"⁸⁶ and "And as His act of understanding is His own being, so is His will."⁸⁷ Thus, "a will the principal object of which is a good outside itself must be moved by another; but the object of the divine will is His goodness, which is His essence. Hence, since the will of God is His essence, it is not moved by another than itself."⁸⁸ Instead of an appetite, therefore, God's will is characterized not simply by its possession of its object, but by its identity with that object - which is only distinguished from Him on account of its aspect in our language: "The divine will is God's own being essentially, yet they differ in aspect, according to the different ways of understanding them and expressing them ... For when we say that God exists, no relation to any other thing is implied, as we do when we say

⁸⁵ Thomas Aquinas, *S.T. Ia. q. 6, a. 1, ad 2.*

⁸⁶ Thomas Aquinas, *S.T. Ia. q. 6, a. 1, ad 1*

⁸⁷ Thomas Aquinas, *S.T. Ia. q. 6, a. 1, reply*

⁸⁸ Thomas Aquinas, *S.T. Ia. q. 6, a. 1, ad 3*

that God wills."⁸⁹ This distinctive non-relation with respect to God and His Goodness which we cannot help express confusedly yields the important conclusion. This is that while "will in us belongs to the appetitive part, which, although named from appetite, has not for its only act the seeking what it does not possess, but also the loving and delighting in what it does possess. In this respect will is said to be in God."⁹⁰ God's will, therefore, is this loving delight which is pure act and self-possession - and God Himself is this love and self-possession.

It is, however, extremely important to note that this peculiarity of God's will is understood through His character as pure actuality such that His act of will is in no way in potency. God's will, as the necessarily perfect act of loving the goodness that He is, is not in potency to anything - there is nothing outside of Himself that He could desire and He loves His own goodness absolutely. That is, God loves His goodness necessarily, for the object of His will is goodness, and His will by nature loves goodness where it finds it and loves it to the degree that it deserves. He finds it in Himself completely and He is not inadequate to the task:

In each love we find many degrees of perfection. With regard to the love of God, the first and supreme degree of perfection belongs to God alone. The mode of perfection is considered both on the side of the one who is loved, and of the one who loves: perfection in loving on the side of the one who is loved, means that he is loved as much as he is lovable; and on the side of the one who loves, perfection means that he loves a thing with his full power. Now since everything is lovable to the degree that it is good, and God's goodness is infinite, he is infinitely lovable. But no creature can love infinitely, since no finite power can have an infinite act. Therefore God alone, who has as great a power of loving as his goodness is, can love himself perfectly as regards the first way of being perfect.⁹¹

His will is, strictly speaking, justified in the sense of perfect rectitude: "This will of God cannot be, as it is in us, a mere faculty of willing. Divine will would be imperfect if it were not, by its own nature, an unceasing act of willing, an unceasing act of loving, unceasing love of good ... This first divine love is indeed spontaneous, but it is not free. It is something higher

⁸⁹ Thomas Aquinas, *S.T. Ia. q 6, a. 2, ad 1*

⁹⁰ Thomas Aquinas, *S.T. Ia. q. 6, a. 1, ad 2*

⁹¹ Thomas Aquinas, *On the Perfection of the Spiritual Life*, Chapter 3:
<http://www.pathsoflove.com/aquinas/perfection-of-the-spiritual-life.html>

than liberty. Infinite good, known as it is in itself, must be loved with infinite love. And the Good and the Love, both infinite, are identified one with the other."⁹² The act of love is spontaneous because it arises from the will of God on account of its goodness, which is His will's rectitude that loves goodness by its very nature. It is not free insofar as the goodness that He naturally loves is His infinite Goodness, which calls up an infinite act of love that is unceasing and total love that neither can seek anything further because there is no goodness that it does not already possess and delight in, nor can His will neglect or discontinue its own act for it *is* itself the purity of an infinite ceaseless act of love.

On account of this fullness of love and self-possession, Aquinas turns what had been, in pagan philosophy, the necessary generation of the cosmos into the freely willed creation of the universe out of love's diffusive character. For "natural things have a natural inclination not only towards their own proper good, to acquire it if not possessed, and if possessed to rest therein, but also to spread abroad their own good ... much more does it pertain to the divine will to communicate by likeness its own good ... Thus, then, He wills both Himself to be, and others to be; but Himself as the end, and other things as ordered to that end, in so far as it befits divine goodness that other things should be partakers therein."⁹³ Yet it is "only an infinite good necessitates the will. Hence, while God, we may say, is inclined to creation, since good is of itself diffusive, He nevertheless creates freely, without any necessity, physical or moral, because His happiness in possessing Infinite Good cannot be increased. Creatures can add nothing to infinite perfection. Inclination to self-diffusion is not the same thing as actual diffusion. While it is not free in causes which are non-intelligent (the sun, for example): it is free in causes which are intelligent (e. g.: in the sage dispensing wisdom). This free diffusion, this free communication, does not make God more perfect, but it does make the creature more perfect."⁹⁴ Thus, "in regard to Himself as object, God's love is spontaneous and necessary, whereas in regard to creatures it is spontaneous and free, because creatures have no right to existence, and God

⁹² Reginald Garrigou-Lagrange, *Reality: A Synthesis of Thomistic Thought*, trans. Patrick Cummings, Veritatis Splendor Publications, 2012, p. 126

⁹³ Thomas Aquinas, *S.T. Ia. q. 6, a. 2, reply*

⁹⁴ Reginald Garrigou-Lagrange, *ibid.*, p. 126

has no need of them. Purpose and agent give perfection to the effect, but are not themselves made more perfect by that effect. This doctrine, the freedom of creation, puts St. Thomas high above Plato and Aristotle, for whom the world is a necessary radiation of God."⁹⁵ Moreover, and critically, what God imparts to creatures in this creation is not simply a movement toward their own perfection, but His love as ordered to Himself: that they may truly love and delight in Him. This is a very different sort of a cosmos: "The God of St. Thomas and Dante is a God Who loves, the god of Aristotle is a god who does not refuse to be loved; the love that moves the heavens and the stars in Aristotle is the love of the heavens and the stars for god, but the love that moves them in St. Thomas and Dante is the love of God for the world."^[4] Indeed, the whole character of creation is infused with a movement that is not merely an accidental tending toward God on account of natural inclinations to self-perfection, but more than that, for as we shall see in the next chapter, the whole cosmos is infused with a natural love for God that goes beyond Aristotelian eudaemonism.

Although with an important difference, much the same can be said of Duns Scotus' conception of God's love and its significance in relation to the creation of the cosmos. For it is precisely the simplicity and absence of limitation in God and the consequent essential identity of His perfections that leads Scotus to a concept of Divine Will as capable of an act both free and necessary: "I claim that both freedom and necessity in willing can coexist in the will."⁹⁶ This claim, while close to that of Aquinas' notion of spontaneous and necessary, contains the significant difference between the two and is key to understanding the entire Franciscan cosmos, its heavy emphasis upon the contingency of creation, on voluntarism and an ethics uniquely focused on man as *viator* as well as an emphasis upon spiritual liberty in political philosophy. It is a claim all too often misinterpreted as a conception of God's omnipotence, a radical liberty without bounds, rather than an emphasis on the steadfastness of His Love: "The claim that God enjoys a volition that is simultaneously free and necessary challenges the standard meaning of willing freely that is anchored in the condition of a

⁹⁵ Reginald Garrigou-Lagrange, *ibid.*, p. 127

⁹⁶ Duns Scotus, *Quodl.*, q. 16, N. 7, 16.29

choice between alternatives ... [and] Duns Scotus' assertion of the compatibility of freedom and necessity in volition proves critical to a proper understanding of his voluntarism. Alluding to this teaching is one way to counter an entrenched tendency in the received history of philosophy that sees in Scotus' doctrine of the free will the origins of a prevailing modern notion of liberty as a fundamental arbitrariness, a radical freedom of indifference."⁹⁷ The key notion behind this is what Scotus views as a singular perfection of Divine will: *firmitas est perfectio* [firmness is perfection]. What this means is that Scotus posits an active voluntary necessity that is to be understood as a perfection of the Divine will in contrast to passive natural necessity. It seems that whereas both Aquinas and Scotus concur in making God's love for Himself a necessary act, Scotus retains, within that necessity, the notion of the voluntary as a liberty native to the will that is distinct from that of a natural necessity.

In other words, "in line with standard medieval theory, Duns Scotus held that God loves himself and that the Trinitarian persons of the Father and the Son, in a common act of love, spirate the Holy Spirit. Equally uncontroversially, he maintained that both acts, self-love and spiration, are simply necessary. Simply necessary items exist, are eternal and uncaused. So understood, necessity is predicated as a mode of [Infinite] Being. Further, [however] and in this claim there was much controversy, Scotus insisted that both of the acts were primarily acts of the will" and therefore freely elicited acts of love.⁹⁸ Scotus' arguments concerning this point are, of course, longer than can be recorded here but generally involve two kinds. First, there are external arguments based upon the theological intuition of uniting certain revealed, necessary aspects of God's Trinitarian life with the fact that love is an act of the will and that, according to Scotus, the will is free as such. Or again, Scotus unites other perfections such as immutability and freedom simply on account of the identity of perfections in Divine simplicity and thereby arrives at an external identification of necessity and freedom in

⁹⁷ William Frank, "Duns Scotus' Concept of Willing Freely: What Divine Freedom Beyond Choice Teaches Us", *Franciscan Studies*, 42 (1982a), p. 68; for a more extended treatment: W. A. Frank, "John Duns Scotus' *Quodlibetal Teaching on the Will*" (Ph.D dissertation, Catholic University of America, 1982).

⁹⁸ William Frank, *ibid.*, p. 69

God's acts of will. Nevertheless, such a theological intuition requires greater reflection on the part of philosophy in order to understand, so far as possible, how this identity of free and necessary might be understood - if it can be. Thus, secondly, and more enlighteningly, there is an argument based on the character of will and love (as well as arguments from observations on the human will that shall be treated in the next chapter). Rather than expound, step by step, the arguments, we proceed directly to the important features of the argument because it enables us to understand the manner in which Franciscan spirituality focused on the intensity of charity and on free acts of love.

It is, therefore, important here to recall that an infinite act of will loving an infinite object represents an intensively infinite act which precisely, by its intensity of act, does not, like the human will, retain the memory of some languishing actionable potential desirable good or perfection in relation to another object. This infinite intensity of act in loving infinite goodness is not other than the proper inclination of the will to the good in itself except insofar as the notion of inclination to act is unfitting to that which, like the Divine will, is simply in act. Nor does an infinitely intense love in act falter weakly and fail to love its object in a manner appropriate to the character of the object. That is, whereas a man in possession of some higher good might still ponder and pine for some other good (the woman he might have married, etc.) or might wish for some other or further perfection (a developed talent of which he may have been capable), whereas for man the grass may be greener and his distracted affections weak, it is not so with Divine love in the presence of an infinite object that calls for the fullness of its infinite act. It does not do so, not simply because the object with which it is presented, which it possesses and indeed itself is, the Divine essence, contains all goods and all perfections, but because the scope, intensity and perfection of the Divine will's love for the Divine Essence does not admit of the possibility of a limited focus, of turning aside to rest in some lesser pleasure or petty consideration of some aspect of the Divine Essence in any obsessional inappropriate delight; that is, God loves His Essence on account of its very goodness and not on account of some partial aspect thereof. This because of the native rectitude of His will's inclination to goodness itself and because it

is not mere inclination, for God does not incline to goodness, rather God is the very fire of love for that goodness.

Now, more precisely, the first object of the Divine will is the Divine essence as known through the Divine Intellect and:

"[I]nfinite will is related to the most perfect object in the most perfect way possible. The divine will is infinite. Therefore, it is related to the supremely lovable object in the most perfect way that a will can relate to it. But this would not be the case unless the divine will loved this object necessarily and adequately ... If either of these conditions were absent, it would be conceivable without contradiction that some will could be related to that object in a more perfect way ... an infinite will can have an infinite act and hence a necessary act elicited necessarily with respect to an infinite object. Were it lacking such, it would not be supremely perfect."⁹⁹

This, then, is Divine necessity according to the inclination that the Divine will has to love the good for its own sake and thus His Divine goodness most of all. It is a necessity that derives from that inclination but, more importantly, from the fact that it is not merely an inclination but an infinite intensity that is the Divine act of will in relation to what it knows calls for infinite love. In short, God necessarily loves His own goodness because He is that love by His very nature.

Yet, while granting the inclination of the Divine will to the good and to universal goodness as found in the Divine essence, Scotus refuses to characterize the necessity of its act as the necessity typical of a natural necessity in any sense similar to that of color being the natural object of the eye such that when presented with color that reduces it from potency to actual sight so that the properly functioning eye cannot fail to see in accordance with its natural inclination to color. Scotus is at pains to demonstrate that "(Sixth conclusion *The first nature's love for itself is identical with its nature*)," but rather than take this to mean that the first nature dictates its love for itself in the manner of a natural inclination, like those found in created powers like the eye, he takes it to mean that the natural character of God is a love which, as an act of will, is also free.¹⁰⁰ Thus Scotus insists that while normally "the act of the will is conceived as

⁹⁹ Duns Scotus, *Quodl*, q. 16, N. 2 16.6

¹⁰⁰ Duns Scotus, *A Treatise on God as First Principle*, trans. and ed. Allan B. Wolter, Chicago: Illinois, Franciscan Herald Press, 1966, p. 93

though it were posterior to the will, if the former be identical with that nature, then the latter will be all the more so"; and it is identical as well, in this case, with the Divine knowledge of the Divine essence that is presumed to be "cause" of the willing.¹⁰¹ Divine knowledge is ambiguously identical with Divine will inasmuch as the act of the Divine will is a pure unceasing act united to the Divine intellect's unceasing thought and is not, like the natural agencies with which we are familiar, some potency to act with respect to considered alternatives.¹⁰² In fact, Scotus is most intent upon distinguishing the meaning of 'nature' as it applies to God and to do so in such a way that, because the act of His will is His nature, and is thus not posterior to a passivity or potency of the will, it cannot be said to be merely the spontaneous act of a natural necessity in relation to a perceived good. For natural necessity, to Scotus, implies just this: that the nature in question passively inclines to receive its own perfection and is drawn toward that perfection of necessity in accord with its natural inclination. This cannot be in the case of God - nor in the case of truly free will: for free acts are not acts of natural inclination, but acts of love that loves the good in itself and for its own sake, they are acts of liberality and diffusion rather than eudaimonism.

In the case of God, a truly perfect free will, it is not that the infinite object, the Divine Essence, determines a merely functional response on the part of an otherwise passive power suited to act in the presence of its proper object, but the Divine will's strength of intensity in the act of love of goodness requisite to its proper infinite object that gives infinite will its utterly unshakable character of necessity. One might say that whereas for Aquinas the perfectly lovable character of infinite goodness as an object is emphasized as determinative of the spontaneous necessity of the will's act, for Scotus the capacity of the Divine will to love that goodness adequately is elaborated upon and appears to him to be more essential to the firm necessity of God's will than the object presented as infinitely lovable. This for no other reason than that will as such is free and not spontaneous. Thus the Divine will is free in all its acts. In other words, the perfect will is free and as such its act in relation to an infinite object is freely given, but its act is also

¹⁰¹ Duns Scotus, *ibid.*, p. 94

¹⁰² Duns Scotus, *ibid.*, p. 94

necessary by the very fact that perfect will is adequate to the task of a freely elicited, infinitely intense and unfailing love of infinite goodness. It cannot be otherwise, not only because its object is infinitely lovable and determining it to act, but also because it loves that object actually and infinitely - without remainder or hesitation. One might say that the object is necessary to the will's act as a *sine qua non* condition or partial co-cause thereof, and it moves the will necessarily, but it does not cause the will to act with its peculiar necessity. Rather, that firm necessity derives from and is contributed by the strength of Divine will, as the very act of love of the good in itself, an act of infinitely intense perfect rectitude that closes off and precludes all lesser goods and perspectives and fixes firmly upon the whole of infinite good.

There is, then, no question of Divine love not loving His own goodness since it is the pure unceasing act of loving that goodness. The issue seems to revolve around a deliberate maintenance of a distinction between the necessity of love that is free by a God who is just who he is as Love itself, not determined by a nature anterior to His act, and a natural necessity which seems to Scotus to be something of a more functional, potentially passive sort inappropriate to an infinite spiritual, intelligent, upright, personal nature. Thus Scotus distinguishes liberty as a pure perfection as between different kinds of necessity:

"The following propositions, then, are necessary in different ways: (1) 'God necessarily lives,' for he lives by a necessity of nature; (2) 'God necessarily understands,' -- the necessity here has a different basis, for it stems from an intelligible object determining the intellect to know it; (3) 'God necessarily produces the Holy Spirit,' for he does so by a natural necessity that does not precede but accompanies [the will's act]; (4) 'God necessarily loves himself,' -- here the necessity is a consequence of liberty's infinite perfection and there is no necessity of nature involved."¹⁰³

Necessity of nature implies, for Scotus, something outside of the will's essential rectitude and elicited act determining it to act, reducing it from some passivity to activity (a passivity which, for Scotus, implies some imperfection of will that inclines toward the good, not in itself, but as advantageous to oneself - that is passively inclined which inclines

¹⁰³ Duns Scotus, *Quodl, q. 16, N. 11, 16.35*

necessarily to its own perfection). Thus, in God, there is no other reason for the will's liberty besides its being a perfect will; Divine love's necessity comes from the steadfastness and perfection of God's personal character as the infinite love of goodness that He is. According to Scotus, then:

"[N]ecessity can mean two things: (1) necessity of immutability, which excludes a change of will in which at some subsequent moment the divine will would will differently than at present; the other is (2) necessity of inevitability or determination, which not only excludes change or succession but rules out that the divine could have willed other than it has."¹⁰⁴

Clearly, it is the first type of necessity that applies to the Divine Will:

"There is in the essential will-act as ordered to what is supremely loved a necessity of immutability stemming from free will alone."¹⁰⁵

Taken in one way, this may appear to be nothing other than a return to Aquinas' position that the natural character of the Divine will is perfect rectitude that cannot will anything but goodness in itself because it is itself *by nature* the unceasing act of ordered love for His own infinite goodness.

Yet Aquinas calls this "spontaneous" insofar as while it arises from the Divine will's nature, it is not "free" inasmuch as the object, universal goodness in itself, moves it to act. Scotus, on the other hand, insists on calling it "free" and retaining the notion that its "spontaneity" is not determined to act by its object but is free in its act even if it is that act by its very nature as infinite, intense love of the good. Many have claimed that this indicates that Scotus thought the Divine will is radically indeterminate, that if God has some choice in the matter, then it is not guaranteed; but there seems to be no basis for this claim since the Divine will has only one inclination, an affection for justice, for goodness in itself, and is by nature not that affection as an inclination but that very affection in act. That said, the sense of the will's freedom and how its act does not flow from God's nature precisely as infinitely intense Love itself is something of a mystery. Yet Scotus remains constant: God's nature precisely as the act of love of goodness in itself is a free act of will, because the will as such is free; thus, if God is love, He is freely so. God freely loves His own goodness - but not in the sense that he might somehow do otherwise, because God is that free love

¹⁰⁴ Duns Scotus, *Quodl*, q. 16, N. 7, 16.27

¹⁰⁵ Duns Scotus, *Quodl*, q. 16, N. 11, 16.35

of goodness itself, that is who He is. The infinite will may act of necessity on account of its object, but this act is not strictly necessary unless God also freely loves infinitely with all requisite intensity that is tantamount to necessity because that love, as so intense as to close off the possibility of any wavering, will not, can not, turn aside. Scotus simply will not say that God has no freedom in loving His own goodness, for it seems to him that any other functional act like that of the natural order would have no real moral goodness worthy of the Divine persons in it. In any event, despite Scotus' insistence on the freely given necessity of love that characterizes the infinite act with respect to an infinite object, that truly deserves to be loved with all the fullness of God's intensively infinite love, there is - as for Aquinas - certainly no such necessity in relation to any created, finite thing.

Indeed, the non-necessity, or contingency, of God's willing with respect to the possibility of willing to create is related precisely to the finite, created character of all that can be created: "Although the divine will necessarily takes pleasure in everything intelligible insofar as some participation of God's own goodness is revealed therein, it does not will necessarily any created thing with a volition that is efficacious or that determines it to exist."¹⁰⁶ Toward possible beings, which as possibles possess a "transcendental or ontological goodness" through participation in divine goodness, God's efficacious, creative love wills only contingently. Once created, the natural goodness of creation, its order and "natural law" does not bind God to its conservation by any extrinsic claim upon God that necessitates him, but binds Him only mediately through what he owes to his own goodness: "Unlike Aquinas, Duns does not admit a two-fold justice in God, one that impels him as it were to do justice to his own goodness and a second which impels him as it were to do justice to his creation. Following Anselm again, he sees only one justice in God, that which he owes to his own nature, but this justice, he insists, also affects his dealings with creatures for it modifies his creative act, causing him to give to natures such perfections as are due or becoming to them."¹⁰⁷ And in this justice toward His creation, God is perhaps more accurately said to act out of His

¹⁰⁶ Duns Scotus, *Quodl*, q. 16, N. 7, 16.29

¹⁰⁷ Allan Wolter, *ibid.*, p. 158

generosity than His justice: "Simply speaking, I say God is debtor only to his goodness, that he love it; to creatures however he is a debtor out of his liberality, that he communicate to them what their nature demands ... a kind of secondary object of his justice."¹⁰⁸ It should therefore be clear, from this necessity of God's love for His goodness, that the stability of natural created order is hereby guaranteed as well as made contingent - it is no less a coherent order rooted in the necessity of God's own Divine justice, not so much as a debt to creatures as to Himself. "Natural law" - the order of the universe - is no less necessary for having been contingently created.

Moreover, that coherence, that law, as we shall see, is unified by its movement toward God. For just as in Aquinas creation is partially impressed with the love of the common good for its own sake, so for Scotus it is partially impressed with the justice of love of the good for its own sake. That love of the common good and that rectitude of Divine will's love for its own goodness is impressed upon the creation's natural love as its proper rectitude, the measure of its justice. Together the reflections of Aquinas and Scotus on God's love, regardless of their differences aimed at one thing: tracing out the distance between Creator and creation and thereby positing the consequent impress of God's love upon the very character of the world through His creation thereof. Through this effect, whereby creation reflects the Creator, the world receives its principle and measure: the Divine law of love which is Divine rectitude of will, Divine justice.

Whatever else has been, and will be, said of their differences, it is important to note the harmony of Aquinas' and Scotus' vision and its meaning for the mendicant mission: the mendicant aim in reforming the medieval world was in strict accordance with the priority that its leading thinkers placed upon charity as the principle of the proper ordering of all human life and the whole of the universe. Moreover, it was primarily in their unity and only secondarily in their discordance that their historical force is to be found. This even if, as we shall see, Scotus' insistence on liberty is a feature of Franciscanism that ever accounts for the meaningful discordance of the mendicant orders on many issues and that that discordance did indeed matter in their visions of a Christian civilization. For they were busy

¹⁰⁸ Allan Wolter, *ibid.*, p. 158, citing *Ord. IV, d. 46, q. 1, nn. 4, 7-9 (XX, 404, 424-25)*

changing the world and that world, that civilization, which the mendicant orders were attempting to change, was to be re-made in the image of God's own Divine love for Himself so far as possible. And although it rather did matter whether that love was to be negatively free or not, there was nevertheless much that the two visions shared in common. True, as we shall see, Aquinas did not generally hold man's negative freedom in too high regard because he did not conceive of it as a human perfection but as a consequence of human imperfection; true, Scotus and the Franciscans, on the other hand, generally did think of negative freedom as a significant human perfection to be perfected in its free and necessary dedication to God. Nevertheless, God created the world, loved the world and the world was to love Him in return. Just as that simple message formed the complex theories of Aquinas and Scotus, it also formed the basic manner in which those theories were further developed into philosophical anthropology and how those theories were received by more ordinary lay people. For what Aquinas well knew, the ordinary laity knew as well: "It is evident that not all are able to labor at learning and for that reason Christ has given a short law. Everyone can know this law and no one may be excused from observing it because of ignorance. This is the law of divine love. As scripture says, *The Lord will quickly execute sentence upon the earth.*"¹⁰⁹ Of course, this was both easier said than done and not even so easily said. It required that a rather more detailed answer be given as to how human life, both individually and socially, should achieve such a thing - and, moreover, it required an answer as to whether human life could achieve such a thing and how.

¹⁰⁹ St. Thomas Aquinas (*Opuscula*, In duo praecenta... Ed. J.P. Torrel, in *Revue des Sc. Phil. Et Théol.*, 69, 1985, pp. 26-29: http://www.vatican.va/spirit/documents/spirit_20010116_thomas-aquinas_en.html

Chapter 4

Human Action

In the Image of God

It is often thought that the medieval Scholastic definition of man - as a rational animal - indicates a rather static and somewhat barren, bloodless conception of human nature. Even the popular medieval Christian phrase, the image of God, *imago Dei*, can seem as lifeless as an icon when behind it stands the poorly understood dual characteristics of man that served to define his status as image: intellect and will. Yet if we have emphasized, in the preceding chapter, the forceful interest of Scholastic philosophical theology in establishing God's free creative love as the transcendent cause of the world which has left its imprint upon that world, it is because this theme of a movement that constitutes the broader context in which human nature and human life are considered. On the one hand, the cosmos, as the effect of God's creative intellect and will, bears some simple resemblance to "the divine *nature*, whose fullness and perfection explain the perfection of the creature, since that divine nature is both the realizing cause and the model. On the other hand, the *will* that does all these things gives freely, out of love, not out of a sort of natural necessity" is reflected in creation in a particular way as well.¹ From the latter perspective, "according to which the procession of creatures results from the divine will, we must ... trace the procession to a principle that explains all the gifts that will distributes. The first principle in this order can only be love ... inasmuch as the procession of creatures results

¹ J.P. Torrell, *St. Thomas Aquinas: vol. 2, Spiritual Master*, trans. by Robert Royal, Washington, DC; The Catholic University of America Press, (2003), p. 59

from divine liberality."² Moreover, love is not only the first principle of the dynamic movement of the cosmos, it is also a perfection imparted to the creatures within that cosmos and, in particular, to rational creatures, and is a principle of their nature whereby they both resemble their cause as love and through which man in particular is led back to God by love of His goodness. Thus human nature and life are conceived as part of the cosmos viewed as a dynamic movement and not a simple static reflection.

For instance, it is well known that Aquinas' *Summa Theologica* is structured in accordance with a scheme borrowed from Neo-Platonic sources and adapted to Christian purposes:

"Given that the object of *sacra doctrina* is to transmit knowledge of God, not only as it is in itself, but also as the beginning and end of all things, particularly of the rational creature ... we must first treat of God (*Prima Pars*), then of the rational creature's movement toward God (*Secunda Pars*), and finally of Christ, who in his humanity is for us the way that leads to God (*Tertia Pars*)."³

The schema borrowed here is that of Neo-Platonism's doctrine of emanation wherein creatures "come forth" from the One in being fashioned as what they are and, further, as attracted to the One as the end which they imitate in a sort of lunar gravitational pull attracting an eternally repeating process of rising and falling waves of entities. Obviously, however, this process needed to be amended since as "a thinker in the Judeo-Christian tradition, Thomas could only conceive of that 'coming forth' as a free creation, inaugurating time and the history of salvation."⁴ A Christian could not maintain the impersonal character of the Divine that characterized the purely necessary emanation of creatures from the One and the purely necessary emulation of the One on the part of creatures. Thus the movement that is freely imparted by a Christian God to creation is the essential nature of creatures designed by love and moved by the very nature of their design to love of the good. Thus the linearity of salvation history triumphs over ancient paganism's vision of eternal return of creatures into ever new cycles of creation but is thereby subsumed into a circular motion in Christianity, yet now with a difference: that it is also a history and not a repeating, meaningless cycle.

² J.P. Torrell, *ibid.*, p. 59

³ Thomas Aquinas, *S.T. Ia. q.1, Prologue*

⁴ J.P. Torrell, *ibid.*, p. 55

The difference is two-fold. First, in such a schema, nature itself is now partly removed from its previous conception as seeking nothing more than its own perfection as an imitation of the One. This insofar as nature is now ordained beyond itself to a singular, dramatic representation of, and through man attainment of, God. Hitherto, nature had been conceived without the benefit of revelation, and thus was understood as essentially closed upon itself insofar as the nature of each thing drew it onwards, unwittingly, toward the final cause of all things through the achievement of its natural perfection. In this view, that final cause was not its true end except only accidentally on account of the similitude between an entity's natural perfection and the final cause. To characterize this movement of an entity toward its own natural perfection, its growth into what it is, Aristotelian ethics had coined the term "*eudaemonia*" - for nature, and man alike, were inclined to that which perfected their nature out of a desire to have that perfection as their own good: for example, a plant strives to gain that which it needed to become itself and develops in that sense toward its full potential. In reaction to nature considered essentially, not as egoistic, but as eudaemonistic, mendicant medieval philosophy and ethics still could not help but object. For they saw in this assessment of the world what St. Bernard (c. 1090 - 1153) had been widely interpreted as calling "*natura curva*" rather than *eudaimonia*: "*natura semper in se curva est, et ad se reflectitur* (nature in itself is always curved, and reflected to itself)." The change of emphasis in the phrase indicating that medievals saw such a conception of nature, precisely as curved back upon itself, as insufficient, it was imperfect if it halted there and did not quite properly capture the character of nature as a movement beyond itself. In this sense, it is important to note that this "statement as it is normally quoted is not in the writings of Bernard. In his sermons ... Bernard does discuss an *anima curva*, which has its eyes focused on things below ... [and] often uses the adjective *curva* to describe the sinful soul and the verb *curvare* to describe turning away from God." ⁵ Indeed, while Scholastic thought maintained, to a large extent, that such self-perfection was the aim of the natural world as a proper reflection of God therein, their thought necessarily

⁵ Thomas M. Osborne, *Love of Self and Love of God in Thirteenth-Century Ethics*, Notre Dame, Indiana: University of Notre Dame Press, (2005), p. 29

went further precisely on account of the love of God. For in intentional and free creation, a more meaningful purpose had been infused into the world by the love that created it. For if nature's excess beyond love of its own self-perfection was obscure and did not quite so evidently force itself upon our experience, this was more on account of sin than nature itself. Instead of halting at this lower purpose of self-perfection, nature's end was ecstatic - it pointed beyond itself. Or rather, the perfection of nature was conceived as ordained beyond itself, first and immediately toward man as to the singular instance of a rational creature whose distinction was that he could, in fact, properly return the whole of nature to God through love inasmuch as he was capable of knowing and loving God.

Thus, the second significant difference from paganism was the distinction of man, not merely as a more perfect effect of God's loving power, but as a voluntary agent whose perfection, whose movement to God, was characterized by his distinctive rational-intentional capacity to freely love God. This capacity differentiated man from the rest of natural world. For whereas "we will of necessity find a resemblance, a 'trace' (vestigium) of the Trinity in all creatures and not only in man ... [Thomas] distinguishes two ways in which an effect can resemble its cause: as vestige or as image."⁶ A vestige is a trace - which does not imply that the effect represents the form of the cause such as when smoke or ash indicate fire or as footprints indicate walking; an image, on the other hand, partakes in some way of the form of its cause. Man, in this sense, as capable of rational love or, as Scotus calls it, that "understanding-love," is not a mere trace of God. Instead, man is the image of God. Thus, when Aquinas turns from his discussion of God in the *Prima Pars* of the *Summa Theologica*, his prologue indicates precisely that wherein man resembles God:

"Since, as Damascene states (De Fide Orthod. ii. 12), man is said to be made to God's image, in so far as the image implies an intelligent being endowed with free-will and self-movement: now that we have treated of the exemplar, i.e., God, and of those things which came forth from the power of God in accordance with His will; it remains for us to treat of His image, i.e., man, inasmuch as he too is the principle of his actions, as having free-will and control of his actions."⁷

⁶ J.P. Torrell, *ibid.*, p. 64

⁷ Thomas Aquinas, *S.T. Ia. Ilae., Prologue*

Nevertheless, and this is where human nature's position within the broader context of the cosmos as dynamic movement vitiates the static connotation of man's definition as "rational animal" possessed of intellect and will, we ought not to ascribe to man the image of God without qualification:

“The image of someone is found in another in two ways: either in a being of the same specific nature, as the image of the king may appear in his son, or in a being of a different nature, as the image of a king may appear on a coin. Now, it is in the first way that the Son is the Image of the Father, and only in the second way that man is in the image of God. Thus, to show the imperfection of this latter image in man’s case, we do not say without nuance that he is the image of God, but he is ‘in the image,’ and thus is signified the attempt to tend toward perfection. About the Son of God, on the contrary, we cannot say that he is ‘in the image’: he is the perfect Image of the Father.”⁸

This Christological qualification of man's status whereupon Christ is understood as the perfect Image of God and man as merely "in the image" (*ad imago Dei*), reveals Scholasticism's dynamic conception of the human person as a being that cannot be reduced to a static nature. His nature is as a certain indetermination seeking a proper determination through the use of his faculties. The point is that the conception of man as a "rational animal" possessed of intellect and will, and therefore in the image and likeness of God, can only be conceived as a point of departure rather than a given datum.

In this regard, for the moment, it will be sufficient to indicate the character of the dynamism implied by the perfection of a nature not merely given as already properly the *imago Dei*: "The image of God,' says St. Thomas, 'is found in the soul according as the soul turns to God, or possesses a nature that enables it to turn to God.' Duns Scotus, although forcibly insisting upon the reality of the image in itself as stamped upon mind, agrees that it remains imperfect so long as it is merely shut down on itself, and only becomes fully itself when it explicitly refers itself to its model [namely, God, and this through the imitation of the Perfect Image of God, i.e. Christ]."⁹ The very abstract character of the "rational animal" and "*imago Dei*" defined by the notions of "intellect" and "will" had, in fact, implied the necessity of

⁸ Thomas Aquinas, *S.T. Ia. q.35, a.2, ad.3*

⁹ Etienne Gilson, *The Spirit of Medieval Philosophy*, trans. A.H.C. Downes, Indiana, Notre Dame: Notre Dame University Press, (1991), p. 213

such dynamism. Insofar as the intellect is conceived in such an abstract definition as a faculty inclined to the "truth in general" as a capacity to know, it implies only a potency to some determinate fulfillment. The intellect's very character as mere potentiality was the indetermination which, while making possible its versatility, also implied the dynamism of its search. The same can be said of the will. Inasmuch as it is also conceived in abstraction as a faculty for willing the "good in general," it is conceived in such a way that all that fits under that broad universal aspect of the good falls within the range of its sight or activity, but the will itself is an indeterminacy that must seek and learn the singular goods that fall in that range. Indeed, it is the universality of the human will's object that gives to man the very liberty of choice that requires dedicated determination in seeking out the good in particular. Both intellect and will are therefore, in such a conception, understood precisely as indeterminate origins from which man sets out. Man begins from mere potency in a search for the truth, seeking to discern the good so that when and as he finds it and loves it, and in this there is much of tradition, culture and history to teach him, he is most gradually, but most truly actualized as *imago Dei*.

The whole setting for the discussion of man is, therefore, framed by the indispensable movement of creation as exit from the Creator to salvation as return to God through the Word Incarnate as Savior: "By situating Christ at the summit of this universe, Thomas introduces all the dynamism of a *return*, guided by the Good News."¹⁰ Thus it is that through the imitation of Christ, man imitates God:

"The first principle of the whole procession of things is the Son of God: 'Through him, all things were made' (John 1:3). That is why he is also the original Model that all creatures imitate, as the true and perfect Image of the Father. Whence the expression in Colossians (1:15): 'He is the Image of the invisible God, the First Born of all creation ... Since he has been begotten before all creatures through resplendent grace, he has in himself in an exemplary fashion the splendor of all holiness. However that divine model was far from us ... That is why he wished to become man, to offer to men a human model.'¹¹

¹⁰ J.P. Torrell, *ibid.*, p. 105

¹¹ Thomas Aquinas, *In I ad Cor. XI, 1*, n. 563, cited in J.P. Torrell, *ibid.*, p. 115

Moreover, when St. Thomas "speaks of Christ's example, he is not thinking of a motionless reproduction of a fixed model; but, as is fitting to the image on its way toward imitation, he conceives of it as a pathway: to imitate Christ is to walk after him."¹² The structure of the *Summa Theologica*, then, is the macrocosm of the same movement found in microcosm in the definition of the image of God in man as *ad imago Dei*.

For if there is, in the above, an exalted vision of the heights of human potential beyond the "natural," the glory of perfection to which man's nature might reach as a real reflection of the Divine, this emphasis cannot obscure or dispense with the beginnings from which that nature departs:

"The image of God in man can therefore be found according to three degrees. First, in that man has a natural aptitude to know and love God, an aptitude that resides in the very nature of the spiritual soul, which is common to all men. Second, in that man knows and loves God actually or habitually, even though imperfectly; the image is in conformity with grace. Third, in that man knows and loves God actually and perfectly; here we have the image in its resemblance to glory."¹³

Man's nature with respect to the image of God is, therefore, at its purely natural level, rather an aptitude than an image. That is to say, man's soul is potentiality, *capax Dei*. Though a long way from its fruition - nevertheless it is possessed of an indestructible potency that is not indifferent toward that to which it is in potency but is precisely tied to an inclination and therefore is "aptitude." Or: "the man-image does not reflect the God-Trinity like a mirror, but in the way an actor imitates a real person, whom he represents by entering more and more deeply into the life of the character."¹⁴ The character of *ad imago Dei* as a definition of man's place within the universe is at the same time the exalted nature of man and an emphasis upon the indispensability of the process of his transformation.

Now, Aristotle's conception of man's movement toward virtue had indeed possessed an element of dynamism and transition, but from a Christian perspective it had possessed this dynamism only superficially. The whole movement of Aristotelian eudaimonism had remained within the same motive toward self-perfection and thus only returned to its origin in its end

¹² J.P. Torrell, *ibid.*, p. 112

¹³ Thomas Aquinas, *S.T. Ia. q. 93, a.4*

¹⁴ J.P. Torrell, *ibid.*, p. 89

state. The dynamism implied by man's turn to God, on the other hand, was not contained within the present life but was ordained beyond it to an excess over even the "natural" agency of man in his dynamic development toward self-perfection; that is, human nature was ordained to a stability of supernatural perfection and vision which could only be had as gift of beatitude and to a love beyond self that was only purified through grace. Thus, it was precisely "in their assumption that the present human condition (*pro statu isto*) is itself human nature, [that pagan] philosophers fail to identify the higher perfection of a rational nature and settle for the lower. Because they are ignorant of revelation, philosophers have no knowledge of the fall, of original sin and its consequences for human powers of knowing and willing ... the human condition may reveal something of human nature, but not enough to conclude to the state of perfection to which the human person is destined."¹⁵ If man's natural capacity for the love of God beyond love of self, which was a highly discussed issue, was somewhat obscured in this life, it was obscured on account of man's fallen condition and original sin - and yet it was nevertheless in evidence in human nature. For human nature bore the dual character of nature herself in a unique and superlative fashion: in man's love there was indeed natural desire, but also voluntary-intentional love as well. Man began indeed with self-love but was led onward through more expansive notions thereof toward a love of the common good and, in a sublative moment, to love of good in itself beyond the primacy of love of self. In this sense, therefore, Aristotle's view that human happiness was the exercise of the virtues that perfected human nature in this life could only be considered as an imperfect conception of man's end; those virtues needed to be turned beyond themselves.

Those very same virtues, of course, remained critically important to man for Scholasticism as well precisely because he was primarily in potency to his own human development and to his supernatural, perfect end. It is for this reason that it is only after treating of human nature and the structure of human action that Aquinas discusses moral theology and the virtues that are man's movement toward God. Yet this perfection of the natural virtues was

¹⁵ Mary Beth Ingham, *The Philosophical Vision of John Duns Scotus*, Washington, DC: The Catholic University of America Press, (2004), p. 125

insufficient. Man, as possessed of the natural potential for a love beyond desire for self-perfection, must exceed himself by turning to God through charity. Of course, on account of original sin, this turn was made into labor and toil - it was a struggle and required God's grace in some fashion. Yet difficult though it was, it still belonged to human nature. Thus, in writing the *Summa Theologicae*, St. Thomas altered the order of Peter Lombard's *Sentences* to treat of charity in his analysis of human action and prior to his discussion of Christology and the sacraments. In fact, this significant change to the structure of Lombard's *Sentences* both gives greater place to the present life of man as *homo viator* capable of charity even if crippled and at the same time suggests the manner in which the human person is conceived as a dynamism, the entirety of whose nature cannot be grasped from focusing purely on the present state of the human condition. For charity, while within man's natural potential, was also infused Divine assistance. This change, indicative of a renewed focus on the present life and natural goodness of man and the new space granted to the natural, is the place where charity is treated. For in Peter Lombard's work, charity is not treated among the virtues, for rather than being a quasi-human virtue, a created or infused virtue, a gift of the Holy Spirit: "charity *is* the Holy Spirit as well as a gift *from* the Holy Spirit, according to Peter Lombard. ... Peter Lombard was faced here with a clear option: to regard charity - our love of God and neighbor - as either human (even if human as a consequence of divine infusion), or as divine; as a movement either coming from within man himself or removing man from himself and his created condition."¹⁶ Thus purely divine, Peter Lombard discusses charity in the context of his Christology rather than in the treatise on man and the virtues (which is precisely where St. Thomas places charity, that is, in the second part of the treatise on man).¹⁷ The importance of the transformative process of man beyond his acquired virtues and mere aptitude for the image of God is a human affair, but on account of sin and the fallen condition, it is an affair

¹⁶ Philipp Rosemann, "*Fraterna dilectio est Deus*: Peter Lombard's Thesis on Charity as the Holy Spirit," in *Amor amicitiae: On the Love that is Friendship, Essays in Medieval Thought and Beyond*, ed. Thomas Kelly and Philipp Rosemann, Leuven, Belgium; Peeters Publishers, (2004), pp. 429-430

¹⁷ Philipp Rosemann, *ibid.*, p. 434

undertaken in conjunction with the role of the Holy Spirit precisely as giving the gift of charity in co-operation with man's own love. Yet even in a state of original justice, prior to sin and the fall, man is moved beyond the realm that lies within the grasp of his own natural agency and brought into communion with God through grace. The original natural dignity of man as capable of charity is high, but the highest and truest dignity is expressed in his co-operation with God the Holy Spirit in conforming himself to the image of God in Jesus Christ for the sake of beatific union with God Himself through charity.

Yet in Aquinas' work, this whole focus on the charity that leads us into Christology and sacramental theology begins, as is fitting given man's indeterminacy as *ad imago Dei*, with the barren image - man in potency, as it were. More poignantly, Aquinas begins with an emphasis on a "distinction" more commonly associated with the voluntarism of the Franciscans but no less important for Thomism even while elaborated differently in Aquinas' work. That distinction, which we have already alluded to above with regard to nature's dual inclination, is nothing other than the same "dual" inclination found in man as oriented toward his own perfection as well as beyond it toward God. It is the distinction between the natural and the voluntary or between the involuntary and the voluntary as the case may be since the discussion is complicated on several accounts. Indeed, Aquinas' treatise on human acts begins similarly with that which distinguishes a human act as human:

"First, then, we must consider those acts which are proper to man .. (1) What makes an act human? (2) what distinguishes human acts? ... And since those acts are properly called human which are voluntary ... then, we must consider the voluntary and involuntary in general; secondly, those acts which are voluntary, as being elicited by the will, and as issuing from the will immediately."¹⁸

It is, therefore, the distinction between the voluntary and involuntary, the natural and voluntary, through which the entirety of the discussion of human nature and action is initially framed and through which the whole dynamism of human life is originally envisaged. For therein lies man's potential to love freely and rationally in a manner significantly distinct from the rest of the natural which loves only irrationally. Thus it is man's possession of "rational

¹⁸ Thomas Aquinas, *S.T. Ia.IIae. q. 6, Prologue*

potency" that distinguishes him and raises his natural dignity above the rest of irrational nature. Here again we shall take Aquinas and Scotus as critical exemplars - though with some glances at other authors - in an attempt to grasp the unity of their intention and the limits of their debate as they sketch the movement of man to God. After that we can turn to how their similarities and differences with respect to man's indeterminacy are expressed in the similarities and differences between Dominican and Franciscan spirituality.

The Natural and the Voluntary

It would be difficult to overstate the importance that the question of free-will had for late Scholasticism. It certainly occasioned more than enough vehement debate at the time, just as it has occasioned a nearly endless proliferation of secondary literature since. That man had a free-will was not in question; what, precisely, this meant was the question. And in contemporary debate during the late thirteenth and early fourteenth centuries, the sides - though with considerable variation - had already been drawn between Thomist "intellectualism" and Scotist "voluntarism." The former position is frequently characterized, with dangerous simplification, as arguing that the will's action followed necessarily from the intellect's presentation to the will of an object considered as good. The will, in this view, is by its nature an inclination or appetite toward the good and this means one thing: that it cannot hate an object it perceives as good and can will no object unless that object is perceived under the appearance of good. Just as the eye sees color, so the will wills the good. In short, the will acts accordingly when the intellect judges an object to be good and judges that it is to be willed. Such was the interpretation of St. Thomas' position as held by the famous student of Aquinas, John of Paris:

"That the will can choose nothing against the judgment of reason, so that when reason proposes two actions and judges that one of them ought to be chosen, it is impossible for the will not to choose that and to will the opposite; and that the will can do nothing against the judgment of reason, because otherwise it would not be a

rational appetite. For this reason people say that the will is not free in desiring except because reason is free in judging."¹⁹

Though this captures something of the position, the view was certainly not without further nuance - and, in fact, the above is a rather radical intellectualism if not further elaborated upon. However, that is the point. For "intellectualism," an elaboration seemed necessary if some account was to be given of the nature of the voluntary character of human action as indeterminacy with respect to objects presented to the will as good by the intellect.

Otherwise, the "voluntarists" charged, there is no significant role for the will in human freedom beyond that of a reflex - a purely passive power, a mere functional appetite - and indeed no freedom of the will whatsoever. Rather, if all freedom in desiring is rooted only in reason, and only a deficiency in reason with respect to discerning what good actually is explains variation in human action - then the conclusion is simple: all variation in human action derives *only* from ignorance. As William de la Mare put it in his *Correctorium fratris Thomae* (which, incidentally, was made required reading for all Franciscans reading the work of St. Thomas - and this on account of the episcopal condemnation of "intellectualism" in 1277):

"[Intellectualism] seems to suggest that if reason does not propose several desirable objects to the will, but only one, the will would necessarily be moved to that, just as the sense appetite would. This has been shown to be false ... otherwise the good would not be deserving or the evil undeserving."²⁰

This was, in fact, the very same charge of irrationalism which the intellectualists leveled against the voluntarists and which the intellectualists claimed to avoid through the notion of "rational appetite." That is to say, intellectualists claimed that the will must follow the intellect if it was to be a

¹⁹ John of Paris, *Sent.*, II, q. 5, in *Jean de Paris (Quidort), O.P., Commentaire sur les Sentences: Reportation, Livre II*, ed. J.-P. Muller, *Studia Anselmiana* 52, (1964), 176; cited in Bonnie Kent, *Virtues of the Will: The Transformation of Ethics in the Late Thirteenth Century*, Washington, DC; The Catholic University of America Press, (1995), *ibid.*, p. 106

²⁰ William de la Mare, *Correctorium fr. Thomae*, a. 58 (Glorieux ed., 238-9); cited in Bonnie Kent, *ibid.*, p. 124

rational appetite rather than an unthinking, instinctive or reflex act. Voluntarists indicated that a will following the intellect blindly as a reflex was precisely that sort of unthinking instinct. Thus John of Paris himself was careful to qualify his intellectualism in some respect: "John hastens to add that the will is not like animal appetite ... An animal's desire, he says, follows the apprehension of its senses. The human will, on the other hand, immediately follows the apprehension of intellect only if the intellect has finished deliberating. The intellect's judgment must also be firm if an act of will is to follow."²¹ In other words, the problem is simple: "Appetitive powers, being passive powers, are moved by their objects and must be distinguished according to differences in those objects. Since these objects are necessarily apprehended, differences in the type of apprehension result in distinction among both the objects themselves and the appetites they move. Following upon the distinction between sense and intellectual cognition, arises the further distinction between sense and rational appetites";²² however, such a distinction of the appetites does not at first appear to distinguish them except as one appetite from another. That is, a distinction between appetites according to objects does not appear to distinguish them as essentially different kinds of appetites but simply as distinct natural appetites drawn to different objects - this insofar they are both still moved to act in the same manner, namely, necessarily. This conclusion, whether the intellect has or hasn't concluding deliberation, would seem to leave little in the way of any substantial indeterminacy open to the voluntary actions of man. If there is freedom for "intellectualism," then, it is possible only upon further elaboration concerning the operation of the intellect and its interaction with the will; moreover, that elaboration must amount to some "freedom" either in judging or in some indetermination on the part of the will such that human action is ultimately in some way voluntary.*

²¹ Bonnie Kent, *Virtues of the Will: The Transformation of Ethics in the Late Thirteenth Century*, *ibid.*, p. 106

²² David Gallagher, "Thomas Aquinas on the Will as a Rational Appetite," *Journal of the History of Philosophy*, Vol. 29 (4), October, 1991, pp. 559-584; pp. 562-3

* Unless the pure intellectualist (see below, Eleanore Stumpf) is comfortable in accepting cognitive determinism and insisting that the will's acting in accord with its inclination,

For its part, the voluntarist position claims that freedom lies in the will itself and its ability to choose or not choose the good as apprehended by the intellect such that, as one commentator somewhat misleadingly states, "even after a final judgment has been made by reason, the will remains free; the will can act against reason's judgment; the will need not pursue what reason dictates."²³ What is misleading here is the phrase "act against reason's judgment" - for this is not necessarily and was rarely the voluntarist position and seems to be a perennial mistake of interpretation. Instead, the common voluntarist position was that the will need not pursue what reason dictates is good - which is very different from acting against the dictate. To leave aside an action is different than to will the opposite. Nevertheless, even as such the voluntarist position faces much the same challenge as the intellectualist position - as intellectualists were quick to point out. For if the will acts against reason or simply does not pursue its final dictate, it either so acts without reason and is thus blind or it does so in accordance with another reason, in which case it was not really the final dictate of reason that was under discussion. As John of Paris put it:

"If reason dictates that this thing be evil, and the will wills it, it chooses that thing either as apprehended [by the intellect] or as not apprehended. If it chooses it as not apprehended, then voluntary appetite does not differ from natural appetite. Therefore, it chooses it as apprehended - but not as apprehended under the concept of evil, because evil is not desirable [i.e. the will is unable to desire evil as such]."²⁴

This is a rather radical re-statement and critique of the voluntarist position if given without further elaboration. Thus the difficulty for voluntarists is what it means for human action to be voluntary when choosing a thing as apprehended by the intellect as good. How is it that this is not merely functionally following the apprehension of the intellect? It is a problem concerning the will's operation and its co-operation with the intellect and it must be explained how it is that the will is not purely functional in choosing the good as judged by the intellect and how it is that the will is not a blind

even necessarily, is simply its acting freely because - after all - the inclination is its own inclination and own spontaneity - but no such action could be deserving or undeserving.

²³ Bonnie Kent, *Virtues of the Will*, *ibid.*, p. 102

²⁴ John of Paris, *Sent.*, II, q. 5, in *Jean de Paris (Quidort), O.P., Commentaire sur les Sentences: Reportation, Livre II*, ed. J.-P. Muller, *Studia Anselmiana* 52, (1964), 178-9; cited in Bonnie Kent, *ibid.*, p. 107

appetite when it does not choose what the intellect apprehends as good. Or rather, the problem is to explain how the will is capable of rationality without being perfectly necessitated by that rationality as the sufficient cause of the act of willing.

Now for our purposes, the question at hand is the meaning of the voluntary as the point of departure for human action considered as a dynamic movement, not simply within the sphere of human activity, but within the broader context of the whole procession of the natural toward the love of God. By "meaning" we here understand the function and significance of the voluntary precisely insofar as its role within the natural order distinguishes man's love of God in some way from that natural order such that he is capable of intentional-charity. For the relation between charity and nature, the presence and significance of charitable love in the cosmos, carried with it serious consequences for what human action and human society truly and perfectly aimed at. It illuminated the standard to which action and society were to be held. The problem facing Scholastic thought in this regard is what is to be understood by "rational appetite," how man's possession of such an appetite conceives and explains his freedom, and how that conception and explanation effected their vision of what human life and human society ought to be. For while all agree on some evident indeterminacy in human conduct that stands in need of proper ethical determination, the question was the kind of indeterminacy that belongs his will considered as a "rational appetite," the kind of determinacy which ought to be pursued and the manner in which it ought to be pursued. What meaning did man's "rational appetite" have for society and the manner in which it led men to their end? We shall review the positions of Aquinas and Duns Scotus.

a) Aquinas' "Naturalism"

As already indicated, the "intellectualist" position distinguished the will as rational appetite from sense appetite according to the difference in their objects and not necessarily in the manner of its movement:

"The will is a rational appetite. Now every appetite is only of something good. The reason of this is that the appetite is nothing else than an inclination of a subject desirous of a thing towards that thing."²⁵

In this sense, the will appears to be a moved mover just as any other appetite: "By itself the will makes no determinations of goodness; apprehending or judging things as good is the business of the intellect. The intellect presents to the will as good certain things or actions under certain descriptions in particular circumstances, and the will wills them because it is an appetite for the good and they are presented to it as good. For this reason the intellect is said to move the will not as an efficient cause but as a final cause, because its presenting something as good moves the will as an end moves an appetite."²⁶ Indeed, the will's natural object is the good in general, and the intellect presents objects to the will *sub ratio boni*, under the aspect of the good:

"Now good in general, which has the nature of an end, is the object of the intellect."²⁷

Moreover, the natural inclination of an appetite inclines it of necessity. There is, in fact, nothing else that can move it naturally, as sight is to color, so the will is to the aspect of the good, and as sight does not see what is not colored, so the will does not see what is not in some way good. At first glance, this difference in objects does not seem to do more than make the will an alternative but equally necessary appetite with no special character capable of explaining human action as voluntary. Further elaboration, however, it is argued in various interpretations, shows that the difference in objects is a sufficient explanation of human freedom of choice.

For the object of the will as rational appetite was not an immediate and particular apprehended good but the indeterminate good in general, a universal concept under the aspect of which a variety of particular objects could be considered - *sub ratio boni*:

"And under good in general are included many things, to none of which is the will determined."²⁸

²⁵ Thomas Aquinas, *S.T. Ia IIae q. 8 a. 1, reply*

²⁶ Eleanore Stump, "Aquinas' Account of Freedom: Intellect and Will," *The Monist*, Vol. 80 (4), Analytical Thomism, October, 1997, pp. 576-97; pp. 577-78

²⁷ Thomas Aquinas, *S.T. Ia IIae q. 9, a. 1, reply*

This citation indicates the distinction of the will from other appetites in a limited fashion, i.e. as a natural appetite which pushes the limits of the term "natural" but does not break them. First, the rational appetite can relate to many things under the aspect of the good, and they are good in various ways such that there is in the will a capacity to elicit opposite acts towards this or that particular good as viewed under different aspects of goodness. Secondly, in those things, what is willed is only their aspect as good, so that the will cannot elicit opposite acts with respect to its own natural object. Only that which is good in every respect is said to be a sufficient mover of the will:

"The sufficient mover of a power is none but that object that in every respect presents the aspect of the mover of that power. If, on the other hand, it is lacking any respect, it will not move of necessity."²⁹

This is a common summation of St. Thomas' theory of human freedom: that we are *not* free as regards the end of willing, but are only free as regards the means. That is, we are not free with respect to the natural object of the will, the good in general, but free with respect to particular goods that are *not* in every respect good.

Indeed, Aquinas does appear to consider man's freedom to consist ultimately in the relative degree of indeterminacy that results from the abstract character of the will's object, the "good in general," when taken in connection with the fact that all practical judgments of the intellect are related to particular instances of limited goodness. Freedom, in such a view, does not concern negative liberty in relation to the will's natural object. For the natural object of the will is the "good in general" or "happiness" and the will wills as just this: a natural appetite for the good in general. Instead, freedom as we know it, as freedom of choice between alternatives, is a feature of the relation between the will and any particular object viewed under the aspect of the good; it is *only insofar* as something is presented as good that we are capable of willing it at all and *only insofar* as it is more or less good that we are capable of choosing otherwise. For since no particular good we encounter in this life is universally good, no such good is capable of absolutely determining the will because there is no naturally known object

²⁸ Thomas Aquinas, *S.T. Ia IIae q. 10, a. 1, ad 3*

²⁹ Thomas Aquinas, *S.T. Ia IIae, q. 10, a. 2, ad 1*

that is universally good in all respects and we chose to view it under a different aspect. Freedom of choice, then, is a feature of this life. That is to say, because the good is known to us only in and through a universal concept and through a power capable of deliberating on the various ways in which a particular falls under that concept, that capacity for deliberation sets us free relative to any object which admits of some lack in any aspect such that a comparison with another thing may indicate the superiority of the latter with regard to the same aspect. Moreover:

"If two things be proposed as equal under one aspect, nothing hinders us from considering in one of them some particular point of superiority, so that the will has a bent towards that one rather than towards the other."³⁰

Thus, upon further consideration, the universality of the object of the will might appear to distinguish man's rational appetite from the immediate necessity of purely natural appetite and the functional necessity of sense appetite in animals.

Indeed, the gap between an indeterminate universal good in general and the goodness of any particular object opens the way to some freedom of choice: "understood in this way, the will can be seen as part of a larger scheme. ... all things are created with an inclination of their own to the good, but of very different sorts. Some, like plants or even inanimate things, have a built-in inclination to the good apart from any cognition of the good. ... Higher up on the scale of being are animals of certain sorts which are naturally inclined to the good but with some (sensory) cognition. They can cognize particular goods, although they lack the ability to reflect on them or to think of them as good. ... Higher still are human beings whose inclination to the good is dependent on intellect, which allows them not only to cognize particular goods but to think about them reflectively as good."³¹ There is a gradation among beings in terms of the singularity and universality of the objects to which their inclinations are determined. That gradation is accompanied by a positive correlation between degree of universality of an inclination's object and degree of control over the inclination: "If we begin with the sense appetite of animals, we there discover a source of inclination

³⁰ Thomas Aquinas, *S.T. Ia IIae, q. 14, a. 6, ad 3*

³¹ Eleanore Stump, *ibid.*, p. 578

which is the apprehended desirable object (*appetibile apprehensum*). The presence of this object in the animal differentiates its inclination from that of all non-sensing things. Upon perceiving such an object, the animal inclines toward or away from it. In at least one sense, we can say that this inclination depends upon the animal itself, since whether or not such an inclination will arise depends upon its own cognitional activity. Through this cognition it transcends the limited activity of non-sensing beings like stones or plants whose 'inclinations' seem, so to speak, wholly preordained."³² Yet the animal's cognitive activity is itself not free but determined by circumstance. Man's intellect, as capable of abstraction - or rather precisely as necessarily abstract - is not so determined by immediate circumstances. However, a problem for this view is that as high as man may be in this hierarchy with respect to the creatures below it, the human intellect's operation and its rational appetite may still be taken as only a limited and momentary degree of indeterminacy.

It is still a limited degree of indeterminacy because, despite its freedom with respect to particular things considered and in relation to particular goods, the intellect necessarily assents to what is evident and the will remains naturally and necessarily determined with respect to its natural object:

"The will is distinguished from nature as one kind of cause from another, for some things happen naturally and some are done voluntarily. There is, however, another manner of causing that is proper to the will, which is mistress of its act, besides the manner proper to nature, which is determined to one thing. But since the will is founded on some nature, it is necessary that the movement proper to nature be shared by the will, to some extent ... And hence it is that the will wills something naturally."³³

For even if the intellect is capable of deliberation and multiple possible considerations of the goodness of a particular object, and therefore does not at every moment *necessarily* give sufficient firmness of judgment to its presentation of some good to the will so as to fully determine the will, the will remains within the realm of the natural inasmuch as if and when there is either an object that is best under every aspect or when a final particular

³² David Gallagher, *ibid.*, pp. 564-5

³³ Thomas Aquinas, *S.T. Ia IIae. q. 10, a. 1, ad 1*

judgment of what is best in a certain case is made, the will is bound to act in accordance with its dictates. This is why it is not only the perfect good that necessitates the will but also the final judgment of the practical intellect.

For while the process of arriving at a final judgment admits of alternative paths, that very process leads toward increasingly determinate courses of action and the final judgment of the practical intellect, insofar as it represents the final singular apprehension of what is best, is a singular apprehension that also determines the will necessarily: "If the object is the absolute good, it will necessitate the will. If the object is mixed, one that can be regarded as good and bad, then whether or not such an object attracts the will is going to depend on how it is considered by the intellect, for 'if considered one way the will will choose to perform the act; if considered another way, the will will reject the act.' The point here is that one can see almost any object as either attractive or unattractive and therefore choice-worthy or not. ... It all depends on how one concludes one's deliberations."³⁴ That is, insofar as final judgment is the end result of consideration that narrows in on some particular good, because the will has thus far concurred in allowing the intellect to arrive at such a firmness judgment and accepted the finality of that judgment, it necessarily acts in accordance with that judgment: "While a person may act contrary to some universal judgment of what ought to be done, he will never, Thomas maintains, act against his particular judgment of what should be done here and now. In any particular action - action is always here and now - there can be no discrepancy between judgment and inclination. Thus the structure remains: inclination is determined by judgment, while action is determined by inclination."³⁵ Of course, at any moment prior to such finality during the process of deliberation, the will can cause the intellect's consideration of some good to cease. The will can turn aside the intellect in favor of considering some other good or aspect because it has not yet been adequately determined by a firm judgment.

Yet here a question appears that has given rise to various interpretations of Aquinas' position and which shall lead us to search Aquinas anew and to

³⁴ P.S. Eardley, "Thomas Aquinas and Giles of Rome on the Will," *The Review of Metaphysics*, Vol. 56 (4), June, 2003, pp. 835-62; p. 842 (in reference to Gallagher)

³⁵ David Gallagher, *ibid.*, p. 571

question the "intellectualism" of the Thomistic position: why does Aquinas say that the will shares in natural inclination only "to some extent" and on what basis does the will "turn the intellect aside" such that it is not at every moment caught in the pure necessity of a chain of the inescapable limits of knowledge? If this "turning aside" is not on the basis of some rationale presented by the intellect as "better," then the process at some point seems to admit of at least some "irrational" voluntarism. On the other hand, if each and every "turning aside" of the intellect is in accordance with *nothing* other than knowledge, then a final judgment is always only the result of either present ignorance or prior ignorance and all willing is simply the necessary outcome of the process that has been labeled "cognitive determinism": "However, if choice follows upon how goods appear to an agent yet the will has no control over such appearances, then it seems that rational agents must act in a deterministic fashion."³⁶ One interpretive attempt to address this difficulty, made by Stephen Wang, is to claim reason's indefinite indetermination and posit some intervention on the part of the will in preference for some aspect and to insist that this is neither fully "irrational" nor purely voluntaristic.

For, it is argued, "Aquinas believes that in practical matters the reason is often undetermined since it arrives at many simultaneous conclusions. This is the often unacknowledged heart of Aquinas's account of freedom. All these simultaneous rational conclusions derive from the objective circumstances of the world; each one could give rise to a different rationally justified course of action; yet only one can be acted upon. The reason cannot decide between them. It is the will that accepts and affirms one of these conclusions and gives force to the reasonableness of one course of action. This is why a choice is always rational *and* personally willed – which is what makes it free. The indetermination of reason is what allows the future to be open-ended for the deliberating agent."³⁷ Citing Aquinas' *De Veritate* in support of this view, it is arguable that while the intellect thus offers distinct rational possibilities and even a preference for one over the other, the will -

³⁶ P.S. Eardley, *ibid.*, p. 842 (in reference to Gallagher)

³⁷ Stephen Wang, "The Indetermination of Reason and the Role of the Will in Thomas Aquinas' Account of Human Freedom," *The New Blackfriars*, Vol. 80, Issue 1025, January 2009, pp. 108-29; pp. 108-9

to be rational, though not perfectly so - need not accept the latter preference of one option over the other but only need choose in accord with one of the two rational possibilities for action, leaving aside, or turning aside from the other:

"Choice is the final acceptance [*ultima acceptio*] of something to be carried out. This is not the business of reason but of will; for, however much reason puts one ahead of the other, there is not yet the acceptance of one in preference to the other as something to be done [*nondum est unum alteri praeacceptatum ad operandum*] until the will inclines to the one more than to the other. The will does not of necessity follow reason [*non enim voluntas de necessitate sequitur rationem*]. Choice is nevertheless not an act of the will taken absolutely but in its relation to reason, because there appears in choice what is proper to reason: the putting of one next to the other or the putting of one before the other [*conferre unum alteri, vel praeferre*]. This is found in the act of the will from the influence of reason: reason proposes something to the will, not as useful simply, but as the more useful to the end."³⁸

This acceptance and affirmation by the will, it is argued, is neither perfectly rational nor purely voluntaristic either: "A choice is rational, indeed there is no such thing as an irrational choice (since it must be between reasonable options) – yet a choice is not *rationally made*."³⁹ That is, the will intervenes to cut off further consideration and simply elects an option. Thus, it is concluded that "we freely determine ourselves to act in this way, to follow these reasons. I do this because I choose to: that is the reason. There is something irreducible about the movement of the will that results in a choice being made. It is a kind of unanalysable fact. A choice creates something new. This is still not voluntarism, since the movement of the will is never made against reason or in isolation from reason – it is the very thing that allows me to follow my reason in this way."⁴⁰ This interpretation of Aquinas, while valuable as we shall see, seems an untenable attempt to attenuate both intellectualist and voluntarist positions and bring them together. That is, it attempts to place the indeterminacy of man in his reason as incapable of perfect determination and posit the will as semi-rationally, or semi-irrationally, concluding in the acceptance of one rational judgment over

³⁸ Thomas Aquinas, *De Veritate*, 22:15c

³⁹ Stephen Wang, *ibid.*, p. 124

⁴⁰ Stephen Wang, *ibid.*, p. 125

another. Thus, this interpretation, while making reason indeterminate, nevertheless also admits of some voluntarism - namely, that while the will acts in accord with some reason, it is not absolutely determined to any one course of action thereby *not only* because of the indetermination of reason *but also* because the will does not need to be fully rational and can choose one of various rational possibilities not necessarily in accord with reasons ordering thereof. This interpretation, however, seems an evasion of the problem of whether the will can not-pursue a truly determinate conclusion of reason's apprehension and would leave freedom only in the space where no clear path is set out by the intellect - a position that does not seem adequate to assigning moral culpability to an act.

An alternative interpretation, put forward by Eleanore Stumpf, comes down firmly on the intellectualist side. This interpretation re-iterates the distinction Aquinas makes between two kinds of necessity: that of coercion and that of natural inclination. The former is repugnant to the will - yet "there is also the necessity of natural inclination. This is the sort by which the will wills, for example, things whose goodness is overwhelmingly apparent to the agent. Necessity of this sort, according to Aquinas, is not repugnant to the will and doesn't take away its freedom. Siding with Augustine, he says 'Freedom ... is opposed to the necessity of coercion, but not to the necessity of natural inclination.'"⁴¹ In other words, in this view, the whole charge of "cognitive determinism" - it is claimed - misses the point. In acting necessarily according to its own inclination, the will still acts in accord with *its own* inclination and is thus free in that it is not coerced and its act proceeds spontaneously from its own nature. The will can and must be cognitively determined if it is to be a "rational appetite" and if it does not truly seek the good then it has been created perverse; rather, it is argued, the will can be determined but is nevertheless free as long as it is free to act in accord with its own nature as an inclination to the good. Again, however, an action that is thus strictly determined as arising from nature and knowledge alone, while it could be said to act freely insofar as it is the spontaneous act of a power in accord with its own natural desire, does not seem adequate to

⁴¹ Eleanore Stumpf, *ibid.*, p. 590

account for any moral culpability or merit inasmuch as the act was spontaneously determined.

In order to resolve this problem, we can turn to a few issues that shall lead us, not coincidentally, both to the solution of the difficulty in interpretation as well as back to our theme of positioning the voluntary with respect to the proper determination, through charity, of man's indetermination. For it must be noted that the above interpretations of Aquinas do not relate his discussion of the voluntary to his discussion of love, both natural and elective, nor to the problem of sin and weakness of the will. Interpretations of Aquinas' "voluntarism" or "intellectualism" thereby tend to overlook passages, indeed whole questions of the *Summa Theologica*, that shed great light not only on the "liberty" of the will, but also on the meaning of the voluntary with respect to the whole procession of the natural order toward love of God. The central problem, as we have seen above in the debate over the proper interpretation of Aquinas' theory of voluntary human action, is whether human freedom resides in some feature of the will in its interaction with the intellect that permits the will to choose something other than the perfectly rational or whether it resides more simply in the will's being able to act in accordance with its own nature such that if it necessarily wills the good as apprehended, it is no less free for that. Now the issues that lead us to a resolution of this problem are those that place the whole discussion of the voluntary within its broader context: the natural order and the love of God as found in man and in his ability to sin, to fail with regard to perfect charity.

For it is in his discussion of the problem of sin that St. Thomas places the whole issue of human freedom within the framework of natural and elective love of God. We have already noted that Aquinas' view of the natural is that it is possessed of a two-fold inclination and ordering. The point bears repeating:

"To the third objection it is to be said that the natural inclination of a thing is dual, namely for being moved and for acting; however that inclination of nature which is for being moved is in itself curved back, just as a flame is moved upward for its own conservation; but that inclination of nature which is for acting, is not curved back on itself: for the flame does not act in order to generate a flame for its own sake, but for the good of the flame generated, which is its form, and to a greater

degree for the common good, which is the conservation of the species. Whence it is clear that it is not universally true that every natural love is in itself curved back."⁴²

This is an important transformation of natural inclination in that now the natural inclination of all things tends toward love of the common good more than an Aristotelian eudaimonistic movement toward self-perfection. The inclination of every thing toward self-perfection is naturally further ordained and inclined to a greater degree to love of the common good. All things share in this undercurrent of love beyond eudaimonism: "For example, an animal desires food so that it can continue to live. However, an individual's own good is also the good of the species. For example, an animal not only desires to live itself, but it also desires to procreate and feed its offspring. ... as a being is closer to God, its own good will be more closely connected to a common good."⁴³ The difficulty is that it is evidently conceivable, certainly where man is concerned, that these inclinations will not always be quite so perfectly aligned. In such a situation, just as a purely eudaimonistic conception of natural love would threaten the possibility of any real love for God above all, a purely natural inclination toward love of the good in itself makes it rather more difficult to explain the phenomena of sin without appealing strictly to ignorance. Thus this same dual inclination, or double-ordering, of the natural reappears in relation to the rational appetite and to the problem of sin and ignorance as the very occasion thereof.

Aquinas, as we have seen in his discussion of the Divine will and Divine love, singles God out as that pure act of love which by nature is nothing other than the love of His own goodness. Thus God is incapable of sin by nature because his nature is pure rectitude of will - will that is perfectly in accord with the rule of reason. Nevertheless, the same cannot be said for creatures. This appears immediately when St. Thomas relates the dual inclination of the created natural order to rational appetite and to free choice in his treatment of the angels. In an early work, *In secundum librum sententiarum*, a pattern is set when St. Thomas addresses the question of whether "since in the first state an angel could love God from a natural

⁴² Thomas Osborne, *ibid.*, p. 103

⁴³ Thomas Osborne, *ibid.*, p. 104

principle, it follows that this love was ultimately self-directed."⁴⁴ Aquinas responds that:

"It should be said that nature is in itself called curved, because it always loves its good. However, it is not necessary that the intention rest in that, which is its own [good], but in that which is good: For unless it be good for itself in some way, whether according to truth or according to appearance, it would never love it. However, it does not love on account of this, because it is its own [good]; but because it is good: for the good is *per se* the object of the will."⁴⁵

The natural inclination toward self-perfection, of a thing toward its own eudaimonistic good, is envisaged as a moment in a movement that does not necessarily rest in its "own good" as its end because the good in itself is the object of the will. Hence the angels, by nature, may love God with a love that is not ultimately self-directed and were blameworthy for resting in their own good.

In the *Summa Theologica*, this line of thinking is carried further and related to the problem of sin in the question of whether the blessed angels, angels in a state of supernatural beatitude, can sin. An objection is put forward that argues that the blessed angels can sin:

"Further, it pertains to the liberty of choice that man be able to choose good or evil. But the freedom of choice is not lessened in the blessed angels. Therefore they can sin."⁴⁶

Aquinas' response to this is to elaborate upon what freedom of choice means and what sin means:

"Free choice in its choice of means to an end is disposed just as the intellect is to conclusions. Now it is evident that it pertains to the power of the intellect to be able to proceed to different conclusions, according to given principles, but for it to proceed to some conclusion by neglecting the order of the principles comes of its own defect. Hence it pertains to the perfection of its liberty of free choice to be able to choose between opposite things, keeping the order of the end in view. But it pertains to the defect of liberty for it to choose anything by turning away from the

⁴⁴ Thomas Osborne, *ibid.*, p. 102

⁴⁵ Thomas Aquinas, *2 Sent., d. 3, q. 4, ad. 2* (Lethielleux, vol. 2, 27); cited in Thomas Osborne, *ibid.*, p. 102

⁴⁶ Thomas Aquinas, *S.T. Ia, q. 62, a. 8, obj. 3*

HUMAN ACTION

order of the end. And this is to sin. Hence there is greater liberty of choice in the angels, who are not able to sin, than there is in ourselves, who are able to sin."⁴⁷

Though perhaps not quite so readily apparent, this response combines the dual-inclination of nature as found in rational entities with the notion of the possibility of their limited irrationality/rationality. This insofar as a rational entity can sin by turning away from "the order of the end" as properly proposed by reason - that is, they can "rest" in the intention of their own good as an end, rest in an object rationally conceived under the aspect of good, and not consider, refuse to consider what reason in its plenitude dictates. In fact, what is most revealing is that reason is here the cause of "greater liberty of choice" in an intellectualism where the liberty conceived is the liberty for the end by full possession of the facts as it were (unburdened by ignorance so as to make a free decision), while at the same time the imperfection of love that can turn away from reason is what actually corrupts such freedom of choice by introducing the acceptance of partial ignorance as a voluntarist freedom of negative liberty from the end, a deliberate liberty from perfect rationality.

In other words, man's freedom differs from that of the blessed angels, for while he is free on account of his reason, he is less free on account of the possibility that his weakness of will which may or may not absolutely conform to reason, may not pursue reason to its conclusion or may hide from itself what it does indeed know by turning aside the intellect. The issue is made yet clearer when the malice of the angels' first sin (in a condition prior to their blessedness) is considered. Here Aquinas outlines two ways in which mortal sin can occur and in so doing clarifies just how it is possible to sin without ignorance:

"First, when something evil is chosen; as man sins by choosing adultery, which is evil of itself. Such sin comes of ignorance or error. Otherwise what is evil would never be chosen as good. ... In another way sin comes of free choice by choosing something good in itself, but not according to the order of due measure or rule, so that the defect which induces sin is only on the part of the choice which does not have its due order ... Such sin does not presuppose ignorance, but merely absence of consideration of the things which ought to have been considered."⁴⁸

⁴⁷ Thomas Aquinas, *S.T. Ia, q. 62, a. 8, ad. 3*

⁴⁸ Thomas Aquinas, *S.T. Ia, q. 63, a. 1, ad 3*

The most critical phrase here is the "absence of consideration" of that which ought to have been considered. The question is - if this absence of consideration is not ignorance *per se*, in what sense do we understand the "absence" of consideration if it is expressly not absence of knowledge that one ought to have in the sense of a pure lack for which one could not be culpable?

The sense of this lack becomes clearer in the case of man. There Aquinas relates the problem of sin still more directly and poignantly to the natural duty to order love of one's own particular good of self-perfection to love of the common good as the duty of a rational creature to pursue the proper order of ends:

"But a man's will is not right in willing a particular good unless he refer it to the common good as an end, since even the natural appetite of each part is ordered to the common good of the whole. Now it is the end that supplies the formal reason, as it were, of willing whatever is directed to the end. Consequently, in order that a man will some particular good with a right will, he must will that particular good materially, and the Divine or universal good formally."⁴⁹

The distinction drawn here between willing conformed to God's will materially and willing in conformity with God's will formally is applied to the love of the part for its own perfection and its love for the common good of the whole. At the same time, the distinction is applied to a particular part, man, in connection with his love of the common good of the whole cosmos, God. It is applied, then, to an instance of that dual-love as it appears in the rational appetite's order of intention and its relative conformity with the order of the end.

That is to say, this distinction, wherein that which God wills materially, namely, that which he wills, and that which God wills formally, the reason or end for which God wills something, is applied to man in the following way. Man ought to will his own good of self-perfection, as is natural to him, but he ought to will it only materially, since if he is to truly conform to God's will, man ought to will what he wills materially as ordered to the end, namely, on account of his love for God:

"Hence it is customary to say that a man's will ... is conformed to the Divine will, because it wills what God wishes him to will. ... Yet there is another kind of

⁴⁹ Thomas Aquinas, *S.T. Ia.IIae, q. 19, a. 10, reply*

HUMAN ACTION

conformity in respect of the formal cause, consisting in man's willing something from charity, as God wills it."⁵⁰

Moreover, if man is to most truly conform to the will of God, and to avoid sin, as the title of the question in the *Summa Theologica* suggests, "*Whether it is necessary for the human will, in order to be good, to be conformed to the Divine Will, as regards the thing willed?*", man must not only will according to this hierarchical and natural ordering of ends, he must also will in the degree appropriate to that order according to the rule of reason, which dictates that any object must be chosen in accord with the order of ends - that is, in due proportion to its place in that order. Insofar as angels and men do not conform their will to reason perfectly, therefore, they fall short of the rectitude and justice of Divine will which wills whatever He wills on account of and in accord with their common good - which is His own goodness as their common good. This evidently implies that, somewhere in the chain of reasoning, as might have been guessed, man is capable of a refusal to will in a manner of perfect accord with reason - not out of ignorance *per se*, but out of a refusal to consider further what he does in fact know:

"Ignorance sometimes excludes the simple knowledge that a particular action is evil, and then man is said to sin through ignorance; sometimes it excludes the knowledge that a particular action is evil at this particular moment, as when he sins through passion; and sometimes it excludes the knowledge that a particular evil is not to be suffered for the sake of possessing a particular good, but not the simple knowledge that it is an evil: it is thus that a man is ignorant, when he sins through certain malice."⁵¹

This is, in fact, a type of ignorance. However, it is not a simple ignorance of the evil of the act. For it can be known that it is an evil to lack love of God, and while there is partial ignorance that this lack of the love of God ought not to be sacrificed and suffered for the sake of some other, any other, good, this latter ignorance is voluntary. For while the will is capable of choosing a lesser good in partial ignorance of the fact that it is losing a better good of the love of God thereby, not knowing quite what that truly means, but knowing it is a sacrifice of the one for the other - this can only be done from

⁵⁰ Thomas Aquinas, *S.T. Ia.IIae, q. 19, a. 10, reply*

⁵¹ Thomas Aquinas, *S.T. Ia.IIae, q. 78, a. 1, ad 1*

deliberate refusal to consider or think the knowledge of which he wishes to remain ignorant:

"It must be observed that nothing prevents a thing which is known habitually from not being considered actually: so that it is possible for a man to have correct knowledge not only in general but also in particular, and yet not to consider his knowledge actually: and in such a case it does not seem difficult for a man to act counter to what he does not actually consider."⁵²

Nor does this ability to refuse to consider, this ability to turn away, reside in the intellect. For:

"The will is moved in two ways: first, as to the exercise of its act; secondly, as to the specification of its act, which is from the object. As to the first way, no object moves the will necessarily, for no matter what the object be, it is in man's power not to think of it, and consequently, not to will it actually. ... But as to the second manner of motion, the will is moved by one object necessarily, by another not. ... Therefore if the will be offered an object which is good universally and from every point of view, the will tends to it of necessity, *if it wills anything at all*, since it cannot will the opposite. If on the other hand the will is offered an object that is not good from every point of view, it will not tend to it of necessity."⁵³

That is to say, the will is not moved to elicit its act necessarily even by the *natural knowledge* of an object that is universally good, precisely not to say supernatural *vision* which as vision is actively thinking the object: "The will is always free from necessity in the exercise of its act. We are able not to will even the Sovereign Good, because we are able not to will to think about it."⁵⁴ Or again, the necessitation of the will that is exercised by the object presented as good by the intellect only extends to the determination, the specification, of which acts are possible with respect to a object presented as good, the will is specified in its act to this act: to love it. This necessity, however, does not extend to the exercise of the act. This necessity "only concerns the determination of the act. It is limited strictly to this: that the will cannot will the contrary of beatitude. ... We can say that if the will performs an act while the intellect is thinking of beatitude, then this act is necessarily determined by such an object. ... If the will cannot not will

⁵² Thomas Aquinas, *S.T. Ia. Ilae, q. 77, a. 2, reply*

⁵³ Thomas Aquinas, *S.T. Ia. Ilae, q. 10, a. 2, reply* [italics for my own emphasis]

⁵⁴ Etienne Gilson, *The Christian Philosophy of St. Thomas Aquinas*, trans. L.K. Shook, Notre Dame: Indiana, University of Notre Dame Press, (1956), p. 247

beatitude while we are thinking about it, we can, nevertheless, not will to think of beatitude."⁵⁵ There is, therefore, in *natural man*, not even just in fallen man, but man without the grace of the supernatural vision of God wherein he is caught up in an actual state of intellectual vision, a voluntarism whereby man can, with naturally determinate knowledge and not indeterminate reason (to contrast this interpretation with that of Stephen Wang), turn aside from the full extent of the rational and any particular good whatsoever. It is true that this knowledge is not perfect knowledge like that of the beatific vision, but it is sufficient knowledge. If it is objected that this element of voluntarism implies some irrationality of the will - it can be answered that this is precisely what it implies and must imply if sin is culpable irrationality.

Nevertheless, this does not mean that St. Thomas is a voluntarist strictly speaking, but only that he admits of some voluntarism in connection with man's natural state as a state of imperfection. And indeed he must if there was ever to be sin at all. It is not that reason is indeterminate in its conclusions, but that it is not infused permanent beatific vision of a supremely particular good. In such a natural state, knowledge does not necessitate the exercise of the will's act, because man is always capable of not willing by turning aside his intellect. Man's liberty of choice as between two alternatives is, then, precisely capable of failure in perfection of rationality by choosing a good only imperfectly rationally. This because man may love inadequately such that he does not truly have the full choice between the two alternatives as rationally considered, but he is to some extent bound, or has bound himself, to consider them from the weakness of love that is capable of and is itself evil. Yet why is there weakness? It is because while man can know the connection between God and his happiness, man does not see clearly with the vision of God that is happiness itself, the connection between this beatitude and his end of happiness. That is, man is not capable of experiencing that happiness in particular in his natural state - only when actually experiencing that beatific happiness, does he truly know it as more than a conclusion arrived at in abstraction and a conclusion from which he allows himself to be distracted. This perfection of beatitude is

⁵⁵ Etienne Gilson, *ibid.*, p. 246

called liberty of choice in *blessed* angels who cannot sin because the liberty of their choice is for the good that they most truly know, they are in fact free to be and to choose the rational in superabundant evidence of their own complete happiness, whereas man's imperfection is that he is not perfectly free to choose the good in accordance with reason, but may weakly yield, consenting to irrationality. Man's freedom is a result of his reason, his lack of freedom is a result of his will, which is capable of not choosing rationally or, better, culpably not always capable of choosing rationally.

Man is free, therefore, because he is rational, but neither is his reason is perfect insofar as it cannot naturally attain to the beatific vision of its own power. The human will is naturally always under-determined - even by knowledge, clear natural knowledge of the Sovereign Good itself. Such a universally good object as would sufficiently determine our will is only known in the supernatural, beatific vision. In the face of, or rather, in the *act* of such a vision, the will cannot not-will the universally good object which is God Himself and cannot turn aside - for that vision is a super-natural perfection of knowledge that equally perfects the finite will in its own deepest *nature* as a potency capable of receiving complete determination but not of so determining itself by its own power.

In sum, for Aquinas, the true freedom of the "rational appetite" consists in its capacity for reasoned deliberation and to act in accord with that reason. Freedom does not lie in the will itself as negative liberty except on account of the natural imperfection of human reason insofar as man is not naturally, of his own faculties, capable of clearly seeing and keeping in mind the absolute connection between the particular good of beatitude and his perfect happiness. Thus his dual inclinations are thus potentially in discordant. Yet neither does the beatific vision destroy nature - it frees it for itself. If in a purely natural state it is incapable of the highest potential of its nature, of its ownmost natural necessity, then in the state of blessedness, it is truly itself. Such supernatural necessity is not opposed to man's voluntary nature. For it is the will that wills the good and it is not contrary to its nature if it is *free* to perform the act proper to it even if it cannot perform that act without supernatural assistance. In fact, man is by nature unfree inasmuch as he is incapable of such a perfect vision and consequent love that is his by nature and is therefore possessed of a negative liberty of the will that can refuse

rationality. Viewed another way, man is possessed of natural, negative liberty so that his free choice is the necessary requisite of his acceptance into the beatific vision that liberates him from the burdened choice of imperfect rationality that enslaves him and sets him free to be the perfectly rational and necessarily good entity that he is capable of becoming when the time for merit and sin is over.

b) Duns Scotus' Voluntarism

Duns Scotus, for his part, is very nearly of the same mind as Aquinas with regard to the problem of rationality and irrationality of the will. No willing can be simply irrational, yet this does not mean that all willing is perfectly rational. Nevertheless, whereas Aquinas thought that the will was a rational potency capable of opposing acts, volition (love), not-willing and nolition (hate), with respect to particular objects but not with respect to its natural object, Scotus, as a voluntarist, argued that the capacity of the will to not-will even with respect to its purely natural object lay in the will itself and was sufficient to distinguish the will from a natural appetite as a power free from the necessity that characterized the purely natural as a eudaimonistic love of the good for oneself. The natural and the voluntary are expressly and profoundly distinguished - or - the will is of a radically different nature than the natural. The difference, in fact, largely stems from a different definition of what is meant by "natural." Scotus uses "natural" to refer to eudaimonistic love of the good as good for oneself. Aquinas tends to use it to refer to both eudaimonism and love of the good in itself for its own sake. Thus, for Scotus, the will's singular control over its own act is derived from the fact that he considered man's relative degree of indeterminacy as inherent in the human will conceived as a "rational potency", that is, a potency for opposite acts, volition and not-willing, with respect to its natural object, its merely *natural* object: love of the good for oneself (happiness). As such a power of itself and not as deriving such indeterminacy primarily from the intellect's state of unclarity with respect to happiness in particular, the will is no longer characterized by the necessity of natural appetite but is strictly speaking, free

in its most proper act. Thus the "rational appetite" or "rational potency" was not to be distinguished primarily by its object, but by the way that it moved, namely, as free:

"The primary distinction of active potencies stems from the radically different way in which they elicit their respective operations rather than from what they are concerned with ... For either the potency of itself is determined to act, so that so far as itself is concerned, it cannot fail to act when not impeded from without; or it is not of itself so determined, but can perform either this act or its opposite, or can either act or not act at all. ... Thus, a potency of the first sort is commonly called 'nature,' whereas one of the second sort is called 'will.'"⁵⁶

Moreover, it is so free, not because of its natural appetite for perfection extending to the love of God as perfecting of man (*natura curva*), but precisely because of its capacity for an additional act - natural to the will as will and natural to the will alone - since it is free for an act that is strictly distinct from nature and is proper to the will alone: love of the good in itself.

Now, Aquinas admits as much, namely, that the will in man's natural state is capable of not-willing any object and is capable of willing the good in itself (which is for him the natural object of the will). However, he does not use this to strictly distinguish the voluntary from the natural on this account because he firmly defines the natural object of the will as the good in itself and also shifts the fulfillment and perfection of this nature to its supernatural state in the clarity of the beatific vision. In other words, for both thinkers, the will need not will the good perfectly even where it knows that good habitually, it can push that knowledge aside, thrust off the weight of conscience and inclination as it were, and not act. The reason for this is that the will can always not-will anything at all by turning the intellect away from its object to consider it under another aspect. In this regard, Scotus' position is, in a way, strikingly similar to that of Aquinas' view:

"If the will of necessity neither wills happiness nor hates or detests it, then what sort of act can the will have when the intellect shows it happiness? I grant that in most cases it will have an act of volition, but it does not necessarily have any act. Hence when it is shown happiness, it can refrain from acting at all. In regard to any object, then, the will is able not to will or nill it, and can suspend itself from eliciting any act in particular with regard to this or that. ... Even if it is presented as

⁵⁶ Duns Scotus, *Duns Scotus: On the Will and Morality*, selected and trans. Allan B. Wolter, Washington, DC, Catholic University of America Press, (1997), p. 139-40

something to be considered and willed, one can turn away from it and not elicit any act in its regard."⁵⁷

The two differ because Scotus considers this to be a feature of the human will as such in light of its capacity to act contrary to its merely natural inclination and in accord with its love of the good in itself and therefore the power of choice, indeterminacy, lies in the will itself and is not simply a feature of the will by way of the intellect's own lack of clarity concerning the absolute connection between happiness and the good in itself. For Scotus, it is not reason's imperfection that gives the will its character as free will. For Aquinas, the beatific vision heals this lack of clarity and consequent potential discord and inconstancy, albeit by a supernatural actualization of vision, and the will is thereby healed of its capacity to resist, its negative liberty. For Scotus, it is not that the will wills without reason, for the object as presented by the intellect functions either as a partial co-cause of the wills action or as a *sine qua non* condition thereof,⁵⁸ but that the will *as such* is capable of desiring a good in accordance with either of two inclinations, one passive, one active.

These two inclinations are familiar by now - for they are present in Aquinas' work - as the appetite that rests in the intention of self-perfection and the appetite for the good in general. What is different in Scotus is two-fold and of the utmost importance. First, the difference is partly in the relation between them insofar as they are conceived as irreducibly distinct inclinations even if they can be ordered to an end. Eudaimonistic love cannot extend to love of the common good without a change in the intentional object that prioritizing love of the good in itself over love of what is good for oneself. For Aquinas, love of self can merge seamlessly into love of God, love of the good for oneself merges into love of the good in itself in a

⁵⁷ Duns Scotus, *On the Will and Morality*, *ibid.*, p. 161

⁵⁸ For a further discussion of this textual difficulty: see Stephen Dumont, "Did Duns Scotus Change His Mind on the Will?" In *Nach der Verurteilung von 1277. Philosophie und Theologie an der Universität von Paris im letzten Viertel des 13. Jahrhunderts. Studien und Text*. Edited by Jan A. Aertsen, Kent Emery, Jr., and Andreas Speer, 719–94. *Miscellanea Mediaevalia* 28. Berlin and New York: Walter de Gruyter, 2001; and Mary Beth Ingham, "Did Scotus Modify His Position on the Relationship of Intellect and Will?" *Recherches de Théologie et Philosophie Médiévales*, Vol. 69 (1), 2002, pp. 88-116

continuous motion. It is not that Scotus thinks they are truly opposed, but it is clear that for him the prioritization of the love of God and the good in itself are put first and that the ecstatic nature of that prioritization only receives the perfection of self by way of its intentional subordination. Secondly, the difference is partly the character of the love of the good in itself as something radically different, of its own "nature", namely a free act of love. That is, for Scotus, the will always acts in accordance with a passive, natural inclination toward its own self-perfection in which the will remains a purely passive power:

"If it is the natural rather than the free appetite that is referred to ... the will necessarily and perpetually seeks happiness, and this in regard to a particular happiness. ... That it does so *necessarily*, is obvious, because a nature could not remain a nature without being inclined to its own perfection. Take away this inclination and you destroy the nature."⁵⁹

And yet, while necessarily inclining toward the good in such a manner, this necessity of inclination is not the necessity of an elicited act of the will. In fact, with regard to the elicited act of the will, the will can either simply will in accord with natural appetite - or - it can additionally push beyond that eudaimonistic consideration and its truly proper inclination as will toward a freely elicited love the good in itself. The will properly speaking, then, is essentially a freedom from the priority of natural appetite because it is not merely passive but also possessed of a sufficiency of act whereby it may love the good in itself. In short, Scotus is maintaining that "morality cannot be an extension or refinement of a project of self-realization and/or eudaimonism (as that Aristotelian theme had been developed in the Middle Ages) but requires precisely going beyond it."⁶⁰ And yet, in another sense, it is self-realization precisely by going beyond it since the will comes into its own proper nature as free will, as love of the good in itself insofar as, in the order of intention, it aims beyond self-realization. Whereas in Aquinas this love of the good is the very nature of the will, for Scotus the natural ends at eudaimonistic desire and the truly free begins with an act that is not the act of an appetite but an act of love of the good in itself that is not under the

⁵⁹ Duns Scotus, *On the Will and Morality*, *ibid.*, p. 156

⁶⁰ John Boler, "Transcending the Natural: Duns Scotus on the Two Affections of the Will," *American Catholic Philosophical Quarterly*, Vol. LXVII, No. 1, 1993

compulsion of desire and its defining lack. For Scotus, the will properly speaking is not really an appetite, which carries the connotation of lack and potency, it is essentially a power for love which is not seeking its own good.

Thus, in Scotus, the possession of such a higher inclination and capacity is an intrinsic perfection and distinction of the will rather than an added extension of natural appetite as truly understanding its object. In this, Scotus joins most voluntarists: "Voluntarists such as Henry of Ghent differed from intellectualists only in that they regarded the necessary orientation of the will toward the final end as a free act deriving from an intrinsic perfection in the will itself. Aquinas, by contrast, holds that the will necessarily desires the final end because there is no defect according to which it can be rejected."⁶¹ It is well to focus here on the problem of "desire" in contrast to "love" - which Scotus insists as at issue here. Desire, as an appetite, is necessary; love is no appetite and is freely given. What has, in effect, occurred in Scotus is what occurred in the elaboration of Aquinas' position by his student, Giles of Rome: the will's natural inclination became an inclination and not the necessity of an elicited act.⁶² It became this on account of the view that there was more to the inclination to the good in general than an appetitive desire whereby an object with no defect could be desired necessarily. In fact, this is, for Scotus, the point: to distinguish the will from nature appetite insofar as the natural inclination is a purely passive power and necessary as "natura curva" to the point of act. In other words, the will properly speaking is its capacity for elicited volition beyond that natural inclination toward God and toward a freely given love; there is not really any way to explain the will's freedom as a will except to state that it is a will: "Scotus's typical response to demands for a basic explanation of superabundant sufficiency - that is, of how the will acts differently (freely) from all natural agents - is simply that 'The will is the will.'"⁶³ Even the beatific vision, therefore, would not alter the character of the will in this regard, for although it would enable man to keep focused on God's essence and incline him toward it, his active volition of love would not thereby be eternally necessitated, it could only be

⁶¹ P. S. Eardley, *ibid.*, p. 852

⁶² for general overview: P. S. Eardley, *ibid.*

⁶³ John Boler, *ibid.*, p. 125

so necessitated by an infusion of charity, an additional strength of intensity of act to which the will is not opposed and that enables it to so thoroughly adhere to God that it would be unshakable. Man is capable of love, but not of its own power capable of that sort of love that is constancy and *firmitas* - it is weak and inconstant.

Yet natural man does not *necessarily* love the good in itself but may always desire the good under another aspect, namely, passively as a nature and with regard primarily for his own "happiness" and his own perfection. Thus when Scotus says that the will need not will happiness, he refers to happiness as one's own advantage, that which is good for oneself. In fact, the presence of the merely natural inclination, while itself admitting of varying degrees of perfection from mere base concupiscence to honorable desire for what is truly good for oneself and even a love of God on account of His perfecting of our nature means - for Scotus - that man is only partially possessed, or imperfectly possessed, of real will, real love in act, namely, truly free love for the good in itself. The will is, in a sense, weighed down by its being a mixture of potency and act and not the pure act of love of which it is nevertheless capable by the grace of God's infusion of charity. The capacity for an elicited and active volition of love is not a passive power but a curiously free act, subject to no need. That it is at once the act of the will as the nature that it is, and not the nature that natural appetite is, is the difficulty of the problem and must be clarified. For why not simply follow Aquinas in making the natural object of the will, the good in general, and thereby make the will's freedom its capacity to act in accord with this natural inclination to love the good in itself? In this regard, it is helpful to turn, or return briefly, to Scotus' broader, theological reflections on Divine love. First, returning to Scotus' theological view in relation to the human will, we shall see how to understand the human will as essentially an innate liberty of act. Second, turning to Scotus' philosophical view, we shall see why he insists that freedom is intrinsic to the will.

In his theological discussion of the Divine will, Scotus had drawn upon St. Augustine, St. Anselm, St. Bonaventure and Richard of St. Victor for the development of his concept of willing freely and necessarily. As we have seen in the previous chapter, the Divine will can be free and necessary because of the infinitude of its loving act in relation to an infinitely lovable

object, namely, His Infinite Essence. This freedom originates in the essential character of the Divine will as voluntary love in act and the necessity coming from the dual fact that a) an infinitely intense love does not falter in its firmness by retaining some lingering desire for an alternative and b) an Infinitely Perfect Being of Pure Unlimited Act, in potency to no absolute perfection, would not desire some addition to its own perfection nor love His own perfection with the love of desire: "We might say, strictly speaking, that the necessity of willing does not spring from the perfect will itself, but from its infinity ... This infallible correctness, however, belongs to the nature of the *divine* will. Because of this nature, it cannot not will what ought to be willed."⁶⁴ The Divine will's very nature is the act of love. The act of love, therefore, is an act of superabundant self-sufficiency exceeding itself and explaining the inherent freedom of Divine Will:

"There is another indeterminacy ... that of a superabundant sufficiency, based on unlimited actuality, either in an unqualified or in a qualified sense."⁶⁵

Clearly, such infinitude, with regard to either the intensity of the act or the lack of potency with respect to fullness of perfection, is precisely not characteristic of finite wills and finite beings.

Yet these twin features of Divine Being, shed light on the human will even if, in that finite will, they are the root of the two distinct characteristic inclinations of the human will entailed by human finitude. For human finitude entails both that a) the human will is only capable of acts of finite intensity and duration, leaving it permanently in potency to lingering desire for an alternative act or other alterations due to weakness or distraction, and b) that human being remains in potency to a variety of perfections, confronted by the goods that would lead to them and by alternative acts of will that would be required to pursue and obtain them, and therefore are inherently inclined toward these as natural imperfection desiring that which perfects it. Thus, in the human will, two features are indeed distinguished: as a) *affectio justitiae* and b) *affectio commodi*:

⁶⁴ Antoine Vos, *Duns Scotus on Divine Love: Texts and Commentary on Goodness and Freedom, God and Humans*, trans. and ed. A. Vos, Burlington, VT, USA, Ashgate Publishing Company, 2003, p. 214-5

⁶⁵ Duns Scotus, *On the Will and Morality*, *ibid.*, p. 140

"According to Anselm, two affections may be assigned to the will, namely, the affection for justice and the affection for the advantageous. ... The affection for justice is nobler than the affection for the advantageous, understanding by 'justice' not only acquired infused justice, but also innate justice, which is the will's congenital liberty by reason of which it is able to will some good not oriented to self. According to the affection for what is advantageous, however, nothing can be willed save reference to self. And this we would possess if only an intellectual appetite with no liberty followed upon intellectual knowledge, as sense appetite follows sense cognition. The only point I wish to make from this is the following. To love something in itself [or for its own sake] is more an act of giving or sharing and is a freer act than is desiring that object for oneself. As such it is an act more appropriate to the will, as the seat of this innate justice at least. The other act [of wanting something for oneself] pertains to the will inasmuch as it has an affection for the advantageous."⁶⁶

More specifically, there is *a*) the native freedom of the will through a superabundant sufficiency of act is inclined toward the love of the good in itself and *b*) an imperfection of lack desiring natural perfection that is inclined to love of the good as good for oneself. That is to say, the human will, as a will, is a reflection of God's will insofar as it too is characterized by a certain, though finite, superabundant sufficiency of act. This distinguishes its native freedom as an indeterminacy that is a real perfection - the capacity of free choice and mastery over its own acts - from its simultaneous indeterminacy of insufficiency that is an imperfection, an imperfection:

"based on potentiality and a defect of actuality, in the way, for instance, that matter without a form would be indeterminate as regards the actuation given by the form."⁶⁷

Put another way, while the human will is indeed a will and therefore free in its acts, nevertheless the human will is superabundant sufficiency only in a qualified sense. This because:

"[the] indetermination ascribed to the will is not like that of matter, nor, insofar as it is active, is it the indeterminacy of imperfection, but rather [is] the indeterminacy of surpassing perfection and power, not restricted to some specific act."⁶⁸

⁶⁶ Duns Scotus, *ibid.*, p. 153

⁶⁷ Duns Scotus, *ibid.*, p. 140

⁶⁸ Duns Scotus, *ibid.*, p. 141

That is, "there is a twofold tendency in one power, one active, the other passive" and therefore the indeterminacy of perfection characteristic of the will insofar as it is active is intimately joined to an indeterminacy of imperfection, "a tendency by which it tends passively to receive what perfects it."⁶⁹ The former, the will's active power is that whereby it is master of its own act, is the will's inclination to love the good in itself and "freely and actively to elicit an act"; the latter, "refers to the inclination the potency has to tend towards its proper perfection ... It is imperfect unless it possesses that perfection to which this tendency inclines this power."⁷⁰ While the former inclination, *affectio iustitiae*, is that whereby the will is most truly called a will, the latter inclination, *affectio commodi*, is referred to by Scotus as "natural will":

"The natural will is really not will at all, nor is natural volition true volition, for the term 'natural' effectively cancels or negates the sense of both 'will' and 'volition.' Nothing remains but the relationship a power has to its proper perfection. Consequently, it is the same power that is called 'natural will' as regards the necessary relationship it has to its perfection as is called 'free.' The latter term expresses the proper and intrinsic relation that is specifically the will. ... [Thus we may] take 'natural will' to mean the will insofar as it elicits an act in conformity with its natural inclination, which would always be aimed at its own advantage. The will is called free, however, insofar as it lies in its power to elicit an act opposed to this inclination, for it possesses the power to elicit or not elicit an act in conformity with this [natural] inclination."⁷¹

In sum, the human will is incapable of an infinite act (necessity or, rather, *firmitas*) and the human being is not immediately or self-sufficiently possessed of the perfections of which it is capable. Another way of putting the situation very simply is that, in the human act of love, a man's heart is never fully in his action with the infinite intensity required for the act to be immutably steadfast in its love and, therefore, there is always either an impurity in the act or always the potential for change, weakness or even simply for distraction. It is a matter of the strength and weakness of will which, for Scotus, cannot be a purely intellectual affair but of our own free effort and such effort, in his view, requires an explanation that places it

⁶⁹ Duns Scotus, *ibid.*, p. 141

⁷⁰ Duns Scotus, *ibid.*, p. 141

⁷¹ Duns Scotus, *ibid.*, p. 155

within our power to strive or not strive. Thus, with regard to the precept that God be loved above all:

"I say therefore that this precept, both extensively and intensively ... can be fulfilled in this life, but not as to all the conditions which are implied by the words 'with your whole heart, your whole soul,' etc. ... And it is in regard to such intensity, when all impediments are removed and our faculties recollected, that one must understand the dictum of Augustine ... that this precept is not fulfilled in this life, for the propensity of the inferior powers in the present state impedes the superior powers from acting perfectly."⁷²

That is, charity is the capacity to elicit an act of love of the good in itself as distinct from and beyond the merely natural inclination to one's own perfection and it is precisely this that is made difficult by the imperfection of the will and the human being.

The will is free, as a capacity for an act of love; the will is not free insofar as it is burdened with the capacity to fail in that love. Scotus insists on the difference and argues that the capacity to fail, to act with greater or less strength or weakness of will, requires a two-fold inclination. The intentional objects must differ, at least within a hierarchy of importance in intention. For while freedom belongs to the capacity to love the good in itself and to elicit an act that only secondarily takes delight in happiness for oneself, the capacity to fail, and to remain indifferent or deficient with respect to the good, implies the capacity for an alternative intention - but it is not the knowledge of the intention that explains the decision but the infirmity of our will. In other words, this latter capacity to fail does not belong to the pure perfection of the will, but is a characteristic of the will precisely insofar as it is finite and limited, i.e. as imperfect. Indeed, Scotus himself made this abundantly clear:

"And so I say that although the species of will that is in us includes that liberty which is a pure perfection, it not only includes that, but also includes it as limited, which limitation is not a pure perfection. The ability to sin does not pertain to [the will] by reason of its pure perfection, nor is this the proximate foundation of this order to being actually deficient. Rather it is the second [i.e. the limitation of this perfection]."⁷³

⁷² Duns Scotus, *ibid.*, p. 285

⁷³ Duns Scotus, *ibid.*, p. 294

If, however, this imperfection resides in the will and consists in the natural inclination of the will, the singular reason for the divergence between will and nature is because the will is - as such - a rational potency that consciously and freely elects to intend the good in itself whereas nature, strictly, does not and cannot intend anything of the sort. In order to understand this, it is useful to look at the more philosophical justifications that Scotus gives for his theory.

In his more philosophical treatment of the human will, Scotus derives his theory from Aristotle: "Suffice it to say that the substance of his argument is that Aristotle's distinction of active potencies into rational and irrational is acceptable and adequate only because it is reducible to Scotus' own basic division of *voluntas* and *natura*."⁷⁴ And it is in this treatment that we find arguments poignantly directed at establishing an even clearer distinction between nature and will in ways that have significant implications for the relation between man and the natural world. That is, man appears as singularly above the natural order. As indicated, the main distinction that Scotus concentrates on in Aristotle is that between a rational potency and an irrational potency. Yet since both rational and irrational potencies are types of active potencies, the place to begin is with the distinction between active and passive potencies.

For Aristotle, one can distinguish between potencies as principles, with "principle" here meaning some sort of cause or original source: a "*passive potency* can be equated roughly with the material cause or 'matter' in a broad sense, and *active potency* with some form of efficiency."⁷⁵ Since we are not here concerned with passive potency, we shall simply leave it aside for the sake of a rather scandalous brevity and focus on active potency:

"keep in mind that any active potency whatsoever, be it a power to act in a certain way or an ability to produce something, is such that so long as its nature remains unchanged, it only does what it can do of itself."⁷⁶

For example:

⁷⁴ Allan B. Wolter, *The Philosophical-Theology of John Duns Scotus*, New York: Ithaca, New York, Cornell University Press, 1990, p. 149

⁷⁵ Allan B. Wolter, *ibid.*, p. 167

⁷⁶ Duns Scotus, *ibid.*, p. 137

"Frigidity, remaining frigidity ... cannot warm or draw heat from itself if it is not that sort of agent. No matter what the circumstances might be, if something associated with it peripherally, for instance, could produce heat in something, it would never be frigidity qua frigidity that would do this."⁷⁷

Moreover,

"when we speak of an active potency for opposites, then, be these contradictory or contrary states, it means that with no change in its nature, either [act] falls equally under the scope of its power ... it suffices to elicit the said actions of itself ... However, this concern with opposite actions or action should be understood to include the negation of action [i.e. the ability deliberately to not act when all conditions for acting are present]."⁷⁸

Scotus' point is to distinguish those active potencies whose causal efficacy is reduced from act by the mere presence of an object upon which it is naturally suited to act: "The sun dried adobe bricks as naturally as it melted ice, not because it had any intrinsic ability to function differently in itself, but because of the different materials upon which it acts and which cooperate actively in their own peculiar fashion."⁷⁹ The normally functioning eye, under normal conditions of lighting, sees when color is present to it and is reduced to act by the presence of its object. This is the act of an active power, but an irrational power.

The will, on the other hand, for Scotus, is the only rational active power insofar as it has the capacity to act or not act - its actions are within its own power: "But the indetermination here postulated of the will is ... an excellence of perfection and a dominion that is not tied down to a specific act."⁸⁰ This is the will's freedom - its rationality is rooted in the combination of this fact and the fact that this is derived from its awareness of the distinction between the motives at work, not only in nature, but within its own inclinations insofar as it is defined as that power that acts precisely with reason: "But if 'rational' is understood to mean 'with reason,' then the will is properly rational, and it has to do with opposites, both as regards its own act and as regards the acts it controls."⁸¹ The combination of the will's native

⁷⁷ Duns Scotus, *ibid.*, p. 137

⁷⁸ Duns Scotus, *ibid.*, p. 137

⁷⁹ Duns Scotus, *ibid.*, p. 139

⁸⁰ Allan B. Wolter, *ibid.*, p. 171

⁸¹ Allan B. Wolter, *ibid.*, p. 176-77

freedom and its rational intentionality is precisely that which distinguishes it from nature in a way that is even stronger than its simple love of the good in itself - which, arguably, could be said to be exhibited in a certain way by other natural creatures. The difference, for Scotus, is that nothing that any other natural creature or power does can be called "love" properly.

The significance of this emphasis on the special distinction of understanding-love and charity, through the will, is more evident when it comes to Scotus' treatment of precisely the sort of argument given by St. Thomas concerning natural love of the common good. Taking up a traditional argument in favor of an extension of nature's character beyond the self-enclosed "*natura curva*" that seeks only its own perfection. It is an argument concerning the love of the part for the whole, namely, that the part naturally loves the whole more than itself. Scotus finds it unsatisfactory as an argument describing nature but far more inadequate as an account of the special primacy of the will's love. The argument is this:

"for the hand exposes itself to save the head as naturally desiring more the safety of the head than of any other part, including itself, for the safety of the head preserves the health of all the other members so far as function of life and vital influences are concerned. From this, [it is argued further] that since each creature is a kind of sharing in the divine goodness, it will seek more the divine good or the existence of the divine good than its own good or existence. And consequently, that the rational creature will be able with its natural resources to love the divine good more than any other good, including itself as well."⁸²

The list of such arguments varies - but Scotus' reply to all such examples from the natural order is clear:

"These reasons are not cogent ... because these examples do not establish his thesis, for they only show that the whole loves itself more than it loves a part, or a more important part loves itself more than a less important one. ... Because it has a natural form that is determined to one action, so long as that form remains the same, it can never be the formal reason for acting in the opposite way. ... This part, therefore, does not love the whole nor seek to preserve it out of love, but rather the whole or the ruling power in the whole [i.e. God], to whom all the powers of the universe are attributed, moves each part of the universe in such a way as is suited to the well-being of the whole. ... The hand does not of its own desire expose itself ...

⁸² Duns Scotus, *ibid.*, p. 142

Rather it is man ... Any argument he gives only proves that God loves the good of the universe or its well-being than that of one part, etc."⁸³

That is to say, the action of the part need not be ascribed to love of the whole but providential design of the parts for the good of the whole. More poignantly, insofar as the natural is determined to act when under certain determinate conditions, the action is singular and its consequence as being good for the species is not freely chosen, i.e. consciously intended, and is simply not comparable to the will's understanding-love.

Indeed, the most that can be stated concerning the appearance of a love of the common good in the purely natural agent or irrational potency is that its character has been ordered to the common good by the God who created its nature. This irrationality, acting without reason as it were, is strictly juxtaposed to the will as acting with reason - and Scotus takes up another traditional example to make this point: the example of the brave citizen who sacrifices himself to save his country. For while some claim that, in this act, "the brave citizen is choosing not his nonexistence, but rather his finest hour from a virtue view-point," Scotus concurs with St. Thomas and the Christian Aristotelian tradition that such a man "simply loves the public good, which they wish to preserve, more than they love themselves or love to have this act of virtue. Hence they expose themselves to death, not for the sake of such virtue, but rather to save their country."⁸⁴ In other words, whereas Scotus disagrees with Aquinas on the example concerned purely with irrational, since natural causes do not display an explicit and intended love of the common good even if they may exhibit such a design, he agrees with Aquinas that the world of men is capable of such a love - because it is the only world wherein there is love properly so-called. That love, as a love for the good in itself, is not the same motion as simple natural appetite in relation to some lack of perfection and therefore cannot be continuous with such a motion. Having closely associated natural appetite with necessity of unconscious desire, indeed associating desire with compulsion, Scotus disassociates conscious human love from natural necessity of desire for self-perfection and thus also freedom from nature. The negative liberty of man's

⁸³ Duns Scotus, *ibid.*, p. 279-80

⁸⁴ Duns Scotus, *ibid.*, p. 280

HUMAN ACTION

will is, in fact, no longer an imperfection of human life even if man's ability to sin is - for somehow, that negative liberty is still maintained even where grace of intensive charity brings necessity in the state of beatitude. Free will is, a sense, its own nature and its love is free and ought to be free - but what does not belong to the human will's nature is necessity, for that is a quality of the Divine will's infinite act of love. That Divine love, as differentiated from the human, is also definitive thereof and, as definitive, is the measure of man's justice: insofar as man chooses to be guided by his *affectio justitiae* are his affections and his will justified. For thereby human action reflects Divine love and adheres to God.

Variety in Virtue Ethics

The differences between Aquinas and Scotus with regard to the freedom of the will, and particularly with regard to the status Scotus gives to negative freedom as well as Scotus' emphasis on strength of will, are reflected in the entire late-medieval discussion of man's journey toward God. The notions of negative liberty/ecstatic love and the strength of the will, typical of Franciscan spirituality that focused on the discipline of poverty, charity and the active life and less, which is not to say that it was omitted, on the formative influence of the intellectual life, would prove significant both for Thomist and Franciscan ethical, social-political and economic thought. For having established, in their respective manners, that man - starting from his fertile indeterminacy - is capable of progressing toward the love of God, yet another equally tumultuous debate arose over the character and limits of that progress in this life. That debate concerned what recent literature has called "virtue ethics" - namely, the manner in which men move from general inclinations toward perfection and toward the good through the practice of a set of habits, virtues. In this regard, two points are of principal interest: the development and connection of the natural virtues on the one hand, and their relation to the supernatural, theological virtues, on the other. Yet despite the differences of opinion between Thomistic and Franciscan thought on how virtues were developed, connected with each other and related to charity, one

thing remains fixed: that it was through charity that man was truly made perfect.

Thus the similarities between their views should not be neglected and one further such similarity in particular must be clarified at the outset. For what we have seen already is that the whole journey of man as *viator* is measured against God's perfectly rational love for His own goodness. Charity as love of God above all, of God as the common good of all, or charity as rectitude of will in justice as ordained to the love of God has been established as perfection of intention. Indeed, here the difference between Aquinas and Scotus is perhaps not as important as their fundamental unity of intent in dealing with the problem posed to Christian ethical thought by Aristotelian eudaimonism. Both thinkers reject purely Aristotelian eudaimonism as ultimately determinative of human action and not only allow for a love of the good beyond love of self, but make that love of the good, the exceptional love, definitive of the highest human action and human life. This exaltation of man's potential and essential dignity, whether man be led to virtue by intellectual formation or on the strength of will, both in connection with grace, contrasted with St. Augustine's picture of human nature, perhaps not in its essentials but certainly in its optimistic tone. Even if man could not be supernaturally perfect in such charity, nor even perfectly human on a purely natural level, there was a deep sense of human goodness and potential for some natural virtue. For Aquinas, this love runs all quietly through nature, and man's voluntary agency is really the most natural of all nature even if unique in its rational love. For Scotus, this love cannot be said to properly run through all of nature even though there are vestiges of it there, but it is most certainly that which distinguishes man and is most natural *to him*, even if it thereby distinguishes him from the "natural" conceived in connection with the rest of the world as incapable of that understanding-love which is the dignity of man. The singularity of the human will's act of love not only distinguishes it among the active potencies of the broader natural world, but even within man, the spirit of charity is given special distinction as that which confers perfection and merit upon all other acts:

"It can be said that no virtues incline a person to his ultimate end except through the mediacy of that which regards the ultimate end *per se*; and thus if only charity

immediately regards the ultimate end, the other virtues do not order one to that end except by means of charity."⁸⁵

Moreover, whether human charitable love of God was but the highest in a continuous gradation of love of the common good found throughout nature or whether it was more singularly the dignity of man, that charity was not a whimsical affection in isolation from the content that belonged to human nature and the exercise of the faculties proper to him. Thus the whole variety of virtues and their relations are the material content of charity. More precisely, charity is the formal content of virtue, it is "the mother of all virtues and their root, inasmuch as it is the form of them all"; the virtues themselves, on the other hand, are the material through which charity must work. Thus the Scholastic ethical system is one that encompassed and surpassed the weighty content and already arduous task set by Aristotelian eudaimonism.

In this regard, St. Thomas recalls "here the phrase of Aristotle, his master in this realm: 'With respect to the concupiscible and irascible, reason exercises not a 'despotic' power, the power of master over a slave, but rather a 'political' power, the power addressed to free men not wholly subject to command.'"⁸⁶ Yet where in Aristotle this natural terminus is the tenuous balance of a strength of rational self-command that has succeeded in obtaining the rational obedience of his passions in this life, St. Thomas, on the other hand, speaks of the "hold charity has on the other human capacities, he speaks about attraction (*De caritate* 3, rep. and sol. 18) or even of appeal, or invitation, or persuasion. *The dominance of the love of charity is exercised by way of a dynamic training, in order to arrive at a state where the passions are themselves attracted by a good that goes beyond them.*"⁸⁷ We are here dealing with the manner in which passions are not merely controlled in a regal and legalistic fashion comprehended in the word "duty", but with the formation of passions and their integration into the unity of life in the human person as directed to love of God. That is why "charity does not proceed without the other virtues, the very ones Thomas calls '*habitus*.' ... [Moreover] We must thus keep *habitus*, but should avoid translating it as 'habit,' ... Habit

⁸⁵ Duns Scotus, *ibid.*, p. 271

⁸⁶ Thomas Aquinas, *ST Ia IIae q. 17 a. 7*; Cf. Aristotle, *Politics* I, 5, 6 (1254b5)

⁸⁷ J.P. Torrell, *ibid.*, p. 264

is a mechanism ... *habitus*, on the contrary, is the capacity of adaptation and extension to the ever new, which perfects the faculty in which it arises."⁸⁸ Charity retains its place as the source of all perfection and the end of all perfect acts - but it does not negate or proceed without the formation of the human person in the other virtues. Without denying the possibility of natural virtuous action, charity perfects those otherwise virtuous acts through the inspiration by which it guides them, forming the person into a pervasive unity capable of further perfection:

"So too, in the spiritual life a man will be called perfect purely and simply as a function of what constitutes the essence of the spiritual life ... Now, the spiritual life consists principally in charity, if someone does not have it we might consider that he is nothing spiritually ... He then will be perfect in the spiritual life who is perfect in charity."⁸⁹

In other words, charity is the inspiring life of all the virtues in their perfection, a perfection that is both infused into them and neither truly exists of its own without them. Its achievement for man is truly difficult, but with grace its first fruits are possible in this life and in beatitude there is truly a serene joy in transformation.

The virtues, for Aquinas, are the path to this transformation and their perfection is by that very fact, a measure of serenity inasmuch as they are the fine-tuning of human passions, trained into habitual accord with reason. Those habits are the virtues. The very susceptibility of man's voluntary and intellectual faculties to weakness in relation to the good, be it from malice, from passion, from culpable ignorance, requires that the whole man be brought into harmony if there is to be any hope of a state of virtue. The relative indeterminacy of man as a rational animal sets him off as initially more akin to a multiplicity of passions, inclinations and powers than a harmonious unity thereof: "the coordination of the powers constituting human being, rational animality ... is naturally underdetermined. Rather ... they are meant to be voluntarily self-coordinating agents, stabilized into a

⁸⁸ J.P. Torrell, *ibid.*, p. 264

⁸⁹ Thomas Aquinas, *De perfectione spiritualis vitae*, 2 Leonine, vol. 41, p. B 69; cited in J.P. Torrell, *ibid.*, pp. 356-357

proper functioning via acquired habits" called virtues.⁹⁰ Of the principal moral virtues, there are four: prudence, justice, temperance and fortitude. St. Thomas places prudence, of course, in the intellect as a virtue thereof. Justice lies in the will as a virtue thereof. Temperance and fortitude, on the other hand, are virtues of the sense appetite. Yet "the location of the virtues is less a problem of where virtue is than of what virtue is - of what it is to be a virtuous man. When a medieval tells us where virtues are found, he tells us a good deal about his conception of human goodness."⁹¹ Thus, for Aquinas, the whole man, is incorporated into the process of habituation because his conception of human goodness is very much an Aristotelian one wherein the bodily passions themselves are essential to that goodness. Temperance and fortitude, therefore, are gained by making the body accustomed to certain rhythms and situations: "According to Thomas, the passions of the sense appetite can be brought into habitual conformity with reason, and when they are, they make a man *better* than he would otherwise be."⁹² However, our concern is not so much with their content as with their connection and development, the vision of human perfection that they sketch.:

"Accordingly, just as it is better than man should both will good and really do it; so also does it belong to the perfection of moral good that man should be moved to good, not only in respect of his will, but also in respect of his sensitive appetite, according to Psalm lxxxiii.3: 'My heart and my flesh have rejoiced in the living God,' heart here being the intellectual appetite, and flesh the sensitive appetite."⁹³

If the whole man is brought into harmony, he is brought into harmony with reason - and so in the above citation there is an evident order toward reason. As we might expect from St. Thomas given his more "intellectualist" inclination with regard to the will, the virtues are united in and through reason. For the abandonment of reason is sin:

"Accordingly then, the will lacking the direction of the rule of reason and of the Divine law, and intent on some mutable good, causes the act of sin directly, and the

⁹⁰ Marilyn McCord Adams, "Scotus and Ockham on the Connection of the Virtues," In *John Duns Scotus: Metaphysics and Ethics*, edited by Ludger Honnefelder, Rega Wood, and Mechthild Dreyer, 499–522; p. 499

⁹¹ Bonnie Kent, Good Will According to Gerald Odonis, Duns Scotus, and William of Ockham, *Franciscan Studies*, 46 (1986), 119-40; p. 120-1

⁹² Bonnie Kent, *ibid.*, p. 121

⁹³ Thomas Aquinas, *S.T. Ia IIae q. 24 a. 3*

inordinateness of the act, indirectly, and beside the intention: for the lack of order in the act results from the lack of direction in the will."

In this case, since we are concerned with action, we are concerned with practical reason. Thus, with speculative knowledge in the background, prudence is the guide and unity of the virtues, just as the virtues of the sense appetites participate in the justice of the will, the justice of the will participates in the rationality of prudential judgment.

Thus, as much as the whole man is incorporated into a cultivated state of virtue, so all must be aligned with the proper use of these virtues or, according to a famous maxim: "there can be no moral virtue without prudence." Yet neither is this the cold rationality of a pure intellect, prudence itself gains its own perfection when the whole of the virtues are in support of its exercise: "if the virtues orient us rightly toward the end, it is prudence that chooses the just means in view of the end. ... the virtues influence one another's actions and help one another, each need the other to attain its proper end."⁹⁴ For instance, prudence "seems principally to depend upon that freedom of mind by which a man judges accurately ... Whatever disturbs this balance of judgment diminishes prudence. Carnal lust is perhaps the worst enemy of prudence ... scorns her counsel ... [in] rash haste."⁹⁵ The same case could easily be made concerning fortitude and justice, since cowardice or avarice would militate against prudence in matters of proper courage and just judgment. Thus, for Aquinas, the second half of the Aristotelian maxim with regard to prudence is upheld: "no prudence without moral virtue." Practical reason, then, is itself infused with the habituation of man to other virtues. The connection between the virtues through prudence is, accordingly, appears tighter in Thomism than it will prove to be in Franciscan thought.

That is, Aquinas calls virtue that which is perfect virtue. For, characteristically, Aquinas views and defines human development through the perspective of man's final state of beatitude wherein "human nature is only fully itself in the state of culture."⁹⁶ That is, virtue is only true virtue when it is perfect and only perfect where it is complete, cultivated to the point that it constitutes a state of virtue where the man himself is balanced

⁹⁴ J.P. Torrell, *ibid.*, p. 273

⁹⁵ Etienne Gilson, *The Christian Philosophy of St. Thomas Aquinas*, *ibid.*, p. 288

⁹⁶ J.P. Torrell, *ibid.*, p. 265

by his whole set of virtues. As Scotus fairly misleadingly sums up such a model:

"[...] it is possible to acquire any habit to any degree of perfection in the category of nature by frequently elicited acts in regard to the object of one virtue without the acquisition of another. But this habit, no matter how intense, does not have the character of virtue unless it is conformed to other acquired virtues, and therefore such a habit is not a virtue, because the accord one habit has with another is necessary in any habit if it is to have the character of virtue."⁹⁷

If this seems a very Aristotelian vision of human perfection, with all the grace of Greek sculpture, it must be admitted. Yet neither does Aquinas stop there, for such a state of perfection is not possible without charity, nor is it complete, with all the implications of that word just mentioned. This is not the whole story, however, for Aquinas allows that natural virtues may be held naturally, and that there are such things as imperfect virtues; indeed imperfect virtues are most common, but nevertheless, it is only that which takes man beyond himself to love of God and orients the harmonious virtues beyond their own perfection that brings man to true virtue. For no virtue is fully itself, intrinsically perfect, without that to which it is ordered, extrinsically perfect, and a virtue practiced solely for the sake of its exercise, for empty duty or for shameless gain is quite different and far less stable and less intrinsically perfect than one possessed of and guided by a true charity toward neighbor or God. There is a deep connection, therefore, between how the virtues are related among themselves and how they are directed to an end. This distinction, between the internal (intrinsic) order and external orientation (extrinsic), between the material (natural virtues) and the formal (the theological virtues) was to become rather important through late Medieval thought. This *duplex ordo*, akin to that of the intrinsic order between military units and their extrinsic ordination through the general toward victory, an example derived from Aristotle, was used to characterize the difference between a soul in harmony with itself in intrinsic perfection and a soul at true peace as further oriented toward its true end. The former might achieve a modicum of stability, but was corruptible; the latter was truly perfect and stable. Yet that perfection pertains to the relationship

⁹⁷ Duns Scotus, *Ord. III suppl. d. 36, ABW 384-85; cf. n.5, Wadding 7.2:787; cited in Marilyn Adams, ibid., p. 504*

between natural virtue and theological virtue, which for the moment we may set aside in favor of seeing how the Franciscans viewed natural virtue and man's progress toward it.

The critical feature of the reception of Aristotle on the part of the Franciscans has already been suggested, namely, their distinctive emphasis upon the negative freedom of the will, upon strength of will and upon a more ecstatic conception of charity. The consequences of this emphasis with a view to their ethical vision of man remain to be explored. This connection has, as far as secondary literature is concerned, been rather overshadowed by concerns over the relation between voluntarism and the relativization of natural law (that is, many authors have attempted to link what they say is blind voluntarism with the unknowability of a radically contingent natural order based on nothing but a blind Divine will). Rather than debate the value of such claims, the purpose of the forthcoming discussion is to show that Franciscan voluntarism had more immediate and evident "effects" that, in the following chapter, will actually explain the coherence of what Franciscan political thought did say rather than create a less coherent story of what they ought to have said. For this we must begin in no other place than with the immediate effect of "voluntarism" upon the notion of habits - that is, virtues and vices - and the depiction of the moral life.

It was noted above with regard to Duns Scotus that Franciscans generally tended to distinguish more sharply between Aristotle's vision of nature as eudaimonistic and Christianity's salient point concerning man's capacity for intentionally willing beyond the horizon of love of self. The Aristotelian vision tended to ascribe to ethical perfection a holistic transformation of the soul and the bodily passions into a harmonious and well-adjusted human being. Doubtless, St. Thomas places this beyond the capacity of this world, but he nevertheless retains it as an expectation in the state of beatitude. That state of *apatheia* had long been a Christian expectation, the hope - not Stoic - of the cessation or destruction of the passions but of their proper attunement and orientation. It is typical of Aquinas that he defines moral perfection in reference to the state of perfection, calls virtue what it is from the perspective of its completion, defines the will in accordance with its nature in beatitude such that it is free in its natural state and necessitated in its supernatural state while continuously a nature. It is no less typical of

Franciscans to have been more intent upon man in his present state as a work in progress, to accept virtue as having the character of virtue even when imperfectly so and to define man's will on the basis of its natural character as free, imperfect and indeterminate. If Aquinas' intellectualism stems from his focus on supernatural beatitude, Franciscan voluntarism perhaps stems from their focus on the natural state.

This shows itself with regard to the moral life as well. Indeed, as we have seen, for the Franciscans, the capacity of the will to determine itself from potency to act was the capacity to do so freely and voluntarily. This voluntarism can be a stumbling block as far as understanding what it means for the relation between a will that can choose the good and a will that needs habits to choose the good. The temptation here is to argue that since the will can will the good of itself, it does not need habits.⁹⁸ The temptation is to discuss the "good will" of the Franciscans as though it were so or not without effort or training. This, however, is to confuse the point. From the Franciscan perspective, it is the will that is determined to act involuntarily in accord with the knowledge of the good that is a will in need of no habits but only in need of knowledge. On the other hand, a will that is determined to act voluntarily is precisely the will that needs habits to do so easily. Instead of negating virtues and habits, what this recognition of the native liberty of the will really means for the will's habits is that no habit can do more than approximate the will to necessity of almost "second nature." Indeed, that is precisely what the habit is supposed to do, it makes action "second nature", leading a will inclined by its passive inclination to natural eudaimonistic self-love to a perfection of the will in accord with its active inclination beyond itself toward love of the good in itself.

Put another way, however, this means quite a lot more: for the will as will, regardless of virtues or vices, as long as it remains without the full supernatural perfection of infused charity that enables it to have an intensity of act such that its passive inclination toward its own good is truly overcome, will remain open to the possibility of either conversion or fall. Despite their optimism with regard to man's natural capacity for charity, the Franciscans maintained what may be called a sort of pessimism of the virtues of the

⁹⁸ for this view, see Bonnie Kent, *Virtues of the Will*, *ibid.*

viator in that these virtues are never truly stable even when they are individually perfect virtues according to their nature. Even when they are impressively intensely unified and balanced, they can never be truly perfect virtues infused with a perfection of charity and can fall into tragic discord. Yet the inverse of this theme is the optimism with regard to the vices of the *viator*, not only because they can always be turned from, but also because: "With God, all things are possible."

For the Franciscans, this colored their sense of what moral life and moral value were: "The vision of the moral hero prevailing again and again in the perpetual struggle with his lower appetites, a vision that gained considerable appeal among Christian writers, would be for Aristotle thoroughly distasteful. [Since for Aristotle] The ideal is to bring one's passions into harmony with one's values, so that ... it becomes easy and pleasant to do what one should."⁹⁹ Rather than fix upon antiquity's harmonious nature, Franciscans more inclined to view the love that characterized a moral life as pervaded by sacrifice and frequently cite the example of St. Paul:

"It is truly impossible for a power to take pleasure in the removal of an object naturally pleasant to it. On the contrary, it is pained - as the Apostle, who could fairly be reckoned temperate, said in Romans 7: 'I find in my members a law at war with the law of my mind.' Truly the law of the members is the sense appetite, which fights against the law of reason. Nevertheless, one takes pleasure in the law of reason with the intellectual appetite, as the Apostle states in the same chapter: 'I delight in the law of God according to the inner man' - that is, according to the will."¹⁰⁰

Perhaps no citation posed as great a problem for the Aristotelian, earthly conception of internal harmony as the lament of St. Paul. Gerald Odonis (d. 1349), the *doctor moralis* and minister general of the Franciscans, insisted that virtue was virtue whether or not intense passions struggled with it:

"... Virtue is posited in man in order that man may be good without qualification and may act well; wherefore the end of virtue is not only the subjugation of that [lower] appetite. On the contrary, let that appetite be supremely passionate, yet so long as the will is good without qualification, the man himself is still good without

⁹⁹ Bonnie Kent, *Virtues of the Will*, *ibid.*, p. 204

¹⁰⁰ Geraldus Odonis, *Expos. Ethic.*, lib. I, q. 36; cited in Bonnie Kent, *Good Will*, p. 127

HUMAN ACTION

qualification - as in the case of the Apostle, who was given the stimulus of the flesh and notwithstanding was good without qualification."¹⁰¹

Thus the interminable character of moral struggle meant that, all discussion of absolute perfection aside, a man is good who acts well despite the insistence of his passions to the contrary effect. This principal theme is, however, only the first of the consequences of Franciscan spirituality for ethics.

For in addition to sharing an emphasis upon the freedom of the will and its interminable moral struggle, there was another "broad point on which most Franciscans agreed: All habits that are moral virtues properly so called - in their own right and without qualification - are habits of the will. In the later thirteenth and early fourteenth century, more than a dozen Franciscans defended this view. St. Bonaventure, Peter Olivi, Gonsalvus of Spain, Duns Scotus, Gerald Odonis, and William of Ockham were among them. ... Moral virtues are habits acquired from moral acts, and acts are only moral if they are in our power. In specific, moral virtues are habits of choice."¹⁰² This relocation of the moral virtues to the will is perhaps best understood in contrast to the position of St. Thomas sketched above (the moral virtues, justice, temperance and fortitude are, in Aquinas, located in the whole man inasmuch as fortitude and temperance are in the sensitive appetite and justice is in the will). Yet we are not here interested in a rigorous comparison of the advantages and disadvantages of these positions, rather, we are interested only in the sense which Franciscans thought that their position had for their own spirituality. In this regard, it is worth noting that the debate here involves something the Franciscans held dear: poverty as a means of spiritual exercise in self-control.¹⁰³ For St. Thomas "held that the passions of the sense appetite can affect reason's judgment. Because the will chooses in accordance with the final practical judgment, disorder in the sense appetite can lead to a bad choice. By the same token, control of the passions devolves primarily on reason," the will contributing to repetition of acts.¹⁰⁴ It is not

¹⁰¹ Geraldus Odonis, *Expos. Ethic.*, lib. I, q. 36; cited in Bonnie Kent, *Good Will*, p. 127

¹⁰² Bonnie Kent, "The Good Will According to Odonis, Scotus, and Ockham," *ibid.*, p. 121

¹⁰³ Mary Beth Ingham, "Self-Mastery and Rational Freedom: Duns Scotus' Contribution to the Usus Pauper Debate," *Franciscan Studies*, Volume 66, 2008, pp. 337-369

¹⁰⁴ Bonnie Kent, *ibid.*, p. 121

that Aquinas does not acknowledge the role of the will, as we have seen, it is just that the primary emphasis he gives is that of forming passions over the process intellectual formation and of voluntary habituation to following reason. Conversely, for the Franciscans, it is not that they ignore the intellect, but they focus on control of the passions and that control devolved more primarily upon the will and implied a greater emphasis upon the notion of "strength of will." Moreover, in placing all moral virtues, justice, fortitude and temperance, in the will, it is not that they ignore transformation of sense appetites, it is that they consider it to be related to virtue only secondarily: "All agree that no habit of inclination of the sense appetite is properly a virtue. Moral virtues are first and foremost habits of choice, not habits of feeling. ... From the will's choices, virtuous habits are generated. From the will's commands to the sense appetite, habits in the sense appetite can be generated. Yet whatever habits of obedience the sense appetite might acquire, they are not properly considered virtues. It is the will that moderates the passions."¹⁰⁵ In line with this emphasis upon the strength of will requisite to virtue in the setting of unending tumultuous passion, that force of self-control took on all the connotation of deliberate discipline: "Olivi's *Tractatus de perfectione evangelica*, Q. 8 lays out clearly how the will's dignity and superiority support his position on poverty as restrained use of goods (*usus pauper*), rather than simply their non-possession."¹⁰⁶ Poverty was a mode of sacrifice and self-discipline and, though not itself its own good, it was not merely accidental to spiritual discipline and virtue just as strength of will was the self-disciplining force that brought passions to quasi-virtue.

Moreover, this emphasis on the strength and weakness of the will, discussions which came to have so much importance in the 14th century, also suggests another distinguishing feature of Franciscan ethical thought: the shades or degrees of intensity which characterized their concept of virtue and the question of the connection of the virtues through prudence. The debate concerning the connection of the virtues achieved an importance in the late 13th century that was maintained throughout the 14th century up to

¹⁰⁵ Bonnie Kent, *ibid.*, p. 136

¹⁰⁶ Mary Beth Ingham, "Self-Mastery and Rational Freedom: Duns Scotus' Contribution to the *Usus Pauper* Debate," *ibid.*, p. 342

the influential commentary on Aristotle's *Ethics* by Jean Buridan. It became increasingly complicated as a dynamic focus on man as a work in progress. For if the situation were more complicated than the will's concurrence with the final judgment of prudence, if the will retained the ability to not-will even at that final moment, then prudence ran ahead of virtue and the question arose as to what force or intensity it added that unified the virtues and their development. Additionally, if Franciscans were willing to speak of virtue where virtue was not yet perfectly harmonious, how "should we conceive the relation of these habits amongst themselves that 'complete' nature by 'tuning' it 'up' to smooth functioning? Can relevantly focused habits involved in the human 'tune up' exist separately (*Independent Existence*) and/or reach perfection one without the other (*Independent Perfectability*)? If so, will they count as virtues before all are in place?"¹⁰⁷ The problem originates in a difficulty found in Aristotle's *Ethics*: "Practical wisdom for Aristotle seems then to be a general ability to determine in any circumstance what is the appropriate action that will lead one to one's happiness (*eudaimonia*). Since Aristotle sees the virtues as the way happiness is achieved, practical wisdom is the ability to determine in any circumstance how to act virtuously, i.e., how to act in line with the virtues relevant to the circumstances. Given this understanding of practical wisdom, one can easily see why Aristotle would maintain that there could be no virtues without practical wisdom nor could there be practical wisdom without virtues."¹⁰⁸ The Franciscan solution tended to involve, not a deprecation of prudence or its necessity as a virtue in relation to the will's moral virtue (i.e. they maintained that prudence was necessary for all moral virtue), but a rather more dynamic vision of the process of its generation and development that distinguished the generation of moral virtues from the development of prudence as an intellectual virtue.

¹⁰⁷ Marilyn McCord Adams, "Scotus and Ockham on the Connection of the Virtues," *ibid.*, p. 500-501

¹⁰⁸ Douglas Langston, "The Aristotelian Background to Scotus's Rejection of the Necessary Connection of Prudence and the Moral Virtues," p. 321; see also Stephen Dumont, "The Necessary Connection of Moral Virtue to Prudence According to John Duns Scotus — Revisited" in *Recherches de Théologie Ancienne et Médiévale*, 55 (1988), 184-205.

That is to say, Franciscans concurred with other Scholastic thought about the multiplication of prudence into particular prudences for each virtue according to what has been called the "inter-active evolving focus" metaphor wherein varying degrees of practical wisdom are developed along the pattern of experiential knowledge and particular prudences are developed on the basis of a deepening of the original prudential principle as it encounters and broadens its intentional objects.¹⁰⁹ They nevertheless turned away from this model on account of the emphasis it gave to necessary unity of the virtues through prudence's own development. For Franciscan thought, the virtues are not unified and perfected so much from their unity of origin in prudence as along the way and in step with the development prudence as through continuous submission to its dictates. It is not that prudence does not need to guide them, but that this guidance is distinct from the perfection comes from their submission, through the intensity of the pursuit and the habits formed thereby. They were developed, therefore, in a looser connection with prudence such that the development of prudence might run ahead of them and they might exist partially independently of each other in varying degrees of perfection.

This system admitting of great complexity in the analysis of the formation of virtue:

"Ockham distinguishes five degrees of virtue, differing in species from one another because of the different intensional objects ... For example, *first degree* justice involves someone's willing [i] to do just deeds in conformity with right reason dictating the doing of such deeds and [ii] according to the circumstances required for precisely this deed [iii] for the sake of the worth of the deed itself or for the sake of peace. *Second degree* justice wills to do just deeds according to the above-mentioned right dictate and besides this [iv] with the intention of not turning aside for the sake of anything contrary to right reason, even death [hypothetical]. ... *Fourth degree*, which the Saints identify as 'perfect and true moral virtue,' wills as above but [vi] precisely for the love of God. ... *fifth degree or Christian heroic virtue* that wills [c] the contents of fourth degree virtue and [b] wills to continue at extraordinary cost."¹¹⁰

Along the way, the Franciscans tended, therefore, to deny the second half of Aristotle's dictum: "No moral virtue without prudence; no prudence without

¹⁰⁹ Marilyn McCord Adams, *ibid.*, p. 502

¹¹⁰ Marilyn McCord Adams, *ibid.*, p. 513

moral virtue." That is, the above complex staggering of degrees of virtue does not even address the relation that each degree has with other virtues of different degrees.¹¹¹ Virtues can exist in varying degrees if some varying degree of another virtue is present and the complexity of their views on this need not be discussed except for the fact that some virtues may exist imperfectly before experiential prudence is gained and some virtues may exist perfectly before all virtues arrive to perfection. For while Scotus was perhaps content to allow virtues greatest independent perfectibility and the most independence to the intellectual formation of prudence, the necessity of inter-connection between virtues that Ockham and Buridan reintroduce into their ethical thought allowed them to give some measure of approval to Aristotle's requisite condition that prudence requires the prior presence of moral virtue (albeit, for Ockham and Buridan, only at certain degrees along the way). The space for a modicum of sagacity without true virtue is opened up at the same time as an evident emphasis upon unwieldy struggle independent of prudence appears.

The issue, of course, is rather more complicated, but the point here is that the journey of the *viator* to perfect virtue becomes, for Franciscans and more generally for the 14th century, both a toilsome and repetitive struggle which, though it could truly progress to sanctity, could nevertheless not naturally arrive at the serene perfection and absolutely secure virtue of an Aristotelian kingly nature: "Scotus states that virtue does not represent complete human perfection and, like the five senses, admits of partial excellence without involving total excellence. In other words, sight and hearing are both perfections of perception and yet they do not mutually perfect each other [in their proper operation]."¹¹² Or again, the Franciscans tended to reject this absolute fit model of virtue: "perfection of individual habits as virtues is naturally prior to the perfection of the whole human, and - except for the dependence of moral virtues on corresponding particular prudence - their

¹¹¹ For a close commentary on Ockham in this regard: see Othmar Suk, O.F.M. "*The Connection of the Virtues according to Ockham*," *Franciscan Studies* 10 (1950): 9-32 and 91-113

¹¹² Mary Elizabeth Ingham, "Practical Wisdom: Scotus's Presentation of Prudence," in *John Duns Scotus: Metaphysics and Ethics*, edited by Ludger Honnefelder, Rega Wood, and Mechthild Dreyer, *ibid.* p. 563

"fit" with other virtues under the coordinating influence of charity adds at most external perfection to them."¹¹³ In other words, the natural virtues admit of a natural perfection such that, in some sense, they could be materially perfect before they were formally so. Again, the natural acquired virtues could be intrinsically perfect as habits even where they were not extrinsically ordered to God. The independent existence and perfectibility of virtue, the internal order and harmony of the moral virtues, their *intrinsic* order, the life of moral virtue, was complemented by the ordering of the whole through charity in an *extrinsic* order toward love of God. This tended to result in the Franciscan view of acquired moral virtue as independently intrinsically perfectible without perfect charity; this, while not tantamount to the Pelagian heresy that saw man as capable of perfect good on his own and independent from God's grace, tended to move God's grace a little further toward the margins of human virtue, toward the realm of extrinsic orientation through justice to God and charity. Nevertheless, we should not conceive of this distinction, between the intrinsic order of virtues and their extrinsic perfection by relating them, directing them to God, as necessarily a matter of supernatural virtue and the question of grace. The question of grace and nature is technically distinct from the natural and supernatural in relation to man; this Franciscan schema of the virtues need not coincide with the distinction between what man is capable of in this life and what he is capable of with God's grace. For in his nature, the state of original justice, man was capable of a natural charity. This was insufficient charity to adhere to God perfectly, but was charity nonetheless. Thus this schema, even if in some thinkers it did advance man's achievement on his own in this life, was not necessarily used to distinguish man's fallen nature from the supernatural, but only the originally natural from the supernatural.

Moreover, and with regard to the charge of Pelagianism (which we address because the exaltation of man found here in Franciscan thought is pervasive in Renaissance civic humanism), according to the Franciscans, to say that charity is difficult in this life is not to say it is impossible in this life and to say that it is possible is not to say it is either perfect and enduring. Indeed, while it is generally accepted that Scotus considers charity as a

¹¹³ Marilyn McCord Adams, *ibid.* p. 510

natural capacity of man operational even in this life, a rarely noted feature of Scotus' discussion of the will is that while natural charity is possible in this life, he hesitates to give this point great weight: "God can be loved above all not only by charity, but also by one's natural endowments, at least in the state in which nature was instituted."¹¹⁴ At any rate, the difficulty of such acts is evident for Scotus, again and at length:

"The reason why the will wants happiness in most cases, is that the will for the most part follows the inclination of its natural appetite. For it is impossible that the will be habituated or inclined to will something to any greater degree than it is inclined by its natural appetite. Since the will, then, can only be habituated by a habit to follow for the most part the inclination of that habit, and indeed, to take delight in acting in accord with such an inclination, all the more so will the will, for the most part, will that toward which its natural appetite inclines it. And therefore, a just person, even when blessed with a gift or habit, finds death difficult to choose ... because it runs counter to one's natural inclination. Since all will happiness by reason of their natural appetite, as we said above, it follows that the will for the most part wills to be happy."¹¹⁵

It is on account of the difficulty, caused by original sin, that the gift of infused charity is of such necessary assistance to man's natural capacity for charity in this life: not because he is utterly incapable but because he is so weak. Even in natural perfection of virtue prior to original sin and still naturally oriented toward God, the whole movement toward virtue would still give the impression of something of a struggle and is ever subject to the risk of lapsing into vice. Nevertheless, it is of great importance that charity is here increasingly distinguished from the other virtues as their extrinsic orientation in contrast to their intrinsic perfection, their formal perfection in contrast to their material perfection. For therein lies the possibility of a thorough distinction of virtues as not in themselves possessed of some degree of charity and capable of separation from that undercurrent of love beyond self. In this way, in such a separation, the moral struggle of man is almost conceived as crowned by an external supernatural addition rather than a continuous development.

Moreover, the combination of this moral struggle with the notion that the strength of the will and its charitable intention obscured behind possibly

¹¹⁴ Duns Scotus, *On the Will and Morality*, *ibid.*, p. 286

¹¹⁵ Duns Scotus, *ibid.*, p. 159

independent natural virtues that may of their own be ultimately responsible for controlling the passions and taming them, brought the Franciscans to view the perfection of the passions and the exterior act somewhat differently. For while self-control of interminable passions was of the utmost importance, as was conformity to right reason concerning what was naturally suitable to external acts, the moral value of any given act would ultimately be dependent upon the interior intention of the agent. This turn toward interiority, stronger than that already found in Thomism, has occasionally been confused with an abandonment of the natural law as though external deeds counted for nothing and intention everything.

Yet a closer look reveals that the Franciscan view does not amount to an irrationalism where prudence concerning right action is irrelevant or to a denial of the importance of the exterior act and natural law. This is evident even in the admittedly extreme case of William of Ockham.¹¹⁶ Even there Ockham's emphasis on interior intention absorbs the relation to prudence and natural law as necessary requisites of perfect intention. Prudence and natural law are very much included the precept: that intention is perfect only where it intends that the exterior act should fulfill the conditions of right reason and rationality. In other words, "No act of will lacking right reason for an object can be intrinsically virtuous, he argues, because it cannot satisfy the general principle that a virtuous act must be elicited 'conformably' to right reason ... From this it follows that an actual exercise of *recta ratio* is required in every virtuous action. Even this statement of the matter, however, is not sufficiently stringent to mark the strength of Ockham's commitment to rationality, for the mere presence of right reason does not guarantee that the action is done because of, or for the sake of, right reason."¹¹⁷ An act must be done, not only in accord with right reason's dictates concerning exterior action, but for the very purpose of such an accord. It is precisely on account of the inclusion of the principle of intention that virtuous action be directed

¹¹⁶ For a discussion of the relation between Ockham's distinction between interior and exterior acts and its relation to his Franciscan predecessors, see Thomas Osborne, Jr., "The Separation of Interior and Exterior Acts in Scotus and Ockham," *Mediaeval Studies* 69 (2007): 111–39. © Pontifical Institute of Mediaeval Studies.

¹¹⁷ Arthur Stephen McGrade, *The Political Thought of William of Ockham*, Cambridge, England, Cambridge University Press, (1974), p. 193

toward the rational consideration of the appropriate according to natural law that Ockham, when distinguishing between degrees of culpability for ignorance of the natural law, can state that for all but the most subtle and disputed questions of natural law: "Ignorance of such a law in such a case therefore proceeds from negligence or contempt deserving of condemnation and therefore does not excuse."¹¹⁸ This, at least, is the way that Ockham expresses himself and understood the import of his emphasis on the distinction between interior and exterior acts - that it did not destroy the natural law or rationality of voluntary action, but that all intrinsic moral worth was due to the intention, given all due consideration to the nature of the act that ought to be intended. The will must will to be perfectly rational. However, the Franciscan emphasis is on the interiority of the act and the responsibility of the will. Indeed, in some cases, as with the extreme austerity of Franciscanism's more radical advocates, that responsibility of the will fell hard upon it - just as much as it exalted it for its natural charity.

Yet the point here is not to detail the philosophical evolution of Franciscan ethics so much as to capture certain general features thereof that are important for their political and economic thought. Thus, insofar as Ockham's complex treatment of the will, and the radically sharp distinction of interior and exterior acts, highlights the tension between interior moral goodness, intention and the elaborate struggle of the *viator*, it can be considered as a perhaps exaggerated expression of the Franciscan tradition's emphasis upon the strength and weakness of the human will. This, however, is only a preliminary point - for involved in this emphasis and in the general Franciscan adherence to the voluntary and interior character of virtue are the lineaments of an emphasis upon moral responsibility as descending upon man both to his grandeur and to his shame. In his lowliness, man demanded discipline and censure; in his heights, man was celebrated in distinction from the natural in spiritual freedom. The "dignity and the misery of man" were stressed in a manner unmistakably concordant with all the treatises of the Renaissance that bear those very words in their titles. More importantly,

¹¹⁸ William of Ockham, *Dialogus III. Tract II.* in *A Letter to the Friars Minor and Other Writings*, trans. John Kilcullen, ed. Arthur S. McGrade, Cambridge, Cambridge University Press (1995), p. 273

however, is the fact that Franciscan political thought, in its emphasis on interiority and freedom, and precisely in the form of its most extreme adherents, notably William of Ockham, clashed with the papacy over the proper distinction of the spiritual and temporal realms. For it is in their adherence to what they saw as the liberty proper to spiritual perfection, in combination with their varying distinction between "inner" and "outer," "interior" and "exterior" acts that defines the jurisdiction and character of spiritual and temporal powers in a manner that divides them. It is their adherence to the perspective of present human life, in combination with what they saw as the need for discipline of imperfection, that inclined them to define "law" in terms of force contrary to liberty, and spiritual liberty as free pursuit of perfect rationality.

Charity and the Perfection of Spiritual Life

We have seen, then, that the principal difference between Aquinas and Scotus lies in their view of love and liberty both Divine and human and in their differences concerning the natural and voluntary is found in what they mean by natural and this in regard to what they mean by love. If for Aquinas, all that is natural is inclined more to love of the good in itself than it is to love of its own self-perfection, then the human will can be called the highest instance of nature, which bears this imprint of Divine creative love throughout. And, in this sense, necessity is not opposed to the voluntary - for the will to necessarily love God in the beatific vision is a supernatural liberation of the will so that it may most truly will what it most desires. If for Scotus, the natural is only designed to intend its own perfection, being ordered in such a way that this is unconsciously ordained to the common good, then the human will is beyond nature in some way as the fulfillment of what is only obscurely found in the natural order. Human will is distinct from nature in that it is an inclination toward understanding-love of the good in itself: "Whereas those who follow Thomas on this issue think that all creatures have a natural inclination to seek the good of the universe more than their own good, Scotus makes a sharp distinction between irrational and

free creatures. According to Scotus, a free creature can love God more than itself precisely because it is free. While the free-will finds its own perfection in loving God more than itself, other natures are not perfected in this way."¹¹⁹ As we have seen, where St. Thomas makes "voluntarism" the natural state of man and "intellectualism" the supernatural perfection of his nature, Scotus does not stop there - the will is not a nature, neither in the sense of *natura curva*, nor in the sense of necessary. That is, even if the will finds its own perfection as will in loving God more than itself, it is still not a nature in this regard, but a will - since as will it loves freely. The curious remainder of freedom as opposed to natural necessity that distinguished Divine love in his theological reflections also remains in the human will according to Scotus: the will is a will. The point is stressed almost to the limit of mystery. Therefore, in the human will, natural necessity toward self-perfection is not opposed to another natural necessity toward the good in itself; instead, natural necessity is opposed to a Divine freedom and necessity that is not merely natural necessity but a necessity on account of strength of will and intensity of love, a necessity of character as the very act of love itself. The human will however, though above natural necessity, is incapable of Divine voluntary necessity on account of its weakness. For the strength of necessity, the human will requires exercise and training. That is to say, for Scotus and the Franciscans, weakness of the will, human imperfection, and their inverse, strength and love, constitute *the* central features of the moral life. All the passion of a furious assault upon one's own sins, the necessity of radical turning to God and all the enthusiasm of a more ecstatic conception of love appear in the Franciscan emphasis on the will. This charitable love, as definitive of man, is the consummation of his potential - and it almost seems as though man's essential capacity for charitable love is not only ineradicable but might break the bonds of the intellectual life and be a sort of irrational passion unto itself and in no need of guidance and discipline. Indeed, it almost seems as if man's natural charity can reach its own perfection as it leaves understanding behind.

¹¹⁹ Thomas Osborne, *Love of Self and Love of God in Thirteenth-Century Ethics*, *ibid.*, p. 186

Yet despite the radical emphasis upon charity, and while a certain natural charity is possible, the theological virtue - or infused habit - of charity is gratuitous assistance through an additional intensity added to the will:

"As for the third point of this article, namely, the need for a habit of charity, I reply that ... this habit adds to the substantial intensity of the act a further intensity, which the will alone could also have given to the act by exerting an equal effort. And the more perfect the created power is, so much more imperfect would it be (speaking arithmetically, for geometrically the imperfection would be equal) if it did not have created charity corresponding to it proportionally. ... Briefly, then ... the reason habits are needed because of acts, especially the habit of charity, is due to something that is a circumstance of the act. As for the substance of the act, however, I maintain ... that the habit is not required."¹²⁰

Two points are worth noting here. First, the intensity of the act is not to be confused with passing emotive jubilation. Second, while some may think that this theory of further intensity being added to the will's love is a curious intrusion of abstract logic and math into philosophical-theological discourse, this would be to misunderstand the character of Scotus' remarks. To the first, Scotus replies directly with an appeal to the notion of *firmitas*: "only one who loves more firmly loves more."¹²¹ He elaborates upon this with an example that is worth quoting to capture a sense of Franciscan spirituality:

"And I am speaking here about the love which is an act of the will, and not about that which is a feeling of sense appetite. And although some others are said to love more fervently and tenderly who do not love firmly, this is not from some excess in them of that higher understanding-love, but perhaps results from some feeling of sensitive-love, as some who are said to be devout feel at times some greater sweetness than others who are much more solid and firm in their love of God, and are a hundred times more ready to sustain martyrdom for him than these others ... [Rather] such sweetness is not an act elicited by the will, but a certain rewarding feeling associated with the will-act whereby God nourishes his little ones and draws them to himself lest they fall by the way."¹²²

To the second point, Scotus' reference to the necessity of habit "on account of something that is a circumstance of the act" requires a clarification in order to show what it is that he is thinking. In that clarification is revealed how it is that this is not an insight deriving from abstraction or simple import

¹²⁰ Duns Scotus, *ibid.*, 285

¹²¹ Duns Scotus, *ibid.*, p. 283

¹²² Duns Scotus, *ibid.*, p. 284

of mathematical concepts into philosophy but from reflection upon virtue and charity in the practice of spiritual life. It is a reflection that is also reminiscent of the problem with finitude with respect to the infinite intensity of true *firmitas*:

"Furthermore, a habit is postulated not only that the powers may act rightly, but that they may act promptly and with delight. Now, even though the will would be able to choose correctly on the basis of reason, it would not do so delightfully or promptly without a habit of its own. Proof: if a man with a previous vice were recently called to act rightly in the opposite way, and right reason dictates that something opposed to his vice should be done, even though he chooses this, he would not do so delightfully. For his first righteous act does not immediately destroy the entire vicious habit he had acquired previously; indeed, it makes little or no inroad against it. This is clear from experience, for the newly converted chooses what is good only with difficulty and would find it delightful rather to choose his earlier customary way."¹²³

Infused charity, then, is gratuitous assistance such that the act nearly approximates to a natural appetite or the necessity of Divine love and is that through which man is truly perfected in "understanding-love." It is for this reason that theology itself, as the habitual fulfillment of a human faculty, is itself among the highest of spiritual practices as measured by charity. Yet it is for the same reason that theology is not the only human practice that can be devoted to God: the intention is supreme. For theology is only so worthy as it is so devoted.

The perfection of theology is the charitable understanding-love of the beatific vision, not the speculative discourse of Scholasticism; yet this perfection of human nature, that requires the entirety of man's being to be held in a vision higher than its own natural powers can sustain (both intellectually and voluntarily), requires the gifts of God as liberal reward for man's own self-gift, itself the created gift of God. Indeed, this aspect of man's sharing in the communal life of the Triune God has been noted in secondary literature:

"In other words, human nature is constituted in such a way that the fullness of its natural perfection requires a supernatural agency. In this way, his position does not reduce human dignity but exalts it. A nature capable of its own perfection is not as worthy of respect as a nature requiring perfection as gift. In other words, self-

¹²³ Duns Scotus, *ibid.*, p. 227

sufficiency is not as perfect as communion. Why? Because God is neither Unmoved Mover nor Thought Thinking Itself. God is triune communion. Human divinization is not a project for individual achievement; it involves relationship and self-gift."¹²⁴

Moreover, beyond the very communal nature of man's last end in the next life, this primacy of charity is, in a sense, two-fold with respect to the communal life of man in this life. For, on the one hand, it is the centripetal force around which all other human activity is to be ordered, that of the religious and speculative life as well as the active and political life - and indeed, the economic life as well. And it will become clear that it is precisely the notion of charity as ordering human service to the common good that becomes, for the Scholastics, an acute criterion in distinguishing avarice and solicitude from prudence and justice. Further, charity has a certain primacy of commonness that defines the extension of the community itself:

"To the first I say ... that charity is defined as the habit by which we hold God dear. Now, it could be that someone is considered dear because of some private love where the lover wants no co-lovers, as is exemplified in the case of jealous men having an excessive love of their wives. But this sort of habit would not be orderly or perfect. Not orderly, I say, because God, the good of all, does not want to be the private or proper good of any person exclusively, nor would right reason have someone appropriate this common good to himself. ... Neither would it be perfect, because one who loves perfectly wants the beloved to be loved by others ... And so in loving ... the first object of charity is only God in himself; all the others, however, are certain intermediate objects."¹²⁵

The human community, then, is extended to all those who are potential co-lovers of God.

Clearly such a dignity is applicable to every human being precisely insofar as each and every person is irreducibly free: "The noblest human act is love for the highest good. This act should not be motivated by self-interest (*affectio commodi*) but out of respect for goodness as absolute and infinite (*affectio iustitiae*). The goal of human moral life is the perfection of such love, not only in regard to God, but to all persons as having God-given value

¹²⁴ Mary Elizabeth Ingham, "Duns Scotus: Morality and Happiness, A Reply to Thomas Williams," *American Catholic Philosophical Quarterly*, 74 (2000), p. 180

¹²⁵ Duns Scotus, *ibid.*, p. 288-89

and to creation as a divine gift."¹²⁶ And here there is a rather significant point with regard to the difference between Christian ethics and the Aristotelian virtue ethics that ought to be noted. In Christian ethics, it is the inexhaustible original profundity of the human person that guarantees their value. For Scotus, this is rooted in the metaphysical character of his freedom as never too vicious to be fully self-enclosed and incapable of conversion and therefore applies to all men. It is the inverse side of man's not being capable ever fully committing himself to the good through an infinite act by purely natural means; whatever virtues or vices a man may have, he may grow or fall - since he does not have the sheer and, frankly, incredible, permanence of Aristotle's magnanimous man, whose virtue wholly becomes his self.

Nor is the present stress upon Franciscan spirituality at all meant to suggest that St. Thomas' characteristic sobriety did not share these features. Indeed, compared with that sobriety, the Franciscan view seems nearly unhinged. Yet Aquinas is not for all that outdone. For while Aquinas' view evidently inclines toward a smoother progression between love of self and love of God, and tends to emphasize the ignorance of sin and the necessity of intellectual formation, that progression still passes through and touches upon the capacity of man to turn aside from the inclination that would lead him forward and to rest in malice or passion and not pursue the radical necessity of adhering to reason firmly and perfectly. That is, Aquinas too takes the root of sin to be weakness of the will. The indeterminacy of man's will is matched by the indeterminacy of his intellect and the whole task of life is to proceed towards the proper determination of one's love by finding and loving God. Man may indeed begin with love of self-perfection, but he is meant to proceed, to draw his gaze upward, he is under obligation to proceed, toward discerning that his good is but the good of a part which is sustained and furthered by his family, by his community, by the whole universe which allows him to exist and by his Creator, to whom the whole universe give praise as the common good of the whole and, ultimately, by his Savior whose grace is the foundation of a personal friendship to which he must respond.

¹²⁶ Mary Elizabeth Ingham, "Scotus and the Moral Order," *American Catholic Philosophical Quarterly*, 67 (1993), p. 138

The role of reason in this progression has long overshadowed the basic underpinning role granted to the will as that which must push reason forward to consideration so that man's intention not rest in some lower delight. For while it is true that, for Aquinas, the intellect is a more noble faculty in one sense, it is nevertheless not always so - for while loves love of lowly things is of little account compared to scientific knowledge of those same lowly things and their causes, the love that loves God is superior to knowledge of God:

"Therefore the love of God is better than the knowledge of God; but, on the contrary, the knowledge of corporeal things is better than the love of them."¹²⁷

It is, therefore, in this regard that St. Thomas turns to the perfection of the spiritual life and opens the way to a consideration of the different occupations of man that is prototypical of the Mendicant re-conception of the apostolic life *as open to the laity*. For just as charity is related to the virtues as their form, so too is the apostolic life related to the manifold occupations of men:

"To envisage the perfection of the spiritual life, we must begin with charity ... Now, love has a transforming power through which the person loving is in a way transported into the one loved. Thus Dionysius explains (*De divinis nominibus* 4): 'Divine love provokes a going out from the self; it does not leave the loving person to himself, but to the one loved.' Since, furthermore, totality and perfection are identified with each other (cf. Aristotle, *Physics* III 207 a 13-14), he will have perfect charity who, through love, will be entirely transformed in God, thus sacrificing all things and himself for God ... He whose soul is thus inwardly held, to the point of scorning - on God's account - himself and all that he possesses, following what the Apostle says (Phil. 3:7: 'But whatever gain I had, I counted as a loss for the sake of Christ'), he is perfect, *whether religious or secular, cleric or lay, and married as well*.

For Aquinas, as for the Franciscans, charity - the very cause of the world - reigned supreme, intention too. Yet while this did not throw off the dominance of the ideal of formal religious life and philosophical-theology, it did indeed create the space for a reflection on how charity related the lives of all men to community and how love of the common good *justified* those lives. Indeed, insofar as every man was, by his very nature, inescapably capable of growth, formation and charity, he was *ad imago Dei* and

¹²⁷ Thomas Aquinas, *S.T. Ia, q. 82, a. 1*

possessed of a dignity unseen in Aristotelian political thought. Even more radically, under this new view, even "the hidden virtues, those virtues ... 'in which the public has no part', are not without their social justification. Nor are the contemplative orders. Religious who devote themselves to the study of the Scriptures and who 'meditate night and day on the law of the Lord' do so, according to St. Thomas, for the general good of the Church, and that is why they can lawfully live on alms, though they neither preach nor teach."¹²⁸ From the lowest labor to the highest devotion, that which was permissible was permitted on the basis of the reorganization of human life and society around a new index of value, that of service - in charity, to the common good and to God as the common good of all.

It was, therefore, on the common basis of this inter-twining and complex work of the mendicant theologians reaction to Aristotelian ethics that Scholasticism consciously raised charity to a position from which any human activity, from that of the intellectual labor of a theologian for the common good to the practical labors of civil service or economic activities intending to benefit communal life, could be judged and evaluated according to the scope and breadth of their ultimate moral intention and contribution. Nevertheless, their differences are also important in elucidating the character of their orders' respective spiritualities. The struggle of the spiritual life as "relevant" to man's present condition is more characteristically emphasized by Franciscans, while the formation of wisdom is more characteristic of Dominicans. If we wish to grasp their difference, we need only turn upon this point. The repeated refrain of the Franciscan order with respect to love's freedom inclines them to emphasize the strength of will, discipline in poverty, spiritual freedom and the active life in opposition to temporal coercion with regard to higher reaches of natural law and spiritual life and to the over-emphasis of the contemplative-speculative life. This can be stereotyped and held up in sharp opposition to the Dominican emphasis upon intellectual formation of the soul, the perfection of the virtues through the formation of wisdom, submission to the law of reason with far less

¹²⁸ Henri de Lubac, *Catholicism: Christ and the Common Destiny of Man*, trans. Lancelot C. Sheppard and Elizabeth Englund, OCD, San Francisco, CA: Ignatius Press, (1988), p. 345

opposition, at the theoretical level, to the codification of that law for the purpose of habituating men to higher moral standards. This can, and will, be readily seen in the difference between St. Thomas and the Franciscans in their discussions of the moral-political life as they sketched man's journey *ad imago Dei*. Of course, all seek to elaborate upon the process of human improvement and the practices requisite to that improvement, and all place the ultimate key to development in the crowning achievement of charity. However, Aquinas' more evidently maintains his perspective on man as defined from beatitude and wisdom in charity, while the Franciscans, as ever, tend to understand man in relation to this life, stressing the freedom of the will and charity as fervent dedication. For where the primary emphasis of ancient natural philosophy with respect to ethical action had fallen on self-mastery even where the kingly, magnanimous man had achieved a certain degree of self-transformation, St. Thomas removes and transforms this vision of human perfection to the state of beatitude crowned in charity and elegant balance, the Franciscans re-route the matter into a discussion of human perfection in this life, perfection is achieved through charity regardless of whether tumultuous passion is ineradicable, as long as it is held back. For it is only in beatitude that a fervent love of God will be healed of such earthly impediments. Thomistic thought constantly inclines toward elegant formation under obligation. Franciscan thought ever tends to a fundamental discipline paired with a sense of liberty as development proceeds toward the higher reaches of rational pursuit. We shall see in the next chapter how these characteristics of their respective spiritualities influenced their vision of the political world that they were, at the same time, attempting to transform.

In any event, particularly with the triumph of Franciscanism, it is no accident that man's individual journey to God became a topic of increasing importance through the 14th century, in ethics no less than political thought. If man's initial indeterminacy, - whether it be primarily from want of supernatural beatific vision or primarily from want of supernatural charity - was also his weakness of will as a capacity for imperfect rationality, then in the process of determining himself with respect to the good in general, man's weakness and strength gave rise to variation in view concerning man's moral struggle to obtain and maintain virtue. To what extent could man achieve

HUMAN ACTION

that end naturally? What was the relation between the supernatural end and the natural end of man in connection with spiritual and temporal authority? To whom should men be subject in the pursuit of their ends and to what extent could human law reach in its objective of furthering man's journey? For while they clamored for that end, Scholastics grasped all too clearly that imperfection abounded. Thus, although throughout the whole elaborate Scholastic conception of moral training in virtue, the rather pristine state of unified virtues in a serene human perfection, remained an ideal, it increasingly became precisely that: an ideal state. As such it was recognized as only truly perfected through supernatural charity and the beatific vision, something to be sought, rather than expected, much less demanded.

Chapter 5

Medieval Political Thought

If we are to trace the influence of medieval ethical thought upon medieval political thought, then we must also deal with what will inevitably appear as a confounding variation of careful distinctions arranged and rearranged in numerous ways to achieve different results. The Scholastics were nothing if not persistently systematic such that the modification of one distinction frequently results in a whole series of further complications. There are, then, many differences between Scholastic authors when it comes to their political thought and how they aligned it with their differences in ethics. Yet the differences are more in how they related minute distinctions than they are in the general picture that results from the inner workings of their thought. In this chapter it will be argued that there was a generally accepted abstract vision of society in Scholastic thought and that it is not so much that disagreement emerged with respect to this general vision of the aims of Christian society as it is that, as might be expected, passing beyond the general vision reveals fractures that fall along the lines of Thomistic and Franciscan thought. These fractures, however, do not generally break the unity of the Scholastic vision because both tended to moderate their extremities toward an accommodation that bespeaks the very harmony of medieval cultural aspirations. Nevertheless, underneath that persistent forceful unison, significant developments - particularly as they obviously aligned with medieval political realities - were underway.

It is well to begin, therefore, with that original general picture before moving to show how the complexity of a variety of opinions fits into that picture, how that variety is traceable to both their ethical thought and the context in which they wrote, and how the variety of opinion developed

toward an increasingly prudential vision of an increasingly independent temporal-secular sovereign. And if we are to begin with the original general picture, we can only begin with the common priority that all placed upon charity both in their reflections on ethical life and in their political thought. This praise and primacy accorded to charity as the rational ordering of love to God in Scholastic ethical thought is inseparable from their notion of the common good in human society. In order to grasp the fundamental picture sketched by medieval political philosophy, there are already several traditions that are linked through this inseparability which already portend complication but which can be grasped in broad strokes at the outset.

The order of charity is the order of love - an Augustinian theme. The order of love is to be in accord with the order of reason - a common Christian and philosophical tradition. The order of this rational love is an ordering of the love of the good that is not just the love of a single good, but a love that gives to each good its proper due in a hierarchy of goodness determined by what is good for human nature, the full exercise of his highest faculties in the knowledge and love of God, and by the rational priority man ought to attach to goods of a higher order (with all that might imply with respect to gratitude and, ultimately, love of God). Evidently, the goods to which human love is related are not simply those which are readily available but are also those which association with other human beings aids us in procuring and which we could not of ourselves procure. As James of Viterbo (c. 1255-1308) expressed it:

"Hence, Isidore says at *Etymologiae* XV that societies are of three kinds: namely, families, towns and peoples. Now the setting up of these communities or societies has come about through the natural inclination of mankind itself, as the Philosopher proves at *Politics* I. For man is by nature a social animal, and lives in multitudes; and this fact is due to natural necessity, because one man cannot live adequately by himself but needs another's help. Hence also man has the gift of speech with which he can explain his thoughts to another man and, by this means, communicate and live together with others more beneficially."¹

Indeed, more often than not, the higher the good, the more a community is necessary to obtain it. Community itself, therefore, is a useful good and yet also brings with it additional goods proper to social life, friendship, etc. and

¹ James of Viterbo, *On Christian Government*, Rochester, NY: Boydell Press, (1995), p. 5

also the development of new abilities and virtues that enable men to reach their true potential as rational creatures, engaging in philosophical discourse and political action. This is, in fact, no more than what is meant by the definition of man as a social or political animal: that therein man flourishes. Moreover, these communally procured goods are not simply enjoyed by us, they are brought about by and enjoyed by the community which obtains them. The order of goods is thereby also an ordering of common goods - an Aristotelian theme.

The combination of these three lines of thought, the order of charity, the order of reason and the order of the common good, constitutes the principal common ground of late-medieval political thought. It was not merely an enthusiasm for Christian charity that they held in common, but an enthusiasm for its rational development. Despite a confusing array of distinctions and traditions as well as their possible combinations, medieval political thought is in general agreement as to the end of man and is one in providing a framework whereby the good(s) and common good(s) of man are set in a hierarchy in accord with that end. If they differ, it is not so much with regard to this ascending hierarchy but with regard to how man ought to be moved through it by political and spiritual authorities. For while an enthusiasm for charity is all well and good, the true perfection of charity, for almost all Scholastics, consisted in loving in an orderly way all that is good insofar as it is good and *the* question is as to what authority guides him in that love and how it ought to. This problem would have been much easier had they maintained that a single authority was responsible for the whole of human life - but they did not.

Common Good(s) and Human Society

Man seeks the good. All along the ascending scale of human associations that arise naturally in tumultuous multiplicity from man's seeking sustenance and fulfillment, from familial relations to those of the village and those of cities and whole peoples, man is drawn through his love of the good in general to a variety of goods and ultimately to the love of the common good

of all men and indeed the common good of the universe as a whole, God. The goods that he is able to achieve through the assistance of each of those communities, and which he shares in common with other members of those communities, lead him to love a variety of goods he has in common with others. Yet such goods are not equal. They may be more or less common:

"For that community is the more perfect which is directed towards the greater good, and a good is greater in proportion as it is more common; and so because, in the city, the good of more people is sought than in the household, and in the kingdom the good of more than in the city, the city is therefore more perfect than the household and the kingdom is more perfect than the city."²

And they may be more or less noble: human marital association aims at the fruition of his reproductive capacity - a man shares this good with his wife, but reproduction is not man's highest good. It is but the exercise of one of his natural faculties. Nor is it a good he shares with many. Or again, man shares in the life of the village whereby he imperfectly derives his sustenance and comfort. Yet the satisfaction of material needs is not the highest good of man, it is merely the beginning. Nor is the community required for such sustenance very large. From the indeterminacy of his initial capacity to know and love the good in general, therefore, man's journey to God passes first through a series of human associations by which man aims to gain support in the satisfaction of needs and the exercise of his faculties. Each association aims at a certain good and shares that good in common with more or less persons. This journey from the love of the good in general set in relation to a variety of goods is not, however, clear *a priori* as to their proper ordering and their end and is rife with the possibility for conflict and error.

At the same time the movement is also one of man beyond himself and ultimately this very journey is the movement toward charity. Charity is the undercurrent thereof. Acknowledging the goodness he derives from each human association of which he is a part, man is led to love the societies that he forms for the benefits that he derives from them and, if he proceeds in the endeavor of rational appreciation and affection, he is ultimately led to love these communities more than himself precisely because their goodness is greater than just his own, their goodness includes his own and is shared in by others who derive the same benefits from them as he does, others for whom

² James of Viterbo, *On Christian Government*, *ibid.*, p. 5

he cares. Indeed, he may love them as his own good in an inclusion of others within an expansive vision of his very self. However, the important point is that recognition of the commonness of a good associated with some level of society is essential to man's understanding of himself as a part of a greater whole and as such a part, he is obliged to recognize that he ought to love the common good more than his own good.

In this movement, the political society which man forms and which allows him to exercise the full range of his humanity in and through the development of those moral and intellectual virtues that are his human perfection, represents an extraordinarily common and noble good. Aristotle had come thus far and not much further, as is evident in the famous definition of man as a "political animal" - namely, an animal whose nature is perfected with the support of and opportunities offered him by political community. Yet here his thought begins to struggle and become difficult to interpret facing the dilemma of the relation between man's inclination toward his own perfection and the love he ought to have for the common good. The very idea that man can and ought to love something more than his own self-perfection as a human being, surpassing the eudaimonism of Aristotelian thought, required a shift in understanding of human nature away from, or rather beyond, Aristotle.

Henceforth, for mendicant Scholasticism, rather than stay within the bounds of Aristotelian thought that begins with eudaimonism and ends with eudamonism, man is viewed from the beginning as oriented beyond the love of self to the love of neighbor and community and ultimately to the love of the common good of all men, God. It is true that this is the ultimate common good in a series of greater goods in which man participates and he is or ought to be directly led by his intention of the final end, but this whole series is actually a movement inasmuch as it is a movement of love toward charity that begins from desire for self-perfection and toward self-perfection.* God

* In light of frequent confusion concerning this notion, it must be emphasized that this "common good" is not "common" because it is commonly agreed upon and intended by all subjectively speaking, but because it is human nature that is common to man and that nature tends toward a perfection *specific* to it. That is, human nature according to Scholasticism is perfected in general by knowing and loving and in particular through the knowledge and love of God as giver of that nature and its supernatural perfection, not only of one's own

is the good which men by nature, regardless of whether they actually choose to stretch out toward receiving Him, have in common as human beings. This because their inescapable nature is such that it is perfected by and drawn to exercising their faculties of knowing and loving and from there further perfected as directing themselves through their natural knowledge to love of Him and beyond that to their supernatural end, namely, friendship with God. Between the humble beginnings of human thought and human necessities of a lower order and human perfection through charity, then, there is a whole order of ascending communities which make it possible for man to reach toward his perfection and at the same time draw him beyond his original intentions. For while even in Aristotle these communities are ordered according to the goods which they make possible for man, for example, bare sustenance and basic social habits in the family, sufficiency of life and the beginnings of social virtues in the village, the good life of high and perfect virtue in the city or nation, they only take on the character of a journey to God when properly understood under the aspect of the movement toward a higher community with God and neighbor in the society of the blessed.

As indicated, this change, so pre-dominant among Scholastics, is in deliberate contrast to a dilemma which they faced in confronting and assimilating Aristotle's ethical and political thought. Now we have seen in the preceding chapter the priority that Thomistic and Scotistic thought had given to charity and to love of God most of all as man's ultimate perfection. We have seen that reason demanded it and sin was divergence from the order of reason. The difficulty in the reception of Aristotelian ethical thought and its consequences for his political thought is that while, for Aristotle, the political community, the city, was called natural and man naturally a "political animal" - both the city and man were so called because these associations made him more perfect as a man and that was, at bottom, what man was seeking in and through all his desires: to achieve that which was his own proper good. Such a lack of justice to God was, for Christians, nothing

nature and perfection but that nature and perfection as shared with all men. This is a metaphysically common good without which a political common good would make little sense except as an uncommon and unnecessary subjective coincidence of wills in some common denominator - which, of course, any strenuous emphasis on the origins of government in consent would tend to bring about.

less than sin itself. It was a violation of the rational order. For while Aristotle had recognized that "true self-love is ordered towards the good of the virtuous individual but also towards the good of the family, friends, citizens ... [and that] Its supreme expression is the sacrifice which the virtuous individual should be prepared to make of all his worldly goods ... in order to secure the good of others ... Aristotle had insisted that what the individual is thereby choosing is the greater good for himself, the greatest of goods, his own greatest good of moral virtue."³ Thus, the problem here for Christians was that Aristotelian eudaimonism made it impossible for man to love that common good more than himself:

"The Philosopher says of this in *Ethics* IX (8, 1169a18-20) that in loving the good of his country a morally serious individual will even be prepared to die to preserve it, should this be necessary. [Yet] according to what seems to be Aristotle's intention here, the morally serious individual loves himself in this more than anything else, because anything he casts away in this action and seems, as it were, to despise is almost insignificant compared to the greatest good of virtue which he intends [to secure] for himself through the action and which he actually exercises in performing it. ... And so, in all matters worthy of praise the morally serious individual appears to be acquiring more good for himself and thus seems to love himself more."⁴

For in the pursuit of this perfection of moral virtue, according to the pagan vision of things, man fulfills his nature by joining the order of the universe as it ought to be, each part striving *primarily* to accomplish its nature as the part that it is. That is, even if the part appears to be aiming at love of the common good, the part does so only through the mediation and limit of seeking its own natural perfection.* The relative perfection of the whole is

³ M.S. Kempshall, *The Common Good in Late Medieval Political Thought*, (Oxford: Clarendon Press, 1999), p. 51

⁴ Godfrey of Fontaine, "Does a Human Being Following the Dictates of Natural Reason Have to Judge that He Ought to Love God More than Himself?," in *The Cambridge Translations of Medieval Philosophical Texts; Volume Two: Ethics and Political Philosophy*, ed. Arthur Stephen McGrade, John Kilcullen and Matthew S. Kempshall, p. 275

* It should be noted that this is, in fact, the Franciscan view - as we have seen in Scotus - of the purely natural order in contrast to man and that, contrary to the view that Franciscans rejected Aristotle, they were rather inclined to let his work stand as pagan even if he might be interpreted to have stretched out further toward Christian thought, sic Aquinas' interpretation. In this regard, see Bonnie Kent, *Aristotle and the Franciscans: Gerald*

the perfection of the universe as a global phenomenon of well-ordered parts. This is Aristotelian naturalism - ordained to itself and not truly beyond itself except only incidentally as the common good of order in the universe through the mediation of an inclination to self-perfection that is closed upon itself. Indeed, "it is characteristically Greek and pagan to interpose the universe between God and intellectual creatures" - so much so that in the perfection of his moral virtues, man in the Greek world accomplishes nothing more than his own perfection as a part of the universe similar, though more respectable, to any other part.⁵

In the Christian cosmos, on the other hand, "in comparing the intellectual substance and the universe, [Aquinas] emphasizes that intellectual creatures, though they, like all creatures, are ordained to the perfection of the created whole ... this does not prevent them from being related first to God and then to the order of the universe."⁶ Moreover, this direct relation to God is a friendship with God and is not an association simply equivalent to the political society necessary for a man to exercise his virtues and thereby fulfill his nature. The point is a fine one. Love of God is a common good that is more than the intrinsic perfection of each individual: "Absolutely speaking that love, since it is like friendship, is perfect love by which God loves his creatures not only as the artisan loves his work but also with a certain friendly association, as friend loves friend, in as much as He draws them into the community of His own enjoyment."⁷ Men, therefore, are not in society solely for their own perfection and society is not simply the stadium of their individual glory as philosopher king or individual achievement as a magnanimous man. Rather, they are in society because they are naturally drawn to each other both through need and affection and, ultimately, because they long to share in union with each other for each other's good and in union with God, in a union that is true society: "the society of the multitude of blessed souls, each of which on its own account beholds the divine

Odonis' Commentary on the Nichomachean Ethics, Ph.D. Dissertation, Columbia University, (1984).

⁵ Jacques Maritain, *The Person and the Common Good*, trans. John J. Fitzgerald, Notre Dame, Indiana: University of Notre Dame Press, 1966, p. 17

⁶ Jacques Maritain, *ibid.*, p. 17

⁷ Jacques Maritain, *ibid.*, p. 22

essence and enjoys the same uncreated Good. They mutually love God and love each other in God."⁸ In other words, whereas Aristotle had famously remarked that man was political by nature, the shift made by Scholasticism required the addition of a new word to that remark: man was thereafter to be considered a "social" animal in addition to a merely "political" one. For man's true and ultimate perfection was this society with God, not simply because his faculties were fully actuated for the sake of his own perfection but because these faculties are actuated and consumed in a life of love beyond love of self-perfection in a communion with others in a love of God *above all*.

We may, therefore, here note what is at issue for the primacy of political life in Aristotle. For since the discussion in the last chapter turned from human freedom and indeterminacy to charity as obligating all men, as Scotus put it, as potential co-lovers of God according to their specific dignity as human, it is important that Aquinas frequently made the addition of this word "social": "The careful reader cannot help noting a certain fluidity in the vocabulary: the author will say at times 'animal *civile*' or 'animal *politicum*' or even 'animal *politicum et sociale*.'" The first two terms may be easily explained from the different Latin translations of Aristotle that Thomas had. The third term, most often used alone, seems to reflect a personal choice and expresses another influence than Aristotle's. *Sociale* translates *koinonikon*, a term used by the Stoics to mean that man is the citizen not merely of some city, but of the *oikoumene*, the entire inhabited world of his time."⁹ The law of love as the law of reason and as naturally leading us toward God, meant that the Aristotelian "common good" of human virtue, that entailed man's political nature as the requisite support and arena for the exercise of high virtue, was transformed by its new position within the movement toward God. Therein it became an intermediate end and, along with it, political life as well became only an intermediate institution in the overall purpose of human society. The purpose of human life remained, of course, that human beings become perfectly virtuous, but political community was not the

⁸ Jacques Maritain, *ibid.*, p. 23

⁹ J.P. Torrell, *St. Thomas Aquinas: vol. 2, Spiritual Master*, trans. by Robert Royal, Washington DC: The Catholic University of America Press, 2003, p. 280

perfect or adequate means to that end since the true and full actualization of man's potential required that he love God primarily. Nor was Aquinas the only one to make such a shift in perspective and such a distinction - rather, the shift had been a long time coming and was a common theme among Scholastics widely under the influence of Aristotle.

Nowhere was this more evident than in the debates that flourished on the question of what it was that the virtuous man willed when he sacrificed himself for his community. Even the briefest survey of those debates reveals that the central issue was the effort to subordinate the end of eudaimonism through natural virtue to the love of God. As Godfrey of Fontaine (c. 1250-1309) put it:

"It should be maintained that since [i] an act has its form and perfection from its object, and [ii] the object of the act in which God is loved is *per se* and primarily the divine good, and [iii] the divine good is without qualification the greatest good, while [iv] the object of the love with which anyone loves himself loving God and achieving perfection in virtue is a lesser good, it is clear that [v] the former love is absolutely and without qualification greater and more perfect. Thus, it seems that I love God in his perfection more than I love myself being perfected."¹⁰

Acts take their form and perfection from the object of the act, the most perfect act is that with the most perfect good as its object. This most perfect object is God, and thus if it is a more perfect act to love God first and primarily, to love oneself is be guilty of the disorder of prioritizing a lesser good over a superior good. Reason therefore assents to the notion that God is to be loved above all. It is the order of reason that dictates the order of love and man as rational can indeed follow his reason this far since the object of his will is the good. Nor is it merely the highest and most perfect good that calls for man's love to surpass that of himself. It is justice that he recognizes the good that he owes to his family, his community, his city, the universe and that not only he but all men in those communities owe their good to these and that the good of all those men is greater than his own good:

"Justice, which is concerned with activities relating to another individual does not seek *per se* the good of its agent but the good of whomever its activity is directed toward. For this reason, justice is called the most distinguished of the virtues ... Now of all friendships, that which exists towards one's parents, toward the common

¹⁰ Godfrey of Fontaine, *ibid.*, p. 276

good, and above all toward God has more the character of justice, inasmuch as it has more the character of rendering what is due."¹¹

Thus it is not merely God but the greater good that man can love above himself:

"Imagine that someone has been put in a position where it is necessary for him to die or else what constitutes the good of the community would perish or he would be deserting the good of virtue ... It seems that in all such instances it has to be said that an individual can love some other good which is extrinsic to him and is not formally God more than he loves himself."¹²

The whole order of goods revealed by reason is not simply to be loved but loved in an orderly manner according to justice. For man must love that common good which includes his own good, namely the communities to which he belongs, but he need not love them solely on his account and to that degree:

"Because, as has been said, I cannot will and love anything unless this includes my own well-being as well as an intrinsic good for me ... Yet it is not what I will first, primarily, or most, because this is not the first and *per se* object of will. Instead, [the first and *per se* object] is that from which this sort of act (which is [indeed] good for me) derives its own goodness. For if I were to will that my good be preserved in existence rather than the divine good, I would not thereby be willing the greatest good for myself, because this would be to will something inordinate and vicious, like the soldier who flees and throws away his shield to preserve himself, spurning the preservation of the community."¹³

In short, it is only the ecstatic leap of prioritizing the love of God as willed primarily that perfects the human person. So too with the political community, if man is to be just, man must surpass the love of his own perfection, the very good he derives from that community, on account of all the others who partake of the same good and thus recognize the greater character of the good that is common and the greater character of the good that is more noble. Thus while a man is indeed to love his political community more than himself with respect to the end of human perfection of natural virtue that it affords its members, such a localized political community aiming at the perfection of the natural virtues of its members was

¹¹ Godfrey of Fontaine, *ibid.*, p. 278

¹² Godfrey of Fontaine, *ibid.*, p. 279

¹³ Godfrey of Fontaine, *ibid.*, p. 280

not and could not be the highest level of human association. Moreover, it should be emphasized that not all common goods demanded the sacrifice of all individual goods, for example, the common material benefit did not take precedence over the individual spiritual good. This obviously grew quite complex, but can be set aside for our purposes by simply recognizing that human spiritual society in communion with God was the most common and most noble end of man and therefore trumped all political society in favor of spiritual society.

What this broad prioritization of human spiritual communion meant, then, was simply the fulfillment of a longer Christian tradition. This extension of the primacy of charity and the common good as the essentially spiritual-social character of man as man, and extending potentially to the community of all men, meant that on account of the rule of charity as discovered through right reason - *recto ratio* - all men were ultimately under the same law and bound by that law. The "natural law" - the rectitude appropriate to human nature as a rational animal - had never quite been an Aristotelian concept so much as it was Stoic concept. Yet in the hands of the Stoics, natural law was the iron law of fate and the Patristics had long since changed the impersonal connotation of that law by transferring the concept of *oikos*, household, from the household, with its customs, to the world of all men and its natural law on the basis of Trinitarian theology with God as Father. Thus the medieval adaptation of an Aristotelian conception of man as a political animal to a Christian world through a prioritization and extension of man's social character beyond the political arena to supernatural perfection in the communion of the saints and beyond local identity to the entire human family united these traditions, bringing natural law to the entire world of men and the entire world of men to God as to their common good. In other words, the concept of human society as ordered toward the common good was, as indicated, united with the Augustinian notion of the "*ordo caritatis*" as well as the notion of natural law:

"[Law] is nothing other than an ordinance of reason for the common good issued by one who has care of the community, and promulgated."¹⁴

Or again, in Scotus:

¹⁴ Thomas Aquinas, *S.T. Ia.IIae. q. 90, a. 2, reply*

"What a just positive law requires of its legislator is prudence and authority.' ... Prudence, that he might dictate what ought to be established for the community according to practical right reason. Authority, because 'law' is derived from a verb that means 'to bind' and not every judgment of a prudent man binds the community or binds any person if [that prudent man] is not the head of anything."¹⁵

This common ordering of all men under the natural law - right reason - was a double extension of human society with respect to Aristotelianism: horizontally to include all men and vertically to include being ordered to God.

This double extension was full of consequences for medieval political thought. On the one hand, the extension of the dignity of free will to all men and its combination with the exhortation to charity as the perfection of human motivation begins to give us an image of civic life that is rather different from that of the early medieval period's enormous emphasis upon a dramatic distinction between the life of the religious and the life of the laity. The social order as understood through a pyramidal conception, with the place of the great mass of common men at the bottom, though certainly not wholly discarded, is transformed into a more centripetal conception of their relation to the common good through the notion of communal service. On the other hand, the notion of communal service in any purely political and aristocratic sense obviously did not exhaust the range of service open to the Christian. The distinction between religious contemplative life and active civic life, as well as that between political-aristocratic and lesser plebeian functions, were indeed retained; nevertheless, they are not retained as religious on the one hand and secular on the other, nor as dignified on the one hand and utterly subordinate on the other. Instead, they could all be accounted as religious insofar as they were capable of being ordered toward God as modes of service. For the movement beyond Aristotelianism, that subsumed the familial and political common goods in a hierarchy that reached toward a higher end, did not abandon the content of that order. The whole train of ends could be the material content of what was willed formally through charity. In short, it was not a question of religious versus secular, but of degrees of dedication. The importance of such a maneuver

¹⁵ Duns Scotus, *John Duns Scotus: Political and Economic Philosophy*, trans. and ed. Allan B. Wolter, The Franciscan Institute, St. Bonaventure: New York, 2001, p.

cannot be sufficiently emphasized. Scholasticism thereby brought the whole order of the laity into the realm of the religious - and the religious into the whole order of human society. This, in fact, is the full emergence - in the Middle Ages - of the mendicant movement to incorporate the civic life of common men into laical religious practice by extending the notion of spiritual citizenship to all humanity as a broader society of men.

In the very same movement, therefore, they had subordinated the field of political association to a broader and superior human society aiming at the ultimate spiritual common good and they had also made political government and social function as institutions of that human society for the service thereof and opened the way to lay religious practice. For in such a view, human society was not consummated by political government, as is clear in Aquinas:

"Man is not ordained to the body politic according to all that he is and has. ... But all that he is, and can, and has, must be referred to God."¹⁶

Nor was human society constituted by political government for the perfection of the few most noble aristocratic natures among us: "There is all the difference in the world between the Pauline doctrine of the mystical organism of the Divine Body in which every part achieves its own spiritual perfection and subserves the ends of the whole and the Aristotelian idea of society as a natural organism, sufficient to itself, in which the different classes exist solely for the sake of the whole, and where the ruler and lawgiver imprint form of the inert matter of the social body, so that the lower classes, which are concerned with the mechanical arts or with unskilled labor, have a purely instrumental character."¹⁷ On the contrary, for Scholasticism, political government was brought about as an institution for the service of human society and all its members precisely inasmuch as all were *in the image of God*. Government, though not aiming directly at the supernatural perfection of man, was instituted for man's improvement in the exercise of his higher virtues, but also with a certain view to man's ultimate end and could not justly impinge upon that end because of man's higher dignity:

¹⁶ Thomas Aquinas, *S.T. Ia.IIae, q. 21, a. 4, ad. 3*

¹⁷ Christopher Dawson, *Religion and the Rise of Western Culture*, p.

"Political authority, however, which is exercised over those outside [the family], whether it resides in one person or in a community, can be just by common consent and election on the part of the community. ... Thus, if some strangers banded together to build a city or live in one, seeing that they could not be well governed without some form of authority, they could have amicably agreed to commit their community to one person or to a group ... And both these forms of political authority are just, because a man can justly submit himself to another or to a community in those things which are not against the law of God and as regards which he can be guided better by the persons or persons to whom he has submitted or subjected himself than he could by himself. Hence, we have here all that is required to pass a just law, since it would be promulgated by one who possesses prudence either in himself or in his counselors and enjoys authority."¹⁸

Thus, "Scotus agrees with Augustine in distinguishing sharply between society and the state. The human race is indeed social by nature but its natural grouping is in families that were created to live together in peace and harmony according to the divine law."¹⁹ In fact, it was not merely with St. Augustine that Scotus agrees with here, except in the sharpness of the distinction, for he is in agreement with many other medieval thinkers. In other words, for Scholasticism, human society is logically prior to political government in two senses: first, in terms of its establishment; second, in terms of its ordering to an end. In the first sense, it is human society that institutes government; in the second sense, it is government that, in some way, assists man in an effort to achieve celestial society.

Moreover, to the first sense corresponded the medieval maxim, "*quod omnes tangit ab omnibus approbetur*" [that which concerns everyone, ought to be approved by all]. Thus there was an incipient *element* of consent-theory in this distinction between society and political government. Yet for the most part this remained, in medieval thought, but an element to be transformed later in other historical contexts. It is true that it tied government to natural origins, but this does not yet mean that it constituted a full claim to subjective consent-theory with respect to the ends of government. For as we shall see, God's action through nature was no less divine than his action through grace. Thus government and whatever else came to be through the

¹⁸ Duns Scotus, *John Duns Scotus: Political and Economic Philosophy*, *ibid.*, p. 33

¹⁹ Allan B. Wolter, Introduction to *John Duns Scotus: Political and Economic Philosophy*, *ibid.*, p. 16, footnote 50

mediation of right reason and human establishment was not necessarily, for that, any less sacred - though its approval on the part of spiritual authority added greater sacral connotation and the removal of that approval challenged the divinity of a sovereign by exalting its social origins. To the second sense, another maxim, "*gratia non tollit naturam, sed perficit*," [grace does not destroy nature but perfects it]. This maxim, in this context, implies that government's aim was not the final aim and was not opposed to, at least should not be opposed to, fostering human achievement of their supernatural end. Thus if the first phrase indicates the general commitment of medieval political thought, to some degree and with distinctive interpretations thereof as we shall see, to the naturalness of political society as being both established through the acts of men and responsible to the community in accordance with the natural law as well as its being somehow distinct from supernatural ends and the spiritual authority of religious leaders; the second phrase, however, indicates that the ideal subordination of political society is an ordination to a higher form of society and end that, though it may radically alter their character, does not necessarily destroy the institutions and responsibilities of the ends of political authority. The higher supernatural end of man, and the spiritual society implied therein, transforms political organization. Just how so, to what extent and with what effect on their autonomy from spiritual authority is a different question entirely and not at all a point of general agreement. In fact, it was the point of sharp disagreement among Scholastics and, no doubt, sharper disagreement among political and spiritual authorities.

There is, therefore, a whole host of issues involved in this complicated combination of traditions with which we shall have to deal. The first, which we have just discussed, is that the ordered love of man for the common good(s) he derives from various human associations of necessity implies a re-evaluation of the priority that Aristotelian thought had given to political community precisely because political community and the good of virtue is not the highest end of man. The second is that if the common good of political society as the human perfection of its members in the exercise of moral virtue is not the good of man absolutely, this end is to be subordinate to a superior common good of society and friendship between men and with God must be explored in greater detail under the concept of "peace." The

concept of peace proves to be rather more dynamic than simple. It is not the mere absence of apparent conflict and allows for gradations of achievement that are loosely associated with the ends toward which a human society actually directs itself. Thirdly, while it may indeed be true that human nature in a state of integrity is inclined toward love of the good and capable of the love of God above all, and that the final, supernatural end of man is a harmonious society of the blessed in their common enjoyment of God, this is obviously not necessarily true of man in his present fallen state. Wounded human nature may or may not be capable of society regularly aiming at human perfection. There is a difference of opinion between medieval Scholastics as to the relation between political government in a fallen world and true human society in a state of nature or supernatural perfection.

The first indication of the division of medieval opinion on this account is the opposition between Spiritual Franciscan and Thomist-hierocratic thought with respect to the natural character of political government, law and private property. This opposition however, it will be argued, is not so much over whether these "institutions" of temporal political society are natural as over the features that they must taken on because of original sin. It is also a disagreement over the extent of spiritual authority's power in connection with Franciscan emphasis the evangelical law of liberty as not only a liberty from sin but also a negative liberty. In other words, the debate was over the true liberty of perfect men and its meaning for political institutions with regard to the sense in which they are "natural" and the features of them that are, indeed, natural. Ultimately, there is less distance between Franciscan and Thomist answers to this issue than is generally thought, but their contrast reveals the most significant divide in medieval political thought, namely, that over the spiritual liberty of man. Finally, therefore, the relation between political society and spiritual society raises the problem of the relation between the origins of the authorities involved, namely, temporal and spiritual authorities, and the relative priority, relation or autonomy of the ends to which they were directed. The battle over the jurisdiction and character of spiritual power is continued and reveals that the main trajectory of medieval political thought was toward the "secularization" of man's natural end as originating independently of spiritual power - and increasingly its autonomy in the face of spiritual authority and supernatural ends which

were being "spiritualized" and purified of temporal ambition at the same time. This was the triumph of Aristotelianism through the Franciscan and Dominican orders and the last hurrah of a once powerful Augustinian hierocratic vision of Christendom. Now nearly forgotten Augustinian monks, students of Aquinas, possibly actually Thomist in their hierocratic view, Giles of Rome and James of Viterbo, failed in their defense of a Christian society where spiritual authority was supreme in temporal and spiritual matters. Temporal power was, at least in theory, increasingly viewed as independent, if not *de iure*, at least *de facto*. Spiritual power, moreover, was to be spiritual and free from the corruption of its admixture with earthly affairs.

Ironically, since it was the Franciscans and particularly the Franciscan Spirituals* who insisted most strongly upon poverty and fumed at property rights and wealth, especially in the Church, what this independence of temporal power from spiritual authority ultimately meant for natural institutions of property, law and government, was their solidification as inviolable. For as the super-naturally formative and spiritual direction of the ends of government, law and the division of property languished in favor of spiritual freedom, these quasi-natural institutions took on a harder aspect as all the more indispensable and inviolable ordinances of reason for the common good among fallen men: to hold men in check more than to

* The term refers to Franciscans of an extreme adherence to the vow of poverty. This dramatic movement involved the head of the Franciscan Order, Michael of Cesena (c. 1270-1342), denouncing the papacy and leaving the Church with a group of Franciscan followers. It occurred in the early 14th century when Pope John XXII (c. 1224-1334) renounced the Church's ownership of Franciscan property such that they could not proclaim that their absolute poverty, renunciation of individual and communal property, was the truly apostolic life and renounced the theory that poverty was itself of supreme value and that private property was contrary to human perfection and merely a consequence of original sin. See David Burr, *The Spiritual Franciscans: From Protest to Persecution in the Century after St. Francis*, University Park, PA; The University of Pennsylvania Press, (2001); David Burr, *Peter Olivi and the Origins of the Usus Pauper Controversy*, University Park, PA; The University of Pennsylvania Press, (1989); J. Oakley, "John XXII and Franciscan Innocence in William of Ockham (1285-1347)", in *Franciscan Studies*, 1986, vol. 46, pp. 217-226

habituate them to order and virtue. Again, however, this is not merely a Franciscan theme, for as we shall see, while indeed different, St. Thomas' Aristotelian "naturalism" with respect to government, law and property is not quite as opposed to Franciscan "naturalism" as it is often made out to be. And if the Franciscan insistence on, even invention of, the durable character and language of natural rights and on the rule of laws rather than of kingly men and on the necessity of government is somewhat surprising, we need only recollect their ethics - wherein the strength of the will for exuberant charity had its counterpart in the radical exaltation of the practice of poverty as almost actually indispensable training and discipline for (fallen) men; for in Franciscan ethics, the responsibility of the will for moral action found its psychological counterpart in an ethics somewhat less inclined to the formation of understanding and more towards discipline because it was somewhat more suspicious of claims to ignorance. Therefore, we should be no less surprised when we find that St. Thomas, who took a more positive view of the naturalness of government, law and property, was less inclined to insist upon them as inviolable as all that in light of the common good and man's supernatural good but nevertheless quite firmly rooted when facing a fallen world where prudence demands protection of men from tyranny. Either way, the languishing of the formative ends of quasi-natural institutions was instrumental in the origin of the notion of natural rights - and for both Franciscans and St. Thomas, this could only be because of the increasing distance of spiritual society from reality.

What we shall aim to achieve through a discussion of these problems, therefore, is a sketch of the limitations of their debate such that the contours of the fundamental structure and perspective within which they move - and which they developed and brought in a more basic form to medieval society through their preaching and guidance - can be discerned in the forcefulness of its common spirit. For their variation with respect to a basic unity is far less radical than it might at first seem. For one thing that they all attempted to accomplish was the transformation of Aristotelian ethics and political thought in accordance with the change they were required to make on account of their dedication to a Christian conception of love as capable of charity and a common agreement on the basic outline of what the ultimate common good of human society was. Medieval political thought saw

Christian civilization as moving upward through an ascending hierarchy of ends just as the individual man was intended to do. In some respects, this was a wave of confidence and optimism. These ends were immovable in their relative position in abstraction, but whether the government of men actually could or should aim at them was flexible in connection with historical and cultural circumstances. Moreover, what sort of society, unity and order men could expect depended on their relative performance with respect to the hierarchy of ends. The principle point of division among Scholastics in this regard, was precisely how the movement should occur and whether and to what extent men were free with respect to the various authorities responsible for governance or guidance along the way and whether and to what extent these authorities were autonomous with respect to each other. This increasing became a wave of prudential accommodation of medieval realities. In their differences, and in their prudential accommodation, the triumph of the autonomy of the temporal constituted a fracture in the dynamic movement toward man's final end, opening the way to a moderation of the demands of law, to a moderation of the expectations of political government with respect to the end it hoped to achieve as its common good, and to a transformation of the characteristic connotations of the institutions of human society. Not surprisingly, however, as we shall see in later chapters, this did not lead to less exaltation over the priority of the common good as identified with a mode of civic service and charity. Rather, separated from spiritual authority, temporal rulers, lawyers and preachers alike intensified the rhetoric of the common good, of peace, of law as true philosophy. This in such a way as to confound the concrete meaning of those terms with their spiritual meanings while deploying them for more moderate earthly ends.

The Concept of Peace: Duplex Ordo and Dynamic Hierarchy

Understood in the abstract, the question of the common good of human society yields a hierarchic scale where the most noble and most common good is valued over all other such goods. Yet there remains the question of

what that scale entails in relation to the actual concrete goods that men must order, both in terms of intermediate goods that are encountered and, most importantly, in their relation to the most noble and highest good is with respect to society. It has been said that for Scholasticism this highest good is God, yet this needs further elaboration. If indeed the love and enjoyment of God is the ultimate common good of every individual man and human society is ultimately intended for that end, then the end of human virtues, natural and theological together, is the same as the end of human society. In fact, there is a profound parallel between the relationship of the natural virtues, whereby man's nature is perfected intrinsically, to the theological virtues which direct him to God, giving him a further perfection, and the relationship between the ends of political government and those of spiritual authority. For where the good life, life lived according to the natural virtues conceived as the natural end of man, constituted the temporal potential and proximate end of man, the true and ultimate supernatural perfection of these virtues did not consist in their obligatory practice according to nature. Rather, it consisted in their orientation toward God through the influence of the theological virtues, particularly charity, a virtue infused by God or at least a virtue the ultimate perfection of which is only achieved through the grace of God. If natural virtue corresponded to political authority, ultimate spiritual perfection corresponded to spiritual power and ecclesiastical authority:

"Now the same judgment is to be formed about the end of society as a whole as about the end of one man. If, therefore, the ultimate end of man were some good that existed in himself, then the ultimate end of the multitude to be governed would likewise be for the multitude to acquire such good, and persevere in its possession. If such an ultimate end either of an individual man or a multitude were a corporeal one, namely, life and health of body, to govern would then be a physician's charge. If that ultimate end were an abundance of wealth, then knowledge of economics would have the last word in the community's government. If the good of the knowledge of truth were of such a kind that the multitude might attain to it, the king would have to be a teacher. It is, however, clear that the end of a multitude gathered together is to live virtuously. For men form a group for the purpose of *living well* together, a thing which the individual man living alone could not attain, and *good life* is virtuous life. ...

... Yet through virtuous living man is further ordained to a higher end, which consists in the enjoyment of God, as we have said above. Consequently, since society must have the same end as the individual man, it is not the ultimate end of

an assembled multitude to live virtuously, but through virtuous living to attain to the possession of God.

If this end could be attained by the power of human nature, then the duty of a king would have to include the direction of men to it. ... Now the higher the end to which a government is ordained, the loftier that government is. ... But because a man does not attain his end, which is the possession of God, by human power but by divine according to the words of the Apostle (Rom 6:23): "By the grace of God life everlasting"—therefore the task of leading him to that last end does not pertain to human but to divine government."²⁰

Thus the distinction between moral virtues and theological virtues was capable of being aligned in some fashion with the distinction between the natural and supernatural and from thence correlated with the distinction between the temporal ends of human community and the spiritual end thereof.

The question of human destiny was thus partially divided in accordance with a hierarchy of these ends. There was, on the one hand, that which could be known as man's end and achieved according to man's own natural abilities and, on the other, that which could be known by faith as the deeper longing of man, a fullness of perfection which required supernatural assistance for its actualization. Human perfection viewed as natural human virtue, natural in the sense of within the reach of man's natural abilities insofar as its full character was achievable through support and opportunities offered by political association, was the end of that political society. Human perfection understood as true charity and absolute ordering to God in the state of beatitude, however, was obviously a supernatural perfection beyond the reach of man's natural ability and could not be the end of political society. Instead, supernatural perfection was the purpose of spiritual authority, which sought to bring and guide man to his final end. Temporal and spiritual authorities were thus distinguished as political government and spiritual society.

The matter was further complicated by the fact that the distinction between nature and grace in this life did not fall so neatly parallel to the natural and the supernatural. In fact, one of the points of debate between

²⁰ Thomas Aquinas, *De Regno*, Chapter 15, [106-108]:
<http://dhspriority.org/thomas/DeRegno.htm>

medieval theorists was the extent to which fallen man could, by his natural powers in this life, achieve even his proximate natural end of a life of virtue. It remained an open question as to what the fallen temporal order could really take as the end of political community and what this meant for political philosophy. The ambiguity concerning the effects of original sin and the infusion of grace upon man's ability to live the good life and advance toward the true charitable perfection gave way to various formulations of this theme and altered their corresponding political theories. These variations, and the real reason for them, are precisely what we have to explore in order to observe the general framework and agreement of Scholastic political thought. In so doing, we shall discover that the doctrine of original sin, significant as it was for moderation of temporal political ends, was not quite as important a factor in the division of medieval thinkers with respect to political philosophy as it is often thought to be.

Nevertheless, first it must be noted that one thing remained clear to all: that true spiritual *peace* constituted the common good of human society. The order and harmony of the moral virtues, their *intrinsic* order, the life of virtue, was complemented by the ordering of the whole through natural justice and charity in an *extrinsic* order toward common good in God. Taken together, this resulted in a spiritual peace of beatitude, harmony between the virtues and perfection of their ordering beyond themselves. So too the natural political order, the harmony of its parts, must in some way be complemented and related to a higher order, a higher order to which it was, as is clear from the passage from Aquinas above, to be directed as to its final end if it was to be perfect. This *duplex ordo*, akin to that of the intrinsic order between military units and their extrinsic ordination through the general toward victory, an example derived from Aristotle and frequently cited in this context, was applied to civic life as well: "The *duplex ordo*, after all, comprises two types of goods – an intrinsic common good of order between individuals (peace and harmony) and an extrinsic common good for which this order is instrumental (the life of moral virtue and eternal beatitude) – but implies that the attainment of either good cannot be achieved without the other."²¹ Moreover, this *duplex ordo* is very precisely aligned with an exalted

²¹ M.S. Kempshall, *ibid.*, p. 349

definition of the word *peace* understood as the common good of human perfection in a supernatural state of blessedness.²²

For therein man is both perfected in his own intrinsic goodness, is ordered in relation to others, and is wholly directed to God through the beatific vision that is the enjoyment of God. For example, Florentine Dominican preacher and one time student of Aquinas, Remigio dei Girolami (c. 1235-1319), in his work *De Bono Pacis*, cites Augustine at length:

"The peace of the body is the ordered proportioning of its parts, the peace of the irrational soul is the ordered repose of its appetites, the peace of the rational soul is the ordered agreement of knowledge and action ... the peace of the city is the ordered agreement of citizens concerning what is to be commanded and what is to be obeyed, the peace of the heavenly city is the supremely ordered and harmonized fellowship in the enjoyment of God and in the enjoyment of each other in God. the peace of all things is the tranquility of order and order is the arrangement of equal and unequal things which gives to each its due position."²³

Remigio's elaboration on this passage is "to pick out 'tranquility of order' (*tranquillitas ordinis*) as a term which describes the good of the whole world. In support of this observation, he cites Aristotle's analogy of the army from book XII of the *Metaphysics* - all things are ordered toward one another as well as towards their ultimate goal."²⁴ This evidently brought the moral intention of Christian ethics concerning virtue and charity into a direct relation to the establishment of order and justice in civic life in such a way that the all-important *pax et concordia* which are the aim of social-civic and political life are ultimately dependent upon the spirit of Christian charitable intention behind the activities of the citizen: "In *De Bono Pacis*, peace is the good of the community ... the common good of peace (*bonum commune et pacis*) cannot be equaled by any other good. Peace is a divine good (*pax est bonum Dei et ad Deum pertinens*). Peace is the good which all things seek.

²² Thomas Aquinas, *S.T. IIa.IIae*, q. 28, articles 1-4

²³ Augustine, *De Civitate Dei* XIX, 13, pp. 678-9, cited in Remigio Dei Girolami, *De Bono Pacis*, p. 60 (ed. M.C. de Matteis, *La 'teologia politica comunale' di Remigio de' Girolami* (Bologna: Patron, 1977), pp. 55-71).

²⁴ M.S. Kempshall, *ibid.*, p. 324

Peace is the proper object of the will because peace is the effect of love, and love is the characteristic activity of the will."²⁵

“Peace” - understood as the effect of charity - thereafter takes on a meaning with strong Christian theological meaning in connection with the Augustinian *ordo caritatis* which infuses and strengthens the intrinsic and extrinsic potential of human society. Society without charity otherwise struggles or falters with respect to its true unity and order: “According to Augustine, both peace and virtue required a correct relationship to exist toward God; they had to be used as a means of securing the ultimate goal, the ‘enjoyment’ of God. Otherwise (at least according to Prosper of Aquitaine), they represented false peace and false virtue. This distinction was recapitulated by both Albertus Magnus, [Thomas Aquinas] and Remigio dei Girolami. It was also picked up by Buridan. True peace, Buridan argues, is the product of a union of wills which is governed by reason and directed towards the required goal of virtue (*honestum*). In a looser sense, however, peace is also be produced by a union of wills which may or may not be [perfectly] governed by reason, but which is simply directed toward what is advantageous.”²⁶ Indeed, apart from his discussion of “peace” in the *Summa Theologica*, it is in this “looser sense” that St. Thomas seems to use the word in *De Regno ad Regem Cypri* when speaking of the first obligations of a king:

“Nature causes the unity of the human species, but the unity of the multitude, which is called peace, must be procured through the industry of that which governs. Therefore ... First, the multitude must be constituted in the unity of peace. Second, the multitude united by the chain of peace must be directed to acting well” (*De Regno ad Regem Cypri*, p. 102).

Thus, the *duplex ordo* as an intrinsic and extrinsic structural ordering is folded in with the *ordo caritatis* and the common good such that we are presented with the notion of *peace* as a dynamic scale from a fragmented imperfect intrinsic order correlated with a lower extrinsic ordination to a

²⁵ M.S. Kempshall, *ibid.*, p. 322; for a further elaboration of the notion of peace as the harmony of wills, their ordering between themselves and toward God, see Thomas Aquinas, *S.T. IIa.IIae, q. 29*; a similar emphasis on co-lovers of God in Duns Scotus, *On the Will and Morality*, *ibid.*, p. 288-9

²⁶ M.S. Kempshall, *ibid.*, p. 350

perfectly harmonious unity of wills correlated with an exalted supernatural extrinsic ordination.

Such concepts were, no doubt, notably and deliberately flexible and admitted of various degrees of perfection. And moreover, along the same scale, they denoted varying degrees of friendship and harmony in society from the imperfection of utility to the perfection of virtue: "Like Albertus Magnus and James of Viterbo, therefore, Remigio acknowledges that human communities can exhibit a 'bad' as well as a 'good' form of peace. Peace, he writes, can be understood in a proper and true sense (*proprie et vere*) or it can be understood metaphorically (*metaphorice*). In its true sense, peace and order will always be part and parcel of moral goodness ... [in] its metaphorical sense, however, peace does not imply the presence of moral goodness. ... In more general terms, Remigio's distinction between these two senses of peace establishes a firm connection with his discussion of the notion of utility or benefit. ... *utilitas* describes the temporal peace which is 'used' by members of both the City of God and the Earthly City. Although each community makes use of this peace from radically different motives ... it still marks a certain conjunction of wills towards a benefit which is shared for the duration of this temporal life (*communis utilitas*)."²⁷ It is well to add that this distinction is thoroughly Thomistic as well and that its conjunction with the reintroduction of Augustinian themes is a clear indication of the accommodation sought in the process of attempting to put into practice a Christian ideal of society. The link, then, between charity and civic order, was made through an approximation of the latter to the ideal society in accordance with the degree to which charity inspired the life of the citizenry.

Thus there is a deep parallel between the Scholastic vision of the city and charity's role therein and their moral vision of man as *viator*, his natural virtues and the unifying and orienting role of charity in their ethical thought. In the latter, where charity reigned, the primary emphasis was on a state of harmoniously attuned virtues, and where violent passions strove against the will, the strength of the will and on poverty in practice became central to spiritual life; so too in the former, where the indomitable fallenness of man was the pre-dominant circumstance, government, law and property took on

²⁷ M.S. Kempshall, *ibid.*, p. 325

the character of imposition rather than formation. That relative pessimism or optimism of natural human expectations with regard to the achievement of virtue would therefore be politically meaningful is evident. This is clear for example, from Buridan's alignment of a lesser degree of peace with the concept of the extrinsic aim of common utility and from Aquinas' evident suggestion that there is a distinction between the mere unity of the multitude and the ordering of that unity towards acting well. In other words, if men aim at lower goods or fail in the achievement of higher goods, only a moderate degree of harmony and peace could be expected. Such differences of degree in order and unity as well as in expectations were not rooted in weakness alone however.

Indeed, in several authors, there is an important coincidence of charity with the natural virtue of justice insofar as this latter also implied a relation to God. Thus, the expectations of what man could and should seek naturally, and what he could and should seek to achieve in this fallen life, and therefore what temporal government ought to take as its end and jurisdiction naturally and in this life, depended equally upon where the line between natural and supernatural was to be drawn and how they were conceived. Efforts to define and distinguish the natural from the supernatural and the fallen state from the natural state complicated questions concerning the ends of temporal and spiritual authorities. It complicated matters since it was both a question of precision regarding the natural and the supernatural as well as to weakness and strength of will in this life on account of original sin. There was more than enough room for disagreement without breaking the general abstract schema of the order of human ends.

Thus, while it is clear that when Scholastic thinkers discussed what men in their purely natural condition could to hope to achieve, and what they could reasonably hope to achieve in their fallen life, their responses were intimately bound up with political theory. Moreover, there was also a more fundamental problem of the ultimate character of human society in the state of perfection. In fact, disagreement over man's sinfulness, his natural condition and whether government pertained to the latter or was a consequence of original sin have formed the focus of secondary literature on medieval political thought. It is frequently claimed that this disagreement over sin constituted the basis for the most prominent division between

Scholastic authors on the question of the ends of temporal government. This view, however, needs elaboration.

Original Sin, Political Institutions and the New Law

When it came to political thought, and with respect to the optimism or pessimism of whether fallen human society could indeed aim at the exalted common good of peace, late medieval theologians and philosophers were confronted by multiple traditions and several basic realities. It is often said that the theoretical frameworks were essentially two: the tradition of St. Augustine's *City of God* and that of Aristotelian naturalism.²⁸ The former attributing the necessity of political institutions and the character of their ends to the fallen condition of man after original sin, the latter characterizing those institutions as natural and beneficial to man's pursuit of the end of human perfection. Yet there was more at work than disagreement over the naturally positive and beneficent or fallen and primarily negative character of political government and its institutions. In fact, what was chiefly at issue was not the natural origin and beneficial character of political institutions in this life, for both freely admitted such in their own way, but the ultimate spiritual perfection of society and the implications of its character for the whole movement toward it. The wounding of nature in original sin did not truly influence the ends of human society, even if it inhibited them. Of particular importance, as we shall see, was the weight given, by members of the Franciscan order, to the divisive notion of spiritual freedom and thus also to the autonomy of temporal political institutions on account of their more strictly natural origins and their character as coercive.

The notions of spiritual liberty and natural origins and autonomy of temporal power were, in fact, at the heart of the most heated debate of the early 14th century: the confrontation between secular rulers and the Papacy's

²⁸ see, in general, Quentin Skinner, *The Foundations of Modern Political Thought*, 2 vol. Cambridge, UK; Cambridge University Press, (1978), I, 50; or Otto Gierke, *Political Theories of the Middle Ages*, tr. F. W. Maitland, Cambridge, UK: Cambridge University Press, (1900), 108-10, n. 16

claim to *plenitude of power* both temporal and spiritual. In that claim, the Papacy argued that it delegated and conferred on Christian kings their right to dominion such that those kings held jurisdiction over temporal things but that their right to that power was at the pleasure of the Papacy. Far more acutely than in the disagreement over original sin and its consequences for human society in this life, the debate was fueled by the most vibrant forces of the age: the continuing reform of the Church toward its purification, spiritualization and liberation from kings and princes; the aspirations of those same kings and princes to maintain and extend their hold on spiritual authority; and finally, the Papacy's effort to advance the notion of the supremacy of spiritual authority in Christian society in all matters. The energy of that debate fused the notions of spiritual liberty and natural autonomy with far greater influence than the debate over the doctrine of original sin's consequences for earthly political life. That is not to say, however, that the consequences of original sin and the debate over them was unimportant. Yet it was not the wounded nature of man that was the sole determinant factor in deciding what the ends of temporal government in this life were to be; rather, it was human nature itself and its true perfection that were the chief source of differences between Scholastics. Pushing beyond the partially informative dichotomy of Augustine and Aristotle will show that the true heart of the debate lay in other issues and that medieval political thought was reaching something of a partial consensus along Ciceronian lines with respect to the natural origins of political society, but not with regard to the ultimate character of spiritual society. First, however, it is appropriate to begin with the commonly used dichotomy between "Augustinianism" and "Aristotelianism."

Aristotelian naturalism, so frequently summed up in the statement that man is, by nature, a political animal, was of pervasive influence in medieval thought. And this not merely on the basis of Aristotle, as we have seen, but on the very basis of Christianity's conception of human nature as basically good and destined to a social unity of which the ancients had hardly conceived. Political society, indeed political government, was natural and had as its purpose the perfection of human virtue, in political conduct and in law, even private property was considered a naturally beneficial system of social order. If original sin had introduced weakness into this social world,

the natural end of government did not change. Instead, only the means of government changed, coercive means were introduced. No doubt, this made the task of political government more difficult, but it did not alter that task in its ultimate aim. In a purely Aristotelian view, however, there would not be any further ordination of human society to a supernatural end beyond the political end of human virtue. Without such a further ordination, no difficulty of relations between temporal and spiritual authority arises. This not being acceptable for Scholastics, however, the problem arose of the relation between the two ends and their respective authorities. Few were inclined to pure Aristotelianism and so most were required to address the difficulty of the twin ends and authorities. They did so, generally, in connection with the thought of St. Augustine.

The influence of the work of St. Augustine, on the other hand, gave rise to an emphasis on the effects of original sin and sharply distinguished between the natural character of man and his fallen character as anti-social and even rapaciously sinful: "As St. Augustine expressed the matter, 'There is nothing so social by nature, so unsocial by its corruption, as this [human] race.' A central problem with which medieval political authors had to cope, then, was the implied dichotomy between natural sociability and human sin. To what extent was it possible for men to recapture in the present life that associative nature with which they had been created but which they had lost through the commission of evil?"²⁹ For those of the Augustinian tradition, it is commonly said, man was considered so social by nature that, in fact, political government was unnecessary. It is only on this basis that political society was thus taken as a consequence of original sin. It is not original sin that is important so much as the concept of perfect society from which political society may be understood as a fall. Political society was society wherein men were set over each other as masters, wherein law was coercive force as a necessary imposition to control fallen men, wherein men - incapable of sharing and ravenous in appetite - needed protection for now private property. As such, political society, therefore, is not natural. Rather,

²⁹ Cary J. Nederman, "Nature, Sin and Origins of Society: The Ciceronian Tradition in Medieval Political Thought," *Journal of the History of Ideas*, Vol. 49, No. 1 (Jan. - Mar., 1988).

the movement to the perfection of the *City of God* in opposition to the earthly city, with its coercive measures and impositions of dominance, was primarily a movement away from all the necessary consequences of original sin that are not proper to true human society. Indeed, political society was itself but a means introduced by sin. Thus political power did not aim at human perfection, but only at an ethical minimum. The earthly city did not aim at the perfection of natural virtue, but was there only to prevent total discord; any real formative intent of the law disappeared. Spiritual society and authority were to be held distinct from this entire framework of coercive force, the exaltation of domination and the solicitousness for private property. In this case, Aristotelianism resurfaced as the autonomy of the fallen natural realm and its coercive government - it was "natural" under the circumstances of a world where sin abounds, but is tainted thereby. The Aristotelian city was, for the most part, the earthly city. It was a city from which the true Christian society must be held distinct.

Thus understood, Augustinianism and Aristotelian naturalism were opposed in their vision of political institutions as the former aspired to overcoming the necessity of those institutions in a idyllic social communion. Augustinianism would, on this account, praise the communality of property and the abolition of government while Aristotelianism would see private property and government in a positive light as aiding man in the fruition of his nature. The often claimed association of these positions with more modern visions of communism in opposition to capitalism suggests that, to some extent, their conception and characterization in this manner is at least partly anachronistic. For, in fact, neither would Franciscan-Augustinians espouse communism for the present, irremediable human condition, nor would Dominican-Aristotelians have espoused capitalist property accumulation contrary to the common good - for which the institution of property was itself established. And, ultimately, the convenient dichotomy of Augustinian and Aristotelian is misleading.

For, in fact, the most traditional "Augustinianism" found in the Middle Ages was not this separatism of the spiritual and temporal but their convenient ideological unity forged for and in the early era of the Holy Roman Empire. In a move associated with the older Carolingian era, the baptism of men might be considered a rejuvenation and total transformation

of man.³⁰ In this light, men might be held to the highest of spiritual standards, a society redeemed - and subject to theocratic rule which busied itself with even the highest points of the Divine law. This had been a highly influential early medieval view of Christendom, no doubt with the aspiration of the Emperors to sacral kingship, but it also tended to blend itself with the hierocratic view of the supremacy of the Papacy as well. Indeed, with the reform of the Church that separated ecclesiastical institutions from their absorption by theocratic kingship, the Papacy had set out to refine this view - positing itself, rather than kings, as the ultimate source of all authority in Christendom. It was in light of the strength of this tradition that another more nuanced Augustinian view, as we will see, was possible when the process of assimilating Aristotelian naturalism began.

Nevertheless, as the traditional historical narrative goes, Franciscans were basically reducible to the first sort of Augustinianism: government, coercive law and the institution of private property were consequences of original sin, to be cast off by perfect community, a shining city on the hill looking unfavorably down upon the imperfections of the earthly Aristotelian model that aimed at peace and order in the senses of tranquility and an ethical minimum. The Thomist position, on the other hand, was basically characterized by its Aristotelianism: rational ordering of the community was best achieved through some relations of direction and distinction of possessions and aimed to make men virtuous, but the weakness of men either lowered this aim for the true earthly city, a pagan culture, or the grace of God subordinated it to spiritual power and led it not only to the life of virtue but beyond that to beatitude. These characterizations do indeed provide insight into late medieval political thought. However, their dichotomy can be and often has been greatly simplified and exaggerated - simplified, then exaggerated. This is true not simply because the dichotomy of positions is difficult to correlate with the orders, since Franciscan and Dominican authors do not fall strictly and without significant exception on the respective sides here ascribed to their orders in general; rather, it is true,

³⁰ For this view, see the works of Walter Ullmann, for example: Walter Ullmann, *A History of Political Thought: the Middle Ages*, Baltimore, MD: Pelican Books, Ltd., (1970); *Medieval Foundations of Renaissance Humanism*, London, UK: Elek, (1977).

most of all, because the opinions actually held by the authors themselves are more complicated with regard to the natural character of political society and its institutions of hierarchy, law and property. For properly understood, even the prominent Franciscans of the Augustinian shade, or at least the thinkers of the anti-Papal party, generally qualified their Augustinianism with a large mixture of Aristotelian vision and were, therefore, much closer to the Thomistic line than is often thought - particularly as Thomism certainly qualified its more positive Aristotelian assessment of political institutions with a fair share of Augustinianism. Indeed, what is most revealing about late medieval political thought is the proximity of views with respect to the present human condition that benefits from political institutions but could indeed be greatly purified and would so be in the society of the blessed.

a) *Thomas Aquinas*

For, on the one hand, Thomism did indeed uphold the Aristotelian view that the political state was natural. Inasmuch as law is the rational ordering of man toward the common good, man was naturally to be ordered thereunto and, among a multitude, such an order implied a complexity of social relationships and tasks which had to be directed by some unifying guidance with authority:

"If, then, it is natural for man to live in the society of many, it is necessary that there exist among men some means by which the group may be governed. For where there are many men together and each one is looking after his own interest, the multitude would be broken up and scattered unless there were also an agency to take care of what appertains to the commonweal. In like manner, the body of a man or any other animal would disintegrate unless there were a general ruling force within the body which watches over the common good of all members. With this in mind, Solomon says [Eccl. 4:9]: "Where there is no governor, the people shall fall."³¹

³¹ Thomas Aquinas, *De Regno*, Chapter 1, 8: <http://dhsprory.org/thomas/DeRegno.htm>

In fact, this necessity arises directly out of the very reasons why there is society in the first place; that is:

"Man ... has a natural knowledge of the things which are essential for his life only in a general fashion, inasmuch as he is able to attain knowledge of the particular things necessary for human life by reasoning from natural principles. But it is not possible for one man to arrive at a knowledge of all these things by his own individual reason. It is therefore necessary for man to live in a multitude so that each one may assist his fellows, and different men may be occupied in seeking, by their reason, to make different discoveries—one, for example, in medicine, one in this and another in that."³²

In other words, the very indeterminacy of man is the origin of a certain variety of path dependent pursuits and specialized knowledges talents and interests, and that multiplicity is often in need of common effort to derive the benefits of their unity through the propagation of common rules of behavior and the promulgation of laws. Such an effort requires an ordering and clarity of vision that can be best achieved by some governing direction. It is in this sense that the dominion of one man over another is, according to Thomas, natural. For absolutely speaking, there is no reason why one man is set over another. Nevertheless, with respect to organization to a certain end and in consideration of the result that is expected to arise from ordering themselves to an end, one man may be more fit to lead another with regard to certain aims. Indeed, in this regard, the man fit to govern is said to have a quasi-natural, but positive "right of dominion," not absolutely, but relatively. It is not strictly natural, since he does not possess it by some absolute superiority whereby one man is simply subject to another, but by their common agreement upon an end and upon some order:

The human will can, by common agreement, make a thing to be just provided it be not, of itself, contrary to natural justice, and it is in such matters that positive right has its place.³³

That is, his leadership is not an unqualified dictate of the natural law, but it is not opposed to the natural law that he should have it if the circumstances arise where it is necessary or beneficial for the community to make some

³² Thomas Aquinas, *ibid.*, Chapter 1, 6

³³ Thomas Aquinas, *S.T. II-IIae*, q. 57, a. 2, ad. 2

positive addition to the natural law for the pursuit of an end. Therefore, it is a positive right derived from natural law. The case is precisely similar with respect to the institution of property relations:

As stated above (Article 2), the naturally right or just is that which by its very nature is adjusted to or commensurate with another person. Now this may happen in two ways; first, according as it is considered absolutely: thus a male by its very nature is commensurate with the female to beget offspring by her, and a parent is commensurate with the offspring to nourish it. Secondly a thing is naturally commensurate with another person, not according as it is considered absolutely, but according to something resultant from it, for instance the possession of property. For if a particular piece of land be considered absolutely, it contains no reason why it should belong to one man more than to another, but if it be considered in respect of its adaptability to cultivation, and the unmolested use of the land, it has a certain commensuration to be the property of one and not of another man, as the Philosopher shows (Polit. ii, 2).³⁴

Thus the institution of property is equally a quasi-natural right insofar as it is a positive addition to the natural law that becomes a positive right by common agreement:

As stated above (Article 1) the "right" or the "just" is a work that is adjusted to another person according to some kind of equality. Now a thing can be adjusted to a man in two ways: first by its very nature, as when a man gives so much that he may receive equal value in return, and this is called "natural right." On another way a thing is adjusted or commensurated to another person, by agreement, or by common consent, when, to wit, a man deems himself satisfied, if he receive so much. This can be done in two ways: first by private agreement, as that which is confirmed by an agreement between private individuals; secondly, by public agreement, as when the whole community agrees that something should be deemed as though it were adjusted and commensurated to another person, or when this is decreed by the prince who is placed over the people, and acts in its stead, and this is called "positive right."³⁵

If Aquinas' understanding of political government as a natural form of social organization leads him to accept the hierarchical relations implied therein as natural and his understanding of the institution of private property leads him to accept it as a quasi-natural right mediated by human reason, his understanding of law also displays the same accord with the natural as discovered through reason.

³⁴ Thomas Aquinas, *S.T. II-IIae*, q. 57, a. 3, reply

³⁵ Thomas Aquinas, *S.T. II-IIae*, q. 57, a. 2, reply

That is, just as political governance and private property are in accord with natural reason as useful for the end of human flourishing and comprehensive in their scope as organizing principles definitive with regard to the structure of human society, so too broader human law is considered natural inasmuch as it is an ordinance of reason useful in leading men to their natural end: "Aquinas' view goes a long way toward giving law a similarly comprehensive scope. Law, he argues, pertains to reason, the basic principle of all human actions. The goal of reason is happiness, that is, activity in accordance with perfect virtue. Since law is a dictate of reason, it is the purpose of law to make humans virtuous, to turn them into good people. ... Law orders the individual towards the community as an imperfect part towards its perfect whole. It can therefore order individual actions toward the common good as their final cause. ... Aristotle had argued that it is only if all individuals strive to perform the most virtuous actions that the common good will be realized. Aquinas therefore concludes that, although legal justice may be principally concerned with exterior actions of virtue, it can also extend to their interior motivation, to the internal dispositions of their individual human agents."³⁶ In other words, political society is naturally ordained to the high end of man's natural perfection and neither it nor its more fundamental institutions are an aberration, a consequence of original sin that would not have existed in some fashion in the original state of justice and innocence before the fall. Governance would be the beneficial organization of multiple abilities and talents or the prudence of rules of conduct to avoid mishaps - one such principle of order, private property, would be the natural possession that allows men to develop their abilities in and through working their possessions into new goods.

On the other hand, however, St. Thomas had tempered this whole Aristotelian line of thought in two ways. First, Aquinas approaches the issue with an Augustinian pragmatism on account of the weakness of man. Second, he approaches the naturalism of political society and its institutions from the perspective of a higher Augustinian ideal derived from the notion of Christian spiritual society. The first inclination tends to limit the scope of the law in practice. The second tends to extend it in theory. Thus, when "he

³⁶ M.S. Kempshall, *ibid.*, p. 121

glosses St. Augustine's argument that human law cannot punish or prohibit all evil actions, for example, Aquinas argues that to maintain the opposite, with whatever good intentions, would effectively remove the opportunity for many good actions and thereby impede the benefits of the common good which are necessary for human life. Humans themselves are inherently imperfect and they should not be treated as if they were perfectly virtuous. Law should therefore confine itself only to the more serious sins, to those which harm others to an extent which threatens the continuation of human society. Law should still seek to make humans good, but it must do so gradually lest it make them worse."³⁷ In fact, it is often overlooked that Aquinas' definition of functions of political society does not include the notion of coercion of necessity but only that of an ordinance of reason and obligation. The need for coercion is a definite result of original sin. In its original sense, as an ordinance of reason for the common good, the law extends as far as reason itself. Yet this implies no necessary forcible control of men - such belongs to law as applied to fallen humanity. The image of natural political government with which one is left, therefore, is hardly the one usually associated with our present life experience and all that we tend to associate with the word "law." Law and government in this life are characterized by the addition of coercion and dominance where they had once been rather more amicable institutions.

In fact, all those negative connotations which the words "law" and "dominion" carry, of force and imposition, are cast off in an ideal state; the real unity at which society aims is ordained to a higher spiritual society of free men freely subjecting themselves to the law rather than being subjected to the law in the sense that it is felt as a burdensome imposition: such men, like a true Pope, as Giles of Rome put it, "imposes halter and bridle upon himself, in imitation of the restraint of God."³⁸ This is not because law as rational order is gone, but because in its truest form, law is the very notion of freedom rationally ordered to the end without coercion. Reason being the very rule of his acts, it is reason to which he is subject and not so much the

³⁷ M.S. Kempshall, *ibid.*, p. 123

³⁸ Giles of Rome, *On Ecclesiastical Power*, trans, R.W. Dyson, New York, NY: Columbia University Press (2004), p. 361 see also Dyson's introduction, p. xxvi.

man commanding it. We are left with the image of an administration of higher service without domineering power:

But a man is the master of a free subject, by directing him either towards his proper welfare, or to the common good. Such a kind of mastership would have existed in the state of innocence between man and man, for two reasons. First, because man is naturally a social being, and so in the state of innocence he would have led a social life. Now a social life cannot exist among a number of people unless under the presidency of one to look after the common good; for many, as such, seek many things, whereas one attends only to one. Wherefore the Philosopher says, in the beginning of the Politics, that wherever many things are directed to one, we shall always find one at the head directing them. Secondly, if one man surpassed another in knowledge and virtue, this would not have been fitting unless these gifts conduced to the benefit of others, according to 1 Peter 4:10, "As every man hath received grace, ministering the same one to another." Wherefore Augustine says (De Civ. Dei xix, 14): "Just men command not by the love of domineering, but by the service of counsel": and (De Civ. Dei xix, 15): "The natural order of things requires this; and thus did God make man."³⁹

In connection with fallen humanity, however, the situation is quite the reverse and the image of political government is rather different: the halter and bridle are required. Man's freedom of opposition to rational pursuit of perfection, his being stiff-necked as it were, constitutes an extraordinary counter-weight to the extent and aims of law. The aims of political government, accordingly, are more circumspect in their expectation and seek, primarily, to establish peace in a sense of basic good order without which nothing further is possible. The very possibility of the resolution of man's freedom of opposition in the society of the blessed suggests the higher ideal to which man is held and in which rational good order is not a minimum performance or an imposition upon men, but a good in accord with which they would - therein - happily conduct themselves. The very fallen condition of man suggests that rationality is a lot to be asked for and that coercion can only go so far in achieving it.

Moreover, the same is true for the connotations of the notion of property. The possession of property is considered a quasi-natural right:

"Community of goods is ascribed to the natural law, not that the natural law dictates that all things should be possessed in common and that nothing should be

³⁹ Thomas Aquinas, *S.T. Ia, q. 96, a. 4, reply*

possessed as one's own: but because the division of possessions is not according to the natural law, but rather arose from human agreement which belongs to positive law, as stated above (57, 2,3). Hence the ownership of possessions is not contrary to the natural law, but an addition thereto devised by human reason."⁴⁰

That is, the natural law is indeterminate with respect to the precise division of the possession of property. Such a division is not against the natural law, which posits community of goods with respect to their use. The community of goods is a community of goods with reference to their use and not their possession. This is an inversion of our normal conception of common property where we are accustomed to think perhaps of common ownership with private use - but private ownership is not, for Aquinas, opposed to community of property. If property is not so possessed as to prohibit its use by others for the needs of others and if it is not possessed as a cumulative attachment which leads to callousness of heart and solicitous circumspection in dispensing or putting the good to use, its possession is not contrary to community of property.

Thus, the reflexive character of the phrase, "it is mine", with a connotation of exclusive dominion and absolute possession for one's own purposes must be discarded in favor of a view that what is "mine" is something we may indeed delight in, but that one is not only open to sharing it properly with others - but that it not form an obstacle to charity. The purpose of private property, particularly that property which exceeds a just, that is, virtuous, estimate of need, is, in fact, a higher form of holding things in common and not simply the removal of goods to a private realm. The possession of goods is their administration and development for the sake of the common benefit:

A man would not act unlawfully if by going beforehand to the play he prepared the way for others: but he acts unlawfully if by so doing he hinders others from going. On like manner a rich man does not act unlawfully if he anticipates someone in taking possession of something which at first was common property, and gives others a share: but he sins if he excludes others indiscriminately from using it. Hence Basil says (Hom. in Luc. xii, 18): "Why are you rich while another is poor, unless it be that you may have the merit of a good stewardship, and he the reward of patience?"⁴¹

⁴⁰ Thomas Aquinas, *S.T. IIa.IIae, q. 66*

⁴¹ Thomas Aquinas, *S.T. IIa.IIae, q. 66, ad. 2*

There are, therefore, meanings and connotations of the word "possession" and "right" that must be excluded from the natural character of the institution of property thus accepted.

Indeed, of the three arguments advanced for the natural-ness of possessing goods, only the first two seem to stand out as strictly natural while the third is evidently tied to the discord of sin:

"Two things are competent to man in respect of exterior things. One is the power to procure and dispense them, and in this regard it is lawful for man to possess property. Moreover this is necessary to human life for three reasons. First because every man is more careful to procure what is for himself alone than that which is common to many or to all: since each one would shirk the labor and leave to another that which concerns the community, as happens where there is a great number of servants. Secondly, because human affairs are conducted in more orderly fashion if each man is charged with taking care of some particular thing himself, whereas there would be confusion if everyone had to look after any one thing indeterminately. Thirdly, because a more peaceful state is ensured to man if each one is contented with his own. Hence it is to be observed that quarrels arise more frequently where there is no division of the things possessed. The second thing that is competent to man with regard to external things is their use. On this respect man ought to possess external things, not as his own, but as common, so that, to wit, he is ready to communicate them to others in their need."⁴²

The order of the above passage is illuminating. The first manner in which men may possess goods is the notion of procuring and dispensing property. This is permissible to man as making use of exterior goods and is not merely proper but indispensable to human life. Yet the second part shows that such a division of property does not preclude the notion that their use *must* be ordered toward common need and is for the common benefit: private ownership is ordered to communal benefit. Private property is not prohibited and is therefore appropriate. It is not abolished at its root, from below, but it is limited, and severely, from above so to speak, by the very notion of a real, *just* in the fullest sense of the term, estimation of one's own needs and therefore by real non-attachment. Nor is this limit an ephemeral gloss on a problematic system.

For while some have argued that St. Thomas' view of property is in simple accord with more modern views, namely, that the rich may be just as

⁴² Thomas Aquinas, *S.T. IIa.IIae, q. 66, a. 2, reply*

perfect in virtue because it is the spirit of poverty and non-attachment that is important, Aquinas does not approve of such a view: the counsel to perfection that is the actual practice of poverty is something more than a casual counsel to the spirit of poverty behind which a licit general accumulation of goods may proceed. It is true that property is licit and good, and that the rich as such are not condemned and may be perfect in virtue, but if we are not speaking of a state of natural perfection or supernatural beatitude, then we are left with connotations quite different from the rightful possession and accumulation that attaches to modern notions:

"[Practical] conclusions are not to be drawn from wonderful deeds; for the weak are more capable of wondering at and praising such deeds than of imitating them. Hence we read in Sirach 31:8, "Blessed is the rich man who is found without stain, and who has not gone after gold, nor put his trust in money or in treasures." This passage shows that the rich man who does not contract the stain of sin by the affection for riches, who does not go after gold by covetousness, nor extol himself over others by pride, trusting in his riches, is indeed a man of great virtue, and adhering to God with perfect charity."⁴³

Men, by natural law, have no right to accumulate beyond the just measure of their own need, their duties to family and the requirements of their professional services to the city. We may ask, therefore, in what sense, more precisely, is private ownership a right or rather what does that right consist of? For more modern notions of such a right of ownership would extend to their exclusive use and accumulation. This is true for Aquinas too as far as legal rights of use in this life may go, though not absolutely, yet the added connotations of exclusivity and accumulation are connotations whose origins touches original sin, namely, the necessity of more secure and guarded unused and accumulated property, and is not the original sense of property according to right reason. What, then, can be made of a right to private property that does not extend itself to possession prejudicial to a community of goods with respect to their use (exclusive use) according to a just estimate of human need (accumulation)? The natural right to use takes priority over the rational extension of the natural law to private possession such that

⁴³ Thomas Aquinas, *On the Perfection of Spiritual Life*, Chap. VII:
<http://www.pathsoflove.com/aquinas/perfection-of-the-spiritual-life.html>

private possession may not be prejudicial to use as measured by *real need*.^{*} In fact, strictly speaking, the truest natural right is the right to such use and as such is primary - and in a moment of true need, no right of private property can stand against the exercise of the common right to use. Private possession is a secondary positive ordinance that cannot be contrary to the initial natural right of common use but only supplementary; the very intent of property is to guarantee that natural use, not preclude it. In fact, in a fallen state, those private rights are perhaps primarily intended precisely to protect the common right of use. If they carry connotations of exclusivity, it is because of the threat posed by their potential violation and if accumulation is standard practice, it is because of the threat posed by the possibility of a materialistic and interested judgment of how much other men ought to have. That is to say, those connotations verge on being consequences of original sin.

By the natural law, then, men may not licitly accumulate goods beyond their needs to the exclusion of others, they may indeed become wealthy, possess them, administer them, develop them, but they may do so only for the common good. Conversely, they may withhold them for that good as well - but if they so withdraw them, it is not so that they might be held as one's own but that they may serve the community. Clearly, the possession of such private goods is not absolutely licit in a sense of license: it implies stewardship and service rather than "*meum*." Indeed, the *absolute* character of their possession as one's own comes not immediately from the natural law but from that law under the circumstances of sin. Thus, in the state of original justice, there would indeed be private possession of goods, but men would be such as to order their lives and possessions in accord with a true measure of their needs, their professional capacities and their fellow man - to

* It should be pointed out that "real need" is a problematic phrase - it is not, for Aquinas, measured by strict equity of distribution, but equity of proportionality in accord with distributive justice as due to the requisites of social station and talent; for the notion of "distributive justice" as general equity in possessions is a newer concept than distributive justice in its original ancient and medieval use. That said, neither is proportionality therein a mask for license. See Samuel Fleischacker, *A Short History of Distributive Justice*, Cambridge, MA; Harvard University Press, (2006).

the point where this social order approximates a community of goods with respect to their use.

It is impossible grasp Aquinas' notion of private property as separate from this procession from the imperfect to the perfect. The negative connotations of possession and right are stripped out of the terms, leaving us with a sense of dutiful administration and open-handed prudential use. What the existence of such negative factors as exorbitant use and lawless accumulation announces is the addition of layers of firmness to the notions of possession and right. In the presence of prodigality and rapine, these notions become increasingly negative rights against the encroachment and inordinate desires of others until they be held as absolute legally speaking. No less natural for their legal protection, which may indeed be useful in a state of innocence for organizational clarity and efficiency, it does not carry the forceful and emotional attachment that is often associated with the word "right" as men insist on it in a fallen state and may yet become very unnatural behind their legal protection.

It is important, moreover, that it is prudence that, already having conceived of the division of property as useful to the community in some respect, adds the further legal protection. Prudence adds this in accordance with right reason, in accordance with the natural law - for prudence is not an abstract virtue, but is right reason in relation to the circumstances. And under the circumstances of the present human condition, the right to private property is not merely a division for the sake of clarity and efficiency. On the contrary, it is a hard fact that sin adds bolder and darker lines to that division; yet neither is it an absolute fact inasmuch as it is conceivable that private property ill-used may militate against the very purpose for which it is instituted. Thus, in Thomistic thought, there is sufficient accommodation given to Augustinian themes for political prudence that considers the circumstances of the human condition without sacrificing the ideal of a more perfect social union. It is true that, for Aquinas, this more perfect union retains the notions of political and social hierarchy, of dominion and property, but it retains them with the connotations of service and diffusive development.

b) William Ockham: Franciscanism

In contrast to Aquinas' qualifying use of Augustine, secondary literature on Franciscan thought has tended - not without reason - to see a deeper influence of the first sort Augustinianism, separatist and communally idyllic, in their political theory. It is frequently thought that Franciscan resistance to the notion of the natural character of political government, law and property is primarily and almost singularly on account of the weight of the doctrine of original sin - a weight similarly given to it by St. Augustine: "Ockham ... deploys the Augustinian passage between *dominium* and domination: the temporal structure of *dominium* is not morally neutral, it is tainted with the sin of which it is the result."⁴⁴ That is to say, the very notion of *dominium* and power was tainted with the notion of domination. The common view, then, is that Franciscans thought that man's corruption creates the need for government and law, hence the emphasis on distinction of separating spiritual community from servitude under the law. Similarly with the notion of private property: "The common property of temporal things was granted to Adam and his wife, not only for themselves but also for all their descendants. This ownership (*dominium*) gave man the right to dispose of temporal things and to use them for his personal benefit. It did not, Ockham continues, include the right of private property in any form because it was the will of God that all men should own all temporal things in common, as befitted man in his original innocence. Sin, however, made it necessary to grant to man the right of private property, and for this reason the right of private property was introduced by God into the right of common property."⁴⁵ The fundamental temporal institutions of governance, law and property are not natural in any positive (as opposed to negative sense, though they are natural and beneficial in another sense as we shall see); rather, they are necessary as consequences of sin but would not exist in a perfect world. In that sense, they are "unnatural."

⁴⁴ Annabel S. Brett, see introduction to William Ockham, *On the Power of Emperors and Popes*, trans. Annabel Brett, Bristol, England: Thoemmes Press (1998), p. 47

⁴⁵ Philotheus Boehner, "Ockham's Political Ideas," *The Review of Politics*, Vol. 5, No. 4 (Oct., 1943), pp. 462-48; p. 474

This creates a sharper division between the city of God and the earthly city of man. Human society in a state of beatitude aims at human spiritual perfection and society in a state of innocence aims at human virtue. Neither have need of government, law and private ownership. In such states, men live in harmony and that harmony precludes the necessity of such institutions:

"According to right reason men should have the use of things in such a way as, first, to contribute to a peaceful and decent life, and [second] to provide needed sustenance. But in the state of innocence common use with no distinct ownership would have been more conducive to this than individual ownership, for no one would have taken what another needed, nor would the latter have had to wrest it by force from others. Each would have taken what first came to hand as he needed it. Thus a greater sufficiency for sustenance would have obtained than if one had precluded another's use of a thing because he had appropriated it for himself."⁴⁶

Society in a fallen state, on the other hand, requires such institutions as can provide some limited approximation to social harmony and order; for instance, in the case of property:

"First of all, communality of property would have militated against the peaceful life; the evil or covetous man would take more than he needed. And to do so, he would also use violence against others who wished to use these common goods for their own needs, as we read [in Genesis] of Nimrod: 'He was a mighty hunter before the Lord!' - that is to say, he was an oppressor of men. ... Therefore the city-state of Aristotle (*Politics II*, [ch. 5]), wherein all things were not held in common, was much better than that of Socrates, which Aristotle rejected because of the condition in which he found man to exist."⁴⁷

Neither, in an ideal state, is governance necessary:

"Since, therefore, a ruler having more power than a teacher and adviser is established most principally to correct and lawfully punish wrongdoers so that human audacity may be restrained and the innocent may be safe among the wicked."⁴⁸

Thus these institutions of our fallen state are introduced for the purpose of peace only in the sense of tranquility and at worst simply as the social embodiment of rapacious lust for power. On this account, it must be simply

⁴⁶ Duns Scotus, *On the Will and Morality*, *ibid.*, p. 220

⁴⁷ Duns Scotus, *ibid.*, p. 220

⁴⁸ William Ockham, *Eight Questions on the Power of the Pope*, in *A Letter to the Friars Minor and Other Writings*, trans. John Kilcullen, ed. Arthur S. McGrade, Cambridge, UK: Cambridge University Press (1995), p. 320

accepted that spiritual society is elevated and withdrawn from earthly society, of a fundamentally different sort and avoiding all stain of temporal authority. In this sense, Christianity is understood as radically a-political.

Yet there are several difficulties with this interpretation. First, a few points of this interpretation do not hold. For instance, it does not necessarily follow that because Franciscans saw the leadership of a teacher and an adviser as being in opposition to governance that they saw this as representing the absence of such leadership and social order except insofar as the term "governance" and "jurisdiction" are, as they were for Franciscans, principally semantically associated with domination and coercion. In fact, as can be seen in the above citation regarding the teacher and adviser, it is not quite the presence of leadership and order that is denounced so much as the additional aspect of domineering power. There remains a significant difference over the extent to which "authority" can be said to characterize a teacher and adviser and in what sense. The word "authority" as properly said of a teacher or advisor would suggest to the Franciscans that one may allow himself to be guided by another fit to guide him because of the authority of his wisdom rather than the authority of position. The former's service may be deemed, as we shall see more explicitly, a principate of a different kind than that of "lordship" in the common use of the term.

Or again, it is only if "law" is principally defined as coercive, as Franciscans do tend to define it, that its rejection as natural stands in such sharp opposition to Aquinas' notion of law as natural in the state of innocence as an ordinance of reason for the common good. The difference between the two views is partially attenuated when it is understood that the primary aim of Franciscans in claiming that law is unnatural is in refusing coercive force to law in its natural state in favor of a freedom that is according to rational rule, making their difference with Aquinas partially semantic. William of Ockham comes quite close to expressing reason's connection with law in such a fashion, albeit with typical Franciscan bias:

"In I Timothy II[:9] [The Apostle Paul] says, 'The law was not made for the just man, but for the unjust and for those who are not submissive'; and in Galatians 5[:18], 'If you are led by the spirit,' that is by reason, doing nothing against reason and good morals, 'you are not under the law;' and in 2 Corinthians 3[:17] he says, 'Where the spirit of the Lord is, there is freedom,' namely so that the law of another cannot

bind (thus 'have charity and do what you will'), and consequently you are not bound by any law if you have been fortified with charity."⁴⁹

Evidently, being led freely by the "spirit" and in charity converges with being led by reason rather than the halter and bridle.

For property too, the notion of "right" and "use" is much more complicated than a straightforward opposition between Aquinas and the Franciscans. It may not necessarily be that different to say, with Aquinas, that man in a state of innocence has no objectionable natural private ownership because he would have been open to natural common use right than it is to say, with the Franciscans, that a man has a natural private use right because he would have been unopposed to natural common ownership (as we shall see). Moreover, it is to be constantly remembered that if both visions speak of an ideal state of innocence and perfection, the fallenness of man is not equivocal and implies a human condition wherein private property is, in actual state of fact, an extension of the natural law as right reason and is therefore from God even in its positive legal character as a protection instituted for the benefit of the common good (as we shall also see).

There is, however, a second fundamental difficulty in this general interpretation of Franciscan political thought as reducible to Augustinianism - namely, that on account of man's original sin and incapacity for good in the present life, earthly political government is necessary in this life and is *a*) introduced *purely* as a negative force of coercion to curb the worst aspects of fallen man's behavior and *b*) that such government is *therefore* distinguished sharply from the city of God which seeks the true spiritual perfection of man and society and would not have need of anything resembling political institutions. The difficulty with this interpretation is two-fold. First, Franciscans did not really share Augustine's view of the consequences of original sin and the radical corruption of the world. In fact, not a few Franciscans nearly approached and were occasionally accused of Pelagian views wherein man was still capable of a natural charity in his fallen state and thus that man was without need of grace or infused charity (though this

⁴⁹ William Ockham, *ibid.*, p. 319

was not their view).⁵⁰ Franciscan insistence on the freedom - and therefore responsibility - of the will for moral and immoral action brought them closer to a vision of human society that could indeed achieve its own natural end, or nearly so; they tended to such a view, which from the outside appears curious, because according to Franciscan voluntarism, to destroy the will's capacity to choose the good in itself, leaving it with only its inclination to self-perfection, would be to destroy the will itself. Thus, for Franciscans, there must remain some capacity, however limited, in this regard; this generally led them to allow greater capacity in this life to man's purely natural inclination than other philosophical visions might be inclined to do. It would be difficult to maintain, on the basis of such a view of the lingering dignity in human nature, that in this life there was no natural ordination of human society to higher human development. In fact, Franciscan political thought did not simply exclude the higher aims of political government, but considered them, like Aquinas, rather a matter of prudential judgment under the circumstances. Thus political government is not *purely* for curbing the lowest. Secondly, while it is true that the Franciscans did indeed base their distinction of spiritual authority and political power in part on the latter's characteristic sinfulness and the necessity of coercive force, their aversion to coercion is not merely rooted in the fact that human sin necessitates it for the preservation of society. Rather, it is additionally rooted in the fact that, in line with Franciscan voluntarism, human freedom demands that it be free in its pursuit of the good. Spiritual authority was of a different sort altogether and it wasn't just the absence of the discord of sin that nullified coercive power, it was the very notion of the requisite freedom of love. For where the content of the law according to right reason had to do, ultimately, with actions of the will at its best, namely, its act of loving God and neighbor, such acts - if they were to be virtuous - were inherently contrary to coercion and command. No such power to coerce them, *therefore*, could be admitted as belonging naturally to human society and, especially, to spiritual authority - and thus on that account the two realms were to be distinguished more sharply.

⁵⁰ Rega Wood, "Ockham's Repudiation of Pelagianism," in *The Cambridge Companion to Ockham*, ed. Paul Spade, Cambridge: UK, Cambridge University Press (1999), pp. 350-375

It is true, then, that the Franciscans conceived of dominion, law and rights of property as terms principally belonging to this world in its fallen state. Yet their rejection of these notions as "unnatural" rests partially on the definition and connotation that they gave to the terms and also on their views of spiritual liberty. Once the impression created by the confusion of terms is corrected, the reduction of Franciscanism to Augustinianism in political thought can be shown to obscure one of the most significant contributions that the Friars Minor, though not exclusively theirs, made to the formation of modern political economy as it would appear in the Renaissance. They too maintained, in theory, an ideal regime in this life that aimed at human virtue and, beyond that, at an extraordinary perfection of peace where the notion of regime and power was greatly transformed. They too used original sin not as a strict exclusion of the ideal of the natural so much as a serious matter for consideration in the practice of political prudence. Moreover, the critical point is that they added to this "pragmatism" their distinctive emphasis upon the natural liberty of man with regard to his moral development as a partial parallel to the liberty which they thought proper to the spiritual realm as the evangelical law of liberty. In so doing, they also - in theory - exhibited a strong tendency to restrain the role of the State from the ethical formation of citizens to having been "appointed most principally to correct and punish wrongdoers."⁵¹ In fact, if William Ockham can be taken as something of an expression of Franciscan thought in this regard, the Franciscans tended to arrive at a position that is informative in its contrast with St. Thomas. They argued that as men improved, the law as coercive did not and ought not extend its reach further and further towards perfecting men but quite the opposite: in the ideal regime, particularly in the spiritual realm, the law receded as a burden. Thus, as men became the rational beings that they ought to be, they could be free - as they truly are. It was indeed on account of human failing that government, law and private property take on a certain character and perhaps even on that account that they are introduced - but it is not only on that account that temporal government is more circumspect in its ends or that spiritual authority is held distinct from temporal jurisdiction.

⁵¹ William Ockham, *Eight Questions on the Power of the Pope*, *ibid.*, p. 319

Once again, therefore, the place to begin in a treatment of Franciscan thought is with the consequences of their insistence upon the native liberty of the will. What must be avoided here is the perennial wish to deduce their political thought from the longer term consequences that have been attributed to Ockham's epistemological work. This not because of any specific imputation of error or irrelevance in the story, but on the basis of the fact that this tale has not only already been told, but also because it seems rather uniquely inadequate given the separability of the questions of voluntarism and metaphysical realism as well as the historical emergence of the former and the political thought associated with it centuries before the proper demise of the latter. It is far more difficult to discover any clear and concrete historical link at this time between nominalism on the one hand and a given political theory on the other. In this we follow the words of one reputed commentator that may serve as a general note of caution: "Consequently, to base Ockham's political ideas on, or to develop them from, his so-called Metaphysics ... appears to us more as an adventure and certainly as a construction of the writer. We do not deny that there are inner connections. These connections, however, can be seen only if the philosophical and theological system of Ockham is correctly interpreted. Seldom has this been done hitherto."⁵² On the other hand, it is much clearer that there is a link between Franciscans' voluntarism, their reformulation of the ethical expectations to which fallen man can be held and a heightened degree of emphasis upon the limits of government and law in theory and, especially, their defense of evangelical liberty as constitutive of a sharper distinction of temporal and spiritual power. In fact, what has often been characterized as a wide variation of political thought with respect to the distinction of temporal and spiritual is not quite so wide. Franciscan political thought is far more traditional than it has been made out to be even in its more extreme form as found in William of Ockham, nor - on that account - was it that distinctly Franciscan.*

⁵² Philotheus Boehner, *ibid.*, pp. 462-48

* That said, the work of Marsilius of Padua clearly represents a radicalism that breaks through the limits of medieval hierarchicalism toward a true separatism of Church and State such that the former is utterly reduced in its public role to that of a spiritual service

Now, William of Ockham has been mentioned because Ockham can be taken as a primary example of Franciscan political thought - because few other Franciscans wrote as much on political matters and certainly none as famously as he. This of course means that, with Ockham as an example, Franciscan thought takes on a more radical character than is probably true of the order of friars minor in general. Nevertheless, Ockham is instructive in this regard because his thought is extreme, he sharpens the contrasts quite well - and if those contrasts are not quite so immense, it is because truly radical political thought was even rarer. The extremity of Ockham's thought is, no doubt, due in part to the circumstances under which he wrote, namely, as a banished heretic in constant battle with Pope John XXII and expressly for the purpose of denouncing the Papacy's pretension, as Ockham puts it, that "the pope has in both spiritual and temporal matters the fullness of power [plenitude of power] ... so that by Christ's ordinance he can do everything not against an indispensable natural law or against a divine law."⁵³ In this regard, Ockham is interested primarily in refuting the extension of the jurisdiction of papal power to the temporal realm and, in doing so, he distinguishes between the kind of power that he thinks the papacy holds. Ockham does this through a discussion and definition of the notion of evangelical liberty: "Ockham's treatment of evangelical liberty clashes sharply with the hierocratic ideal of comprehensive direction of man's spiritual life from above."⁵⁴ Thus, "delineating this evangelical liberty to which Christians ... are bound is Ockham's first step in defining the power of popes."⁵⁵ Thus we too shall begin with this somewhat natural extension of Franciscan voluntarism.

Perhaps the only place to begin is, therefore, with "the point to be grasped" - namely, that due to the natural liberty of the will in Franciscan thought, the notion of the evangelical law could not only be understood as a positive prescription of law as liberty from sin but included, in addition, an

without any temporal authority and absolutely subject to political government in temporal matters.

⁵³ William Ockham, *Eight Questions on the Power of the Pope*, *ibid.*, p. 303

⁵⁴ Stephen McGrade, *The Political Thought of William of Ockham*, *ibid.*, p. 141

⁵⁵ Annabel S. Brett, see introduction to William Ockham, *On the Power of Emperors and Popes*, trans. Annabel Brett, Bristol, England, Thoemmes Press (1998), p. 38

essentially negative conception of freedom as well. If under temporal government human will was not so free, it was because of the necessity of some limitation. This is, "therefore, the point to be grasped at the outset ... that in making Saint Peter head and prince of all the faithful taken universally, Christ did not give him any such plenitude of power in temporals and in spirituals, that he might regularly do by right anything not contrary to divine and natural law; but that, instead, Christ assigned certain limits to his power which he ought not to overstep."⁵⁶ The first among these limits is the distinction drawn between the kind of principate given to Peter and the princes of the Church in contrast to that granted to temporal princes:

"Plenitude of power in temporals involves the power and dominion of the kings of the Gentiles, as is clear from Luke 22, Mark 18, and Matthew 20, where we read that Christ pronounced these word: 'You know that the princes of the Gentiles exercise dominion over them, and they that are great exercise power upon them. But it shall not be so among you: but whosoever will be great among you, shall be your minister.' Therefore, so much the more did Christ forbid the Apostles the aforesaid plenitude of power in temporals."⁵⁷

Further, the spiritual realm, precisely as that under the evangelical law cannot be characterized by such plenitude of power in the same sense as that found in the temporal realm: "For ... the evangelical law is a law of lesser servitude than that of Moses."⁵⁸ That is, the "law of liberty is the new law of the gospel as opposed to the old law of the Jews, the Mosaic law. The old law laid a series of external tasks or outward ceremonies of worship upon the Jews" and in this sense, "as [Ockham] says in the *Breviloquium*, the law of liberty is 'to be understood negatively.'"⁵⁹ This does not deny the positive character of reason as obligatory in the eyes of God and as a prescription through which there is liberty from sin, but it does, for Ockham, indicate that that this positivity is coextensive with a negative conception of liberty as well when it comes to the coercive force of law and dominion beyond that demanded for the general working of fallen society.

⁵⁶ William Ockham, *On the Power of Emperors and Popes*, *ibid.*, p. 74-5

⁵⁷ William Ockham, *ibid.*, p. 75-6

⁵⁸ William Ockham, *ibid.*, p. 76

⁵⁹ Annabel Brett, introduction to William Ockham, *ibid.*, p. 38

Indeed, this addition of a coextensive negative conception of liberty is precisely the distinguishing emphasis of Franciscan thought and leads directly to Ockham's favorite summation of the liberty that defines the lesser servitude at the root of the distinction he thus draws between the princes of the Church and those of the temporal world:

"From all this we may draw the conclusion that papal principate was instituted ... in such a way that such principate deserves to be called 'of service' rather than 'of lordship.'"⁶⁰

Therefore, what Christ "did forbid them was that principate which is 'of lordship,' which in the term borrowed from the Greek is called 'despotic': and which, as we read in the *Politics*, is in respect of slaves."⁶¹ For Ockham, then, "the new law of the Holy Gospel is a law of free men in Christ, and by its very nature it does not admit of any servitude which even equals, let alone surpasses, the yoke imposed upon the Jews by the Old Law. It is a flagrant contradiction of the Holy Gospel to make all men slaves (*servi*) of the Popes and thus create a most horrid state of bondage."⁶² Ockham's addition, in the above, of Aristotelian thought is precisely paralleled in arguments taken from his recitative works, wherein he "reports" the arguments of others in medieval Scholastic style without any explicit resolution of the questions:

"To prove this, Aristotle's argument in *Politics*, Book I, by which he tries to prove that rule over freemen is better than rule of slaves, also seems sufficient. For 'the rule is better that is of better subjects,' as rule over men is better than rule over beasts. But free men are better than slaves; therefore rule over slaves is not to be judged the best."⁶³

This link, between the Gospel law of liberty and Aristotle's description of the best regime is critical to Ockham's political thought, his treatment of the natural law as well as his strong tendency toward a moderation of human law and - thus - an "Augustinian" inclination concerning the functions of temporal government. For the general effect of Ockham's aversion to dominion and coercive spiritual power is to remove the city of God to the realm of the free and leave coercion to the temporal realm and, indeed, to

⁶⁰ William Ockham, *ibid.*, p. 87

⁶¹ William Ockham, *ibid.*, p. 90-1

⁶² Philotheus Boehner, *ibid.*, p. 468

⁶³ William Ockham, *Eight Questions on the Power of the Pope*, *ibid.*, p. 318

repudiate that coercion as the distinguishing feature of the very idea of government itself.

In the third question of *Eight Questions on the Power of the Pope*, just after arguing that in instituting the papal and episcopal regime Christ was denying to the papacy a regime of this kind, 'when he appointed blessed Peter pope, saying to him, 'Feed my sheep,' as if to say, ' I appoint you ruler over my sheep, not to take from them wool and milk, except for your necessities,'" Ockham continues the argument which he is "reporting" with a definition of the best regime that falls along very traditional lines with regard to the common good at which it aims.⁶⁴ There he argues the opinion that:

"That regime must be regarded as best and as superior to the rest in which charity, friendship, peace and concord among subjects is most of all cared for, fostered, increased, and preserved and in which sedition and discord, which is the corruption of every community, is especially avoided. For it is chiefly on account of these things that every regime beneficial to the common good is established, and the ruler should with the utmost effort plant and foster them in his subjects."⁶⁵

Ockham then proceeds to a parallel exchange between Christ's message of peace and that of Aristotle reflections on friendship and the city:

"Thus the 'prince of peace,' Christ ... especially imposed on [the faithful] love and friendship, saying, 'This is my commandment, that you love one another.' He also very often wished them peace, which is the effect of friendship and charity ... For he said to them, as we read in John 14[:27], 'I leave you peace; my peace I give to you ... And Christ, the author and rector of every community, declares that the corruption and destruction of any community comes from discord; and consequently concord is useful for the preservation of any community ... With these things Aristotle agrees, compelled by reason alone. ... And in *Ethics*, Book VIII, Chapter I, he says, 'And it seems that friendship holds cities together' ... By these [passages] it is proved that government is most of all directed to preserving friendship, peace and concord, and to removing discord, among those subject to the ruler."⁶⁶

Then, after highlighting that in the best regime these things are most truly and best achieved among free men and not slaves, Ockham brings in one of the more often partially quoted passages taken to favor the interpretation of his work as purely Augustinian:

⁶⁴ William Ockham, *ibid.*, p. 312

⁶⁵ William Ockham, *ibid.*, p. 315

⁶⁶ William Ockham, *ibid.*, p. 315-6

"It remains to ask next what things should be regarded, according to the foregoing opinion ... it must be known above all that although many things pertain to the ruler of whom we are speaking - namely to give his rights to each person and preserve them, to enact necessary and just laws, to appoint subordinate judges and other officials ... to command the acts of all the virtues and many other things - nevertheless, he seems to have been appointed most principally to correct and punish wrongdoers. For if, in some community, no one had to be punished for any fault or crime, an adviser to good and a teacher would be enough, and a ruler would seem altogether unnecessary."⁶⁷

The point here is that the context indicates that Ockham does not conclude in an unqualified Augustinian fashion. Rather, his position is to use Augustinian pragmatism to qualify otherwise valid ends of human society. This conclusion is related to that in *On the Power of Emperors and Popes* where, in the midst of a consideration of the optimal character of government as best among free men, Ockham aligns the most noble principate with that of service. There the *coercive* force of law is capable of being relaxed in accordance with the increasing quality of men rather than tightened, where the progression toward the best regime is a progression toward the model of the Papal principate and the evangelical law of liberty:

"[W]e are left with the conclusion that papal principate was instituted for the utility of its subjects and not for its own utility or honour, and, in consequence is worthy to be called not 'of lordship' but 'of service' - In which ... it is assimilated (more than any worldly principate instituted in practice) to the most noble form of royal principate ... and in which it excels all other principates in dignity."⁶⁸

That man is less coerced the more he is under the sway of reason is, for Ockham, to say that he is under the law of liberty, where law understood primarily as coercive authority can be left behind in favor of freedom such that Ockham would not say that man is under the law so much as in the spirit. Under such a law, to speak of dominion is to speak of service and the dignity of this "dominion" is such that one really rather ought not use the word.

This is, in fact, extremely important for putting Franciscan "Augustinianism" in its place and distinguishing the two. For whereas the common utility is, for political Augustinianism, the height of the achievable, for the Franciscans, the distance between Augustinianism and

⁶⁷ William Ockham, *ibid.*, p. 319

⁶⁸ William Ockham, *On the Power of Emperors and Popes*, *ibid.*, p. 87-8

Aristotelianism is both bridged by their ethical optimism even with regard to the fallenness of man and at the same time restrained by their ethical pessimism with regard to the interminable character of human toil in the present life. It is not that original sin means that there are no sufficiently good people in the present life who might band together amicably and live in such a fashion that they need not hard legal provisions for their rights, but that the discord brought about by the bad and the lapses of the good are susceptible of more or less but never complete eradication here below. This does not mean that law is merely imposition without formative intent or reason but that its additional character as coercive is its distinguishing feature of law in this life and that this tends to dramatically moderate its formative intent.

The same perspective can be found in Ockham's treatment of natural law. There is not a strict change or abandonment of the ideal, but a moderation of expectations and the rigidification of positions in the presence of wicked acts. Thus: "Ockham in the *Dialogus* suggests a distinction between three modes of natural law. The first is binding on all humanity and immutable, being the pure law of natural reason. The second is the law governing a life lived purely according to natural equity and without any positive human laws (the life lived in the state of innocence), which can, however, be rationally altered should circumstances demand. The third is natural 'from supposition': that is, supposing certain arrangements in place or that certain misdeeds have been committed, then its precepts are what natural reason suggests."⁶⁹ That is to say, there are things that belong to the natural law in such a way that by their very definition they belong to right reason:

"For, in one way, that is called natural law which is in conformity with natural reason that in no case fails, such as 'Do not commit adultery,' 'Do not lie,' and the like."⁷⁰

Such actions as adultery, meaning wrongful sexual intercourse, or murder, meaning wrongful homicide, are included in the natural law in a determinate way such that they cannot be altered. Proceeding in explanation of this three-

⁶⁹ Annabel Brett, *ibid.*, p. 44

⁷⁰ William Ockham, *Dialogus III. Tract II.* in *A Letter to the Friars Minor and Other Writings*, trans. John Kilcullen, ed. Arthur S. McGrade, Cambridge, UK: Cambridge University Press (1995), p. 286

fold structure, Ockham offers, as a principle example belonging to the second mode, the communality of property as lived in the state of innocence. Communality of property cannot be strictly prescribed according to the first mode of natural law because then its contrary would always be wrong. Instead, it is according to the natural law in the second way, namely, as characteristic of human society in a state of original innocence:

"In this second way, and not in the first, all things are common by natural law, because in the state of nature as originally established all things would have been in common and if after the fall all men lived according to reason all things should have been in common and nothing owned."⁷¹

Yet it is this second mode of property relations which, he says, then devolves, from a form of either simple fact of use or use right toward a third mode of natural law. Upon the introduction of certain misdeeds and a measure of discord, original property relations are - according to right reason - transformed into the natural right of private property according to the third mode - a legal rigidification of the simple fact of use or use right. ^{**} In other words, the right of procuring goods for one's use and benefit is threatened by overuse and violence and it is according to right reason that a system for its protection, the restriction on the freedom of use, be set up.

Ockham's whole discussion of natural law follows an elaboration that is implicit in Scotus' treatment of the same topic in his sparse comments on political philosophy: "Scotus had argued that the license to appropriate represented the "*revocation*" of the positive precept of natural law that all things should be held in common, a precept no longer appropriate after the Fall."⁷² Scotus had immediately thereafter defined "revocation" as "dispensation" - the term "revocation" meaning that the precept as an obligation of natural law conducive to the common good had been granted a dispensation in favor of its taking the position of an ideal so as to preserve

⁷¹ William Ockham, *Dialogus III*, in *ibid.*, p. 286

^{**} I am taking liberties with the distinction between simple use and use right, for Ockham may well have fought his fight with the Papacy over the use of the word "right" in connection with property in the natural state of common use. Yet according to his schema of natural law, he makes it a natural extension from use to "right" in that the latter term follows upon the necessity of defining and defending the limits of man's natural use.

⁷² Annabel Brett, *ibid.*, p. 44

the very common good which common ownership had anyway been intended to achieve. This is not an exclusion of the ideal so much as a prudential moderation of the means to the end. Man has the natural right of use, he need not create a legal framework for that right on a regular basis or even insist upon their recognition - and would not have the occasion or impetus to do so unless confronted with the circumstances under which practical wisdom suggests that such legal institutions be properly established. This is, in fact, what Ockham had claimed in the *Work of Ninety Days*.

There Ockham had explained that man had a natural moral right to use of property that did not necessarily entail the claim of a legal right to ownership: "This is 'simple use of fact.' In this context the phrase does not mean the act of using, it means a right; but it is a moral right, not a legal right. Simple use of fact is a 'licit power of using ... to which there is not necessarily' - in the Franciscans' case, not actually - 'annexed any right by which one might claim use in court.'"⁷³ The ideal of common ownership not belonging to the first mode of natural law means that private ownership is not contrary to the natural law strictly speaking. Rather, private ownership by legal right is introduced in support of a moral right, a mere use right, by restricting the natural moral right in accordance with the abuse thereof by some: "The right of private property, therefore, is a restriction of the common possession of all temporal things, a restriction in those things which are necessary and useful for a good and honest life not only for man as an individual but also for man as a citizen in a perfect society."⁷⁴ The right of private property belongs, therefore, to the natural law since it is an ordinance of reason for the common good that is necessary "on supposition" of the circumstances of sin and is instituted rather rationally not merely against one's neighbor's violence, but against emperor and pope alike. The right of use belongs to the natural law purely and simply and implies that in some way there is common ownership - it is its legally enforceable restriction that is added.

It should be noted, moreover, that since it is added by right reason as an ordinance for the common good as an extension of natural law, it is therefore,

⁷³ John Kilcullen, "The Political Writings," in *The Cambridge Companion to Ockham*, ed. Paul Spade, Cambridge: UK, Cambridge University Press (1999), pp. 302-325; p. 308

⁷⁴ Philotheus Boehner, *ibid.*, p. 475

although thinly, a divinely sanctioned right. It is natural by way of the unnatural circumstances of the present human condition. Ockham further explains this right according to the third mode of natural law with the notion of self-defense:

"Similarly, supposing that someone in fact unjustly inflicts violence on another (which is not in accordance with the natural law but against natural law), then it is gathered by evident reasoning that it is permissible to repel such violence by force."⁷⁵

With this in mind, it is easy to grasp Ockham's position in contrast to that of Aquinas. For Aquinas, private property is an addition to the natural law not only negatively in defense against the abuse of use or violence of oppression but also positively as providing for efficient order. This more positive approach is not, however, to say that property is a good to be accumulated beyond need and beyond its use for some productive benefit to the community. For Ockham, it is not clear that efficient order would necessarily demand legally enforceable rights and therefore it is primarily in the negative sense that he considers such legal rights to be according to the natural law. Moreover, it should be added, again, that Scotus and Ockham do not say that private property ought to be done away with in this life - they say, precisely to the contrary, that men being as they are, the avaricious would abuse such a system and that is why it is necessary and licit that there be property rights.

It is in this derivative sense too that Ockham follows Scotus not only on the origins of property but also on the pre-political character of society and the origins of human government:

"Political authority, however, which is exercised over those outside the family, can be just by common consent and election on the part of the community. ... seeing that they could not be well governed without some form of authority, they could have amicably agreed to commit their community to one person or to a group, and if to one person, to him alone and to a successor who would be chosen as he was, or to him and his posterity."⁷⁶

Human society exists and then political authority, in whatever form is chosen according to prudence, is instituted by the community. As to the form of that

⁷⁵ William Ockham, *Dialogus III*, p. 288

⁷⁶ Duns Scotus, *John Duns Scotus: Political and Economic Philosophy*, *ibid.*, p. 33

authority, Ockham displays a limited ambivalence with regard to the institutional character of the "best" regime with regard to the form of governance, i.e. monarchy, aristocracy, democracy, as does Scotus and - in fact - St. Thomas. For while all, perhaps Ockham more so, favor monarchy or aristocracy, and there is no particular manner in which "consent" theory leads to an absolute favoring of democracy or continuing participation by all, nevertheless all consider it a matter of prudence with respect to the implementation of institutions. For instance, for Scotus, the form of private property attributed to natural law under original sin is left ambiguous: "Once this natural precept of having all in common was revoked, and thus permission was given to appropriate and divide up what had been common, there was still no actual division of property."⁷⁷ So too with the state - there is a notable gap which tends to entail the discussion of a community in need of a Ciceronian influence with regard to the establishment of political institutions that implies the role of prudence and rhetoric. Political authority, like property rights, is the work of prudence as a rational response to altered circumstances - the presence of wickedness being a particularly traumatic, and irrevocable, circumstance of the present human condition. In fact, for Ockham as for Scotus, "prudence" and "authority" are the distinctive features of the "prince" in this regard. Of the more elaborate content of the political prudence involved we need not now consider more extensively than to say that it depends on the cultural conditions of the population under consideration, i.e. more virtuous men may be left more free to participate, while more sinful men nearly need a highly coercive regime.

Nevertheless, in his discussion of princes, which approaches a versatility and complex variation that bespeaks prudential consideration, Ockham indicates something important to the main argument we have made above (regarding the maintenance in Franciscan thought of an ideal of the spiritual common good). In denying that the Pope should be the temporal head of Christendom, he yet adds that - from the Christian perspective of Christendom under the empire - the ruler, while a laymen, "should be a Christian ... as is clear from the fact that otherwise he would not try to foster but to destroy the common spiritual good, which goes against and conflicts

⁷⁷ Duns Scotus, *ibid.*, p. 31

with the best regime over the totality of mortals."⁷⁸ This suggests that, whatever the circumstances, for Franciscans, an ideal Christian government is instituted for fostering, though not commanding, the higher aims of ethical and spiritual life. However, in their view, the common good that government commonly aims at is far below this and its first priority is to secure the basic conditions conducive to human life. This, in effect, means that the regular situation is not the ideal and that the end of government is normally that tranquility or "false" peace, described by so many Scholastics, wherein the common good was characterized not as the common good of virtue but as the common utility of tranquility and material well-being.

What can be seen, then, from a more detailed understanding of the Franciscans' and St. Thomas' views of original sin, political institutions and spiritual liberty is that there was greater agreement than is generally recognized, but that this agreement was not perfect. The near agreement of the two visions concerning the character of human society in a state of innocence, as on the contours of more perfect community, was unstable. One point of near agreement was on the character of political institutions of a perfect society. Another agreement was that these ideal forms could not be those of the world of men as we know it in this life - original sin had altered their character.

Yet the gap in their different visions of a perfect society on account of the greater Franciscan attachment to spiritual freedom meant that their visions began to part ways in their application of the ideal to the fallen world. Thus, with regard to the fallen world, this additional Franciscan emphasis on negative freedom implied a sharper separation between temporal and spiritual authority than Aquinas advocated. It might be said that while Aquinas inclined toward a strong distinction of temporal and spiritual powers but a subordination of the former to the latter, the more radical of the Franciscans inclined toward separation of powers such that the subordination of the former to the latter was free. For the Franciscans, spiritual authority was to be simply spiritual and to be a lordship of service and counsel, almost strictly non-coercive with regard to temporal matters. Such spiritual freedom meant that, for Franciscans, Aquinas' conception of the law as formative-

⁷⁸ William Ockham, *Eight Questions on the Power of the Pope*, *ibid.*, p. 327

pedagogical command was definitely limited to temporal government as either aiming at the life of virtue or, more likely, at merely holding society together more than raising it up incrementally. It also meant that the subordination of the temporal sovereign to spiritual authority was not at all total but very much limited to matters concerned with the spiritual life, the doctrine of the church and the sacraments. According to William Ockham, in the interpretation of Philotheus Boehner: "The Pope has, therefore, the regular supreme power as regards the dispensation of the Sacraments, the ordination of priests, and the institution of clerics or the promotion of those who have to govern and teach the Christian peoples."⁷⁹ Irregularly, the Church might have occasion to intervene on the basis of some necessity, the absence or failure of temporal authorities, but regularly the most it could do was ask: "The Pope, like the Church, has the right to ask the faithful for all necessary temporal goods without which a fruitful government of the Church cannot be established and realized. This, of course, does not mean that the Pope can expropriate any Christian, but it means that he has the right to get the necessary support as to temporal things for his divine work."^{80*} Aquinas, on the other hand, saw this distinction as regular, but indicated that the irregular involvement of the Church in temporal affairs was not so much in light of their default as in a corrective capacity. Nevertheless, despite his formative-pedagogical conception of law and his subordination thereof to spiritual authority, Aquinas is not to be conceived of as in extreme opposition to the Franciscan view of government and law in this life, nor as in extreme opposition where spiritual authority is concerned. Instead, the role played by spiritual freedom in the limitation of the law and the restriction of spiritual authority for Franciscans was taken on by prudence in Aquinas. Moreover, for Franciscans, who were inclined toward a nearly

⁷⁹ Philotheus Boehner, *ibid.*, p. 470

⁸⁰ Philotheus Boehner, *ibid.*, p. 471

* In this regard it is of interest that the doctrine of Papal infallibility, the Papacy's incapability of err when speaking expressly on matters of faith and morals, was developed by the Franciscans, have been nearly suggested in Bonaventure and stated clearly by Peter Olivi. This view parallels the view of the Church in political matters and the Franciscan solution thereunto, granting full and absolute power to the Pope within his jurisdiction, while limiting that jurisdiction to the spiritual realm. See Brian Tierney, *Origins of Papal Infallibility: 1150-1350*, Leiden, Netherlands; E.J.Brill, (1972).

semi-Pelagian view of man's capacity for virtue in a fallen state, law might still retain a formative coercive-pedagogical meaning with regard to man's natural end - and this would bring their vision very close, in practice, to that of Aquinas' regarding temporal government.

However, Franciscan emphasis on spiritual liberty posed a further difficulty. As we have seen, the Franciscan distinction of spiritual power is not the exclusion of the spiritual common good; nevertheless, the authority of the Papacy as spiritual power was increasingly spiritualized and therefore restricted temporally on the basis of man's liberty in relation to his spiritual end. That end did not override men's spiritual liberty. Emphasis fell, therefore, on the rights of temporal power on the basis of their natural origins and the natural ends of temporal human institutions rather than their subordination to spiritual ends. This in such a way that the common good of political government tended, at best, to be conceived more along the lines of the merely natural end of man. Law in this life was viewed increasingly as more commonly aiming at the ethical minimum guaranteeing "peace." The guarantee of quasi-natural negatively derived rights in the present life tended to take the place of the spiritual aims as law for formative purposes languished.

The reason, as we shall now see with John of Paris (c. 1255-1306), a non-voluntarist and a "Thomist" whose position is nevertheless akin to that of the "Franciscanism" described above inasmuch as he argues the special character of spiritual authority and the independence of natural temporal authority, is that when spiritual freedom requires free consent and recognition of responsible spiritual authority, then law tends to lose some of its force as ethically formative even in the temporal realm. This because, without the sanction of political government from above as it were, questions arise concerning the significance of the natural origins of political institutions and are transformed into limits on authority from below as it were. For the lack of spiritual authority for coercion on the basis of its character as the final end of man as free places in question the whole notion of authority exclusively on the basis of ends. And if authority is not exclusively based upon ends, then there must needs be some other factor upon which it additionally rests. While the main ground for upholding the authority of political government was natural knowledge of man's natural

end, nevertheless this additional factor was found in temporal authority's proper origins, that it was properly derived for certain ends and, at least minimally, not only responsible for those ends - but also to the community from which it had derived. That derivation was free consent. Under such a notion, legal rights of the lower order take on a harder edge against violation. And where it is a fallen world under consideration, the fact that those rights are instituted for the common benefit and against abuse of power lends them an bolder character. Thus the notion of spiritual freedom was constitutive of a resistance to spiritual authorities interference with the temporal realm on the basis of the temporal sovereign's prior natural right and natural autonomy. However, as much as kings and emperors, and local Italian city-state dukes, challenged the temporal authority of the Papacy, that much more did they throw into question their own "plenitude of power." Kings and emperors too had been instituted for the common good according to the natural law - the all-important questions were: on the basis of what were they properly instituted? And what did that institution mean for the ends at which their authority aimed?

Origins and Ends: Temporal and Spiritual Authority

If, in the foregoing section, we have dealt with the fundamental institutions of political government and their character as natural, the question remains as to the relation between temporal political government and spiritual power. If the notion of unruly sin entailed the need for coercion when it came to the character of natural institutions, thereby transforming their character, then all the more so did the notion of negative liberty in love, according to Ockham, entail the need to distinguish the character of spiritual institutions from those of the natural-fallen order. If these notions had implications for the character of the institutions to which they corresponded, they also had implications for the relation between those institutions. In other words, it can already be seen that the distinction of political government and spiritual power according to their ends, the life of natural virtue and true spiritual beatitude, is not the only factor in their distinction.

More than anything else, this is the critical point of difference and the turning point against medieval hierocratic views, revealing the depth of the movement toward independent temporal sovereignty. For whereas the distinction according to ends by itself implied no necessary significant difference in their relationship or in manner they conducted the pursuit of those ends (i.e. coercively or not), such that even if irregularly, spiritual authority could command the temporal realm all up and down the range of human activity even to the heights of spiritual law, now, with spiritual liberty, the manner of movement was radically different. Indeed, the introduction of a negative liberty into the foundations of spiritual authority functioned to distinguish it from temporal jurisdiction over human society and brought up the question of their relation as unified powers guiding man along a single movement toward beatitude and made temporal jurisdiction a coercive realm set apart, with its own rights and origins autonomously derived. There was no longer a seamless passage between temporal and spiritual authority. This fracture made the origins of power a critical factor both in the limits of their jurisdiction and in the means available to them for commanding obedience.

Nevertheless, for medieval Scholasticism, this was not a question of purely worldly society and Christian society, with the former as a purely human institution and the latter as Divinely instituted. As James of Viterbo expressed this common vision:

"We must also draw a distinction with respect to kingship or royal power. For one arises from human institution, because nature inclines us to it. ... But another kind of royal power arises from divine institution or from divine law, which proceeds from grace. And both kinds of royal power are from God, but in different ways. For the first comes from God through the medium of human institution, which perfects the inclination of nature; and so it is called human and natural power. But the second is from God in a special way, by His own institution and transmission; and so it is called divine and supernatural power."⁸¹

Instead of distinct worlds, medievals were confronted primarily with the question of their relation within a single, broader Christian society as distinct institutions thereof. This had, after all, been precisely the root of difficulty in the hierocratic schema of authority; the twin Christian institutions of secular and spiritual powers were a source of constant tension. The permanent

⁸¹ James of Viterbo, *ibid.*, p. 64

struggle between the two powers, of kings and of the Papacy, within a single society had, in the late-13th and early 14th centuries, though not for the first time, gone out of control. Indeed, the works with which we are dealing, were all attempts to address the conflict between the papacy and various kings. The question was whether the pope had, as he claimed, the right of *plenitudo potestatis*, or the right to intervene in temporal affairs, taxing the king's subjects as well as commanding and deposing the kings themselves. This, obviously, was not to be the pope's regular jurisdiction, but was lack of regular jurisdiction because he had delegated power to the kings and therefore retained ultimate right to irregularly intervene in temporal jurisdiction or was it because the kings had their right of dominion from another origin and therefore autonomously? If so, what was that origin and what sort of authority did its autonomy imply?

In his *De Potestate Regia et Papali*, the Dominican, and arguably Thomist in many other respects, a staunch intellectualist, John of Paris addresses the problem of man's temporal and spiritual ends as proximate and ultimate ends and their significance for the dispute between the Empire and the Papacy. In doing so, he "quotes directly from [Aquinas'] *De Regno ad Regem Cypri* to this effect – if eternal beatitude could be secured by human virtue, then the responsibility to direct people towards it would lie with a human king; however, since this goal is attainable only by divine virtue, such responsibility must rest with the divine kingship of Christ [i.e. the Papacy] ... Nevertheless, where [John] begs to differ, and to differ fundamentally, is the extent to which this superiority of dignity *necessarily* entails a superiority in causality ... A hierarchy of dignity is *not* the same as a hierarchy of authority."⁸² That is, John of Paris' main point is that despite its higher dignity, the Papacy is not the original cause of temporal authority and therefore not possessed of an authority over the temporal realm. The implied interpretation of Aquinas, wherein John of Paris' position is said to "differ fundamentally" from that of *De Regno ad Regem Cypri*, is perhaps questionable, but the contrast is nevertheless enlightening as to where the critical difference lies. For the statement that they "differ fundamentally," though in part true, is somewhat misleading. Aquinas' position is specific to

⁸² M.S. Kempshall, *ibid.*, p. 288

a Christian king and a Christian people. In other words, Aquinas thinks that the supernatural end of man is not sufficient of itself to justify submission of *all* temporal, natural authority whatsoever on account of the weakness of natural man with respect to his supernatural end. A pagan nation is a purely natural autonomy that is not subject to the spiritual authority of the Christian community.⁸³ However, a Christian temporal authority is so subject. Aquinas' position, therefore, is not that the mere existence of the supernatural end announced by Christianity overrides natural autonomy, but that its recognition does - baptism and faith are determinative origins of authority. If a king is Christian, then his rule is subordinated to the Papacy. Christians are under the pope by their Christianity and they establish Christian kings.

John of Paris, on the other hand, agrees on the autonomy of natural authority, but proceeds further to the claim that neither the existence nor the basic recognition of man's spiritual end through Christianity are to be considered a sufficient condition for the superiority of spiritual authority in temporal matters. Temporal authority within Christendom retains the rights it derives from its natural origins. Thus the jurisdiction of spiritual authority does not extend to temporal matters even "of the faithful insofar as they are faithful" except in the most extraordinary and irregular of circumstances: "in circumstances of extreme necessity with respect to faith and morals ... an invasion of pagans or some such thing ... so great and evident a necessity

⁸³ Thomas Aquinas, *S.T. II-IIae. q. 10, a. 8*: "Among unbelievers there are some who have never received the faith, such as the heathens and the Jews: and these are by no means to be compelled to the faith, in order that they may believe, because to believe depends on the will: nevertheless they should be compelled by the faithful, if it be possible to do so, so that they do not hinder the faith, by their blasphemies, or by their evil persuasions, or even by their open persecutions. It is for this reason that Christ's faithful often wage war with unbelievers, not indeed for the purpose of forcing them to believe, because even if they were to conquer them, and take them prisoners, they should still leave them free to believe, if they will, but in order to prevent them from hindering the faith of Christ. On the other hand, there are unbelievers who at some time have accepted the faith, and professed it, such as heretics and all apostates: such should be submitted even to bodily compulsion, that they may fulfil what they have promised, and hold what they, at one time, received."

could exist that he could exact tithes ... according to a just assessment."⁸⁴ That is, the pope's authority extends to temporal measures of coercion with regard to property only in such dire necessity. For all other circumstances, "the pope can coerce rebels and dissenters by the use of ecclesiastical censure" or "grant indulgences to the faithful for giving assistance"; that is, for all other circumstances, the pope can use spiritual censure or incentive but not coercive force.⁸⁵ The crucial point is that, in John's opinion, for spiritual ends to be sufficient to justify real spiritual jurisdiction in temporal matters, the "two powers had to be reduced to unity in the unique supremacy of the spiritual power—a supremacy that required the temporal power to be, in the order of origin, *from* the spiritual power, and consequently, in the order of finality, *for* the spiritual power."⁸⁶ The origin and the end, for John, had to be united if they were to be reducible to a single spiritual power. While he acknowledges that, in the order of finality, this is true - John argues that in the order of origin, temporal power is justified and legitimate in its own right. This means that John does not differ quite so fundamentally from Aquinas on whether there is "autonomy" of the natural, but instead shows that their difference occurs in their conception of the implications of recognition and consent to Christian supernatural ends and in their view of the strength of the order of finality.

Despite his intellectualism, John's conception of the spirituality of religious authority is more akin to the position of the Spiritual Franciscans. This reveals that the crucial point of difference among authors was precisely this notion of spiritual liberty and spirituality of sacred authority; it also reveals that a certain common inclination existed among mendicants toward harrying the Church out of temporal affairs. For John of Paris, recognition of Christianity does not imply that the Pope can coerce obedience in terms of temporal affairs and possessions - an additional, explicit consent placing one's goods at the disposal of the Church is required. Put another way, for

⁸⁴ John of Paris, *De Potestate Regia et Papali*, tr. Arthur P. Monahan, Columbia University Press, New York (1974), p. 29

⁸⁵ John of Paris, *ibid.*, p. 29

⁸⁶ John Courtney Murray, S.J., "Contemporary Orientations of Catholic Thought on Church and State in the Light of History," Woodstock College, Georgetown University: <http://woodstock.georgetown.edu/library/Murray/1949b.htm>

John of Paris, recognition of spiritual ends does not erase the rights of natural origin, whether they be jurisdiction of temporal authority or property rights - only the most stringent necessity can justify temporal coercion and only then from the faithful *insofar as they are faithful*. It seems that if they do not remain faithful, and become rebels or dissidents, they can only be censured by ecclesiastical measures (excommunication or interdict for example). The naturally derived and thus God given origins of communal life retain their authority as right of dominion even in the face of recognized superior supernatural ends. If a king or man wishes to make a further donation, it is a gift.

A similar misunderstanding of the difference between Aquinas and John of Paris is found in the perception that Aquinas and John differ fundamentally over the sufficiency of spiritual ends to justify spiritual authority over temporal authority on account of their deeper differences over human weakness in this life. Marc Greisbach, for example, traces the difference between Aquinas and John of Paris to the fact that John argues "that the perfect justice which is required of the *regnum* can exist apart from the rule of Christ (hence independently of the spiritual authority), since acquired moral virtues can exist perfectly without the theological virtues, receiving from them only a further accidental perfection."⁸⁷ This interpretation, that assigns the critical point of "difference" to John's view of the autonomous perfection of natural virtues assumes that for John the insufficiency and weakness of natural-temporal authority with respect to supernatural-spiritual ends would be sufficient to justify the primacy of spiritual power in temporal affairs. In this view, the principle of finality takes precedence over that of causality on account man's insufficient strength for the achievement of his natural end of virtue. Yet as in the previous case, so in this.

For John of Paris, natural temporal authority is not dependent for its rights on the extent to which fallen man may or may not be able to achieve his natural end. Rather, the natural *origin* of man's end is a requisite cause of temporal authority. Temporal authority is not founded upon the weakness of

⁸⁷ Marc F. Griesbach, "John of Paris as a Representative of Thomistic Political Philosophy," in *An Etienne Gilson Tribute*, The Marquette University Press, Milwaukee, 1959, p. 41

man with respect to his temporal end but upon the natural origin of that end and upon the consenting recognition that reason suggests the natural utility of that authority for the sake of that end. If it needs be coercive on account of his weakness, so be it. Thus, just as spiritual authority does not rest simply upon man's weakness with respect to his supernatural end but upon man's consenting submission to that authority and its end, so too temporal authority rests on the justice of its establishment through the consent of the community. If, in the spiritual realm, the recognition and consent of man to authority is sufficient to justify his subjection to spiritual authority, the natural power of consent also grounds, for the natural-temporal realm, an inalienable right of authority over temporal affairs. In short, when one consents to Christian supernatural ends, one does not thereby consent to the temporal power of the Pope but only to his authority in spiritual matters. When one consents to the power of the king, one is subject to the king and not the pope unless one chooses that further subjection - without prejudice, of course, to the king's temporal authority. Again, regardless of whether man can or cannot achieve his natural end of virtue, nature would still be causal with respect to kingly authority and distinct from a hierarchy of dignity, for supernatural dignity is an alternate source of authority that does not negate the autonomy of the natural.

The point that John of Paris is making is two-fold. First, he is claiming that it is the natural origin of power that counts in determining the autonomy of temporal authority. Whether that natural authority extends, on account of human weakness, to mere natural common utility or to a natural common good of perfection of moral virtue is a question of *jurisdiction* and irrelevant to the consideration of the autonomy or independence of temporal *power*: "John sharply distinguishes throughout the work between *dominium* (lordship) and *iurisdictio* (jurisdiction), arguing that powers conferred by the former are primary and antecedent in relation to the latter."⁸⁸ The principle of the origin is not obliterated by the principle of any super-added finality. In other words, with respect to temporal autonomy, John only means that the

⁸⁸ Cary Nederman, "Economic Liberty and the Politics of Wealth," in *Lineages of European Political Thought*, Washington, DC; The Catholic University of America Press, (2009), p. 227

order of ends is not of itself determinative of the order of ultimate authority. The natural end brings with it its own jurisdictional autonomy in full (suspending the question of the limits of that jurisdiction). Therefore, temporal power is not subordinate to ecclesiastical power. Recognition of an end establishes authority, it is true, but the ends are established in different modes - namely, one is by movement of nature and the other by movement of grace. Thus their ends form a hierarchy, but do not form a single hierarchy of necessary subordination. The Pope, the spiritual authority, is thereby made an addition.

Secondly, having established the autonomy of the temporal, John brings the discussion back to ethics to define the limit of the king's jurisdiction. If the questions of human weakness and the independent perfection of moral virtue are relevant to political philosophy, they are relevant to jurisdiction rather than right of lordship. Thus the difference between John of Paris and Aquinas with respect to the jurisdiction of temporal authority does indeed concern acquired moral virtue and its potential natural perfection without grace. Indeed, this difference is critically important in determining what sort of end the temporal realm ought to have. The problem is this: given the autonomy of temporal power, how far does that jurisdictional autonomy extend - what is its jurisdiction? For John of Paris, the natural "State" would have the perfect natural moral virtue of its citizens as its end *and* would indeed be sufficient unto itself in this purpose. For Aquinas, the jurisdiction of a purely natural temporal authority would, as pagan, be outside Christendom and therefore incapable even of the end of natural virtue as the common good - it would be limited to the common utility. For John, the consequence of this relative strength of independent perfectibility is not autonomy and right, which it already has from its origins, but simply where the limit and jurisdiction of that right is to be drawn and what end it has. Origins are power, ends are jurisdiction. In other words, while Aquinas and John admit a certain natural autonomy, John preserves that autonomy within Christendom and indeed thereby further extends its jurisdiction therein by making moral virtue its end qua natural. John thereby strictly secures man's natural end within the jurisdiction of the temporal power, even within a Christian state, as well as the ability to fall short of that. John aims at the creation of a natural State within Christendom. This autonomous power and

extended jurisdiction effectively condenses papal power to spiritual matters whereupon, though it may speak on natural morals, it may not involve itself in their enforcement or other temporal affairs. In other words, the autonomy of the temporal realm from ecclesiastical authority would in no way disappear on account of its Christianity, even with regard to the end of natural moral goodness. Spiritual authority would be rather strictly limited to the faith and to divine law.

It is worth noting, moreover, that the "sufficiency" of the natural State with respect to man's natural end does not follow, as the above mentioned Greisbach interpretation seems to imply, directly from the manner in which charity is conceived as adding only an extrinsic or accidental perfection to the acquired virtues. For as we have noted before, the question of the intrinsic perfectibility of natural virtue in relation to the extrinsic ordination to God through charity is not identical to the question of nature and grace in the fallen condition. The intrinsic perfection of moral virtues distinguished them from the ordination of charity, but does not necessarily determine whether in this life the natural efforts of man extend to the perfection of the acquired moral virtues. This "sufficiency" for natural virtue only follows when to this is added the notion that man can achieve the acquired virtues without infused natural virtues. The intrinsic perfection of acquired virtues may be considered distinct from their extrinsic perfection without also positing man's ability to achieve them in this life. The intrinsic perfection of the acquired virtues pertains to the distinction between natural and supernatural, not nature and grace in this life. Therefore, it is only when John seems to imply that acquired moral virtues in their intrinsic perfection can be achieved without grace in this life that temporal jurisdiction is given a higher natural end in a fallen state. Nor does this mean that John believes that perfect virtue in the sense of perfect extrinsically oriented virtue on the basis of perfect charity is within man's reach here and now inasmuch as man's natural charity is indeed weak and man is incapable of perfect extrinsic ordination to God in this life. In fact, it is not that John is semi-Pelagian, but that his vision of man as capable of more tends to result from the higher estimation of man's natural capacity in the state of original justice, such that original sin falls from a higher height. This, insofar as it seems to accord with the Franciscan view and quite generally apart from St. Thomas, is an

important element in the praise of human dignity that emerges so strongly in the Renaissance. Be that as it may, the point with respect to the intrinsic perfection of the acquired moral virtues is that man's weakness *in fact* - his actual choices - and not as a general *state* of fallenness is the important determining factor in deciding on what aim government is to have.

The introduction of this latter element, i.e. the partial attenuation of the effects of original sin, appears to set John of Paris and several other authors, principally Franciscans, apart from earlier medieval and Christian thought. Aquinas, for example, clearly believes the effects of original sin reduce man's ability to act virtuously to a very mundane set of human goods:

"I answer that, Man's nature may be looked at in two ways: first, in its integrity, as it was in our first parent before sin; secondly, as it is corrupted in us after the sin of our first parent. Now in both states human nature needs the help of God as First Mover, to do or wish any good whatsoever, as stated above (Article 1). But in the state of integrity, as regards the sufficiency of the operative power, man by his natural endowments could wish and do the good proportionate to his nature, such as the good of acquired virtue; but not surpassing good, as the good of infused virtue. But in the state of corrupt nature, man falls short of what he could do by his nature, so that he is unable to fulfill it by his own natural powers. Yet because human nature is not altogether corrupted by sin, so as to be shorn of every natural good, even in the state of corrupted nature it can, by virtue of its natural endowments, work some particular good, as to build dwellings, plant vineyards, and the like; yet it cannot do all the good natural to it, so as to fall short in nothing; just as a sick man can of himself make some movements, yet he cannot be perfectly moved with the movements of one in health, unless by the help of medicine he be cured."⁸⁹

While, doubtless, Aquinas recognizes natural autonomy given a purely natural non-Christian state, in light of the above there is not and cannot be sufficiency for moral virtue in such a state without grace. Thus, for Aquinas, under a purely natural pagan government, a people might be capable of recognizing their natural end of virtue, but clear and absolute accommodation would have to be made due to the imperfection of men without grace. Such a state is one of men who, on account of knowledge of their nature and of their end, can be disciplined but who, on account of the state of human weakness, must be disciplined within the bounds of prudence.

⁸⁹ Thomas Aquinas, *S.T. Ia.IIae, q. 109, a. 2*

Prudence must regard the fallen state of men as a state strictly without the grace of Christianity. With the entrance of grace, the strength of the principle of finality is superior to that of origin and the *strict* accommodation of fallen pagan man is lifted. Law in a Christian state, therefore, gains a strong connotation of formative capacity with respect to the natural law and the natural end of man. Nevertheless, even then prudence must regard weakness, but its limit is no longer strict and prudence therein regards weakness from the perspective of optimism - namely, that men with grace may achieve more.

For John of Paris and others, it seems that the natural State could well aim at the common good of natural moral virtues (though not their absolute perfection in extrinsic ordination to God). The separation of this State from spiritual authority did not, therefore, necessarily destroy the formative intent of its temporal government and law. Indeed, the formative intent of law was firmly incorporated into the notion of natural temporal authority. The autonomous authority of the temporal ruler within Christendom retained what was to Aquinas a distinctly Christian optimism with respect to the ends of government. In fact, this is curiously coherent since John of Paris and others were precisely advancing the notion of a Christian ruler favorable to the Papacy, gaining from the sacramental life of the Church, but not subject to the Papacy in temporal matters - including, temporal-natural moral virtue. What is posited is that that subordination and the fulfillment of charity was free subordination. The whole effort aimed at disentangling the two powers without divorcing them.

This is all the more evident in contrast to Aquinas' submission of the temporal to the spiritual in *De Regno*, which "reveals how difficult [John of Paris] found it to divest an Aristotelian life of virtue from a hierocratic interpretation."⁹⁰ For it would seem that Giles of Rome represents the Thomistic position when he argues for Papal supremacy on the basis of the view that "the earthly community cannot fulfill its its proper function, the life of virtue, without being ordered towards Christ and therefore toward His vicar on earth."⁹¹ In fact, as James of Viterbo was also to point out, while it is true that "in order to be perfect ... earthly royal power may require the

⁹⁰ M.S. Kempshall, *ibid.*, p. 288

⁹¹ M.S. Kempshall, *ibid.*, p. 288

Christian faith but in order to be legitimate it does not," where a Christian king and a Christian people are concerned, to retain such any demand for autonomy on the basis of right and origin would be mere resistance of the commonly recognized Christian end. Thus, a Christian king and a Christian people, by their very Christianity, had subordinated themselves to the spiritual end and spiritual authority - and have done so for the purpose of achieving moral virtue and natural charity as well as beatitude. Set alongside Scholastic reflections on the notion of peace and the varying degrees of order and harmony that can be said to form a dynamic hierarchy, the submission to Christianity by a people and by their temporal authority, for Aquinas, represents a clear gain in the extent to which law may aim at both the life of virtue and the preparation of its citizens for eternal beatitude. The common good of virtue that they may hope to achieve through the infusion of grace represents an occasion for harmonious unity hitherto beyond the reach of natural efforts - a crowning moment in the dynamic movement toward perfect peace. Granted that James and Giles stress, in their definition of *plenitudo potestatis*, that "temporal power pre-exists in the spiritual power in the form of a primary and supreme authority but not in the form of a general and immediate execution. As a result, the superior temporal jurisdiction which the spiritual power possesses must not be exercised regularly but only in certain cases."⁹² That is, they stressed the irregularity of spiritual exercise of its temporal authority, even though they allowed that that authority existed. Yet this minimization or irregularity of spiritual authority's exercise of its power is not the same as cutting at its very root. John of Paris' argument, on the other hand, allowing the irregularity of papal authority over the temporal goods of believers only in the case of dire necessity (namely, defense of believers in absence of temporal authority competent to the task and some finance necessary to the fulfillment of ecclesiastical duties in the celebration of sacraments and sustenance for that end), cuts not only at the root of spiritual authority to irregular power over temporal authority but potentially at the life of virtue as the end of political society as well.

⁹² M.S. Kempshall, *ibid.*, p. 280

For while the kings and rulers of Christian societies were encouraged - as in John of Paris' work - to retain the notion of the common good of virtue in light of a certain naturalistic optimism and free spiritual dedication, the origins of their power and jurisdiction raise the problem of their potential limitation. Theorists in support of late medieval kings did indeed maintain the perspective of higher moral ends of governance. Paradoxical though it may be, however, their argumentation for separation from the authority of the Papacy nevertheless partially cuts at the roots of temporal authority's aim at the life of virtue and the formative aspect of the law; this because it tended to introduce limitation from below with respect to the formative character of law and the authority of government. That is, as the whole issue of spiritual liberty turned upon the origins of natural authority and prior right against the principle of supernatural finality, this begs the question of natural rights in relation to natural finality and natural authority. In fact, the stronger emphasis of John of Paris and the Franciscans upon the consensual and communal origins of temporal authority also led to the hardening of property rights now almost held against the king and pope alike. For the Franciscans, legally enforceable property rights were precisely what they renounced in their vow of poverty as belonging chiefly to fallen political government that now had to aim at the protection of property now made rigorously private. For John of Paris, the most explicit in this regard, "a public official (spiritual or temporal) may be able to judge in certain circumstances whether a member of the secular community is putting his property to an unjust use - that pertains to the realm of jurisdiction. But such a judgment does not amount to a denial of the pre-existing ownership of the property nor of the rightful control over property exercised by its *dominus*."⁹³ In other words, laws, even the kings, regarding property have the character of jurisdiction and, even if misused or abandoned good are subject to expropriation, this does not abjure the fact that ownership is individual:

"The external goods of the laity are not granted to the community, as is ecclesiastical property, but are acquired by individual people through their own art, labor, or industry, and individual persons, insofar as they are individuals, have right and power and true lordship over them. And each person is able to order, dispose, dispense, retain, and alienate his own according to his will without injury to others,

⁹³ Cary Nederman, "Economic Liberty and the Politics of Wealth," in *ibid.*, p. 227

since he is lord. ... And therefore neither the prince nor the pope has lordship or the power of dispensing such things. [Outside of their abuse or violation of the law]."⁹⁴

This is a strong expression of the fundamental priority of natural rights as held against prince and pope alike, against the principle of finality that suggests that the common good may suffice, regardless of the absence of criminal misuse or neglect, to deprive a man of his property.

With regard to the establishment of political government and the authority of the king, we have already seen that the pre-political character of society intimated the possibility of some function for consent in governance. Though rarely ever rising into a full theory of continuing consent, subjective communal determination of the ends of government, this brought to light the fundamental ambiguity of natural authority as separated from the principle of supernatural finality which had previously lent to it a greater aura of sacral power. For if temporal authority was not from the Papacy, who then was it from if not the populace? And to whom was it responsible if not the populace? That it should rule for the common good meant, perhaps, that it first must pass through the basic conditions of such a rule by guaranteeing the property of its citizens and not depriving and defrauding them thereof. The inclination of this trend is to highlight the concerns of the under-represented masses and their natural rights as the origins of political government and, even, its ends. This problem, however, was raised only to be suppressed historically. Renaissance kings preferred to and did trumpet the lofty moral aims of their governance and drown out the brief flourishing of medieval republicanism and the early language of natural rights and ancient privileges. Indeed, the ambiguity of Christian kings in confrontation with the Papacy was resolved by those kings' persistence, and heightened insistence, in claiming a divine origin and exalted end for their rulership and their laws to the detriment and suppression of all reasoning to the contrary. Yet the problem was raised and even briefly flourished.

⁹⁴ John of Paris, *De Potestate Regia et Papali*, *ibid.*, p. 96-7

Unity to Multiplicity: Restraining the Law, Retaining the Common Good

In sum then, John of Paris' position, while differing with Aquinas over the effects of a Christian society's consent to spiritual authority, cannot be said to be so fundamentally different from that of Aquinas *with respect to* the autonomy of temporal affairs when *purely* natural. Aquinas had granted the pagan state its autonomy and jurisdiction outside of Christendom. Instead, what John of Paris has done is to create a Christian State, with its own autonomous rights and jurisdiction, within Christendom. In this regard, John's view is not far from that of another occasional Thomist, Dante:

"In like manner, I say, the temporal power receives from the spiritual neither its existence, nor its strength, which is its authority, nor even its function taken absolutely. But well for her does she receive therefrom, through the light of grace which the benediction of the Chief Pontiff sheds upon it in heaven and on earth, strength to fulfill her function more perfectly."⁹⁵

The position taken by Dante here shows, as we have argued, that the debate over the independence of temporal authority did not in fact depend on man's capacity for perfection with regard to its end even where that capacity is implicitly imperfect. Yet where Dante proceeded to plead for the maintenance of the unity of Christendom under a single Monarchy, John - as well as Ockham - recognized that the uprooting of the principle of finality was also the uprooting of the metaphysical return to unity that was to be achieved through Christianity. Without their unity within Christendom, their unity was tenuous at best. In short, there were to be nations within Christendom. Some functional unity under a potential empire remained a remote hope, but it was neither an expectation nor a right.

At any rate, where the likes of John of Paris and Dante differ from the Thomist position is already clear from the foregoing discussion. Man's natural end is the origin of his obligations with respect to the common good at which human law may aim. The character of the movement is from nature and subject to natural authority and this autonomy cannot be erased by the Christianity of temporal authority. Temporal authority will remain superior,

⁹⁵ Dante Alighieri, *De Monarchia*, trans. Aurelia Henry, (Boston and New York: Houghton, Mifflin & Co.), 1904, p. 72

despite Christian belief, with respect to all that is included within its jurisdiction - as coercive jurisdiction for all men in accordance with their natural end. It seems that for Aquinas, on the other hand, ecclesiastical authority possessed the right, by concession of Christ and consent of Christians in their adoption of or baptism into Christianity, to intervene in all legal matters within the temporal jurisdiction - in short, *plenitudo potestatis*. No doubt, that St. Thomas can be interpreted in this way is why Giles of Rome and James of Viterbo, both of the order of Augustinian monks, argue precisely this. Giles argues precisely that the purely natural realm as such is to be concerned simply with earthly goods of the common utility. James of Viterbo is similarly arguing the Thomist position when he asserts that the order of dignity implies order of authority and once within the Christian order, temporal power may be said to aim at the inculcation of the life of virtue among men: that is, "whereas at the start of *De Regimine Christiano* James limits the good towards which human society is ordered to mutual assistance and a self-sufficient life ... Like *De Regno ad Regem Cypri* ... James delays introducing the life of virtue as a defining function of earthly kingship until after the royal power has been associated with the authority of the church. The intention of the king, the judge, the legislator, he now writes, must be to make individuals live according to virtue, to make them good and virtuous."⁹⁶ In other words, it is not the notion of natural autonomy per se that is repudiated by the Augustinian-Thomists, but the idea that this natural autonomy is not raised and perfected by its actual submission and cession of ultimate authority to the principle of supernatural finality and to the idea that natural autonomy is, therefore, a permanent and deep distinction that implies a separation of power and not merely regular jurisdiction within Christendom.

There is, here, a subtle but significant ambiguity regarding the character of the law and the function of consent. For John of Paris, for Dante, for Ockham and for those who did not side with the Papal party on the issue, the movement of human society toward perfect spiritual peace encountered inextricable potential obstacles associated with origins, rights and consent rather than simply weakness, imperfect virtues and ends. With regard to

⁹⁶ M.S. Kempshall, *ibid.*, p. 276

temporal authority, the priority of ends could still potentially override the functions of consent and resistance to the law - albeit within the bounds of prudential regard for human imperfection. Yet with the claim that the obstacle of recognition and consent to spiritual ends was immovable, such that it was insufficient to authorize ecclesiastical authority over temporal power, the rights and origins of a lower order staked some claim to the potential limitation of authority from below. The clear existence of this emphasis upon consent and the natural origins of right and jurisdiction tended therefore, curiously enough for Franciscans otherwise disinclined to insist upon the importance and positive character of property, to emphasize the firmness of naturally derived rights against the common good in a way that Thomist and hierocratic authors did not allow for. This was so, in the most obvious case, where temporal authority was granted resistance to the spiritual common good - but it also tended to drift into potentially similar claims against temporal government and law.

Between the natural and the supernatural, there was a difference in the concept of law. In the former, law compelled to an end; in the latter, law lead to an end. Yet the notion of consent, in another sense, tended to drift, influencing views of human law and constituting a limit upon the pursuit of the common good. It is in reference to this change that Walter Ullmann, though with exaggeration, characterizes the thought of John of Paris: "The government is made and unmade by the consent of the citizens. The *consensus humanus* (human consent) alone is here operative, and not only in regard to secular government, but also in regard to the creation of the government of the supranatural body, the Church, that is of pope and prelates."⁹⁷ Nevertheless, if this did lead to a more moderate view of the ends of government, the seemingly very Augustinian character of more moderate ends of government were not necessarily rooted in the weakness of men as a theoretical principle so much as on that weakness in fact - that is, the imperfection of this particular people, in practice the native liberty of men and their consenting concurrence setting limits on the ends of government inasmuch as they could not be pushed too far. In this regard,

⁹⁷ Walter Ullmann, *Medieval Foundations of Renaissance Humanism*, London, UK; Elek Books LTD, (1977), p. 121

generally, there was an inclination to make the end of government simple: the effort to secure the life of the good by controlling the bad. In Ockham's phrase, this meant simply compelling the bad - who might otherwise infringe upon and persecute the good and at least taming those who would certainly be disinclined to being made good. In this connection, as we saw in Ockham, law may well recognize the end of peace - but in its natural and human character, its formative ends tended to languish in the face of this absence of "consent" or resistance. Thus even natural formation might be left mostly the free pursuit of virtue and religious ends.

However, this tendency should not be made to obscure the fact that it was an undercurrent with respect to natural authority. That is, the potentially revolutionary idea of consent-theory and the priority of natural rights concerning the ends and limits of government was more mentioned than articulated. The principle of finality and the common good tended to be regarded as the evident aim of natural political life according to natural law, which obligated us because of its being known and not coming from grace, while the principle of consent seemed to be applied primarily to distinguish between natural consent and spiritual consent, granting authority to both only in their limited realms rather than militating against the priority of the common good within either realm. Nor, in fact, should the distance between the Thomist or hierocratic position and that of the anti-Papal party be exaggerated. For, as we have seen, both attempted either to minimize the admixture of temporal and spiritual authority or to minimize the separation thereof. Moreover, both admitted either the prudential minimization or gradualism of the formative ends of law in light of the circumstances or saw those ends as in negative correlation with the necessity of legal coercion and rather more commonly tilting toward a coercive minimum. Finally, both saw private property as a necessarily more stringently held in the fallen human condition despite the additional positive assessment of property relations for efficient organization on the part of Thomistic thought. If the relatively emphatic separation of temporal and spiritual society on the part of the anti-Papal authors carried with it certain consequences that hardened natural rights against the principle of finality and the supremacy of the common good, this does not mean these same rights and origins might not also admit

of more stringent emphasis in Thomistic thought on the basis of prudence. Different times called for different measures and characters.

It seems that the pragmatic effect of both visions on political economy approaches a median point: for the "Thomist" use of prudence as the restraint of the law so that the imperfect do not revolt and the "Franciscan" view that law is primarily so that the good may not be crushed under the weight of the wicked tend to converge upon the notion that the power of law for formation is limited in practice even if man's natural end would seem to authorize a rather extensive ethical program. Yet it is the Franciscan view that, on account of the native liberty of the will and a general drift toward greater emphasis on consent, will more strongly leave aside the notion of law as formative with respect to ends. At any rate, the law as legislative criterion more than as formative *regulae* is rooted in the notion that consent or in prudential restraint plays a critical role in allowing the movement toward perfect peace to be set up as a limiting ideal from which man is quite far. This is evident in the case of Franciscans and John of Paris, as rights become obstacles to that motion's dominance from above. And yet is this not also what is behind Aquinas' legal prudence? Does not Aquinas argue that the full extent of the law ought only to touch upon the most necessary social behaviors so as not to make men worse (in revolt? their resistance having been ignored?). Indeed, when Aquinas states that non-violence toward pagan kingdoms is the proper posture rather than forcible conversion, except in cases of defending Christians so that Christians may live their lives well - he is not so far from Ockham's view of basic law as primarily existing so that the good may live peaceably in their pursuit of living well.

At first, such a conclusion may seem to advance us but little in arguing the existence of a true transformation in political thought in the late Middle Ages. For it would seem that regardless of variations in the relative effects of original sin and the importance of spiritual liberty, the opposing sides acknowledge the dynamic scale of the movement from a low political end of common utility to an exalted aim of peace. This is not surprising. For where the reception of Aristotle confronted a tradition of the Augustinian political philosophy, traditional medieval kingship and the Christian end of supernatural eternal beatitude, there was bound to be greater disagreement over the extent of "secularity" implied in Aristotelian naturalism than

disagreement over the recognition of any naturalism whatsoever. It is, therefore, not without reason that the work of one esteemed medieval historian saw in this reception an impetus to secularity and distinction between secular and spiritual, between man and Christian: "The rediscovery of Aristotle's *Ethics and Politics*, it is argued, had an inevitably corrosive effect on medieval hierocracy once the rediscovery of the principle that humankind is political by nature rather than by sin prompted the conceptual transformation of the subject into the citizen and the emergence of a 'secular' theory of 'the state.'"⁹⁸ Yet, as Matthew Kempshall has noted, "although the translation of Aristotle's *Ethics and Politics* prompted an influx of new ideas into late-thirteenth and early fourteenth century scholastic political thinking, this should not be allowed to disguise the degree to which it also served to formalize existing concepts."⁹⁹ Where Aristotelian naturalism encountered Augustinian-Thomists, it tended to yield a more highly refined hierocratic theory that emphasized the force of the metaphysical order, the primacy of the common good and final causality. On the other hand, where Aristotelian naturalism confronted Papal claims of *plenitudo potestatis*, and where it additionally combined with Franciscan voluntarism, it yielded greater emphasis on rights language and consent-theory, the degree of emphasis being explicable by context or the presence of some other influential strand of tradition. Nevertheless, despite the important differences between the reactions, the tangled spread of varying views that they represent tend to converge on the theoretical level and are in something of concordance with respect to the ideal ethical ends of government, their vision of spiritual society beyond that and their accommodation of sinful man through prudential restraint of law with respect to those ethical ends and even more so with respect to spiritual life and Divine law.

However, behind the general impression of medieval hierarchical Christendom, there is indeed a real transformation of political thought. Here, understanding the notion of the origins of temporal authority becomes critical to grasping how there was a rising acceptance of a less than unified

⁹⁸ M.S. Kempshall, p. 339; see also Walter Ullmann, *Medieval Foundations of Renaissance Humanism*, *ibid.*

⁹⁹ M.S. Kempshall, *ibid.*, p. 340

secular power. The dream of Imperial monarchy was passing away in favor the rise of separate kingdoms. While certainly retaining its "Divine" origin insofar as nature is God's creation, political authority is also constantly appended as "through consent":

It acknowledges its origin from God through human nature, and within it the ruler understands himself to hold a ministry from God. However, he is minister of God inasmuch as he is minister of justice, the essential civic virtue, and therefore minister of peace, which, as John of Paris sufficiently indicates, prevails in the community when the order of justice is maintained. The function of the ruler therefore is moral, and not purely legal or administrative. However it is a limited function, confined within the limits set both by its own origin, which is from nature and from the consent of the people, and by its own finality, which remains within the horizons of the temporal order.¹⁰⁰

Indeed, Ockham's more stringent position in favor of temporal jurisdictional autonomy and spiritual liberty tends also to a more emphatic inclination to distinguish between the social and the political, to highlight the natural origins of government through consent in contrast to their derivation from natural and supernatural ends, and to separate temporal and spiritual authority. Yet this radicalism was not due to nominalism or irrationalism so much as to its insistence on spiritual liberty, often but not necessarily bolstered by voluntarism (sic John of Paris' position despite his intellectualism) and - behind that - insistence on the purification of spiritual institutions. This latter insistence, moreover, was the common effort of the mendicant orders and the intense spirit of the age.

In fact, it is from this broader perspective of spiritual reform that the whole sweep of authors can be understood. The introduction of Aristotelian naturalism was concurrent with and formed part of the effort to confront the corrupting unity of spiritual and temporal authority that had reigned nearly since the Roman Empire and more impressively during the Carolingian era. This unity had always also been a struggle over which authority was the primary authority or whether they were dual. Wrenching temporal authority from the hierocratic perspective was at the same time the withdrawal of spiritual authority from the grasping ambitions of secular rulers.

¹⁰⁰ John Courtney Murray, S.J., "Contemporary Orientations of Catholic Thought on Church and State in the Light of History," Woodstock College, Georgetown University: <http://woodstock.georgetown.edu/library/Murray/1949b.htm>

To a great extent, this was in fact accomplished. the 14th century was an age of discordance, but it was also the age of reorganization in a multipolar Christendom, the first age of the emerging nation-state in Europe and independent city-states in Italy. Moreover, the newly autonomous Christian temporal authorities tended, almost by necessity, to be preoccupied with the lower ends of government, the common utility of tranquility and material well-being, and an unparalleled concern with establishing an ethical minimum applicable to all citizens, high born and low. It was a focus that will prove exceptionally important in Scholastic economic thought (consideration of which we defer until the final chapter). For Scholastic political thought, by its very restraint of the formative purposes of law, had already prepared the way for a conception of justice in economic life that primarily touched upon the exterior of man in a limited conception of the rectitude of actions. This, moreover, in such a way that more important than the absolute justice and peace reflective of a harmonious rectitude of wills was the establishment of those external, legalistic-ethical criterion to which economic action must conform.

Nevertheless, these same newly autonomous Christian sovereigns clung, for the sake of the dignity of their independent power, if not also for the sake of the centralization thereof, to the convenient ambiguity of the phrase "common good" which, taken out of its metaphysical-spiritual context, was very deliberately played upon for the purpose of using its inspiring centripetal force. This systematic conflation of the love of the common good of new states, favorable to Christianity but insistently distinct from Papal power, with the charity of the spiritual order constitutes a key to the curious exaltation of kingship - and to the rise of mercantile and nationalist political economy. Yet in order to see the full impact of this increasingly tangled philosophy of the common good and how arranged itself in an emerging world of multiple kingdoms, we must turn from the more academic versions of medieval political thought to the promulgation, through mendicant preachers and then civic humanists, of the Scholastic message in the independent city-states of Northern Italy and, in particular, those of economically thriving Tuscany.

Part III

The Ethos and Ethics of Political Economy

Introduction

From the time of their founding to the last quarter of the 13th century, the twin mendicant orders of Dominicans and Franciscans had spread rapidly throughout Europe.¹ They established themselves, not on enclosed estates or in the seclusion of the wilderness as had their monastic predecessors, but on the edges or even inside the cities and they preached in the towns. Their poverty attracted a laity rather disillusioned with the more worldly secular clergy; their success undermined the status of ordinary priests and bishops, not only by drawing away their parishioners but also by drawing in the alms that these might have otherwise contributed to their local Church. They spread, therefore, despite the not infrequent and even violent resistance of secular clergy, and with the assistance of the Papacy as well as on the strength of the favor of the laity. The message of the mendicants was evidently for the laity and was a call to repentance from sin, to simplicity of life and to charitable works. Yet the Dominican and Franciscan houses developed a system of sending select members to the universities to study theology and for these, in turn, to return to local chapters of the order to spread their learning therein so as to make the preaching of the others more educated and more effective. There was, in fact, nothing expressly favorable and much unfavorable to the merchant's professional ethos and wealth in their original spirit - which would rather a reformed soul who abandoned his wealth than a worldly ascetic chasing fortune. However, their vision rather developed into a vision of Christian civilization, spiritual society, peace and the common good that did not preclude the merchant's activity but gave it a qualified endorsement.

¹ For an account of their diffusion and character: C.H. Lawrence, *The Friars: the impact of the early mendicant movement on western society*, London, UK: Longman (1994) and D.L. D'Avray, *The Preaching of the Friars: Sermons Diffused from Paris before 1300*, Oxford, UK: The Clarendon Press, (1985).

The scene, however, in Northern Italy at the dawn of the 14th century readily conveys the difficulty of transposing the Schoolmen's schema of the perfection of Christian society into a medieval reality. The communes of northern Italy had been in existence for over 150 years and they had achieved, been granted or purchased the rights of self-government to which they had become more than accustomed and quite proud of in their patriotic way. The repeated efforts of the Germanic emperors to maintain their *de jure* subjugation of the *de facto* rebellious *regnum Italicum* left that kingdom torn between communes loyal to the Emperor and those seeking the dangerous protection of the Papacy from imperial designs (for the Papacy could just as well and later did incline toward suppression of communal rights and privileges). Internal to the communes as well there was no less division, with pro-imperial and pro-papal factions striving against each other, not to mention simple family rivalries and struggles for power between classes. Additionally, there were hired mercenaries who frequently turned into petty despots. The violence of the age, the rise and fall of tyrants and oligarchies, the constant struggle between factions and families, the internecine warfare between Italian communes, cried out for a solution. Marvin Becker has characterized Florence as 'communal' and defined its outlook thus: "Perhaps the term can best be understood if we make the slightly forced analogy between this sociopolitical entity and a material body that has no center of gravity. Possibly we can come even closer to understanding the amorphous nature of this entity if we picture it as a loose, complex bundle of immunities, privileges, and liberties. The church, the nobility, the philo-Papal Guelf party, the guilds, the religious confraternities, the Court Merchant, the ecclesiastical tribunals, the courts of feudatories, the councils of parishes and rural communities - all coexisted somehow in this most pluralistic of political universes."² In short, for us, the defining characteristic of that pluralism of independent entities with their own courts and purposes is the absence of a clear unifying force familiar to us: the State.

No doubt, there were wealthy merchants and feudal nobility, but they did not exercise so centralized a power and much was left to subsidiary

² Marvin Becker, *Florence in Transition: Volume One: The Decline of the Commune*, Baltimore, MD; The Johns Hopkins Press, (1967), p. 16

institutions. Yet without that clearly centralizing force, the tensions and affiliations between persons and the groups to which they belonged were a source of constant rivalry and violence: "For example, the code of vendetta commanded kinsmen to avenge outrages against family honor ... So compelling were these claims that men pursued one another from beyond the grave. In a classic instance, a wealthy, influential Florentine who had been mortally wounded in a vendetta drew up a testament in favor of his avenger, should his immediate kinsmen renege on their sacred obligation."³ And with the constant struggles and shifting allegiances with external powers, there was cause enough for violence of all kind and exiled Florentine merchants and families were not uncommonly re-invited into the city when favor turned again in their direction, exiling in turn their formerly dominant rivals. This pattern of rivalry and violence was long-standing: "The old Guelf families returned to power in 1382 and, by 1393, the Albizzi family had established itself as the most powerful among them. ... who exiled political rivals such as the Alberti family."⁴ Peace was generally lost on Italy.

In fact, this focus was, for the mendicants, just as long-standing a vocation. It was a mission that stretched from St. Francis himself through the end of our period with the Dominican Giovanni Dominici (c. 1356-1419) and San Bernadino of Siena (c. 1380-1444): "Both Dominici and Bernadino contributed to the efforts to secure civic peace in Florence, following in the footsteps of earlier preachers. Peace-making had been traditionally connected with the activities of the mendicants in the Italian cities: St. Francis had sermonized on civic peace in Bologna as early as 1222-1223, and other preachers, among them St. Anthony of Padua and Giovanni da Vicenza had continued this mission. In 1280, the Dominican Cardinal Latino Malabranca tried to reconcile Guelfs and Ghibellines in Florence, and from 1302 to 1307, Giordano of Pisa preached against parties and *vendetta* in the city."⁵ The life of the commune was infused with religious sentiment - "During the earliest part ... The polis was spoken of reverentially as 'the

³ Marvin Becker, *ibid.*, p. 16

⁴ Nirit Ben-Aryeh Debby, *Renaissance Florence in the Rhetoric of Two Popular Preachers: Giovanni Dominici (1356-1419) and Bernadino da Siena (1380-1444)*, Turnhout, Belgium; Brepols Publishers, (2001), p. 77

⁵ Nirit Ben-Aryeh Debby, p. 77

mystic body of Christ' while in other mundane documents the communal treasury was referred to as 'Christus Fiscus'" - though this near fusion was diminished by the end of the 13th century, the commune was nevertheless imbued with a sense of 'city-state theology' and frequently undertook of its own accord to appoint mendicant to hold elaborate ceremonies and preach on peace.⁶ Thus we often find such mendicants in the role of *pacieri* (peacemakers): "They were to stage peace ceremonies on the days of festivities or penitence ... The ceremony began with a sermon delivered in the church, after which the audience wept and hugged one another, and concluded with an exchange of the kiss of peace. The second part of the ceremony included the signing of a legal agreement between the rival sides."⁷ For some moments, with Bernadino, whole processions through the city for cleansing were staged and the affairs were viewed solemnly, until the next affront to another family's honor, the next clash between guilds or factions.

In such an atmosphere, the mendicants ultimately proved favorable to efforts for the creation of the State and efforts to assure that law no longer applied primarily to the poor, with the wealthy and the nobility escaping justice, or primarily to the currently dominant political faction. Jacob Burckhardt famously characterized the creation of the State in Italian cities as "a work of art" - an attempt to weave the myriad privileges and rights of independent entities into an institutional apparatus designed like intricate clockwork of rules and separations of power to manage the distressing influences of faction.⁸ Behind that "art" were the struggles of factions and social mobility. In fact, the advent of the State and the notion of equality before the law in practice was an effort of the mid-*trecento* rise of new classes and of that derivative of city-state theology, civic humanism, applying in practice what had long been the theory and the law on the

⁶ Marvin Becker, *ibid.* p. 11 (see also footnote 2); further, see E. Kantorowicz, *The King's Two Bodies*, Princeton, NJ; Princeton University Press, (1957).

⁷ Nirit Ben-Aryeh Debby, p. 77-8

⁸ Jacob Burckhardt, *The Civilization of the Renaissance in Italy*, trans. S.G.C. Middlemore, 2 volumes, New York, NY: Penguin Putnam Inc., (1990).

INTRODUCTION

books.⁹ In short, the mendicant mission proved difficult and the lofty and abstract Scholastic vision of society proved a distant ideal. The difficulty of their mission was the context for a significant transvaluation of the Scholastic ideal in its application to the tumultuous civic life of the Italian commune. In that transvaluation, their focus on the merchant was that of a work in progress, a work of art. It was an attempt to offer an ideal image of the Christian merchant - that he might aspire to the needs of Christian civility and subordinate his pursuits to the common good. In many ways, this was an optimistic endeavor to transfer to this new type of leading citizen, the code of chivalry, reworked into a code of civility. The relative success of that endeavor was not so much in its intention to restrain as it was in its effort to channel ambition into more acceptable forms. The result, as we shall see, was the notion of a respectable citizen in dutiful service to the commune's well-being and - importantly - the illustrious merchant as a stylized ambition for those in pursuit of social distinction.

⁹ This is the general thesis of Marvin Becker, *ibid.*, namely, that the relaxed legal atmosphere of the late-13th century and early 14th century medieval commune gave way to an intense effort to control the feudal magnates and wealthy mercantile elite in favor of a broader based regime and state-bureaucratic apparatus that applied many of the laws, monopoly prohibitions, etc. hitherto on the books and favored by the Scholastics.

Chapter 6

The Renaissance of the Merchant

The transmittance and popularization of the developed Scholastic message concerning Christian life, laity and the perfection human society was the work of mendicant preachers who traveled from Paris or other universities to the heart of medieval cities, if they did not themselves attend university, then often they listened to and were taught by those of their monastery who had gone to university. It was the task also of those of the laity who were increasingly learned enough to write upon the theme, generally from law schools or other educational avenues preparing them for duties as a clerk or lawyer; they added their own voices to the message based on their experience. There is, in this transmittance, a shift in meanings toward an accommodation of imperfection. It is a shift that takes place between the great philosopher-theologians and their more engaged counterparts and their successors. The shift in meanings can be thought of as a move from envisaging the whole movement from discordant multiplicity to the harmonious unity of Christian society to viewing that same difficulty from some point within the movement. Such a shift meant envisaging meant viewing to movement toward a Christian society from within the realities of the medieval city and ordinary medieval human life. From such a perspective, the meanings of words taken on a concrete character that can be illustrated, though certainly not exhausted, by focusing on three important terms and the working limitations that give their abstraction a new concrete import: peace, charity, and prudence.

In highlighting these terms, the purpose is to illustrate the manner in which the encounter between high Scholastic ideals and medieval social reality, more particularly, the encounter between Scholasticism and the world of the Italian communes, influenced the formation of the civic humanism of

Florentine republican thought and the image of the merchant's profession. For in that engagement with Italian civic life, the mendicant preachers forged a new intellectual framework for the social recognition of the laity's significant place within Christian civic life - and most importantly, the place of merchant within that life. That merchants found a place within the Scholastic schema and, even more so, within the preaching of the friars was accompanied by ethical-cultural conditioning that prescribed, for the merchant's character, a certain ethos, and for his conduct, a certain ethics. They did so first with an eye toward the laity in general and only within that general framework did they define, with greater precision, the preconditions for commercial intentions and actions. The precise conditions of that social recognition as applicable to the ideal character of the merchant and his activities in particular will be discussed in the next chapter, on responsible solicitude in the prudence of business. In the final chapter, we shall turn to the conditions placed on the merchant's conduct in Scholastic economic ethics and economic thought, particularly in their views on commutative justice in exchange. The present chapter is concerned primarily with the broader ethos of civic life and with the fact that, whatever further conditions were specified, the projected place of the good Christian merchant within the social order was already elevated to new heights and is far removed from that of his earlier marginal and disdained status as a purely avaricious and occasional figure. It will be argued that the recognition of that new elevated status was predicated upon the transfer of Scholastic concepts to medieval social reality, upon the moderation of those concepts produced thereby and upon the dignity and meaning that those concepts conferred on the imperfections which they accommodated. This fusion of Christian meaning with the Italian commune's civic ethos gave extraordinary impetus to the latter by channeling often ordinary, existing passions toward more readily attainable ends that were both more sociable and socially approved.

For in conjunction with the moderation of Scholastic concepts of perfection, the understanding of distributive justice as guided by the orientation of society to its supernatural end was partially transformed in its application to a lay social order that ordinarily aimed at a more mundane, more immediate ends of common utility, such as tranquility and material sufficiency, than the common good of the life of virtue or the spiritual end of

beatitude. Thus, if the appropriate proportional distribution of honors and wealth that is implicit in any social order depends upon the end to which that society was ordered, the accommodation of a more imperfect end meant a definite improvement in the relative social position of services to that end. And in a society increasingly run by laymen and a society that increasingly recognized the laity's life of work in the provision of material goods, the greater focus on the lower, intermediate ends of human society, the common utility and the common welfare, the greater share of honor and wealth was considered to rightly belong to those who chiefly benefited the community precisely with regard to those ends. We are, therefore, concerned with the emergence, in the practical Christian thought of the late-medieval period, of the merchant's honored status on the scale of distributive justice and with the broad conditions on which that honored status were based. And in that concern, we shall see how it came about that the preaching of the friars and first civic humanists articulated a broad vision and ideal for lay and commercial life to which men were encouraged as the condition for public approbation in a Christian society. In effect, the approval of lay life as a mode of Christian religious practice and as honorable service to the community led those same preachers to shower praise upon the active life, upon civic life, and foster an ideal for a merchant such that social esteem provided further encouragement to men to conform to the principles of Christian morality. Only thereafter, having noted the prize and glory to be won, may we treat of the more precise ethical criterion that conditioned the idea of honorable commercial conduct and character in its pursuit of social status.

It may be thought that this vision of the merchant's status and praise of his civic virtue constitutes little more than an acquiescence to what had been readily progressing on the basis of the independent development of commerce and wealth; however, it would be a mistake to treat of the matter as of two trends utterly distinct and to discount the extent to which this acceptance and validation of commercial life grew together with other social developments. That the mendicants were readily accepted in the cities, even readily invited into them and given all that was necessary for them to perform their work of preaching is indication of the importance of moral approbation to the laity. The relative success and popularity of the mendicant

orders already suggests that they were highly influential in laying hold of and directing human energy into the socially conceived limits of proper conduct - the conceptions and limits of which, for the longest time, they were the primary authors. Nor, moreover, was their message ill-received - they articulated a place for merchants and craftsmen in religious life, giving them further inspiration at the same time as giving them an ideal to aspire to and it was not an unwelcome bit of praise. Indeed, the implied confluence of motives of religion and honor, that merchants sought social approbation and recognition from the community, and from a Christian community at that, was essential to the particular heights to which the merchant ideal rose and to the inspiration that that ideal gave to commercial pursuit precisely as an avenue of *ambition*. This whole effort at the ethical-religious constitution of economic agency was an attempt to civilize commerce that was concurrent with commerce's growth and development. The civilization of commerce and of lay pursuits in general was, in effect, to be their Christian rectification and it was a rectification wrought in and by already Christian communities wherein laymen did seek the guidance, even if frequently merely the non-disapproval, of the religious and most certainly the sufficient approval of their own conscience and the esteem of their fellow citizens (who were, without a doubt, formed by preachers and clergy). The spirit of that rectification was embodied in the abstract ideals sketched out by Scholastic philosophical theology which we have attempted to clarify in the foregoing chapters.

This is not, however, a story of religious perfection and primarily religious motives. Rather it is, firstly, a story wherein the abstract ideals are, predictably, moderated. Preachers within the cities were well-aware of medieval social realities and their intellectual program is already a step removed from the full weight of the social perfection as painted in its academic theological form. Moreover, that moderation and that removal quickly tended to foster a cultural ethos that gave significant additional inducement to patriotic civil and commercial endeavor through the social recognition of and high social esteem for honorable and successful performance of deeds in service to the community. The greater the service, the grandeur of its *presumed* Christian intent and actual achievement, the greater was the honor accorded it (and not merely public honor, but a sense

of self-esteem, of dignified Christian civic responsibility). This whole interplay of motives and social approbation was essential to the formation of Renaissance merchant culture and the rather paradoxical esteem in which they were held by men dedicated to the ideal of simplicity and poverty. Doubtless, this cultural ethos, with its characteristic mixture of motives was potentially full of tensions with respect to the use of wealth and the abstract Scholastic ideal of perfect human life and society, but there were also great affinities between emerging merchant self-image and the mendicant message.

Secondly, on account of those very accommodations, and the motives and tensions to which they gave rise, it is the story of an emerging fissure between the perfection of interior Christian intention and the ethical-legal criterion for justice and rectitude in exterior acts (criterion that will be discussed in the chapter which follows). That is to say, the incorporation of lay life into the mendicant vision of society entailed the use of wealth and entailed social order, status and distinction - and this meant that men were called upon to intend the highest good, but the fulfillment of external actions apparently conformed to such an intention was no guarantee that such civic and commercial endeavors were not often driven by less than perfect motives. Men could be held, as far as possible, by ethics and law to actions that might well be better than their motives for doing so and, perhaps, the most immediate aim of government was to hold them to a course of action acceptable to civilized life if not beneficial to the common welfare of the community in some way. In such a view, the upright merchant, who kept himself within the bounds of conduct becoming a Christian merchant, could not but receive much greater praise than he had hitherto been accustomed to receiving - and that very honor attracted men to commerce for the sake of the social status accorded success therein. In short, the new cultural ethos fostered both ethical conduct and men of high passion for the social standing, status and distinction that came with wealth and its magnificent and charitable diffusion.

Pax Romana, Political Prudence and the Good of the Commune

We have seen that among Scholastic philosophers and theologians, the ideal of society which they sketched in abstraction was crowned with a spiritual notion of "peace" almost precisely parallel to their conception of the individual "peace." Both represented a harmony of parts in concordance and a unity in their ordination to God. If individual "peace" was presented as the intrinsic perfection of the acquired, natural virtues and their extrinsic ordination to God through theological virtues resulting in a harmonious state where the body, the passions and the soul were mutually adjusted in their proper order akin to the state of man in beatitude looked forward to by the Church Fathers and denoted by the word *apatheia*, then the same framework could be transferred to the ordering of parts within any whole. This was true whether it be in the Aristotelian example of an army, in the city, in the universe - order, harmony, unity and peace were woven of a single cloth. No virtue fell outside this encompassing potential for unity and all had their proper place within it and every whole displayed a similar structure and dynamic. That dynamic was, in some sense, driven by love of the good in the movement that drew men from concern with basic original needs to the final end of the common good - it was, in fact, the dynamic of charity, love of the common good. Thus, for the ideal of society, the notion of "peace" carried with it clear Christian connotations of social harmony which were far more than the simple and initial objective of *tranquilitas*, in the mundane sense of the absence of violent discord. This more accessible objective, for its part, was the concomitant parallel of the recognition that, in fallen mortal life, the hope of *apatheia* held out as reward of Christian resurrection remained out of reach - that human charity remained imperfect and susceptible to failure. This was as true for Aquinas as it was for Franciscans despite the latter's heavy emphasis upon this life. A concept of perfection in a state of imperfection focused on the continuous struggle of *homo viator* with regard to his passions and their possible formation. This interminable struggle to control the passions and achieve that modicum of *tranquilitas*, an approximation to "peace", which enabled men to move beyond the limited horizon of their own immediate desires, enabled good men to live amongst the wicked, became the precondition of further human development toward

virtue. More significantly, focus on this struggle as a precondition tended to turn developed perfection into the fruit of peace (*tranquilitas*) rather than peace (spiritual *pax*) itself. The tension between these two meanings of "peace," themselves not admitting of simple opposition but indicating a dynamic scale from multiplicity toward unified harmony, is closely aligned with the broader transfer of the exalted Christian meanings of an ideal society to medieval political realities.

If such philosopher-theologians as St. Thomas Aquinas and William Ockham had arrived, admittedly by distinct roads and with distinct emphases, to the conclusion that the ordinary function of human law was ordered toward a more preliminary concept of justice and peace than that to which man and human community were ultimately called as to their natural end of virtue or their supernatural end of beatitude,¹ then men more intimately involved in the affairs of their cities and communities could most certainly be expected to understand the difficulty. Thus, while "the basic contention they all advance is that the attainment of peace and concord, *pax et concordia*, represents the highest value in political life,"² there is a notable shift in the meaning of that "peace." For a new generation of authors such as Dante, Bartolus of Sassoferrato, Marsilius of Padua, Remigio di Girolami, peace took on a more extensive and less intensive meaning, whether local, national or beyond. As Dante (c. 1265-1321) expressed it:

¹ See Thomas Aquinas, *S.T. Ia.IIae.*, q. 96, a.2, ad. 2: "The purpose of human law is to lead men to virtue, not suddenly, but gradually. Wherefore it does not lay upon the multitude of imperfect men the burdens of those who are already virtuous, viz. that they should abstain from all evil. Otherwise these imperfect ones, being unable to bear such precepts, would break out into yet greater evils"; or again: "For *human law's purpose is the temporal tranquility of the state* (*temporalis tranquillitas civitatis*), a purpose which the law attains by coercively *prohibiting external acts* (*cohibendo exteriores actus*) to the extent that those are evils *which can disturb the state's peaceful condition* (*quantum ad illa mala quae possunt perturbare pacificum statum civitatis*)" quoted in John Finnis, *Aquinas: Moral, Political and Legal Theory*, Oxford University Press (1998); for Ockham, see previous chapter. In this regard, a common medieval distinction between that which is first in the order of ends and first in the order of action is most relevant: one seeks spiritual peace (first in the order of ends), one begins with a modicum of tranquility and justice (first in the order of action).

² Quentin Skinner, *The Foundations of Modern Political Thought, Volume One: The Renaissance*, Cambridge, UK; Cambridge University Press, (1978), *ibid.*, p. 56

"It has now been satisfactorily explained that the proper function of the human race, taken in the aggregate, is to actualize continually the entire capacity of the possible intellect, primarily in speculation, then, through its extension and for its sake, secondarily in action. And since it is true that whatever modifies a part modifies the whole, and that the individual man seated in quiet grows perfect in knowledge and wisdom, it is plain that amid the calm and tranquility of peace the human race accomplishes most freely and easily its given work."³

Or as Bartolus (c. 1313-1357) succinctly puts it in his eminently concrete denunciation of the tyrannical practice of fomenting division in the city in order to preserve power or the practice of allying with one faction to oppress another:

"Sixth, that the tyrant strives to foment divisions in the city. This is a tyrannical act, seeing that it is a primary duty of a just ruler to keep the peace among the citizens. ... Tenth, adhering to one faction and oppressing another is an act of tyranny pure and simple, since the final purpose of a commonwealth is the peace and good order of the citizens."⁴

Indeed, for Marsilius of Padua (c. 1275-1342) in his work, *Defensor Pacis*, the word "peace" rather bluntly and rather deliberately takes on the connotation of mundane order while nevertheless retaining an aura of its Biblical sense: "Marsiglio similarly stresses the centrality of peace in the title of his great work, which begins with an elaborate apostrophe to 'tranquility or peace' as the condition most of all commended to us by Christ and his Apostles ... arguing that good government and 'sufficiency of life' must essentially be seen as 'the fruits of peace and tranquility.'"⁵ No doubt, while Remigio's *De Bono Pacis* explicitly recognizes and places the spiritual peace of man as the exalted aim of human society, his frequent distress and preoccupation in Florence was the maintenance of that more mundane peace and tranquility that so rarely characterized the factious life of that city:

"Fracta est civitas magna in tres partes. Una fractio est quia Guelfi dicunt male de Ghibellinis quod non cedunt, et Ghibellini de Guelfis quod expellere eos volunt. Alia fractio est quia artifices dicunt male de magnis quod devorantur ab eis, quod prodiones committunt, quod bona inimicorum defendunt, et huiusmodi, et e

³ Dante Alighieri, *The De Monarchia of Dante Alighieri*, ed. and trans. Aurelia Henry, Boston, MA; Houghton, Mifflin and Co., (1904), p. 24

⁴ Bartolus, *De Tyrannia*, p. 143 in *Humanism and Tyranny: Studies in the Italian Trecento*, ed. and trans. Ephraim Emerton, Cambridge, MA; Harvard University Press, (1925).

⁵ Quentin Skinner, *ibid.*, p. 57

contrario magni de artificibus quod dominari volunt et nesciunt quod terram vituperant, et huiusmodi. Tertia fractio est inter clericos et religiosos et laycos, quia de laycis dicunt quod sunt proditores, quod usurarii, quod periuri, quod adulteri, quod raptores, et verum est de multis. Et e contrario layci dicunt quod clerici sunt fornicarii, glutones, otiosi, quod religiosi raptores, vanagloriosi, et de aliquibus verum est. Supradictas istas fractiones potest consolidare et unire solus Dominus noster Iesus Christus per gratiam suam, quia ipse est pax nostra qui fecit utraque unum, ut dicitur Eph. 2." [This great city is broken in three parts. One division is between Guelfs who speak ill of Ghibellines and do not trust them, and Ghibellines wish to expel the Guelfs from the city. Another division is between artisans who speak ill of the magnates and high merchants, that they devour them ... and the magnates speak ill of the artisans, that they desire to rule ... A third division is between clerics, religious and laity, as the clerics say of the laity that they are traitors, usurers, perjurous, adulterous, rapacious ... And the laity that the clerics are fornicators, gluttons, rapacious, vain-glorious ... Only Our Lord Jesus Christ can heal and unify such divisions through his grace].

Thus, "[in] preaching before the priors of the Republic [Remigio dei Girolami] urges removing injustices from the cities statutes to bring the health of peace to the city; and in the same sermon he reminds the audience that magnates and popolani must come to peace ... Remigio was preoccupied with 'civil disorder: the contrast between man's social nature and his anti-social acts, which shattered concord, travestied justice, and destroyed peace.'"⁶ Doubtless, in some way, "the actions of communal authorities, guild officers, and wardens of religious confraternities to initiate peace during the *dugento* and early *trecento* are a response to a tradition of Christian thought dominant from St. Augustine through St. Thomas. It is this tradition, however, that espouses the metaphysical principal of unity (*principium unitatis* and *ordinatio ad unum*) which is deteriorating. ... The more theoretical blessings of a 'peace' that signified the realization and the confirmation of this 'order,' ... are forestalled in favor of more limited, concrete objectives."⁷ The troubled character of the late-Medieval reality lent itself, therefore, not to a repudiation of the dynamic movement toward an ideal peace ("Iesus Christus ... est pax nostra qui fecit utraque unum"), but to

⁶ D.R. Lesnick, *Preaching in Medieval Florence: The Social World of Franciscan and Dominican Spirituality*, (London, 1989), p. 110

⁷ Marvin Becker, *Florence in Transition, Volume One: Decline of the Commune*, *ibid.*, p. 22, footnote 23.

a clear concern with how to arrange for a modicum of peace in *this* particular world, the war weary world of the *regnum Italicum*, and how best to orient that world toward its ideal in some meager fashion.

It is in this light that we may grasp, in the emergent historical interpretation of Rome, the importance of the meanings that quickly attached to the connection between the *Imperium* and the *pax Romana*. The emphasis on peace in both Remigio's and Dante's work, while obviously recognizing the intensive spiritual destiny of man, is frequently oriented toward a peace of a lower order. Indeed, such was the urgency of this intermediate end that it fast became a singularly important precondition for the whole work of man's political and social life. The history of Rome was deployed in arguing the prudential merits of monarchical government with regard to this new peace. This, after all, had been part of Aquinas' position in the *De Regno*. For while the danger of tyranny under a monarchy is great, the chaos and disorder provoked by factious oligarchy is yet greater:

"A polyarchy deviates into tyranny not less but perhaps more frequently than a monarchy. When, on account of there being many rulers, dissensions arise in such a government, it often happens that the power of one preponderates and he then usurps the government of the multitude for himself. This indeed may be clearly seen from history. There has hardly ever been a polyarchy that did not end in tyranny. The best illustration of this fact is the history of the Roman Republic. It was for a long time administered by the magistrates but then animosities, dissensions and civil wars arose and it fell into the power of the most cruel tyrants. In general, if one carefully considers what has happened in the past and what is happening in the present, he will discover that more men have held tyrannical sway in lands previously ruled by many rulers than in those ruled by one."⁸

Monarchy, therefore, had seemed the most secure option - not merely with regard to its absolute character as conducive to unity of action, but with regard to prudence in a turbulent world. Remigio too, for example, "thought of Augustus' reign as the golden age, the plenitude of time in which war and political disorders were stilled; he said that Christ had chosen this time as the appropriate hour for His birth."⁹ In fact, it would seem that this line of

⁸ Thomas Aquinas, *De Regno*, Book I, Chapter 6: <http://dhspriority.org/thomas/De-Regno.htm#5>

⁹ C.T. Davis, "An Early Florentine Political Theorist: Fra Remigio de' Girolami," *Proceedings of the American Philosophical Society*, Vol. 104, No. 6 (Dec. 15, 1960), p. 666

thinking proceeded directly to Dante: for "if Dante, as seems probable, was acquainted with the lector of Santa Maria Novella [the Dominican church in Florence], it is not unlikely that Remigio's idealization of Rome helped to change the young poet's earlier, unfavorable attitude to that city and to convince him that there was a providential purpose in the establishment of the Roman peace."¹⁰ Thus, in "the *Monarchia*, [Dante] opposed Augustine's contention that the Roman conquests had been lawless and asserted on the contrary that they had been intended to fulfill the end of law, the public good."¹¹ For Dante, the Romans had rightly subjected the world to law and order, to the famed *Pax Romana*, an extensive world peace under a single monarchy and noble *Imperium*. The peace of Augustus was the triumphant establishment of the first condition for the intermediate end of man - it brought with it the possibility of thriving and living and the very advent of Christianity: "He celebrated Augustus's peace and Trajan's justice, as well as Justinian's revision of the law and Charlemagne's succor of the Papacy from the Lombards. For him the Republic was a preparation for the Empire, and the virtues of republican heroes simply made more understandable the divine choice of the Romans as the rulers of the world."¹² This in itself, as far as Dante is concerned, was sufficient to recommend the ideal of monarchy: that it was the most conducive to the maintenance of that fading hope for peace and tranquility under the strong hand of the Holy Roman Emperor and a united Christendom. Indeed, for Dante, the selection of monarchy was more a practical conclusion and prescription for "the quietude and tranquility of peace" than it was a reflection of any metaphysical ideal of spiritual unity: for when "he goes on to consider why there is no peace or tranquility in the Italy of his own day, he focuses on two principal causes. The first, to which he devotes Book II of his tract, is the denial of the legitimacy of the Empire. The other, the theme of Book III, is said to be the false belief 'that the authority of the Empire depends upon the authority of the Church."¹³ The universal monarchy is undoubtedly favored by Dante, as

¹⁰ C.T. Davis, *ibid.*, p. 666

¹¹ C.T. Davis, "Ptolemy of Lucca and the Roman Republic", *Proceedings of the American Philosophical Society*, Vol. 118, No. 1 (Feb. 28, 1974), p. 34

¹² C.T. Davis, *ibid.*, p. 42

¹³ Quentin Skinner, *ibid.*, p. 16

the majority of his work reveals, in connection with the desire for the subordinate end of tranquility as the most appropriate prudential solution to maintaining that peace so necessary to human flourishing.

In short, the theoretical possibility of a prudential approach to the concept of the common good of peace attainable in human society was not simply recognized theoretically by Scholastics, but was the evident focus of more practically involved men as well as preachers. This fluidity of meaning attaching to the notion of the common good and peace remained a significant feature of political discourse in the preaching of the friars throughout the 14th century: "while maintaining the doctrine of the common good as the ultimate end of their political programme, many turned to other, very different authorities ... a number of Sieneese friars found their answer in the writings of Augustine."¹⁴ This was, as we have seen, not only a notion with a long history found in Jean Buridan and St. Bernadino, but a framework that evidently became a staple of preachers, still current in the late 15th century: "In another of [Salimbeni's] sermons, devoted specifically to the subject of peace, the theme of political corruption is dealt with in some detail. In this, he defines civic and political peace as being of two types, the 'true' and the 'false'. The first is to be found in the obedience of every citizen to natural and civil law - moral forces which are held to exist independently of any particular regime - and in their unification in Christ. False peace, on the other hand, can be brought about through the machinations of corrupt men and self-seeking leaders who, temporarily united for their own ends, succeed in maintaining consensus through fear, adulation, bribery or some other means of coercion. ... Even such false peace is, [significantly], better than no peace, since peace and unity (even, it is implied, at the price of [perfect] justice) must always remain the ultimate end of the city-state."¹⁵ Yet this attitude was not necessarily a turn from one authority to another, very different, one because, as we have seen, the writings of St. Augustine had already been quite thoroughly absorbed into a synthesis with the Aristotelian naturalism model such that there need be no turn except to prudence or

¹⁴ Bernadette Paton, *Preaching Friars and the Civic Ethos: Siena, 1380-1480*, London, England, Short Run Press Limited, (1992), p. 95

¹⁵ Bernadette Paton, *ibid.*, p. 113-14

spiritual liberty. Augustine's emphasis on man's weakness had been incorporated into medieval Aristotelianism precisely in the way that one would expect: that original sin had weakened but not destroyed man's nature and that, therefore, the strict application of that natural ideal would have to prudentially accommodate this fact by aiming at a good which was not a final end, but could be used for that end - in other words, the *utilitas commune*.

To this evident focus on prudence in relation to a given ideal of peace may be added the more subtle but equally important shift of thinking toward a new meaning and import attaching to the notion of political prudence. It is a line of thinking that we find is less subtle in relation to the degree to which consent-theory and the natural origins of political society were themselves emphasized. For as we have seen, the Franciscans had, in accordance with their voluntarism and their stress upon the enduring dignity of man, insisted more strongly on the prudential gap between society and political institutions. While the sacral character of kingship and government in general still clung to temporal power in some way since man was by nature, God-given nature, inclined to social life and the common good exercised a powerful justification of the rights of the State, yet as has pointed out in the case of Ockham, from "this right to acquire private property and to institute a ruler endowed with jurisdiction, we must distinguish the actual appropriation of temporal things and the actual setting up of a government. The right comes immediately from God by natural law; the actual appropriation and setting up of a government is usually the act of man and of human law."¹⁶ This had given to Ockham's political theory, not to mention John of Paris', a stronger sense of monarchy as a participatory institution and even some inclination to the insistence that government of free men was simply superior to anything resembling despotism. True, Aquinas was equally inclined to participatory monarchy in this regard, yet the radicality of the Spiritual Franciscans and anti-papal party did tend toward the lines that Marsilius of Padua broke through in celebration of consent-based governance and a whole series of prudential procedural efforts at forestalling the advent of a tyrannical

¹⁶ Philotheus Boehner, "Ockham's Political Ideas," *The Review of Politics*, Vol. 5, No. 4 (Oct., 1943), p. 476

regime.¹⁷ While the trajectory toward explicit republicanism might well be ascertained in such a view, more can be learned about late-medieval political thought from the fact that consent-theory and natural rights were not given absolute priority than from the simple appearance of consent as a legitimating condition of political authority.

For the effect of positing consent and election as a real transference of authority, while at the same time maintaining that this institution of authority was the establishment of a means to the natural end of man generally did not diminish the priority of the common good and the Divine character of temporal authority, was to guarantee not so much a continuous active participation of the community through consent but that the State too was ordained to the common good and was an institution of the community. In other words, the fact that consent remained a rather passive principle in Scholastic thought tends to the conclusion that the common good retained its pride of place and that the consequent principle of prudential organization first appeared, not as an election of ends, but as deliberation over the appropriate institutions for a given time and people with a view to a given end. This in itself was of enormous importance insofar as the common good of the people became the point from which even governmental institutions could be evaluated as means even if they were not subject to regular and continuous evaluation on account of the dignity of their natural derivation. Thus, apart from the general absolute preference for monarchy, there is recognition of required variation in the shape and character of this monarchy and other political institutions in relation to prudential considerations of the character of the people and times. This tremor in loyalty to monarchy as the

¹⁷ For the limited rise of republicanism in late-Medieval and early Renaissance political theory, see Nicolai Rubinstein, "Political Theories in the Renaissance," in *The Renaissance: Essays in Interpretation*, New York, NY; Methuen & co., Ltd, (1982), pp. 153-200; additionally, for an emphasis on the emergence of political prudence, in particular in Ockham, and called "circumstantialism" in James M. Blythe, "'Civic humanism' and medieval political thought," in *Renaissance Civic Humanism*, ed. James Hankins, Cambridge, UK; Cambridge University Press, (2000), pp. 30-74; for Marsilius of Padua and his radicalism, see Cary Nederman, "Marsiglio of Padua: Between Empire and Republic," in *Lineages of European Political Thought: Explorations along the Medieval/Modern Divide from John of Salisbury to Hegel*, Washington, DC; The Catholic University of America Press, (2009), pp. 160-76.

optimal means anticipated the greater variation that was all the more important when consent-theory was actually advocated on absolute grounds.¹⁸ This political connotation of prudence was quickly to overshadow but not totally lose its previous association with *recto ratio* and the spiritual life.

Certainly Ptolemy of Lucca, the Dominican student of Aquinas who took it upon himself to complete Aquinas' unfinished *De Regno*, made it evident that optimal institutions tended to be defined in adaptive relation to the circumstances which they confronted. Yet he added to the spectrum of opinion as he also inverted Aquinas' preference for monarchy by making its "rule by one" a requisite of sub-optimal conditions. For this reason he brought forth the distinction between regal and political lordship (significantly parallel to the emphases of the Franciscans' distinction between paternal and political rule in favor of human liberty inasmuch as Ockham's view approached the general approbation of governance over free men rather than not). For Ptolemy, regal rule is distinguished from despotic rule by its subordination to the common good:

"From this it is clear that in this mode despotic rule is much different from regal ... it is clear that the kingdom does not exist on account of the king but rather the king on account of the kingdom, because it is for this that God provided for kings to govern and exercise governance over their kingdoms and preserve everyone according to their own right ... If they do otherwise and turn things to their own advantage, they are not kings but tyrants."¹⁹

¹⁸ Again, for the emergence of "circumstantialism" as a movement, see: James M. Blythe, "'Civic humanism' and medieval political thought," in *Renaissance Civic Humanism*, ed. James Hankins, Cambridge, UK; Cambridge University Press, (2000), pp. 30-74, in particular pp. 66-70. If this movement is evident in the work of anti-papal party authors John of Paris, William Ockham and Marsilius of Padua, it is detectable across the spectrum of late-medieval authors and is a hesitancy found up through Coluccio Salutati who, despite strongly voluntarist views of a Scotist sort, nevertheless varies on monarchy and republicanism in opinions that are subject to much discussion; for this see, Robert Black, "The Political Thought of Florentine Chancellors," *Historical Journal*, Vol. 29, No. 4 (Dec., 1986), pp. 991-1003. For Salutati's voluntarism: Charles Trinkhaus, *In our image and likeness : humanity and divinity in Italian humanist thought*, London, UK: Constable, (1970).

¹⁹ Ptolemy of Lucca, *On the Government of Rulers, De Regimine Principium*, trans. James M. Blythe, (Philadelphia: University of Pennsylvania Press), p. 178

Yet despotic rule was itself reducible to a form of regal rule, a form particularly adapted to a truly corrupt, sinful and unruly people, even as regal rule itself was rooted in original sin:

"[I]f we refer lordship to the integral state of human nature, called the State of Innocence, in which there was political, not regal lordship, there was no lordship then that involved servitude ... But because 'the perverse are corrected with difficulty and the number of fools is infinite,' as is said in Ecclesiastes, in corrupt nature regal government is more fruitful."²⁰

The slide from a political government, a republic of free men, to a regal government of a participatory sort, and perhaps further, toward a despotism and even tyranny indicate both the optimality of republicanism and the flexibility of prudence with respect to institutions and the conditions they must meet.

In fact, it is Ptolemy's view of republicanism as optimal for bringing out the best in man and this flexible relation to historical-cultural conditions that moves Ptolemy to proclaim the justice and Divine Providence of the Roman empire. Yet now, it is the Roman republic that takes the fore as the admired model: "In his historical theory Ptolemy, unlike our three Florentines, was a self-conscious republican. He alone drew a sharp line between the Roman Republic and the Roman Empire. He alone said that Julius Caesar was a tyrant, and that because of his tyranny he was soon killed by the senators."²¹ Taking up Aquinas' own assessment of republicanism, as had Remigio and Dante, Ptolemy not only approved of it, but turned the point to its full effect against monarchy; for Aquinas had noted that:

[It] frequently happens that men living under a king strive more sluggishly for the common good, inasmuch as they consider that what they devote to the common good, they do not confer upon themselves but upon another, under whose power they see the common goods to be. But when they see that the common good is not under the power of one man, they do not attend to it as if it belonged to another, but each one attends to it as if it were his own."²²

Ptolemy saw in this the utmost commendation of a republican regime, namely, that it thoroughly encouraged the Romans' albeit limited virtue in

²⁰ Ptolemy of Lucca, *On the Government of Rulers*, *ibid.*, p. 124

²¹ C.T. Davis, "Ptolemy of Lucca and the Roman Republic," *ibid.*, p. 42

²² Thomas Aquinas, *De Regno*, Book I, Chapter 5,
<http://dhspriority.org/thomas/DeRegno.htm#5>

love of country, zeal for justice and sincere intent on the imposition of beneficent law, i.e. it brought out the best in men. This is why Rome found favor with God:

"[O]ne reason comes from love of their fatherland, another from their zeal for justice, and a third from the virtue of benevolence."²³

Remigio and Dante too had admired the virtues of Rome, they had even admired the Roman republic, but they had not breached the ideal of monarchy. Here we have, in Ptolemy of Lucca, later joined by Bartolus of Sassoferrato and Marsilius of Padua, an undoubted challenge to the ideal of monarchy that would emerge, as we shall see, in its full splendor in later Florentine humanists such as Salutati and, particularly, in Leonardo Bruni.²⁴ Of the former, none had simply repudiated the exalted notion of the common good of peace, but all had begun to assess more closely the road thereunto. In that consideration, the breadth of prudence stretched out toward the inclusion of republican institutions as a viable candidate at the same time that the notion of natural liberty was itself pressing toward the same conclusion amongst the Italian communes so jealous of their independence from Empire and Papacy alike. Clearly, a certain modicum of political prudence had been reborn - for it was only where the common good was generally accepted that the question of how certain institutions were related to its achievement could be asked. And if, for that matter, the common good was transforming toward lower ends, so too would the institutions that came up for examination be considered under varying aspects of goodness and suitability.

This, however, is no surprise - for political prudence in the service of the common good was more prominent in medieval thought than is generally recognized. And as we have seen, prudence was, for Scotus as it would become for Ockham, the very mark and requisite quality of the legislator.

²³ Ptolemy of Lucca, *On the Government of Rulers*, *ibid.*, p. 154

²⁴ The histories of Florence and of Rome found in these celebrated authors are discussed thoroughly in Hans Baron, *The Crisis of the Early Italian Renaissance*, Princeton, NJ; Princeton University Press, (1966). See also Hans Baron, "The Changed Perspective of the Past in Bruni's *Histories of the Florentine People*" in *In Search of Florentine Civic Humanism: Essays on the Transition from Medieval to Modern Thought*, Vol. 1, Princeton, NJ; Princeton University Press, (1988).

Indeed, Ockham's dialogues are indeed a testament to a rounded discourse that presses against the limits of late-medieval paradigms. Moreover, in its ideal form, Aquinas had already given a prominent place to political prudence, concerned as it is with the common good, such that prudence may become a high shade of charity along the *ordo caritatis*:

"I answer that, According to the Philosopher (Ethic. vi, 8) some have held that prudence does not extend to the common good, but only to the good of the individual, and this because they thought that man is not bound to seek other than his own good. But this opinion is opposed to charity, which "seeketh not her own" (1 Corinthians 13:5): wherefore the Apostle says of himself (1 Corinthians 10:33): "Not seeking that which is profitable to myself, but to many, that they may be saved." Moreover it is contrary to right reason, which judges the common good to be better than the good of the individual.

Accordingly, since it belongs to prudence rightly to counsel, judge, and command concerning the means of obtaining a due end, it is evident that prudence regards not only the private good of the individual, but also the common good of the multitude."²⁵

And just as with any other virtue, it admits of a scale of increasingly inclusive commonness and distinction of species according to the object to which it is oriented (prudence in contrast to familial prudence and political prudence):

"I answer that, As stated above (5; 54, 2, ad 1), the species of habits differ according to the difference of object considered in its formal aspect. Now the formal aspect of all things directed to the end, is taken from the end itself, as shown above (I-II, Prolog.; I-II, 102, 1), wherefore the species of habits differ by their relation to different ends. Again the individual good, the good of the family, and the good of the city and kingdom are different ends. Wherefore there must needs be different species of prudence corresponding to these different ends, so that one is "prudence" simply so called, which is directed to one's own good; another, "domestic prudence" which is directed to the common good of the home; and a third, "political prudence," which is directed to the common good of the state or kingdom."²⁶

Remigio as well, from the other direction, tied the love of the common good to such politically oriented service and "quoted St. Paul's words, 'Charity seeketh not its own,' and St. Augustine's exposition of them in his Rule,

²⁵ Thomas Aquinas, *S.T. IIa.IIae.*, q. 47, a. 10

²⁶ Thomas Aquinas, *S.T. IIa.IIae.*, q. 47, a. 11

'Charity places common things before private ones.' So, like Ptolemy, Remigio identified patriotism (which he defined in Aristotelian terms as devotion to the common good) with *caritas*.²⁷ The manner in which Remigio's own vision and appreciation of Cicero echoes St Thomas' characterization and defense of prudence as extending to the common good clearly indicates the fact that he understood civic-oriented virtue, not quite as identifiable with *caritas* purely, simply and perfectly - but precisely as *caritas* along the way toward perfection.

Nevertheless, in connection with this association with charity, it was the extension of this sort of political prudence downward toward the lower common goods of the community that is a move of immense import. The shift is clearly evidenced in Book III of Ptolemy's work - as he glosses over the meaning and content of mundane goods in so concrete a manner as to distinguish his effort from that of the otherwise abstract political philosophy of the Middle Age:

"A king also needs artificial riches, such as gold, silver, other metals, and the coins minted from them, to defend his government ... [for] Borrowing for the expenses of the king or kingdom is foul and greatly detracts from the subject's reverence for what is regal. Moreover, when a king is subjected to a loan, the lords restrain him, with the result that his subjects or others may make undue exactions against the kingdom and weaken its state."²⁸

Or again:

"There is another thing that pertains to the good government of a kingdom, province, city, or any other rule, and that is that the ruler, who is in charge of the needs of paupers, minors, widows and of assistance to foreigners and pilgrims, should provide for them from the common treasury."²⁹

Of course, this curiously down to earth advice follows closely upon the final sections of Aquinas' unfinished work: "it is necessary to choose a suitable place to build the city, and it seems that a search for healthful air should be the first concern."³⁰ Or again: "The more worthy something is, the more it is found to be self-sufficient ... But a city is more fully self-sufficient if it has a

²⁷ C.T. Davis, "Ptolemy of Lucca and the Roman Republic," *ibid.*, p. 34

²⁸ Ptolemy of Lucca, *ibid.*, p. 119

²⁹ Ptolemy of Lucca, *ibid.*, p. 138

³⁰ Thomas Aquinas, *De Regno*, Book II, chapter 2, 1, in Ptolemy of Lucca, *ibid.*, p. 106

surrounding region that suffices for the necessities of life."³¹ Such intermediate and mundane concerns show the extent to which political prudence might incline to a variety of ends the achievement of which constitutes some level of charitable service that could be esteemed as the marks of a good ruler.

The danger, clearly, is that the accomplishment of such ends could be so highly esteemed as goods that they might be misunderstood as exhausting the aspirations of *caritas* in service to the common good. Further still, such a political prudence, in its lower reaches, implicitly possessed the potential requisite to a merely external perspective on the order of human social life, to government intent upon very earthly ends, and could systematically generate disordered evaluations of what was and was not beneficial to the common good. As a matter of fact, it is precisely because the imperfection implied by the end of *utilitas commune* did not lose the connotation of goodness that it frequently meant that the goods and virtues connected with service to that more mundane good were themselves esteemed as associated with charity. This was so in a rather eminently confusing manner. That is, in their concrete form, the association with charity became all the more intense - almost to the point of conflation the closer and clearer the connection to a proximate end: "In the *De regimine principum* [Ptolemy of Lucca] went even farther and affirmed that this patriotism was derived from *caritas*, the highest of all the virtues."³² Nowhere in these discussions did "Ptolemy mention Augustine's words about the egoistic self-love of the Romans and their lust for power and glory. He said on the contrary that the Romans were intent on the good of their *patria* and their subjects. They were, in short, not a scourge but a blessing for the human race."³³ The tenor of the charity being cultivated by such arguments was, then, all the more intense in its concrete association with the civic ethos that already pervaded life in the Italian communes.

Nevertheless, the mendicant ideal of poverty and humility hedged in and restrained the force of any admiration for Rome's wealth: the very Roman

³¹ Ptolemy of Lucca, *ibid.*, p. 109

³² C.T. Davis, "Ptolemy of Lucca and the Roman Republic," p. 33

³³ C.T. Davis, *ibid.*, p. 33

heroes that were admired were so admired, not only for their love of the common good but for the austere virtues which mirrored mendicant spirituality. That is, for Ptolemy, "the republican heroes who preceded [Christ] demonstrated virtues that made them worthy to be His precursors. Especially praiseworthy was their poverty. Although Aristotle was right to say that in general paupers were likely to be more rapacious than rich men when elected to public office, he was only speaking of involuntary poverty. Men like Fabricius [the early Roman hero] could have been rich and chose to be poor. This free choice foreshadowed the poverty of Christ and the early Church."³⁴ Republican and austere though it was, the stirrings of such a civic-centered spirit inspired by love of the commune would also be of inestimable service to wealthy merchant oligarchies, princes and monarchs in times to come when they wished to cultivate in themselves or in their peoples that manly virtue and patriotism without which their city or regnum could not achieve glory: "The *respublica Romana* was thought to have been victorious over the other ancient city-states and nations ... or to have been made victorious by divine providence - because the conduct of her citizens closely followed the values of the Tuscan friars: Roman public spirit was akin to Christian *caritas*, *humilitas*, and *pauperitas*."³⁵ Of more immediate importance however, particularly with reference to the evaluation of the role of the wealth merchant in social life, is the whole discourse that this new focus on laudable civic service and humble poverty gave rise to in debates over the concept of nobility.

Civic Ethos, Manly Virtue and Nobility

In the emergence of this new focus on peace and prudence, itself so bound up with the over-arching theme of the common good as end of human

³⁴ C.T. Davis, *ibid.*, p. 42

³⁵ Hans Baron, "Franciscan Poverty and Civic Wealth in the Shaping of Trecento Humanistic Thought: The Role of Florence", in *In Search of Florentine Civic Humanism: Essays on the Transition from Medieval to Modern Thought*, Vol. 1, Princeton, NJ; Princeton University Press, (1988), p. 203

community, the various relations between distinctive levels of the goodness of the "common good" that could serve as intermediate ends and the imperfect virtues or activities connected to them did receive a whole set of new connotations. In all of those goods, virtues and activities, we may note the emergence of the meanings that they would receive in *Quattrocento* Italian humanism: "Early humanism took shape during the 14th century in a world spiritually determined by the mendicant friars - in particular, the Dominicans and Franciscans - and one cannot understand the view of life of the earliest humanists without knowing the historical background created by the activities and teachings of these two orders."³⁶ Those new meanings and connotations brought civic virtue and charity into such close proximity that it was neither difficult nor quite improper to derive the nobility of conduct from its evident association with laudable motivation. The whole late-medieval vocabulary shifted toward an identification of service to one's city or country with nobility of conduct that, when conjoined to the accepted devolution of Europe into independent states, was charged with an admiration for the prominence of one's community and the glorification thereof in wealth and influence. This stood in relative, and increasing, contrast to the strong, even simply dominant, perpetuation of the Scholastic, mendicant and fairly monastic ideals of individual austerity, humility, and poverty. These ideals, personal charity and poverty, communal glory and pride, combined to form a tenuously unified vision of that true nobility so much discussed thereafter for centuries.

Doubtless, this is already glimpsed above in Remigio's re-evaluation of Rome, Dante's exaltation of Roman peace and in Ptolemy's praise of Roman virtues and the Roman republic's dominance. Yet one only need advance further down the pages of these authors to see the gathering momentum of, and tension in, their shift:

"In addition, the root of love of fatherland is that love which 'prefers common things to one's own, not one's own things to common ones,' as the Blessed Augustine says in explaining Paul's position on love. Moreover, the virtue of love precedes every virtue in merit, because the merit of any other virtue derives from the virtue of love. This means that the love of the fatherland, more than all other

³⁶ Hans Baron, "Franciscan Poverty and Civic Wealth in the Shaping of Trecento Humanistic Thought: The Role of Petrarch," in *ibid.*, p. 158

virtues, deserves to be rewarded with an honorable rank - and this is lordship. ... Love of fatherland also seems to include first and foremost the mandate that the Evangelist Luke mentions. Those who are zealous for common affairs become similar in their love to the divine nature ... likewise, they carry out love of their neighbor ... and thus fulfill the previously mentioned mandate, about which Deuteronomy says: 'Love the Lord your God with all your heart and with all your mind and with all your strength, and love your neighbor as yourself.'³⁷

The difficulty of achieving the tranquility prerequisite to all the higher ends of civic life seemed to ensnare the sweeping theoretical progression toward true peace, focusing the aim of preachers upon the dark problems of their day and increasing their respect for humbler, more practical virtues even in their imperfection. This went hand in hand with an increasing appreciation for Cicero and the glory of early Rome that contrasted with simultaneous praise of the poverty of early Rome's heroes and their austere republican virtues which seemed to reflect mendicant spirituality. Dante, as a disciple of Aquinas with rather more than a dash of admiration for Franciscanism, had, in the *Convivio*, attacked "the definition of nobility attributed to Emperor Frederic II, ... Frederic was reported to have said that nobility is based on a combination of good breeding (*antique boni mores*) and inherited *divitiae* [wealth] - a variation of the Aristotelian statement that *virtus* and old wealth combine to create nobility."³⁸ True nobility, Dante insisted, was and could only have its origin in virtue alone. For Remigio, this had guaranteed that "Cicero was the perfect type of the intelligent patriot, who tried to conciliate faction without joining it, and who had a just conception of nobility ... In the *De Via Paradisi* Remigio quoted again from the *Invectiva* to support his definition of nobility, a definition also maintained by Dante in the *Convivio* and by Brunetto Latini in the *Tresor*. Like them, Remigio declared that true nobility could be attained by those who followed virtue no matter how humble or wretched their birth: 'Unde Tullius dicit in *Invectiva contra Salustium*.' [As Tullius says in his 'Invective against Sallust']"³⁹ In Cicero,

³⁷ Ptolemy of Lucca, *ibid.*, p. 155

³⁸ Hans Baron, "Franciscan Poverty and Civic Wealth in the Shaping of Trecento Humanistic Thought: The Role of Petrarch," *ibid.*, p. 164

³⁹ C.T. Davis, "An Early Florentine Political Theorist: Fra Remigio de' Girolami," *ibid.*, p. 666

with his Stoic virtue and his public service, the newly condoned and encouraged active political life met mendicant poverty.

Moreover, Cicero's value as the image of a noble patriot bent upon the conciliation of faction can be readily understood in relation to Remigio's own struggle with early 14th century Florence. The rescucitation of Cicero's republican civic spirit and love of the common good, so evidently placed in connection with the unification of faction and the aim of tranquility and order, both throughout Italy and within the walls of its city-states, is again related to longed for unity of society that can be achieved through Jesus Christ and His grace (*potest consolidare et unire solus Dominus noster Iesus Christus per gratiam suam*). This augmentation of intensity by the combination of Christian charity and communal patriotism is nearly ubiquitous in mendicant preaching throughout the 14th century: "As in [Girolamo of Lecceto's] definition, in Bernadino's mind the universal, Thomist *bene commune* is clearly identified with the Commune in its specifically Italian form of the city-state when he assures the Signoria that 'se tu oppremi il bene, tu guasti il Comune.' In both a direct reference to the Lorenzetti frescoes as a representation of the communal ideal and in other exhortations to the city, he extols the 'civic' virtues of prudence, justice, strength and temperance, declaring them to be all that a city needs to govern itself virtuously."⁴⁰ Of course, while clearly noting one side of the tendency, this observation neglects the strict refusal of theorists to such a simplistic and non-Christian reduction of charity to patriotism - the point is not the reduction but the harnessing of their mutual dynamism. That dynamism strenuously intensified the Italian civic ethos and never ceased to draw government into its aspirations throughout the early Renaissance. The message had, undoubtedly, made an impression upon civic life as those very frescoes to which St. Bernadino referred encapsulated the whole message of the mendicant preachers' exhortations: "[t]he scene represents a complex allegory in which the Aristotelian theory of justice, in its contemporary scholastic and juristic interpretation, forms the principal theme. At the same time, there are Augustinian overtones in the combination of Iustitia and

⁴⁰ Bernadette Paton, *ibid.*, p. 92

Pax."⁴¹ Neither the higher spiritual calling nor the convenience of such a political theology had been simply lost on either the rulers or the artists.

This same non-reductive character of the mendicant association of patriotism and charity is more than evident in the work of Giovanni Dominici. For while, on the one hand, it would seem that he approaches conflation "Se se' huomo, se se' christiano, se se' fiorentino," on the other, he clearly uses Florentine patriotism as a device for connecting with the audience and urging them beyond mere provincial affections: "If someone wants to kill me for telling the truth, he is welcome! It has been said that I stoop to abusing the citizens since I preach about their vices and that I could just as easily preach about Florentines, I first would not know where to begin: when it comes to vices, I know many that stink. So I tell you: if you are a hypocrite, you are not a Florentine, you do not flourish (*fiorischi*). If you were a Florentine, you would fight for your fatherland [*patria*], you would not rob the commune, be an usurer or a sodomite. How much there is to say! And if you think carefully, if you are a Florentine, bring honor for your patria and abandon vain glory."⁴² Giovanni's purpose is obvious, to raise the ideal of the "Florentine" to the level of the "Christian": "On the one hand, the preacher is a patriot, preaching a victory sermon and praising his patria; on the other, he is castigating his audience, showing himself to be a fierce critic, in conflict with his society, urging his listeners toward morality and virtue."⁴³ The effort of the preachers, then, was to draw upon the Italian heart and draw it into the great movement toward peace - to rectify it through its incorporation into that movement.

However, the conjunction of the Scholastic prioritization of charity with regards to the perfection of spiritual life and the acceptance of its reflected light as exhibited in civic spirit were tantamount not only to the incorporation of the active life into an alternative route of Christian service,

⁴¹ Nicolai Rubinstein, "Political Ideas in Sieneese Art: The Frescoes by Ambrogio Lorenzetti and Taddeo di Bartolo in the Palazzo Pubblico," *Journal of the Warburg and Courtauld Institutes*, Vol. 21, No. 3/4 (Jul. - Dec., 1958), pp. 179-207

⁴² Nirit Ben-Aryeh Debby, "Political Views in the Preaching of Giovanni Dominici in Renaissance Florence, 1400-1406," *Renaissance Quarterly*, Vol. 55, No. 1 (Spring, 2002) p. 25

⁴³ Nirit Ben-Aryeh Debby, *ibid.*, p. 26

but to according it an honorable status and nobility (which remains as yet distinct from its exaltation in the 15th century). It was, to the same degree, strained; for implicit in the notion of rectification, or justification as it were, is the recognition of the imperfection of what was being incorporated. For neither should we imagine that this was a purely Scholastic exercise that awaited the intricate synthesis of the greatest clerical minds of the time and was imposed wholesale and without attenuation upon an unwilling populace, for its impetus was long evident in the works of lay persons: "For the layman [Judge Albertano da Brescia writing in 1238], the teachings of the *De Officiis* alone are sufficient to balance all other authorities. Man, he concludes, can choose freely between the two ways of life; Roman civic virtue and medieval contemplation are of equal value."⁴⁴ Indeed, laity had striven for and could not but rejoice at the dignity increasingly accorded to their lives. Yet on that account, the partial discordance between lay and Scholastic visions that was reaching some accommodation also indicates the inherent tension of the new concept of nobility that aimed at virtuous intent and intense civic pride.

The early Renaissance revival of Cicero and the active life is not, therefore, a simple question of the effect of an independent resurgence of Cicero as a secular and pagan authority so much as a question of the religious impetus for this resurgence in the ability of Scholastic Aristotelianism to comfortably adapt the civic life into their schema regarding the priority of the common good. That civic virtue and prudence should become focal points of interest in the work of mendicant writings and preaching is not to be understood as a simple external introduction of foreign elements from secular civic sources but as the internal and organic adaptation and convergence of a whole ethical-anthropological framework chiefly guided by its own lights and oriented toward precisely those two ends: civic conversion and prudent pastoral care. That it was a convergence fraught with potential tension is, doubtless, equally apparent.

⁴⁴ Hans Baron, "The Memory of Cicero's Roman Civic Spirit in the Medieval Centuries and in the Florentine Renaissance," in *In Search of Florentine Civic Humanism: Essays on the Transition from Medieval to Modern Thought*, Vol. 1, *ibid.*, p. 111

In fact, given how medieval Christian thought barely hesitated with regard to Aristotelian naturalism, pausing only to draw a stronger or at least clearer distinction between social and political, between nature and human rationality or will that implied the Augustinian imperfection of man, it is not at all difficult to see why the incorporation of the active life through the exaltation of charity and the principle of the common good was paralleled by adaptations of Ciceronian republicanism. As Cary Nederman has noted in a passage that deserves quotation in full since it clearly echoes the vision of Scholastic philosophical anthropology that we have sketched in earlier chapters:

"The Ciceronian description of the natural foundations of human society hence embraces several unique features. As previously suggested, Cicero asserts that men are not necessarily (in an Aristotelian sense) drawn towards the actual formation of communities even though they are by nature sociable beings. Cicero's conception of nature is not of an active or driving force in man's life but of a more passive and implicit feature of human experience, on the order of a proclivity requiring an external stimulus to awaken and invigorate it. In turn this explains the Ciceronian emphasis upon the faculties of speech and reason as the twin natural bases of association. Unlike a teleological conception of nature, which involves an inexorable pull towards the completion or realization of a purpose, Cicero's concentration on natural faculties implies a propensity which may or may not be employed according to circumstance. It is this factor which lends to the Ciceronian presentation of the origins of society its "conventional" quality, while still functioning within a naturalistic context."⁴⁵

The combined shift implied by the joining of the prudential character of human civil society and varying re-evaluations of man's civic virtues are not, therefore, sudden secular or simply pagan Ciceronian introductions that are foreign to Scholastic thought. Instead, their emergence as central themes fit only too well with Christian re-formulations of Aristotelian ethics. The oscillations of the human historical order that give rise to the instability of the measure implicit in the varying prudential relations of the means and ends of government to specific circumstances was not at all beyond Scholastic thought. Nor does the Renaissance re-evaluation of the civic life necessarily represent a departure from the general schema forged by

⁴⁵ Cary Nederman, "Nature, Sin and Origins of Society: The Ciceronian Tradition in Medieval Political Thought," *Journal of the History of Ideas*, Vol. 49, No. 1 (Jan. - Mar., 1988), p. 9

Scholastic medieval thought. What these things do represent, however, is a deep shift of emphasis over the course of the 13th century to a 14th century discussion of human life and civic responsibility. It is a shift that was almost inevitable when Scholastic philosopher-theologians developed a highly stylized and abstract vision of Christian civilization that the preachers of their orders actively sought to convey to the Italian laity of Tuscan city-states.

Yet the shift had already been present in the general Parisian academic debate over the *via activa* in contrast to the *via contemplativa* and in their evaluation of charity as the true measure of man. Therein theologians worked out the potential for the honorable connotations that would be associated with the emergent civic ethos, for a lay life that had, no doubt, been waiting long to receive its due from the formal clerical and monastic intellectual circles of Christendom. Therein Scholastics had sketched the life of the laity in an imagined ideal form and brought the high aims of a political prudence to near parallel of the religious life dedicated to God and charity. In short, they had valued ordinary human life, proclaimed the goodness of more common virtues and the goodness of human nature. Many, perhaps more so those of the Franciscan order, went even so far as to slightly attenuate the weight of St. Augustine's pessimistic view of what lay within the reach of ordinary, natural man in his independence from grace and the Church if only he would make use of his faculty of choice. And in the same breathe that political prudence emerged in Scholastic thought and a life of active service to the city became honorable and more readily within reach if only he would truly strive for it, the whole academic movement was itself part of a broader, deliberate mendicant effort to foster and form existing religious practice among the laity. The aim was to bring out the goodness they insisted was latent in human life in its ordinary and laic form. In fact, it was at the level of the laity that early humanists debated the active and contemplative paths open to men and there is little reason to wonder if, at their hands, the Scholastic ideals were translated even further into laic conceptions and into a novel enthusiasm with regard to human affairs. This was no simplistic struggle of pre-heated anti-religious laymen or doubting secular intellectuals against devout, dour religious zealots and convinced philosophical realists. Rather, this was a confluence of exuberance. The emergence of a lofty political prudence, its esteem *as a high art*, was in part Thomistic and

Franciscan, in a word, mendicant, in its original impetus whatever the pre-existing content it may have and did encounter in Italian civic life outside the universities and whatever course it may have taken thereafter.

Indeed, if we want to know that this was not so much a battle between secularizing and religious forces as a transformation of spiritual ideals with contributions from both lay and religious authors, we need only remind ourselves of the horror Francesco Petrarca (c. 1301-1374) in confronting Cicero's civic spirit: "Why did you involve yourself in so many useless quarrels and forsake the calm so becoming of your age, your position, and the tenor of your life?" he reproached his fallen idol. "What false splendor of glory drove you ... to a death unworthy of a sage? ... Oh, how much more fitting would it have been had you, philosopher that you were, grown old in rural surroundings ... meditating upon eternal life and not upon this trifling existence here below!"⁴⁶ In short: "However much Petrarch admired Cicero's eloquence, his precepts for a cultivated life ... Cicero's civic bent of mind was to him nothing but an offense against the monastic values which, at least in the 1340s, Petrarch was neither willing nor able to abandon."⁴⁷ If Petrarch, the leading figure in "initiating" the early Renaissance, laymen that he was, could not fathom the civic orientation of Cicero's life, there is little reason to believe that the virtues associated with the rebirth of Cicero's republican civic spirit owed their new value to his undertaking. Rather, it was significantly indebted for its rebirth to popular mendicant spirituality, particularly to the Franciscan emphasis on the will and the active life, to the preachers and their incessant, nearly unqualified, insistence upon the common good: "The most revered Tuscan clerics of the early *quattrocento* separated the earthly city and the active life from *patria* everlasting in heaven. Time enough for contemplation in the next world, asserted the practical San Bernadino of Siena: In this world ... we are here to work and love."⁴⁸ it owed its rebirth to the resonance that this message had for an already religious and already proud provincial Italian civic life. The

⁴⁶ Hans Baron, "The Memory of Cicero's Roman Civic Spirit in the Medieval Centuries and in the Florentine Renaissance," *ibid.*, p. 116

⁴⁷ Hans Baron, *ibid.*, p. 117

⁴⁸ Marvin Becker, *Florence in Transition: Volume Two: Studies in the Rise of the Territorial State*, Baltimore, MD; The Johns Hopkins Press, (1968), p. 62

endeavor to bring civic life and ambition into accord with Christian ethics expressed not only an optimism with regard to human ability, it also expressed the incorporation of lay life into spirituality and effected a transvaluation of many of the ideals advocated therein. The preachers had taken the lead in encouraging the incorporation of civic life into the world of religious values and it was in the encounter with civic life that the new, intense, tense, spirit of humanism emerged.

Indeed, while more famously associated with the civic humanism of secular authors, the *vita activa* contained such evident religious overtones in its concept of nobility that even in the later 14th century, the appropriation of Cicero's *vita activa* had not lost its religious foundation in the notion of service to the common good:

"Very instructive, for instance, is an occasion on which a friend of Salutati's, a notary in Siena, was grieving over the loss of six sons in an epidemic and voiced his desire to leave the misery of this world and become a monk, despite his having been called by the commune of Siena to serve in public office. Do not give way to a momentary impulse and abandon your past activities, Salutati advises. You would be wrong to assume that the peace of monastic solitude will necessarily lead to God along a surer and straighter path. It may be true that the cloistered life has proved the right choice for certain monks who were impelled to it by Christian charity, rather than by weariness and desperation. Yet many others have found a way no less safe, indeed even safer, in the 'negociosa et associabilis vita.'"⁴⁹

Or again, and in his own words, Coluccio Salutati (c. 1331-1406), whose philosophical voluntarism almost precisely replicates Scotus, whom he not infrequently cites,⁵⁰ quite clearly joins a by then traditional refrain wherein the *vita activa* was held to be the path of lay Christian charity:

"I know, and at this point I do not wish to argue, that the life of those contemplating the divine object, which we ought to love above and before all things, is more sublime and more perfect than that of those devoted to activities. The former

⁴⁹ Hans Baron, "The Florentine Revival of the Philosophy of the Active Political Life," in *ibid.*, p. 136

⁵⁰ Again, for Salutati's voluntarism: Charles Trinkhaus, *In our image and likeness : humanity and divinity in Italian humanist thought*, London, UK: Constable, (1970).

contemplate and love God. The latter, if they are perfectly motivated on account of God and love God, still minister and serve His creatures."⁵¹

Thus understood, that service to the common good should wear the garb of Salutati's insistent and humble refusal to accept any honorific title⁵² and that this conception of service as sacrifice and simplicity should be - as we shall see - associated with poverty and nobility is itself sufficient indication of its origin in mendicant concepts of service to the common good. There is here, in fact, nothing other than the transferal to the civic realm of Ockham's view of the character of the ruler: "Thus the wise man in Ecclesiasticus 32[:1], instructing and guiding a ruler and prince, says, 'Have they appointed you ruler? Do not be exalted; be among them as if you were one of them.'"⁵³ Political prudence, then, first a Scholastic ideal of virtuous and wise service to the common good was a Roman consul before it became the magnificent prince of the later Renaissance.

Here, then, is the laic life of civic spirit and sacrifice in the image of the noble and prudent consul, not quite yet adorned in princely magnificence and reborn in splendid wealth. The movement from the increased importance accorded to political prudence, and the esteem in which even imperfect virtues of civic service were held, constitutes - together with the lay avenue of Christian practice - an impressive incorporation of the city into the medieval spiritual world: "The most popular preachers in early *trecento* Florence addressed large crowds in the piazzas and churches ... Patiently they would remind their audiences that in 'la cittade bene ordinata' each individual has a vital role to perform. Even the humblest of artisans can and does make a valuable contribution to the well-being of the commonwealth."⁵⁴ The earlier medieval spiritual order understood through a pyramidal conception, with isolated contemplative monks at the top and the

⁵¹ Coluccio Salutati, "Letter to Pellegrino Zambecari", in *The Earthly Republic: Italian Humanists on Government and Society*, ed. Benjamin Kohl, Ronald Witt and Elizabeth Welles, (Philadelphia, Pennsylvania: University of Pennsylvania Press), p. 110

⁵² Walter Ullmann, *Medieval Foundations of Renaissance Humanism*, London, UK; Elek Books LTD, (1977), p. 158

⁵³ William Ockham, *Eight Questions on the Power of the Pope*, *ibid.*, p. 318

⁵⁴ Marvin Becker, *Florence in Transition, Volume One: The Decline of the Commune*, *ibid.*, p. 39

great mass of common men at the bottom, though surely not wholly discarded, is partially transformed to a centripetal conception of their relation to the common good through the notion of civic or communal service. The movement is towards a concrete conception of charity as expressed in communal relations: "As in the famous civic frescoes of Tuscany, *caritas* had come to personify man's love of man (*amor proximi*)."⁵⁵ Indeed, "the message of leading humanists such as Coluccio Salutati underscored this notion of extended sociability. The idea of *caritas* was transvalued into a generalized conception of philanthropy. An enduring monument to this new concern was the frescoes of the Brancacci Chapel, where the young Masaccio depicted a radically new sense of Christian community. The Apostles were ordinary men performing simple acts of charity in city streets and in a country-side identical to a Tuscan ambience."⁵⁶ In fact, "separation of civic life from the ethos of *caritas* was not prominent in writings of most humanists of the early Quattrocento. Moreover, affirmation of citizen obligations and the social nature of the *true* citizen prompted Salutati and others to define *caritas* as the virtue which alone can 'foster the family, enlarge the city, and guard the kingdom.'"⁵⁷ At the same time, just how far we have traveled from the abstract charitable peace of Scholastic philosophical-theology can be sensed in the extremely concrete character and earthly texture of civic charitable service. Medieval humanism was, in effect, becoming civic humanism.

That said, we have not yet left behind the logic of the dynamic hierarchy of ends and their associated means, for implied in the very medieval dynamic hierarchical movement toward perfection of peace was the possibility of imperfect evaluations. For judged in relation to tranquility and order or in relation to the common utility, a great many activities had value as service at the level of an intermediate end, but were potentially dangerous to the ultimate end of the common good. That danger was not the recognition of their great value, but the lack of recognition of their

⁵⁵ Marvin Becker, *ibid.*, p. 52

⁵⁶ Marvin Becker, "Lay Piety in Renaissance Florence," in *The Pursuit of Holiness in Late Medieval and Renaissance Religion*, Leiden, Netherlands, E.J. Brill, 1974, p. 185-86

⁵⁷ Marvin Becker, *ibid.*, p. 185-86, footnote 2

imperfection. Even Aquinas' *De Regno* had already foreseen and said as much:

"Now the same judgment is to be formed about the end of society as a whole as about the end of one man. If, therefore, the ultimate end of man were some good that existed in himself, then the ultimate end of the multitude to be governed would likewise be for the multitude to acquire such good, and persevere in its possession. If such an ultimate end either of an individual man or a multitude were a corporeal one, namely, life and health of body, to govern would then be a physician's charge. If that ultimate end were an abundance of wealth, then knowledge of economics would have the last word in the community's government. If the good of the knowledge of truth were of such a kind that the multitude might attain to it, the king would have to be a teacher."⁵⁸

While no explicit mention is made of the potential conflict between these ends and the "prudences" associated with them - yet the repeated "if," shortly thereafter followed in the text by the subordination of these ends to the common good of living well, according to the virtues, and of the king to spiritual authority, makes it clear that the knowledge and pursuit of any one of these ends may fall precisely into conflict or neglect of the true aim of society. Truly, there is not a medieval author who wasn't aware of the potentially insidious effects of wealth for encouraging avarice; Remigio, for instance, "was alarmed by the all-engrossing passion of his fellow citizens for amassing wealth. *Radix malorum cupiditas est*, he said with Dante, and he was aware that it led not only to damnation in the next world but to civil strife in this."⁵⁹ Though wealth was indeed a good, it brought danger as well: "God had given Florence, he said, seven singular gifts: abundance of money, a noble coinage, abundance of population, a civilized way of life, the wool industry, skill in the production of armaments, and a vigorous building activity in the contado. These gifts, if used properly, brought glory to Florence; if used improperly, they blinded her citizens with false pride."⁶⁰ This medieval anxiety over wealth, amidst the very process of formulating the justification for its acceptance as a human good and even part of the ambiguous sufficiency of material welfare at which temporal power aimed,

⁵⁸ Aquinas, *De Regno*, Book I, Chapter 15, in Ptolemy of Lucca, *ibid.*, p. 98

⁵⁹ C.T. Davis, "An Early Florentine Political Theorist: Fra Remigio de' Girolami," *ibid.*, p. 668

⁶⁰ C.T.Davis, *ibid.*, p. 668

is strongly reflected in the historical vision which came to the fore in Giovanni Boccaccio (c. 1313-1375) and was well established in the time of Salutati.

For the historical narrative that the early Renaissance constructed of Rome, first ancient and then extended to ecclesiastical history, conveyed a whole complex of medieval judgments on the effects of wealth on the virtue of a people. In this regard, although Ptolemy had already glossed the theme, "Boccaccio seems to have been the first Florentine writer under humanistic influence to depict Roman history in the light of the full Trecento meaning of *paupertas*. ... 'As soon as riches with their weakening effect began to shape private lives, the empire lost ground; and as covetousness increased, the empire declined more and more and finally fell ... Thus no one should be so arrogant as to feel ashamed of being poor, inasmuch as the *Imperium Romanum* was founded on *paupertas*.'"⁶¹ The same theme is found in Salutati's historical view of Rome:

"What more [can be said] when the books of all the historians are full of the poverty, moderation and abstinence of the Romans? These paupers founded so great an empire that, as a noble and truly great historian [Sallust] said, 'afterward, when riches began to be honored, and glory, empire and power followed them, virtue began to fade, poverty to be held shameful,' rich successors brought it to ruin.... For the Republic of the Romans, which the pauper Romulus founded and the poorest princes raised to such greatness that its empire was bounded by the ocean and its glory, indeed, by the stars, and from the rising to the setting of the sun all, tamed by arms, obeyed only them, this the rich men, cruel Sulla, ferocious Cinna and ambitious Marius shook to its foundations, and the even richer men Crassus, Pompey the Great, and Gaius Caesar the son of Lucius utterly destroyed. Thus in the memory of these events, as in a kind of mirror, mankind can see that for establishing, increasing and conserving this earthly city, poor men excel rich.'"⁶²

Nor did this narrative of human experience with wealth simply read voluntary poverty back into the ancient Rome, it read ancient Rome's varying strength forward into the history of the Church:

⁶¹ Hans Baron, "Franciscan Poverty and Civic Wealth in the Shaping of Trecento Humanistic Thought: The Role of Florence", *ibid.*, p. 206

⁶² Salutati, quoted in Charles Trinkhaus, "Humanist Treatises on the Status of the Religious: Petrarch, Salutati, Valla," *Studies in the Renaissance*, Vol. 11 (1964), p. 26

"Thus it is manifest that all those first founders of the heavenly city and the Catholic Church in the renewal of time either were paupers or sold all that they had and chose voluntary poverty by sharing in common.... These poor and humble men, by infinite martyrdoms through two hundred and thirty and more years, from Nero, the first persecutor of Christians, to the emperors Diocletian and Maximus [sic], in whose time the tenth plague of persecution boiled up, founded the Catholic Church. After Constantine, who did not endow so much as enrich the Church and hand to it the proud ornaments of the imperial height (as may be said with everybody's permission), these our prelates, in whom just as in the case of those other leaders of the earthly kingdom first the love of money and then of empire increased, after they had likewise dined on honey and oil, become bejeweled with gold and silver, dressed in linen and damask robes of many colors, become excessively elegant, and proceeded to rule these prelates rendered that glorious city abominable. Now (what is most to be lamented) although they see the Christian faith, once diffused throughout the world, has lost so many lands to the Saracenic abomination, although they see the old schism of the Graeculi separate so many peoples, so many cities and so many once opulent kingdoms from the unity of Holy Mother Church, just as if it were too large a mass and there were too great a multitude of faithful, by electing two supreme pontiffs at various times (if they can still be called elections which hatred or ambition or the other turbid passions of human minds extort and which are not celebrated in zeal of faith and for the building of celestial Jerusalem), they have created the most pernicious schism. Thus, just as those princes and founders of both cities, while they loved poverty, in laying the foundations of those two cities not only perfected them into a huge work of the greatest size but enlarged them by miraculous increases with labor and blood, so these rich men, with wealth corrupting minds and good customs, destroyed almost all with their glorious wealth of all things."⁶³

With this historical vision, then, we have carved out the clear ideal of a ruler, consul or civic hero - dedicated to service of his kingdom, the solemn dignity of his office, his political prudence, and his rod of justice in a fallen world. Poverty was associated with strength of manly virtue, that nearly voluntaristic emphasis upon the will's capacity to exert effort and strive for good, a Stoic endurance and humble nobility - and, crucially, civic-oriented patriotism. In fact, despite his misgivings about political life, Petrarch's effort to paint the image of a good prince follows this association of the Franciscan-Stoic virtue of poverty with the proper service-character of rule:

"Therefore, all those who love virtue and wish to have a good reputation should avoid and despise the evil of greed. But, most of all, princes should avoid greed

⁶³ Salutati, quoted in Charles Trinkhaus, *ibid.*, p. 27-8

because they are the leaders of men and in their care has been placed vast sums and much property as well as the state itself ... Concerning this question the best advice was given by Epicurus, who said that to become rich one did not need to increase his property but rather to curb his own desires."⁶⁴

The ideal for a ruler, the mirror of the prince, is a psychological poverty in relation to the wealth he must have according to the dignity and duties of his position. The optimism of this conception, wherein the mighty were conformed to the spirit of charity despite their wealth and power, was equally applied to the merchant: "Certainly Boccaccio harbors an ungrudging admiration for the best of the bourgeois aristocracy and considers them in no way inferior to the great feudatories. Like the nobles, they suffered danger and risked death in their far-flung business ventures."⁶⁵ The hope that, through an interior spirit of poverty, the burgher class might be satisfied with a sufficiency that befits their status and bend their ventures to the service of the commune's well-being, was a transvaluation of the chivalric ethic hitherto applied to the knight's violent passion for distinction on the battlefield. The hope was precisely that by induction into the ranks of civility, the potentially anti-social avarice of the merchant would become an ordered pursuit of wealth.

Here it is absolutely crucial to note that in this entire historical narrative wherein the rise and fall of Rome and the rise and corruption of the Church were fueled by the corruption of wealth and avarice, and in the ideal notion of the prince's proper character, a notion of sufficiency was assumed throughout as a humble and meager relation to the necessary possession of wealth as but a requisite condition for fulfillment of the intermediate ends of political authority. Despite the optimism of the chivalric ethos for business, this was precisely the point at which the unified ideals of poverty and those of civic republican service potentially diverged. For the precise determination of material sufficiency in a given case was its conformity to the dignity of the office and the concomitant hierarchical ordering of acceptable accumulation of goods in accord with distributive justice. This,

⁶⁴ Petrarch, "How a Ruler Ought to Govern His State," in *The Earthly Republic: Italian Humanists on Government and Society*, *ibid.*, p. 63

⁶⁵ Marvin Becker, *Florence in Transition, Volume One: The Decline of the Commune*, *ibid.*, p. 42

no doubt, began with the prince: "First, a ruler must act to ensure that the individual parts of the government have an abundance of natural riches ... things such as farms, vineyards, groves, forests, and preserves of various animals and birds. ... fish, birds, herds of oxen, and flocks of sheep ... horses, mules, asses ... a treasury containing artificial riches is a necessity ... a specially defended area or fortress within their cities or castles."⁶⁶ In short, a person must be allowed to accumulate and possess all that is requisite to his duties in relation to the kingdom or city. The notion of sufficiency, then, was at once linked to the notion of *paupertas* in use and at the same time quite flexible in accommodating a fair amount of feudal and historical class distinction. That flexibility was, no doubt, a potential fissure in the ideal.

Nevertheless, perhaps even more important than this flexibility, however, is the connection between this sufficiency and the honor and nobility that attached to civic service, of which there is a hint in Ptolemy's thought: "Also, the king's magnificence requires these things for a more plentiful and bountiful administration of food and drink, which can be accomplished more expeditiously if kings have abundant flocks and herds."⁶⁷ As Guido Guerzoni notes, of Dominican authors, Giles of Rome went perhaps furthest in this regard: "since kings and princes have a lot of properties and wealth, they should give bigger recompenses and they should spend with more pleasure and promptness,' above all in works that did not coincide with the traditional religious sphere: "Having honourable houses, making convenient weddings, equipping admirable armies."⁶⁸ Though certainly, Giles is only the most famous author to have taken this direction - as the Louis Green has shown for similar developments in Milan in the work of the Dominican Galvano Fiamma (c. 1283-1344).⁶⁹ Here a deeply rooted problem appears. Some of the most exalted virtues of Aristotelian ethics, perhaps precisely those virtues that truly required wealth and political life for their exercise, namely,

⁶⁶ Ptolemy of Lucca, *ibid.*, pp.113-29

⁶⁷ Ptolemy of Lucca, *ibid.*, p. 116

⁶⁸ Guido Guerzoni, "Liberalitas, Magnificencia, and Splendor: The Classical Origins of Italian Renaissance Lifestyles," *History of Political Economy*, 31, (1999), p. 356

⁶⁹ Louis Green, "Galvano Fiamma, Azzone Visconti and the Revival of the Classical Theory of Magnificence," *Journal of the Warburg and Courtauld Institutes*, 53, (1990), pp. 98-113.

liberality, magnanimity and magnificence, were fused together with the notion of honored *officium*, social status and - critically - the increasingly ambiguous term, "sufficiency" that attached to a person according to their *officium* in connection with distributive justice. It is, therefore, important to note that the Scholastic conception of distributive justice is far from being what it is today - it was not so much concerned with justice in the distribution of wealth in accord with some fundamental human equality in material goods but distributive justice, first, of common goods in accordance with prior contribution thereunto and thus with the distribution of honors according to one's duties and the prominence thereof in the community and with wealth in accordance with the needs of one's occupation and the relative dignity of that occupation.

Nor was this attention to the greater needs of the princely office and the ruler's political prudence limited to his particularly grand *officium* and its evidently greater material needs. For "quintessential to this conception of community was Salutati's elevation of the *mercatores et artifices* to an equal status with the *milites* of the city," and, in perfect harmony with what we shall see had become the common Scholastic justification of trade and profit as licit if the work is done to provide for one's necessities, for one's family or for the common good, that elevation of merchants and artisans brought with it a parallel recognition of the sufficiency due to their *officium*.⁷⁰ In this way, there is an evident "democratization" of the road to sanctity, religious and social value and with it a certain recognition of the material wealth that enabled men to serve the city well. This new road became the standard by which activities in general and the economic activity of the merchant in particular was to be measured; if they found a prominent place in the social order, their place in the sun was predicated upon a centripetal order around the theme of the common good. Thus it became increasingly standard to evaluate commercial activity with greater attention, not merely to the inherent justice that necessarily must obtain in any transaction, but to a broader conception of its justification as of critical importance and benefit to the community.

⁷⁰ Louis Green, *ibid.*, p. 191, footnote 1

Of course, one ought not anachronistically deduce the acceptance of a "capitalist" order and simply elitist ideology either from the Scholastic or Renaissance re-evaluation of earthly human goods as true but intermediate goods or from the medieval concept of distributive justice.⁷¹ However, one can find here - in the confused fusion of *sufficiency* with honored social status and the virtues of magnanimity and magnificence - the first signs of a deep and informative link into the manner in which distributive justice came to combine high office (social function) with financial exorbitance (sufficiency) and the race for that most coveted and, by the nature of competition for it, most elusive prize: social distinction (magnanimity and magnificence).^{*} The importance of this link is particularly clear when the

⁷¹ For such a reductive reading, see D. Lesnick, *ibid.*, who - despite valuable contribution - seems intent on squeezing Dominicans and Franciscans into categories of elite capitalists and socialist workers.

^{*} If, indeed, Werner Sombart's distinction between pre-capitalist and capitalist economy falls along the line of his distinction between "needs" and "acquisitiveness", the line is increasingly blurred where "needs" are connected with sufficiency according to status and grandeur in social distinction. And if Max Weber's criticism of Sombart's distinction highlights the fact that "acquisitiveness" cannot be assigned to just any desire exceeding a bare minimum of needs but only to an excess beyond one's traditional needs, even the line between traditional needs and "acquisitiveness" is here, in the above discussion, stressed by social ambition's object of commercial distinction and its concomitant, indeterminate, sufficiency of wealth. In this regard, Amintore Fanfani fairly captures the purely traditional character of economic pursuit: "The essence of the capitalist spirit becomes clearer if we reflect that the pre-capitalist who looked upon wealth as a social instrument, and who related a man's economic activity to the general requirements of his station in life, had to discriminate not only between lawful and unlawful means of acquiring wealth (a distinction which must be made, though with other criterion, by the capitalist also), but between lawful and unlawful intensity in the use of lawful means. ... And this because the pre-capitalist does not hold the unlimited enrichment of an individual to be lawful. Such enrichment would indeed seem to him senseless, since each has a strictly limited number of needs to be satisfied in the measure demanded by his station in life. And to better the latter would have seemed to the pre-capitalist unjustifiable." in Amintore Fanfani, *Catholicism, Protestantism and Capitalism*, London, UK: Sheed & Ward Ltd, (1935), p. 24; Fanfani, understandably, but too readily conflates this pre-capitalist view with the Catholic view and conflates capitalism with a simply irrational desire for unlimited profit - which is an exaggerated reduction of its social meaning. Such a view is, in fact, to expressly ignore its social meaning. The point for us, however, is that in Florence and Siena, this schema of traditional needs and distributive justice is

distributive allotment of society is proportioned in conjunction with the fact that among lay pursuits, a great many are more immediately ordered toward a mundane common utility such as the maintenance of a minimal peace or the achievement of common wealth. For this allows us to see how the acceptance of the distributive allotment of goods according to *officium* and requisite magnanimity and magnificence, tended to foster, not simply the expansion of the notion of sufficiency in relation to this set status, but a deep incentive to seek a greater level of distinction and greater sufficiency through high office or honored private business contributing to common wealth. Men who brought the city its *sufficiency* and, perhaps, its *magnificence*, were to be honored and, step by step, exalted as themselves magnificent. All the more so when this was taken to be the ordinary, or at least the only ordinarily achievable, end of society; that is, as the highest end of society lowered to a concrete material good, so the merchant's position rose - and with it, there was a development of the object of social ambition for those who strove for distinction. Here, the inverse subjective side of ambition, *amor di patria* and Christian motives is their objective reward of honor and wealth and their unity in giving impetus to commercial pursuit. That this is a *unity* must be stressed since the heights and conflicts to which it may drive those inspired by it are precisely unending as a consequence of the fact that one's status is defined and measured in relation to the position, performance and possessions of others. This then, though not yet the actual image of a good and magnificent merchant, is at least the framework wherein it is possible to form the space the merchant will occupy. It is, quite potentially, an encouragement to that emerging intensity, an ideal of the "chivalric" spirit of business to be aligned with reward for the pursuit of productive means in fulfillment of common "need" and motivated by civic *duty* and even, competition for honors, social status and magnificent sufficiency. A whole ideal sociological identity of success and responsibility is shaping. It is a social identity that incorporates the aspirations of

breathing a different spirit. It is a spirit related to the Catholic social approbation of external conduct and even intensity therein - in accord with certain motives. This is not to say that it is Catholic, but that Catholicism gave it a certain social meaning as a social ideal that, along with its other attractions, was effective in futhering an object stimulating to social ambition.

merchant's to nobility of status and channels the drives of a formerly militant age into the new battlefield of commerce - a tamer pursuit than war, no doubt, but itself in need, if not of strictly virtuous sociable-ethical conduct, then in default of that, at least some rules of war. It is to the relation between this general framework and the formation of this concrete space for the social identity of the merchant in the new evaluation of wealth and commercial service that we now turn.

The Spirit of Poverty, Civic Wealth and Commercial Magnificence

While Thomas Aquinas had insisted upon the importance of interior intention, we have noted that it was a common Scholastic theme and, moreover, that it received perhaps its strongest emphasis in the works of Franciscans. With their characteristic insistence on the importance of the will, Franciscans and their inclination to center all moral virtue therein were also thereby inclined to insist more strongly upon the import of interior intention as a criterion of the moral value of human action. William Ockham had, in this regard, gone furthest - subsuming all moral value into intention without thereby releasing man from the obligation to intend, as best he could, to bring his action into conformity with right reason concerning exterior acts. This shift toward the interior on the part of moral value was joined to the recognition that only God could judge the hearts of men and that human law, because of this interior realm slips the view of man as Aquinas states, cannot legislate Divine law. Moreover, the reach of human law was itself contracted on account of the fact that it must treat of imperfect men and therefore treat them with prudence rather than the sudden and crushing imposition of perfection. Indeed, for many, such as Ockham, true spiritual perfection required a liberty of choice that was the very dignity of virtue and thus removed a large part of man's moral journey from the jurisdiction of temporal power and the coercive force of law. In other words, morality was at once interiorized and law was turned primarily toward exterior action. When at last the tension between the civic ethos of exalted service to the common good and the ideal of poverty came to its greatest heights in the late

14th century, this typical drift of ethics supplied a tenuous solution: the psychological internalization of the spirit of poverty for those whose civic duties required them to possess and administer wealth and the praise of exterior actions conformed to rules of honorable conduct and, in particular, the praise of the princely virtues of liberality and magnanimity that required wealth and magnificence.

Whatever the ultimate outcome the immediate historical import of this fissure in the unity of interior and exterior action with respect to wealth should not be exaggerated - despite the fact that it suggests the fundamental tension that had stalked the ideal of poverty in a civic age. For behind the prominence of poverty as an ideal, and behind the religious and moral suspicions of wealth, the civic tradition had always been rather more permissive. Indeed, when Dante had taken it upon himself to denounce Frederic II's account of nobility, his critical assessment, though roundly applauded by the many friends of poverty at the time, was not quite universally accepted. Bartolus, on the contrary, tends "to support the view which is often taken to have been developed for the first time in the early *quattrocento* - the view that private wealth, as Bartolus puts it, 'tends to promote virtue', since 'it tends to promote magnanimity, which is a virtue, as St. Thomas himself agrees.'"⁷² This opposition to the Franciscans' stringent emphasis upon poverty, a stringency which St. Thomas himself had moderated to a fair degree despite his essential conviction that poverty was the first step toward perfection, was a constant theme of tension in discussions of nobility and wealth that continued right into the typical Renaissance discourse on man.

Thus, while "[t]he domination of Trecento humanistic thought by the ideal of *paupertas* came to a climax during the last third of the fourteenth century,"⁷³ despite its climax, the ambiguity of the medieval evaluation of wealth extended itself straight through into the 15th century and only therein did it truly develop a new spirit - the unashamed spirit of splendor so often associated with the Renaissance. There can be no doubt about the veracity of

⁷² Quentin Skinner, *ibid.*, p. 56

⁷³ Hans Baron, "Franciscan Poverty and Civic Wealth in the Shaping of Trecento Humanistic Thought: The Role of Florence," *ibid.*, p. 191

the suggested durability of the ideal of poverty and humility so evident in historical visions of Boccaccio and Salutati. Yet historian Hans Baron greatly attenuates any impression of either a pure dominance or a sudden transformation in this regard and replaces it with the notion of a persistent evolving tension. For, by way of historical introduction and exemplar, he notes Petrarch's own personal struggle with moderation and his intellectual oscillations on the theme ending with a more moderate moderation.⁷⁴ Further Baron points to Ptolemy's distinction between corruptible, avaricious involuntary poverty of the masses and genuine voluntary poverty of Roman and mendicant lives as evidence of a growing reflection that not all poverty is good and not all wealth is bad. Most significantly, Baron also highlights the "exception" to the rule represented by the great legists: "Baldo de Ubaldis [c. 1327-1400] ... praised trade and commerce as the source of political power and advised cities to encourage wealth and produce a large merchant class. Bartolo of Sassoferrato ... In the case of civic nobility he agreed with everything Aristotle and St. Thomas had taught concerning the role played by wealth in human *felicitas* and in virtues such as liberality."⁷⁵ Though neither Bartolus nor Baldus were necessarily expressing much more than the transferal of the notions of liberality and magnificence from the level of individual ethics to the level of the city and vice versa, their eagerness in doing so and encouraging commercial development expresses the tense relation between religious discipline of the spirit of poverty-charity and that of magnificence-magnanimity. The encouragement of commercial society, though not necessarily opposed to the limited encouragement given to commerce by Scholasticism, seems to go beyond St. Thomas' view that "the perfect city will make a moderate use of merchants"⁷⁶ or Scotus' view that although a ruler ought to seek out honest merchants for the good of his realm, their improper aspirations make them subject to potential exile.

The same tension would also surface in the eloquence of Leonardo Bruni (c. 1370-1444). In his panegyric of Florence, he praised both the liberality

⁷⁴ Hans Baron, "Franciscan Poverty and Civic Wealth in the Shaping of Trecento Humanistic Thought: The Role of Petrarch," *ibid.*, pp. 158-190

⁷⁵ Hans Baron, "Franciscan Poverty and Civic Wealth in the Shaping of Trecento Humanistic Thought: The Role of Florence," *ibid.*, p. 223-4

⁷⁶ Thomas Aquinas, *De Regno*, Book II, Chapter 3, in Ptolemy of Lucca, *ibid.*, p. 110

and generosity of the Florentines as well as their magnificence and economic strength: "Who, therefore, could ever praise Florence enough for its beneficence and liberality? What city in the entire world could surpass Florence in this sort of achievement? ... And since Florence has become such a patron, who will deny that it surpasses other cities in dignity, might, economic power, and authority?"⁷⁷ And it was Bruni who made the most strident breakthrough in the defense of wealth along Thomistic-Aristotelian lines in a manner and spirit that demonstrates the shift away from the ideal of actual poverty. Not coincidentally, the extraordinary articulation of this latter evaluation of wealth as necessary to magnificence came in Bruni's preface and commentary on his translation of the pseudo-Aristotelian *Economics*: "Studying the *Economics* (mistakenly attributed to Aristotle, but in any case Aristotelian in conception), Bruni sensed a kindred spirit. In 1420-1 he dedicated his Latin translation of this Greek work to Cosimo de' Medici ... In the preface, addressed to Cosimo, he states that, according to Aristotelian teaching, the *divitiae* not only help and adorn their owners but 'give them the capacity to exercise their virtue.'⁷⁸ Further still, "In the commentary accompanying his translation, Bruni reiterates the old warning that when one amasses more *divitiae* than are necessary to meet the needs of one's family, the craving for wealth may become limitless ('nullus est terminus divitiarum'). Nevertheless, he continues, 'it is the opinion of wise men that such enhancement of fortune is not blameworthy if it does not harm anyone. For riches can serve as an aid to such virtues as magnanimity and liberality, and they are useful to the republic' since 'money ... is necessary to maintain the state and safeguard our social existence.'⁷⁹ The tension, then, is

⁷⁷ Leonardo Bruni, "Panegyric to the City of Florence," in *The Earthly Republic*, *ibid.*, p. 160-1

⁷⁸ Hans Baron, "Civic Wealth and the New Values of the Renaissance: The Spirit of the Quattrocento," in *ibid.*, p. 229

⁷⁹ Leonardo Bruni, cited in Hans Baron, *ibid.*, p. 230; See also Baron's citation of Bruni, 2002, 156: "But in fact to both liberality and this virtue which concerns honors, two distinct virtues are connected, magnificence and magnanimity. Of these magnificence is more elevated than liberality since it has to do with vast and great expenditures, for example, when someone builds a public theatre, or presents the Megalensian Games, or a gladiatorial contest, or a public banquet. Indeed, these activities, and others of this sort that surpass the means of the private person, have a certain grandeur about them and are

between the grandeur of the city for which one labored and the wealth that one gathered to place at the disposal of the community, which in turn redounded to one's honor.

In this movement, the dialogue, *De Nobilitate*, of Poggio Bracciolini (c. 1380-1459) represents perhaps the most significant, though far from the only, survey of what had become an evident oscillation between the traditional ideal of poverty and humility and that of the new respect for civilized wealth and personal cultivation. Therein the two visions of wealth are explicitly contrasted in the respective opinions of Niccolo Niccoli and Lorenzo de' Medici. The characters are historical personages and their own lives have bearing upon the meaning of their positions in the dialogue - for Niccolo was "himself a rich Florentine who was unusually reluctant to hold public office," while Lorenzo was heavily involved and destined to be called Lorenzo *il Magnifico* in evident accord with the virtue of magnificence.⁸⁰ Throughout the dialogue the question revolves around the Aristotelian claim, met earlier in connection with Dante's critique and Bartolus' defense thereof, that inherited wealth, or even wealth in general, affords a man the opportunity to be liberal, and even magnanimous on a grand scale, magnificent in his largesse and in the beauty he may create in public art and style. Niccolo, as a man disinclined to civic office and a quieter form of honorability, voices the opinion of the private and prudent Stoic who finds nobility to consist in virtue alone: "Men are led, by Aristotle's teaching, to praise riches, and they are corrupted by the frailty of their own nature and led to despise poverty as a vile condition and one of the worst evils. Desiring wealth too much, they believe that there is no way to virtue and right living

spoken of, not simply as generous, but also as magnificent" ("At enim et liberalitati et huic virtuti, quae est circa honores, duae praeclarissimae virtutes coniunctae sunt, magnificentia et magnanimitas. Quarum magnificentia sublimior quaedam liberalitas est circa sumptus ingentes et magnos, ut si quis ad usum populi theatrum aedificet aut ludos exhibeat Megalenses aut gladiatorum munus aut epulum publicum. Haec enim et huiusmodi, quae privatum supra modum excedunt splendorem quemdam habent eximium, nec liberalia modo, sed etiam magnifica dicuntur").

⁸⁰ David Marsh, introduction to Poggio Bracciolini, "On Nobility," trans. David Marsh, in *Humanism and Liberty: Writings on Freedom from Fifteenth-Century Florence*, ed. and trans. Renee Neu Watkins, Columbia, SC; University of South Carolina Press, (1978), p. 121

without it. ... I commend as truest the opinion of the Stoics ... nobility is born of virtue alone."⁸¹ He belittles, with a taste for derision worthy of the Stoics and mendicant preachers, the "*fama*" and reputation that wealth is generally accorded by the masses as a gloss on men who are usually "proud, headstrong, lustful, abusive and more disposed to pursue pleasures and vices."⁸² Lorenzo, for his part, equally commends personal virtue while upholding the Aristotelian view that riches do indeed contribute to the nobility of a man, particularly on account of the illustrious reputation and dignity he can achieve through their assistance: "I shall remain Aristotelian and say that nobility derives, not only from virtue, but also from fortune's goods, family, and country and the blessings of health and wealth. Riches make possible magnanimity, the most welcome of virtues. ... Riches, of course, are neither good nor bad in themselves but become good or bad according to their use, but they do seem to make a good man more illustrious and to place him, as it were, in the place where his virtue may shine forth."⁸³ Undoubtedly, this view, where the wealth and fortune of a virtuous man serves as an example and illustrious ideal for the public, is close to the Aristotelian model, but it would definitely be a stretch to include the full extent of it within the Thomistic vision. This excess is no doubt explicit: "Though I admit that virtue pertains to nobility and has great importance in determining what it is, the whole of nobility does not seem to me located in virtue. To me it seems necessary, if a man is to merit the title of noble, that he also possess those external things you just rejected: the courtyards full of statues, the colonnades, the theaters and public entertainments, hunting parties, and other things by which we enhance our reputation. These things make men famous ... Glory does attend virtue and upright character in action, but these things too have a certain splendor ... something which people call nobility."⁸⁴ The dialogue proceeds but does not settle the question even if Niccolo has the last word in a partial accommodation and gentle castigation of Lorenzo that admits the good of "glory" as a benefit of true virtue, but insists that true nobility consists in virtue alone and that any glory it receives

⁸¹ Poggio Bracciolini, *ibid.*, p. 140-141

⁸² Poggio Bracciolini, *ibid.*, p. 140

⁸³ Poggio Bracciolini, *ibid.*, p. 139

⁸⁴ Poggio Bracciolini, *ibid.*, p. 143

is of secondary concern: "We must cherish virtue, Lorenzo, for it not only makes us noble, but blessed and immortal in the memory of men. From virtue, nobility; from virtue, glory; from virtue, our conduct should derive; from virtue comes all right conduct and the willingness to strive."⁸⁵ It is difficult to capture, just how profound a transformation of tone is found in the use of nearly the same vocabulary and structures exhibited in such opinions. Nonetheless, that transformation is evident even on the face of it. Niccolo does not, after all, advocate actual poverty. Rather, he praises the nobility of those whose own virtue has gained wealth and maintained virtue rather than those who have inherited wealth and lost virtue.

Nevertheless, even if the ideal of poverty existed in tension with this alternate shadow, neither should we thoroughly exaggerate the tone of the ideal imputed to Lorenzo to the point of mistaking it for little more than a thin excuse for consumption and avarice. That may well be true, but the image matters insofar as it is a public image with certain necessary contours. And behind the authority of Aristotle and the virtues to which he alludes, there was indeed an ideal of a *personae* that was rather earnestly sought by Renaissance princes: the combination of virtue and wealth. It is a theme that draws upon Cicero's republican hero regardless of the Roman's emphasis on personal austerity: "Playing one's appropriate role in the service of the *respublica* was the source of glory amongst one's fellow-citizens, and all these Roman writers stressed the importance of glory as a goal for action: the public esteem attached to one's conduct was a powerful motive to behave in the way the public good required."⁸⁶ Magnificence, moreover, was a repeated theme of preachers and even earlier scholastic writings; according to Fra Antonino, magnificence is to be understood as "spending 'a great deal of money responsibly, so that, for the honor of God or the good of the republic, churches and the like may be built.'"⁸⁷ It was an ethos actively cultivated in Renaissance merchants of standing and an ideal to which many strove - the evidence of their contributions to public buildings and the

⁸⁵ Poggio Bracciolini, *ibid.*, p. 147

⁸⁶ Richard Tuck, *Philosophy and Government: 1572-1651*, Cambridge, UK; Cambridge University Press, (1993), p. 8

⁸⁷ Peter Howard, "Preaching Magnificence in Renaissance Florence," *Renaissance Quarterly*, Volume 61, Number 2, Summer 2008, pp. 325-369; p. 337

construction and decoration of churches, hospitals, orphanages, etc. is impressive indication that the ideal carried more weight than a simple "justification." Whether differing in degree or in kind, whether the driving motive was a delusion of princely fame, a simpler yearning for the honorability of civic duty or a pure religious-spiritual charity, the conditioning influence of social-religious approbation on the object of ambition's desire is clear enough, in the patterns of conduct and characters that it shaped, to indicate the intensity that honored social status gave impetus to as well as channeled along certain lines.

The cumulative force of motives and their expression may be found repeatedly in commercial writings as well, testament to an enduring mode of thought: "In his ricordo for 1473, [Giovanni] Rucellai says in reference to his spending on various ecclesiastical foundations, including Santa Maria Novella and his own tomb in San Pancrazio: "All the above said things have given and do give me very great contentment and the greatest pleasure, because they redound in part to the honor of God, to the honor of the city, and to the memory of me."⁸⁸ In fact, Lorenzo's opinion, literary creation though it was, is not quite so far, apart from its obvious worldliness, removed from the preaching and the *Summa* of Fra Antonino (c. 1389-1459):

"Although temporal goods may not rank with other goods [spiritual and natural] they are nonetheless goods from God and as the philosopher says, serve as a means of happiness, that is, instrumentally, since they are a way of accomplishing good works. There are, however, three [goods] of this type: namely riches or the wealth of this world, the gaining of honor or worldly glory, the actions of power and freedom in the concerns of men."⁸⁹

The preaching of the friars was indeed aimed at justification, but it is best to proceed by allowing that term to stand in the ambiguity of meaning that lies between justifying in the sense of accommodating excuse and justifying in the sense of providing an ideal that men strive for and are thereby rectified, made straight, justified: "From the late 1420s onward, not only Fra Antonino and Fra Francesco Mellino, but arguably other preachers in Florence, promoted the idea of magnificence and the obligation of wealthy citizens to undertake major projects for the common good and for the honor of the

⁸⁸ Peter Howard, *ibid.*, p. 338, fn. 60

⁸⁹ Peter Howard, *ibid.*, p. 338

city."⁹⁰ There can be little doubt of the effect of such preaching in guiding wealth toward certain expenditures and that the motives behind the enormous and costly construction projects undertaken were performed for multiple motives - chief among them, without necessarily denying the sincerity of religious, charitable and patriotic intentions, was to gain the social standing and, in some cases, illustrious repute that came with dignified commercial pursuit and "noble acts."

The late-Scholastic emphasis upon poverty and humility in honorable activities of service to the common good was, then, increasingly related, in a heightened tension, to the splendor of Aristotelian magnanimity, the duties of high office and princely majesty according to distributive justice, and the performance of great deeds. The virtues of liberality and magnanimity, magnificence even, were not necessarily opposed to the spirit of poverty as they taught the necessity of retaining the humble use of worldly goods amidst wealth - that humble use being precisely the ability to give, dispense and use with prudential concern for the common good, the wealth that it was one's office to administer. Orthodox poverty was a use of poverty, real poverty even, as a means of discipline for the sake of interior poverty. Lay interior poverty was a treasured and noble spirit in the performance of one's office and duties, its expression was liberality on a normal scale - and on a grand scale, magnanimity and magnificence. In short, for the laity, the standard of perfection was different; for not all men sought the perfection pursued by religious vocation and thus there was indeed a movement toward the psychological-interiority of poverty as one moved from monastic to lay society. Yet the energy which the mendicant preachers poured into exaltation of the common good and service to the community tended to heighten the tension between the magnificent expressions of charitable service open only to those who possessed wealth and the humble psychological spirit that supposedly lay behind them.

This emphasis on poverty as an interior discipline is highly representative of the whole manner in which the mendicant preachers and early Renaissance humanists attempted to form lay worldly life to the image of service to the common good. For instance, as has been noted of Giordano of

⁹⁰ Peter Howard, *ibid.*, p. 342

Pisa's preaching, they sought to accomplish this "by providing an eschatological model that permitted continuation of commercial activity because its asceticism was confined to the realm of *psychological* reality and did not immediately threaten to alter the rhythms of daily life."⁹¹ More instructive than this recognition of the movement toward a focus on spiritual poverty of intent, however, is the exaggeration this recognition makes in reducing the Renaissance effort to mere "accommodation" as though the mendicants simply provided "rationalization" for the preservation of uninterrupted and unaltered lay pursuits without deliberate formative influence. For what this and similar commentary misses in an obsession with painting mendicant elitism as assisting the intention of "increased mastery of the material world"⁹² is precisely the formative influence that this educative movement intended and frequently did have upon the character and ideals of the laity and, as we shall see, the merchant. For - as is evident from the work of Richard Goldthwaite⁹³ and numerous other sources - it was a real influence on the rhythms of daily life and ideals of many merchants. Again, this does not even need to mean that their motives were purely or even mostly religious, but it means that neither can they be reduced to any crude self-interest in the form of unbounded desire for purely economic profit: "This does not mean that medieval merchants were unselfish patriots, but they did identify the greatness and welfare of their city with those of their family and business, firmly believing - to borrow the unforgettable words of one of President Eisenhower's cabinet members - that 'what is good for General Motors is good for the country.'⁹⁴ The entire force of Scholastic and mendicant preaching ordered the activity of the laity not only towards service but to envisage themselves and their work, especially that exceeding their own sufficiency, precisely in this way; that is, they were to understand

⁹¹ D.R. Lesnick, *ibid.*, p. 133

⁹² D.R. Lesnick, *ibid.*, p. 129

⁹³ Richard Goldthwaite, *The Economy of Renaissance Florence*, Baltimore, MD; Johns Hopkins University Press, (2009) and *The Building of Renaissance Florence*, Baltimore, MD; Johns Hopkins University Press, (1980).

⁹⁴ R.S. Lopez, "The Culture of the Medieval Merchant," in *Medieval and Renaissance Studies: Proceedings of the Southeastern Institute of Medieval and Renaissance Studies*, Vol. 8 (1979), p. 65

themselves as acting for the common benefit and to move from the maintenance of the spirit of poverty through the virtues of liberality and magnanimity toward what ought to be, precisely, the civic duty of prudent management, retaining and dispensing, of wealth that went beyond requisite sufficiency and a responsible attitude toward wealth that avoided prodigality and avarice. This end of over-flowing charity, then, far from being a simple accommodation of commerce in support of elitism, was essential to the very belief that such a performance was indeed noble and entitled to the honor which it was due to receive. Without that honor, and without at least the appearance of charity which was honor's precondition, there would only remain other motives either not even remotely as intense or simply those avaricious and crude motives that would not have found the approval either of the Church, the public or the conscience. Civic duty, respectability, even magnanimity and magnificence were to be the superlative external expression of the interior spirit of poverty and love of the common good; they were also to be the driving motives of economic agents not completely devoid of social aspirations. If this slipped over into confusion between what is good for business and what is good for the community, this is not always so clear - especially to a mind with an unclear conflict of interest.

Nevertheless, modern scholarship is certainly not wrong in perceiving that the honored social status of such a wealthy patron, obtained and maintained through their service to the common good and their magnificent charity, could mix the motives of the external action of charity with ambition and desire for glory and fame and therefore even become a whole ideology of elitism upholding the social order of a given historical moment. The mendicant preachers themselves were rather more than aware of this possibility and there is almost no need to clarify the lengths to which they went in condemnation of avarice. If charity and love of the common good held the city together, avarice and her many daughters tore the city to pieces: "Domenici and Bernadino were deeply concerned with the sin of avarice, voicing conventional attacks against the 'wolf of avarice' ... They considered avarice a sin that destroys cities, a demon that appears in the shape of a yellow horse at the Apocalypse. ... Both preachers listed avarice as the worst of the three cardinal sins typical of Florentines - lust and pride being the

other two - because avarice threatened the unity of the family."⁹⁵ The use of wealth rather readily turned into its perversion - and its perversion corrupted nearly the whole of city life. Thomas Aquinas had condensed and given rational form to an otherwise popular tradition concerning the many daughters of avarice:

The daughters of covetousness are the vices which arise therefrom, especially in respect of the desire of an end. Now since covetousness is excessive love of possessing riches, it exceeds in two things. For in the first place it exceeds in retaining, and in this respect covetousness gives rise to "insensibility to mercy," because, to wit, a man's heart is not softened by mercy to assist the needy with his riches [*See Question [30], Article [1]]. In the second place it belongs to covetousness to exceed in receiving, and in this respect covetousness may be considered in two ways. First as in the thought [affectu]. In this way it gives rise to "restlessness," by hindering man with excessive anxiety and care, for "a covetous man shall not be satisfied with money" (Eccles. 5:9). Secondly, it may be considered in the execution [effectu]. In this way the covetous man, in acquiring other people's goods, sometimes employs force, which pertains to "violence," sometimes deceit, and then if he has recourse to words, it is "falsehood," if it be mere words, "perjury" if he confirm his statement by oath; if he has recourse to deeds, and the deceit affects things, we have "fraud"; if persons, then we have "treachery," as in the case of Judas, who betrayed Christ through covetousness.⁹⁶

The fulminations of friars against the sin of avarice and her insidious effects on social life are more than it is necessary to bring forth in evidence given the perennial penchant of preachers for fire and brimstone; Bernadino clearly exhibits this penchant as he warned "against the cupidity of the young: 'When you see your son spending your money and then asking for more, it is a bad sign, since there is no sin worse than avarice. ... A son like that will have no mercy.' ... He repeated these warnings in Siena, in 1425, declaring: 'If a person is avaricious when young, as he becomes older he will be a usurer and a sodomite, will not honour contracts, and will swell with pride.'"⁹⁷ Avarice was indeed opposed to liberality and thus to charity, the very heart of social life, and thus, obviously, to the proper order of use among different goods. And while preachers would not approve of Lorenzo

⁹⁵ Nirit Ben-Aryeh Debby, *Renaissance Florence in the Rhetoric of Two Popular Preachers: Giovanni Dominici (1356-1419) and Bernadino da Siena (1380-1444)*, p. 164

⁹⁶ Thomas Aquinas, *S.T. II-IIae, Q. 118, a. 8, reply*

⁹⁷ Nirit Ben-Aryeh Debby, *ibid.*, p. 164

Medici's grasping disordered ambitions, they certainly did not take a dim view of more disciplined and dutiful merchants.

In contrast to the personal restraint required by the spirit of poverty, then, there was the fact that such magnanimity and magnificence were so highly esteemed as a level of lay charity and love of the common good that a great performance of nobility, as the perfect pitch of civic virtue and distinguished service, and the fact that wealth was entirely requisite to the performance of such actions. These facts potentially united to spur ambition to the pursuit of wealth as a necessary means to a very public virtue. If one even blinks for but a second, one can miss the transition from well-ordered love of good to a vision significantly removed from that ideal. Yet there is a clearly increasing recognition of the relative moral ambiguity of wealth in its conception as a means to virtue - as San Bernadino put it: "When God sees that a soul can be better saved through riches than through poverty, God bestows riches.... God calls each one of us to the state that befits him best. The rich are necessary to the State, and the poor to the rich."⁹⁸ Indeed, the dawn of the 15th century saw a rather clear turn away from the ideal of external poverty toward its internalization in accord with the new emphasis on grand civic virtues. With that turn came a rise in new evaluations of wealth, productive activity and responsibility - as well as a new evaluation of poverty.

Matteo Palmieri, writing in the 1430's, in his work on the *Vita Civile*, reproduces the basic theme of the blessings of civil life in marriage, friendship, health, economic sufficiency, honorable riches and splendor of public buildings; yet he adds that, given the goodness of these things, "human beings 'ought not to scorn usefulness and their own advantage,' that 'it is blameworthy to despise useful things one can acquire lawfully and that such contempt is not at all in conformity with the nature of a virtuous man' ... For capable men ('valenti huomini'), riches and abundance are instruments for the exercise of virtue, the *Vita Civile* says, and there are many virtues that need such help; without it they remain 'weak and fragmentary and never

⁹⁸ John McGovern, 'The Rise of New Economic Attitudes-Economic Humanism, Economic Nationalism-during the Later Middle Ages and the Renaissance, A.D.1 200- 1500,' *Traditio*, 26 (1970), p. 232

attain to perfection."⁹⁹ Here the emphasis on the virtuous and responsible use of wealth has sounded a note of inverse evaluation that was implicit in the medieval contrast between liberality and prodigality, that is, the idea that it is blameworthy not to attend to the useful in responsible fashion. The conversion of external poverty into the spirit of poverty and from thence to a spirit of responsibility and duty is, of course, important both in its sociological consequences and in its influence on economic thought at the time; however, at the moment, little more needs to be said about the process and rapidity with which this view may or may not have taken hold. Rather, what is important at present is the recognition, on either side of wealth, of some space for the divergence of motive and act, whether it be noble wealth, honorable poverty, blameworthy poverty or shameful avarice.

This relative moral ambiguity of wealth rushed into the space opened where a nominal adherence to noble motives could cleave to the right exterior actions as conducive to the appearance of interior conformity without so doing in truth. This was obviously known to preachers: "When preaching in Florence in the Lent of 1425 the Franciscan friar, Bernardino of Siena, expressed appreciation of the city's achievements, but criticized the Florentines' propensity for alms-giving and for building chapels and hospitals as a substitute for true repentance. ... In the fourth part of his sermon (on "impressions") Bernardino da Siena, 1:84–85, 89, begins by praising those who use well the good things of the world given by God: to do good for others, for their country, city, a people, or for their own family. The problem, for Bernardino, was the Florentines' apparent goodness (*la apparente bontà*): "what seems good to you is not." Their many good deeds, generous alms-giving and many hospitals were external and not intrinsic, masking their ill-gotten gains (*male guadagnata*). As with Fra Antonino, so for Fra Bernardino, there is an intrinsic connection between virtue and its material manifestation in both alms-giving and building; the latter was only good if it expressed the former."¹⁰⁰ Yet preachers generally chose to focus on the development and provision, for those engaged in lay professions, of an ideal model to be adhered to so that they might bring their intentions and

⁹⁹ John McGovern, *ibid.*, p. 235

¹⁰⁰ Peter Howard, *ibid.*, p. 358-59

actions into accordance with Scholastic economic ethics and thought. It was on this basis that the merchant was exhorted to conceive of his activities in such a way that, as St. Bernadino put it, he "will be made, with God's help, a wealthy and celebrated merchant, pleasing to God and man: an exemplar and a mirror for those desiring to trade justly, and a figure of consternation for all infidel merchants."¹⁰¹ In short, the merchant and "economic agent" was to be presented with guidelines for personal behavior and an ideal model of commercial chivalry to which he ought to approximate himself.

This very focus, the emphasis of mendicant preachers on the ideal that encouraged an exalted vision of the merchant, had been dramatically confronted by Poggio Bracciolini in another of his celebrated dialogues, *De Avaritia*. The dialogue was an attack upon the preachers not only for not doing more to condemn the hidden avarice and striving after honors that was so typical of the age, but also for engaging in these pursuits themselves in their solicitation of money for their orders, their own less than mendicant lifestyles, and their blatant competition for funds for investment in new churches and monasteries as well as for reputation as preachers. In fact, Poggio's characters, "Antonio Loschi, Cencio Romano, and several other papal secretaries," explicitly refer to Bernadino, though not quite in such harsh terms since he is partially exempted by them from the general disapproval of mendicant preachers rhetorical ability. At first, Bernadino is praised:

"Antonio, who had often heard Bernadino preach, praised him generously. He said: 'Of all the preachers who I have heard, Bernadino is the one who, in my opinion, is the most polished and learned.'"¹⁰²

Yet the other secretaries do not completely agree:

"Antonio, your Bernadino, whom you have praised so much, never treated avarice. Once he did speak against usurers, but he moved the audience to laughter rather

¹⁰¹ Bernardino of Siena, *De contractibus et usuris* (sermons 32-45 of *De Evangelio aeterno*), in *Opera omnia*, ed. Augustine Sepinski, 9 vols. (Florence, 1950-56), 4:116-416; citation from sermon 33, p. 162. cited in Margaret Carroll, "In the Name of God and Profit: Jan van Eyck's Arnolfini Portrait," *Representations* N. 44 (Autumn, 1993), pp. 96-132.

¹⁰² Poggio Bracciolini, *On Avarice*, in *The Earthly Republic: Italian Humanists on Government and Society*, *ibid.*, p. 243

than making it aware of the horror of such a crime. Indeed, he left untreated the avarice that the moneylender generates."¹⁰³

Though an utterly reductive assessment of Bernadino's preaching (which was forceful in its repetition of traditional condemnations of avarice), Poggio's characters, members of the Papal Curia (as was Poggio himself), then take on the task that preachers are said to have defaulted upon or performed inadequately, namely, discussing avarice. The first of the opinions put forward is quite traditional, even in its exaggeration on the side of condemnation and the expulsion of the avaricious from the city: "The only real interest of Bartolomeo's presentation lies in his explicit, moralistic condemnation of avarice, and in his bald statement that the avaricious should be driven from the state."¹⁰⁴ The vice is not to be moderated, but exiled - for:

"[T]he avaricious man, who is dedicated only to himself and looks out only for himself, not only deserts but even opposes the public welfare and is its enemy. In the interest of his own profit, he never brings benefits to many but hurts everyone ... suppressing justice, he will overlook no crime; hoping for profit, he will seize every opportunity to defraud the poor, cheat the rich, exploit his fellows, harm strangers, extort from the weak, deceive the ignorant. There is no foul or evil deed imaginable, no shameful act to which he will not stoop."¹⁰⁵

In fact, the second opinion put forward is equally exaggerated. However, the second view has become famous - often cited entirely out of context - for its outlandish defense of avarice:

"You have affirmed that those who greatly covet bronze, gold and silver are called avaricious, but if this is so, then all those who desire money strongly should be called greedy, and almost all men will be judged as such. In fact, everything we undertake is for the sake of money, and we are all led by desire for gain, and not a small profit either. If you were to remove that profit, all business and work would entirely cease, for whoever undertakes anything would be without hope of it? The more evident the profit, the more willingly we enter into the enterprise. All follow gain, all desire it. Whether you consider the military profession, or business, or agriculture, or the arts, both liberal and mercenary, the desire for money is innate in everyone."¹⁰⁶

¹⁰³ Poggio Bracciolini, *ibid.*, p. 247

¹⁰⁴ John Oppel, "Poggio Bracciolini, San Bernadino, and the Sin of Avarice," *Renaissance Quarterly*, Vol. 30, No. 4, *Studies in the Renaissance Issue* (Winter, 1977), p. 578

¹⁰⁵ Poggio Bracciolini, *ibid.*, p. 251-52

¹⁰⁶ Poggio Bracciolini, *ibid.*, p. 257

Indeed, literature generally quotes the dialogue as indicating a secular humanist insidiously suggesting this truth of this position when, in fact, it is evident that Poggio, as we shall see, not only by having his discussants dismiss and correct the opinion, but by voicing it through the admirer of Bernadino, Antonio, is snidely mocking the mendicant preachers for what he perceived as their incitement of avarice. The opinion is swept aside and even Antonio disowns it as a position he took up for the sake of being the devil's advocate. The final opinion, by far the most evidently balanced, concludes the dialogue:

"The term avarice obviously expresses one quality, while desire denotes another quality. Every avaricious man burns with desire, but not every desirous man with avarice. If someone were to call me a desirous man, or apply the same term to good men, I would not deny it. As philosophers maintain, there are certain natural appetites, which are free from blame. For example, there is the desire to have those things that permit one to live with dignity, as when someone desires food and necessary clothing. Every desires money for the necessities of life, for charity, for largesse, and for the support of the needy. There is nothing reprehensible in such measured and temperate desire ... But there is another immense desire, [disordered avarice, etc.]"¹⁰⁷

It is true that with this repudiation of pure avarice, the favorable opinion of avarice is dismissed and corrected in favor of a far more proper understanding of motives that does not absurdly reduce all desire for money to avaricious motives, grasping the plethora of purposes for which money can be used as motives for its acquisition. Nevertheless, the argument concerning the beneficial effects of desire, once put forward, and detached from avarice, is highly suggestive of the problem facing the age; the observation had been made that motives other than perfect charity and pure love of the good, not to mention rather imperfect motives, could well work to the favor of a community. Further, the corrective argument refuses to return to the notion of actual poverty as the primary ideal but inclines, as in Poggio's *De Nobilitate*, toward an understanding of the moderate, natural and good motivations that also underlie man's striving for money even if it strenuously condemns the avarice of princes and public men as well as the misery of truly private individual greed.

¹⁰⁷ Poggio Bracciolini, *ibid.*, p. 266-67

This latter, the private greed of the miser, stands out; for therein avarice is condensed into a single figure embodying the totality of its intensity as an evidently grotesque and marginal character. The avarice of the figure of the miser, in other words, is not that of the everyday merchant but of the extreme. The merchant's position has inverted itself from that in the imagery of the early middle ages where the good merchant was the marginal rarity. Now, the problem of his condemnation stands perhaps much as it was in 14th century society - the pursuit of commercial wealth was justified and honored for its use in the service of public benefit and private refinement (that itself redounded to public benefit), the marginal anti-social accumulation of money itself and purely for itself without private refinement or public benefit became a faded and rare pathological figure to be evoked as a general warning. Once a general image of merchants, the miser was now little more than a favorite, nearly exotic, example of moralists. This ambiguity was quite some distance from the early medieval view and from the mendicant ideals of actual poverty and love of the common good even if it is found on the same road as the latter.

The moral ambiguity of wealth was, in fact, contained in the force with which a division was made between an interior spirit of poverty and interior motives on the one hand and conformity of external actions to conduct becoming an honorable merchant on the other. The contrast was all the more evident, and all the more important, in the potential disparity between ethical intention and simple fulfillment of the law - which increasingly addressed itself to ordering exterior, public actions in an effort to *civilize* commerce and guarantee that exterior acts lived up to a certain sociable and ethical measure conducive to civic life and prosperity. The ideal that placed the merchant in high regard with respect to a gradation of social status, an honored status in connection with the dictates of distributive justice, assumed the basic nobility of his intentions. The problem was to make a hitherto excoriated and potentially unsociable passion turn from potentially pathological obsession to honorable conduct held in high regard. This high regard itself, however, was emphasized all the more emphatically as distributive justice was increasingly directed at and measured by contribution to the common welfare and common utility; that is, it took on the character of one of the most essential and most laudable services to the

community that was open to lay persons. This is not to say that the common good of virtue was left aside in a perfect picture of bourgeois virtue - for the very standing and esteem in which a merchant's good conduct was held was also intended to function as a public display of virtue to be emulated. And, in every sense, this was the commercial mirror of the similar process that had been attempted for the earlier medieval knight and, even, the "mirror of princes" literary genera that was already in evidence and would shortly flourish. In all those mirrors, the notion of the common good was not quite lost, for commercial service was not the only form of public service to the community - preachers, princes, soldiers and magistrates were also envisaged as playing roles therein. Yet in default of the possibility of achieving of a virtuous society and in the face of so much factious division and self-seeking behavior, conduct beneficial to the community on the level of the common utility and in accordance with the law was undoubtedly to be well-received, even if its intentions were neither clear nor perfect.

In light of such circumstances, as Poggio had ascertained, the mendicants' focus on fostering an ideal for the man of wealth and the merchant, even if they had condemned avaricious intent, also tended to produce a culture that honored commercial success and its external ornaments, even if it had delimited the basic contours of the path to success and the proper ostentatious use of its wealth. The aim of the preachers had been to civilize and baptize the merchant, not to vociferously prohibit every imperfection in his motives, but there was an evident contrast and tension between the perfection of an interior spirit of poverty that ought to drive a merchant and the externally evident public spirit of commercial magnificence that conformed to ethical and legal rules of honorable conduct beneficial to the community. There was no guarantee that the latter was perfectly driven the former and, in fact, the external conformity of commerce to just conduct and the conformity of the virtues of magnanimity and magnificence to ethical intentions were, by the very nature of the rewards offered, i.e. wealth and social standing, unlikely to be so driven - at least without a significant potential for disorder of motives.

This social problem constitutes the basic context for the Scholastic examination of ethical economic conduct and the production of a more thorough measure of commercial conduct and character. It was well to

encourage a motivation that could only indirectly be gleaned from observed beneficent dispensation of largesse by the wealthy, but exhortation was almost all that could be done (even if the confessional allowed for further inspection, it presumed the honesty, not to mention the presence, of the merchant). A detailed image of the merchant's proper character and motives as well as an indices of legitimate conduct was required to mold commercial activity into the sort of sociable behavior deserving of the praise and disapproval that would encourage its pursuit and scorn its contravention, but it could only go so far. In other words, the examination of ethical economic activity required the Scholastics and preachers to go beyond the praise and condemnation of general motives - it required closer inspection of the character and conduct of commercial practice; yet in elaborating upon that inspection in the next chapters, it ought not to be forgotten that its ethical analysis, itself an enormous task of concentration, reveals a certain movement toward a legalistic analysis of exterior action just as its ideal model of the character of economic agents merely yields the sketch of an ideal which could not *force* its way into the interior and the intent of merchants. It is in this light that we must understand that while the ethical character and conduct of economic agents were clearly taken up in medieval thought, they are rarely pushed beyond their own peculiar set of virtues and beyond a certain minimal criterion of justice in exchange.

Indeed, much more is said concerning the ethical criteria for exterior action conformable to commutative justice in commercial activity than is said of perfection. True, those criteria were often stringent. Yet it had been fairly admitted by the Scholastics that that whole interior world of intention could not truly be the jurisdiction of human law, both on account of the impracticability of searching the soul and on account of the imperfection of men that called for a lighter and more gradual effort to reform them. Further, in the case of the Franciscans, it was very nearly declared to be the arena of spiritual liberty - not to mention those very nearly inclined to allow the common utility to take the place of the common good as the end of temporal power. In fact, it would seem that the very interminability of the struggle of *homo viator*, perhaps a more Franciscan theme than Thomistic, but shared nonetheless, inclined toward a recognition of the necessary withdrawal of the law *from* attempting the interior formation of ethical intention for the sake of

the common good and *toward* the ordering of external actions for the sake of the common welfare. If, therefore, the merchant conducted himself with apparent virtue and was held in good-standing, then he lived the image or played the part - a preacher might constantly exhort him to more in the piazza, but it would seem that his intentions were at least partly his own affair.

Thus, despite demands on his intentions and a number of criterion he might strive to fulfill, in many respects the merchant already had a place in the sun to which he could more readily and easily aspire: an *officium* had been recognized for him in the social order and it was to be highly respected for the valuable service it provided and the dignity with which it was performed. If he was to be justified in the sight of God and worthy of the esteem of his fellow citizens, he ought to be of noble intent and act with conduct appropriate to his station. If he did not respect God, perhaps he might at least yearn for the respect of men. Either way, the Scholastic vision of society as aimed at the common good of the life of virtue and the spiritual beatitude of men, while it still remained as a set of abstract possibilities, need only either to be neglected or removed. If it were removed or totally neglected, it would yield the centrality of the common utility and the ordering of external actions to delimit the arena of freedom of conduct within the culturally recognized bounds of sociability and civility or - as would appear to be the case with late Renaissance absolutism - it would yield a world pressed into the service of newly independent princes and monarchs intent upon assuring that the external conduct of citizens was useful and proper for the production of national, patriotic wealth and glory and for the reason of state. If, by dint of their constant rivalry, merchants would not themselves be princes or would succumb to one among them, they would be the special adjuncts of monarchs. Incipient territorial autonomy had emerged in medieval political thought. The common utilities of peace and material welfare were fast becoming the principal ordinary preoccupation of princes in political practice. Law was bent to these ends and to addressing more carefully the external actions particularly conducive thereunto. Law was reviewed with an increasing sense of worldly prudence. At the same time, the commercial ethos of the age engendered the sort of economic agent whose intense activity and deep inclination might well be to

THE MERCHANT'S SOUL

identify his own good with that of his nation. Perhaps none of these things had come to full fruition - but we can both see the Scholastic vision of society faintly reflected in them and discern the outline of their future in mercantilist policy and political science of prudence and the laws.

Chapter 7

The Formation of the Merchant

The Merchant in the Aristotelian Tradition

The previous chapter, while it sketches the rising status of the figure of the merchant, it does so from the perspective of that broader inclusion of the laity and the contribution of services to the common good that open the space for such a status. It does not, however, directly address the preacher's and humanist's more precise ideal for the formation of his character, nor does it elaborate the particular rules by which he must abide in his trade; both ideal and rules were articulated as conditions in order to obtain the newly emergent social status which was awaiting him for valuable service to the commune in a Christian community. In this chapter, we turn to the intellectual process of how the Scholastics and preaching friars arrived at their re-evaluation of commercial activity and to the requisites of interior spirit with which they sought to condition that rise. The purpose is to show how, within the broad vision that brought the city into the purview of Christian civilization as a mode of life that could be conducted as a lay religious service, the Scholastics and preachers wove Christian ethical connotations into the private practice of commerce in such a way that many a merchant could grasp otherwise bourgeois conduct in a new light. It is not that such conduct was simply conflated with virtue, but that the responsible conduct of business became an appended quasi-virtue particular to lay life and that the notion of a "good" or "true" merchant, who conducted himself with such approved propriety, attained to the status of a merchant. To the motivating weight of this ethical-religious and social approbation was added the concomitant recognition of the wealth that the merchant class created and the exalted dignity of his office. The respect and wealth that were the

rewards of Christianly conducted commercial activity were of singular import in the formation of the social identity, self-image and inspiring motivations of the merchant class. Commercial conduct was to conform to a certain standard of sociability, indeed to an exalted standard of perfect sociability of intention. In the next chapter, we shall see that their inspiration to that end was not only left to spiritual conscience and social approbation; to these already significant forces was added the law. The law focused on exterior actions as requisite conditions for justice in commutative exchange and on public action. At the moment, however, we are more concerned with the intention of the merchant as characterized by a sense of civic duty and discipline in his work.

With regard to Scholastic economic thought and ethics, the tradition which the medievals followed was - as in so many cases - Aristotelian. Aristotle, however, had not been particularly favorable toward economic activity. The Aristotelian conception of human political life as natural functioned as a strict limitation on many forms of economic activity. That is, the political life of man was, as has been repeated so many times, natural - this is a two-fold sense. First, the city is natural insofar as it arose from the struggles of solitary and familial life that aimed at providing for basic human needs and the needs of family through their own production and the obvious benefits of entering into economic exchange with other families in the formation of villages. Moreover, insofar as those villages also prove insufficient as well as insecure in the effort to provide for sufficient economic life and a full human life, cities arise as well. Secondly, it is natural on account of the fact that what is natural to man is a certain ethical development that not only required some degree of leisure for pursuits of a higher kind and the exercise of his higher faculties of thought, but also a community within which he might enter into intellectual discourse and into acts of justice, law and liberality. In other words, as man moved from the isolation worthy only of beasts or gods, his needs and desires led him into familial, village and city life, but the purpose of life in the *polis* was not simply further fulfillment of the lower ends, but all that the fulfillment of those ends made necessary and possible. For the movement of man toward political life was accompanied by the ethical development requisite to the sociability of man and to the true engagement of his higher faculties - it was,

in effect, his journey from being a beast to becoming a cultivated, civilized human. Inasmuch as relations with others were essential to any real and comfortable material sufficiency for human physical life, this also meant that certain proper conduct in those relations was essential to the maintenance of community.

The fact that communal life had this two-fold end of sufficiently providing for human material needs and providing for human ethical development, not only as required by the city but as required by the nature of man, meant that any conduct not suited to ethical development and not suited to the maintenance of communal life, was to be viewed as unnatural and prohibited. Now, in order to determine the functions and ends of the activities and associations that form the city, and their limits in accord with their orientation toward human ethical perfection and the maintenance of communal life so important to it, Aristotle enters into an analysis of those parts of the political whole. As is his general method, Aristotle first "determines ... the things that belong to the first parts of political community. Second, he determines things that belong to the political community itself. ... And because every political community is composed of households as parts, we need first to speak of household management, which dispenses goods or governs the household."¹ The place of economics in the movement from isolation to political life is, then, perhaps best but only partially characterized by the original terms, *oikos*, which means "household" and, *oikonomia*, which means the governance of the household and is fundamentally associated with what was the primary unit of economic production in the ancient world, the familial and agricultural unit. The management thereof, the production and dispensation of private wealth amongst one's family, servants and slaves was the art of economics. However, the semantic terrain covered by *oikonomia* is not quite closed upon itself in Aristotle and thus does not quite exhaust the matter - for the household is not a self-sufficient unit as far as leisure and the good life are concerned and it is drawn into exchange with other household units: "[t]hese first associations are presented as being incomplete, or perhaps "immature," but they seem to point beyond

¹ Thomas Aquinas, *Commentary on Aristotle's Politics*, trans. Richard Regan, Indianapolis, IN; Hackett Publishing Co., (2007), p. 21

themselves to an end or completion; the mature association which is this end is the city (1252b31-34). The city is thus held to be natural not because it happens to develop from natural associations but because it grows from them: they mature into it."² They develop into maturity because in and through their relation to broader human association, they are gradually subject to the limitations and rules of conduct requisite to the maintenance and success of that broader communal life, which itself is requisite to human perfection. The question is just how far the art of economics extends within the bounds of communal life or, put another way, the natural character of economic activity is determined both by human ethics and the requirements of community.

The entrance into relations of exchange, therefore, is the beginning of a process. It is critical to acknowledge that the final end, human perfection, governs the extent of that process including economic activity. Man enters into further social relations of exchange with other families on account of his needs and for the purpose of a better life, ultimately the good life - nothing should impede the development of that good life or militate against the community that provides for that life. The development of exchange relations in the grouping of families in a village is more than the emergence of casual or quasi-regular exchange of goods. For it entails the problem of equality and justice both in exchange and in the social order aimed to govern the community that require man to conduct himself well in his relations with others and in relation to the community as well as the community's relation to its members.

Justice and equality in social relations are, for Aristotle, inextricably linked. It should be noted first, however, that prior to its determination with respect to social relations, justice is first and foremost a general ethical condition: "Aristotle, father of European ethics, formalized moral analysis in terms of the 'ethos of the mean': ideal conduct in the dimension of each virtue is a mean between extremes. For instance, in terms of confidence in

² Wayne Ambler, "Aristotle's Understanding of the Naturalness of the City," *The Review of Politics*, Vol. 47, No. 2 (Apr., 1985), pp. 163-185; p. 168-69

oneself, the virtue of courage is a mean between cowardice and rashness."³ General justice, then, is the general form of virtue, giving due weight to the proper mean between courses of action. This general or universal justice is compounded in connection with the various virtues, forming a more general ethos of moderation in conduct: "nothing too much." Yet that point of moderation, precision with respect to "too much" or "too little" is determined in connection with circumstances of life and its broader ends. General justice thus carries a sense of global balance of the person - balance which is at once the ordering of life according to reason and the control of self that frees one for reasoned, free action - free for rationality as opposed to animality. In connection with social relations, considerations of justice are determined in relation to the ends for which one entered into communal relations and the conditions required by communal relations. In this regard, insofar as justice is related to one's interaction with others and with the community as a whole, justice is divided into two virtues which are both intimately connected with equality: distributive justice and commutative justice. The first concerns relations between the individual and the community as a whole; the second concerns relations between individual members of the community. That is, the first concerns what the community owes to a man as a member thereof and what a man owes the community as a whole: for instance, the distribution of rewards of honor, payment for services on behalf of the community, use of taxes and other *common* goods (e.g. communal lands or

³ Odd Langholm, *Price and Value in the Aristotelian Tradition*, New York, NY; Columbia University Press, (1979), p. 13; for an insuperably thorough treatment of Scholastic economic thought at Paris from the perspective of economic analysis: Odd Langholm, *Economics in the medieval schools : wealth, exchange, value, money and usury according to the Paris theological tradition, 1200-1350*, Leiden, Netherlands: Brill (1992); Odd Langholm, *The merchant in the confessional : trade and price in the pre-reformation penitential handbooks*, Leiden, Netherlands: Brill (1992). As our purpose is expressly not to treat Scholastic economic thought from a purely or even primarily analytical perspective, the discussion may be delimited: we are interested in the relationship between "general justice" and the definition of "need" in connection with the history of Scholastic economic ethics. The placement of "need" within that framework is not necessarily to immobilize its conception in "traditional needs" but it is certainly to bind it within a hierarchy of values, just as much as the turn from general justice to particular justice, distributive and particularly to heavy emphasis on commutative justice, may carry significant shift in meaning for the relationship between "needs" and their "bounds."

wealth - but it is not the redistribution of wealth that is not in common, i.e. private wealth, but wealth that is in common) as compared with the distribution of taxes or military service. The second concerns what one owes to another individual member of the community in interacting with him, for instance, in economic exchange. It is essential to note that the two, despite their distinction, are not for that reason disconnected, nor unrelated to the general justice of the individual. For the fulfillment of distributive justice through one's obligations to the community and the community obligations to its individual members are, in effect, as they are so evidently felt to be when they are infringed (evasion of taxes or military service is the abuse of those who must pay or fight in one's place or the minority oppressing the majority in an unjust distribution of common goods or turning the distribution of public goods to their own advantage and thereby illegitimately increasing the sphere of private wealth), relations between individual members as well. So too for commutative justice, the violation of justice with respect to another member of the community is also violation which tends to disrupt the community as a whole, it violates the law and, especially if it becomes commonplace, brings the authority of law itself into question, requires court adjudication and expense or provokes greater dispute and disorder. Moreover, the very relation of the individual to these senses of justice is one that calls upon his individual moderation to recognize and conform to the limits placed upon him so that "nothing too much" ought generally to be the habit of civilized men who recognize the community as to their benefit and behave accordingly.

In this way, there is a sense of measure and harmony preserved throughout the whole of communal interaction. That harmony requires different forms of conduct and degrees of participation in connection with different relations that, despite their potential harmony, are not characterized by the same measure. How well one served in a given function may well be, in accord with one's abilities, greater or lesser and therefore deserving of a greater or lesser reward in proportion to one's performance. What one owes to another individual member in economic exchange, however, is not proportional to anything other than the thing which he offers in that exchange. In other words, justice is concerned with relations of equality, but not all relations of equality are determined in the same manner: there is

proportional equality and there is arithmetical equality. The former characterizes distributive justice and the latter is typical of commutative justice. In commutative justice, the persons are presumed equal as citizens.

In his discussion of economic exchange, therefore, Aristotle is dealing with questions of commutative justice. The exchange first discussed is that of barter at a village or early civic level, while the introduction of money for the further facilitation of exchange belongs to the more formal relations of the city. Yet barter exchange reveals the essential purpose of exchange in general. For where barter exchange is concerned, the intention of the participating individuals is a certain equality between things exchanged (commodities, C - C). The question ethically and economically is how, precisely, to determine the equality of disparate things: what is the measure of their value in exchange? What is of key import is that barter exchange is aimed to overcome the insufficiency of the household to obtain to the good life, need and desire thereof bring villages into communion wherein exchange is of different things for something considered of equal value but evidently of quite a different kind: "Justice in exchange ... requires ... reciprocity ... but according to a proportion which takes into account the different values of the goods exchanged. Aristotle presents a cast of economic characters: a doctor, a builder, a shoemaker, a farmer, and some of their products: a house, a shoe, food, stressing their social interdependence and the need for exchange. ... It is not two doctors that exchange, but a doctor and a farmer."⁴ The problem, again, was how to bring disparate objects under a common measure and it was a communal problem insofar as the measure was necessary for a reciprocity of equality, equality for exchange and exchange in community: "Commercial buying and selling had replaced mutual gift giving long before Aristotle's time, and he gives fair exchange primacy over the other forms of justice in book five of the *Nicomachean Ethics* just because it provided *philia* for an activity which he knew to be more basic than any other in the life of the polis."⁵ In other words, Aristotle retains a significant sense of the mutual gift-giving of honor

⁴ Odd Langholm, *Price and Value in the Aristotelian Tradition*, *ibid.*, p. 15

⁵ Scott Mickle, "Aristotle on Equality and Market Exchange," *The Journal of Hellenic Studies*, Vol. 111 (1991), pp. 193-196; p. 193

cultures of the ancient world in his vision of community and economic exchange: "[i]t was a vitally important subject, because exchange was what cemented society together: 'for neither would there have been association if there were not exchange, nor exchange if there were not equality, nor equality if there were not commensurability.'"⁶ The "impersonal" nature of exchange is actually the personal recognition of citizen equality - a positive favorable departure from that equality is not an act of exchange but of friendship exceeding a merely communal *minimum*, a negative violation obviously implies a betrayal of that community and a fundamental disrespect of the other. It is, therefore, important that there be a clear measure according to which such equality can be effected.

Aristotle's response is somewhat alternating as he introduces the use of money in exchange: "In this development, Aristotle introduces two attempts at a solution which appear and reappear, interweaving with each other and with observations which contradict them. The first of these is the idea that money, just because it is a common measure of everything, makes goods commensurable and thus makes it possible to equalize them. The second is the idea that it is need (*chreia*) which makes things commensurable."⁷ Yet scholarship, indeed medieval scholarship as well, has brought the two together in such that the way disparate goods are brought into equality is "through an intermediary, money, which, as he asserted, 'measures all things, and therefore the excess and the defect - how many shoes are equal to a house or to a given amount of food.' Of course, as Aristotle admitted, it was impossible that 'things differing so much should become commensurate, but with reference to *demand* [need/*chreia*] they may become sufficiently so.' What was being measured by money was human need."⁸ Thus, in the move from barter to a monetary economy, the C - C, commodity to commodity relation of equality which was directly made possible by a measure of human need is removed to an indirect C - M - C (commodity-money-commodity) relation which nevertheless finds the commodities as measured

⁶ Diana Wood, *Medieval Economic Thought*, Cambridge, UK; Cambridge University Press, (2002), p. 134

⁷ Scott Mickle, "Aristotle on Political Economy of the Polis," *The Journal of Hellenic Studies*, Vol. 99 (1979), pp. 57-73; p. 59

⁸ Diana Wood, *ibid.*, p. 134

by human need with money facilitating the exchange. The first form of exchange, namely barter, is entered into for the benefit of participating parties and is referred to as natural inasmuch as it aims at the satisfaction of needs. Now, the reason that money is introduced is precisely to facilitate this same form of exchange: namely, the fulfillment of human needs. That is, it does not alter the basic intention of production and exchange. Production, a function of the household, is intended to satisfy the needs of the household and exchange is a casual affair, a bi-product of that domestic process whereby some have more of one thing than another or find that they could usefully exchange goods to their mutual advantage and as such belongs to the art of economics.

Yet "Aristotle is analysing the evolution of social relations of exchange through their successive historical forms, subjecting each to an analysis of the aim inherent in its form, and evaluating where necessary the compatibility of that aim with the aim of the *koinonia* [community] of the polis."⁹ In these successive forms, the introduction of exchange, but especially money inasmuch as it makes possible a greater amount of exchange than that possible only when two men happen to have roughly equivalent goods at roughly the same time, brings with it the possibility of a third alternative in production and in exchange relations. Though not expressed, the implicit assumption is that facilitation of exchange which money makes possible also functions to enlarge the extent of the market significantly and opens the possibility of production expressly for exchange as a way to increase one's domestic wealth:

"But this led to a way of exchange devised by reason. For the use of money was necessarily acquired when there was more foreign trade of necessary imports and surplus exports, since not all the things that peoples naturally need are easily transportable. ... Therefore, after necessary exchanges resulted in money, another kind of moneymaking, commerce, arose. Therefore, it was at first perhaps done simply, and then, with experience, it became more skillful, and so also people learned whence and how to make the greatest profit out of exchange."¹⁰

⁹ Scott Miekle, "Aristotle and the Political Economy of the Polis," *ibid.*, p. 61

¹⁰ Aristotle, *The Politics*, in Thomas Aquinas, *Commentary on Aristotle's Politics*, *ibid.* p. 49

However, quite contrary to any future Smithian impulses, Aristotle does not laud the birth of production for exchange (*crematistike*) and the art of commerce (which invariably slides toward the art of production for exchange in the unlimited pursuit of wealth which is viewed negatively as unnatural and referred to as *kapelike*). Instead, Aristotle, appears to equate the natural with the ethical and the way devised by reason as grossly absorbing infinite desire for material wealth contrary to the whole purpose of production to meet one's household needs within the bounds of what is sufficient to live the good life. Indeed, already in the discussion of the introduction of monetary exchange, "[t]here are indications of a rather different attitude to C-M-C in Aristotle's mind. For example, in 1257a6 f., he says that the use made of a shoe in selling it 'is not its proper and peculiar use'. The reason he gives is that 'the shoe has not been made for the purpose of being exchanged'. He does not go as far as to say that its use in exchange is unnatural, but this only glosses over, and does not remove, the suggestion of a possible irreconcilability between 'necessary and laudable' exchange and the use of an article in exchange not being its 'proper and peculiar use'. ... if the text suggests anything, it suggests that there was a real ambivalence in Aristotle's mind towards exchange of the C-M-C form. On the one hand he sees it as sharing the same natural aim as C-C; but on the other, though recognizing it as a stage in the development of exchange relations, he also sees it as leading inevitably over time into M-C-M or *kapelike*."¹¹ This latter, that begins with money and seeks to increase money, is found to be a perversion of individual ethics and a disruptive force in the ends of communal life of the city.

For Aristotle finds that all intent to produce purely for exchange and enrichment nearly invariably leads to the effort to turn money to a profit and then turn a profit anew in an unceasing endeavor to increase one's wealth without regard for any limit of sufficiency for the needs of the household and human life: "Therefore, he says first that the reason for this disposition, namely, that household managers seek to increase money without limit, is because human beings are eager to live howsoever, not to live well, which is to live virtuously. For, if they were to strive to live virtuously, they would be

¹¹ Scott Meikle, "Aristotle and the Political Economy of the Polis," p. 63

content with things sufficient to sustain nature. But since they omit this effort and want to live according to their will, each of them strives to acquire things with which to satisfy the individual's desire."¹² In fact, apart from its individual neglect of the good life, such an aim corrupts society as a whole, perverting the purposes of the various professions found therein and even virtue is turned to sale of itself: "And they abuse their faculties (i.e. their virtues, skills, or position) in ways contrary to their nature. For example courage is a virtue, and its proper function is to make human beings bold for attacking and withstanding, not to accumulate money. ... So also, military skill is for the sake of victory, and medical skill for the sake of health, but neither skill is for the sake of money."¹³ Nor does unchecked desire fail to pervert justice in exchange as it aims to derive a profit even at the expense of equality of exchange.

In reviewing the situation, however, Aristotle does allow for some limited degree of exchange: "[i]n his last word on the two circuits C-M-C and M-C-M Aristotle papers over all the cracks and allows C-M-C past the post: the art of acquisition has two forms, one connected with household management which is 'necessary and laudable', and the other connected with retail trade which is 'justly censured', 1258a33 f."¹⁴ Thus we might well say that, for Aristotle, it is not so much that the extent of the market limits productivity but that the ethical sufficiency of productivity ought to limit the need for a market society.* That limit and the censure of trade which goes beyond it are joined to a concern with the notion that such activities were not only contrary to individual ethics and human perfection, but to the social harmony established by justice inasmuch as it potentially converts everyone into money seekers and even threatens the equality of goods exchanged. The art

¹² Thomas Aquinas, *Commentary on Aristotle's Politics*, p. 57

¹³ Thomas Aquinas, *ibid.*, 57-8

¹⁴ Thomas Aquinas, *ibid.*, p. 63

*In fact, however, it is not merely a sufficiency for the ethical needs of man that is at work here but the very Aristotelian judgment that that which is more self-sufficient is more noble: for the stability of ethical nobility requires the independence of character that comes with sufficiency. It is freedom in this sense that is politically noteworthy for a society of "free men" - men not burdened by dependency that makes their decisions "un-free."

of economics, belonging as it does to the household, only peripherally touches upon a limited form of commerce that Aristotle condones with great reservation while strictly disapproving of all that aims at wealth-getting *per se*.

On Commerce and the Perfect Merchant

In contrast to Aristotle's disapproval of production for exchange and strict denunciation of commercial activity, it has often been noted that Aquinas, joining a great many other Scholastic authors, "vindicates" trade and profit:

Nevertheless gain which is the end of trading, though not implying, by its nature, anything virtuous or necessary, does not, in itself, connote anything sinful or contrary to virtue: wherefore nothing prevents gain from being directed to some necessary or even virtuous end, and thus trading becomes lawful. Thus, for instance, a man may intend the moderate gain which he seeks to acquire by trading for the upkeep of his household, or for the assistance of the needy: or again, a man may take to trade for some public advantage, for instance, lest his country lack the necessaries of life, and seek gain, not as an end, but as payment for his labor.

That is to say, Aquinas says that trade in and of itself is neither virtuous nor sinful. The widening scope of intention constitutes the incorporation of trade from simple household exchange into rather extensive commerce - bounded, it is true, by the proper needs of the community and that advantage of the common good, but nevertheless within the bounds of licit conduct. However, despite the "vindication" of trade, far more attention is paid by Scholastics to the intentional and ethical requisites for licit economic activity than is paid to justifying it. True enough, it is in and through that attention, as we shall see in the following section, that Scholastics came to recognize the value of the merchant's work and the beneficial effects of his trade on the basis of their gradual development of an economic theory of prices and the returns due to the rarity of the merchant's skill; yet their initial "vindication" of his trade did not laud the grandeur of his performance so much as simply recognize the serviceable intention and ethical character with which he might have conducted it.

In fact, there is a progression and tension in the distance between the work and the contribution of the merchant. Praise of dedication and nobility in conduct of business is one thing, but praise of its successful and beneficial effects on the city and therefore of the dedication in business is another. The former recognizes work, the latter acknowledges status; to the first correspond private virtues, to the second public virtues. The natural progression from the former to the latter is a conjecture of the age just as much as a growing sense of their potential disjunction. In short, what is first important to the Scholastics is the intention with which business is undertaken and the manner in which it is conducted. Predictably, business is licit when aligned with human needs, the needs of one's family and the common good. Intention then, it appears, is a category over-looked by Aristotle's condemnation of trade as 'justly censured.' Intention *may* be virtuous in wealth-creation beyond the needs of one's person and family, because it might be undertaken for the community as a civic service, the fulfillment of civic duty. Concern with temporal goods, according to the medievals, with their production and exchange, could be conducted virtuously, but it required proper, responsible care rather than being driven by avarice and cupidity. The Christian merchant, therefore, possessed a certain attitude toward economic activity - this attitude was indeed concern with material goods and services, but it was prudence in dutiful business and not clever greed and grasping deception. Only on the basis of such conduct, the virtue particular to a good merchant, was his work accepted, and only thereafter was the recognition of its exceptional performance highly valued as a contribution to the community. The former corresponds to his legitimation as the path of a lay Christian, an *officium* within the community. The latter marks the rising *stature* of that *officium* in connection with the priority attaching to the common utility of material wealth.

In his *Summa Theologica*, Thomas Aquinas had dwelt upon the question of prudence in connection with a variety of objects, among them, external temporal goods, that is, material wealth:

On the contrary, Our Lord said (Matthew 6:31): "Be not solicitous . . . saying, What shall we eat, or what shall we drink, or wherewith shall we be clothed?" And yet such things are very necessary.¹⁵

Solicitude [*sollicitudo*] is an ambiguous word - it had long stood for something approximating avarice, an absorbing concern with the pursuit of worldly goods and was used as a word of caution against commercial activity: "in the Latin of evangelical derivation used by ecclesiastics, it indicated concern for things in the world and so might seem to promote an attitude of potential and perverse attachment to wealth."¹⁶ For example, an important example not coincidentally, the word is used precisely in this negative sense in the Papal bull, issued in 1322 by John XXII (who deeply favored Aquinas and the Dominicans), renouncing Church ownership of Franciscan property so that the Franciscans could no longer claim to own nothing at all both individually and in common and hold that ideal of absolute poverty up as the Christian ideal (lending timely authority to the moral ambiguity of wealth):

Indeed, the above mentioned reservation of lordship [ownership of Franciscan property by the Roman Church] has by no means benefited the Brothers in respect of the state of perfection; for since the perfection of Christian life principally and essentially consists in charity-which the Apostle calls the bond of perfection, which unites or in some measure joins man, while on the way [i.e., in this life], to his end. Contempt of temporal goods and renunciation of ownership of them opens the way to this perfection especially because the *solicitude* that acquiring, preserving and dispensing temporal things requires, which commonly impedes the act of charity, is cut off. It follows that if the same *solicitude* persists after such divestment of ownership as existed before it, such divestment can contribute nothing to such perfection. But it is certain that after the above ordinance the Brothers were no less *solicitous* in acquiring and preserving those goods, in court and otherwise, than they had been before it, or than other mendicant religious who have some things in common.¹⁷

¹⁵ Thomas Aquinas, *S.T. II-IIae. q. 55, a. 6, reply*

¹⁶ Giacomo Todeschini, *Franciscan Wealth: From Voluntary Poverty to Market Society*, Franciscan Institute, St. Bonaventure, NY, 2009, p. 119

¹⁷ Pope John XXII, *Ad Conditorem Canonum*, trans. John Kilcullen, italics my own: http://www.mq.edu.au/about_us/faculties_and_departments/faculty_of_arts/mhpir/politics_and_international_relations/staff/john_kilcullen/john_xxii_ad_conditorem_canonum/

The obvious implications of this use of solicitude, however, were that true poverty was solicitude for charity and God alone and that this Christian perfection was a spirit of poverty rather than actual destitution. Actual poverty was but a useful discipline that, if it did not work in rooting out solicitude for wealth that conflicted with charity, added nothing of itself to human perfection. Thus the meaning of solicitude was, in accord with Aquinas as well, dependent upon the true end of the activity with which it is concerned.

In one sense, therefore, where it is an inordinate concern for wealth, solicitude is and leads to sin:

"[S]olicitude about temporal things may be unlawful in three ways. First on the part of the object of solicitude; that is, if we seek temporal things as an end. Hence Augustine says (*De Operibus Monach.* xxvi): "When Our Lord said: 'Be not solicitous,' etc. . . . He intended to forbid them either to make such things their end, or for the sake of these things to do whatever they were commanded to do in preaching the Gospel." Secondly, solicitude about temporal things may be unlawful, through too much earnestness in endeavoring to obtain temporal things, the result being that a man is drawn away from spiritual things which ought to be the chief object of his search, wherefore it is written (*Matthew 13:22*) that "the care of this world . . . chokes up the word." Thirdly, through over much fear, when, to wit, a man fears to lack necessary things if he do what he ought to do.¹⁸

In another, where the question is whether it is licit to have solicitude for the future, it is contained within prudence itself. For Aquinas responds by placing solicitude within its proper time and season:

No work can be virtuous, unless it be vested with its due circumstances, and among these is the due time, according to *Ecclesiastes 8:6*, "There is a time and opportunity for every business"; which applies not only to external deeds but also to internal solicitude. For every time has its own fitting proper solicitude; thus solicitude about the crops belongs to the summer time, and solicitude about the vintage to the time of autumn. Accordingly if a man were solicitous about the vintage during the summer, he would be needlessly forestalling the solicitude belonging to a future time. Hence Our Lord forbids such like excessive solicitude, saying: "Be . . . not solicitous for tomorrow," wherefore He adds, "for the morrow will be solicitous for itself," that is to say, the morrow will have its own solicitude, which will be burden enough for the soul. ...

¹⁸ Thomas Aquinas, *S.T. II-IIae. q. 55, a. 6, reply*

Due foresight of the future belongs to prudence. But it would be an inordinate foresight or solicitude about the future, if a man were to seek temporal things, to which the terms "past" and "future" apply, as ends, or if he were to seek them in excess of the needs of the present life, or if he were to forestall the time for solicitude.¹⁹

In fact, the prudent solicitude of today is opposed by a vice particular to it: negligence. Negligence is neither laziness nor sloth, it is neglect of due consideration given to the tasks at hand and to those it is necessary to prepare for properly, namely, when the morrow comes.

So too in Peter Olivi and Duns Scotus: "Significantly, in Olivi and his followers, this word assumes a different meaning depending on the context in which it is used. Being *solicit* ... in the case of merchants ... means being very attentive to shades of abundance, shortage, [etc.]."²⁰ In this regard, the list of characteristics of the good merchant grew with Scholastic familiarity with trade, its practice and its benefits grew. Where Aquinas had found being *solliciti* good depending upon its end and worthy of payment, the merchant's proper prudence was thereafter amplified and detailed by others, perhaps most originally by Peter Olivi. As qualified labor and diligent commitment, it morally justified a man's good reputation and the profits that were the merchant's wages:

"As the artisan's skill and industry licitly procure him profit, so too the industry of the merchant in prudently examining of the value and price of things, and attending to the smallest details of the just price, rightfully enable him to earn a profit within a certain latitude given by the just price."²¹

Scotus as well puts forth what had Olivi had already said concerning the value of the merchant's activity and legitimacy of his profits, namely, that

¹⁹ Thomas Aquinas, *S.T. II-IIae. q. 55, a. 7, reply and ad. 2*

²⁰ Giacomo Todeschini, *ibid.*, 119; we do not quote the full length precisely because Todeschini is prone to exaggeration.

²¹ Peter Olivi, cited in Todeschini, p. 118, "Sicut ars et industria artificis sibi licite fit lucrosa, sic industria mercatoris in rerum valore et precio prudencius examinando et ad subtiliores minucias iustum pretium perducendo, potest sibi licit valere ad lucrum et maxime cum in hoc, salva latitudine iusti precii, aliis communiter prosit etiam in solo hoc quod per hoc addiscent subtilius pensare rerum precia et valores." [translation partly my own].

they were justified by his service to the common good and by the difficulties and delicacies of the task:

"Over and beyond the aforesaid rules as to what is just and unjust, I add two more. The first is that this exchange be something that is useful to the [republic]. The second that the price corresponds to a person's diligence, prudence, and care as well as the risk one accepts in doing business. ... And from this it follows that the merchant, who brings such commodities from the lands where they abound to the country where they are lacking or who stocks such imported staples for sale that they may be quickly found by one wishing to buy them, is doing business that is useful to the [republic]. ... The second follows, for everyone engaged in honest work that serves the interests of the [republic] *needs to live by his own labor*. ... But this person who imports or stocks is serving the state usefully and honestly. Hence he needs to live from his labor. Nor is it this alone, but each can justly sell his industry and his solicitude. The industry of one transferring things from one country to another requires a great deal; one has to consider carefully what a country may need and with what it abounds. Therefore one can justly go beyond what one needs to support oneself and one's family ... [to] a price that corresponds to one's industry. Secondly, over and above this, *a person deserves something that corresponds to the danger or risk taken*."²²

Thus what had hitherto seemed to imply "disquiet" and "restlessness," namely, "solicitude," is generally incorporated within the realm of labor which can constitute legitimate service. Yet it cannot be said that it was simply incorporated without transformation - and the filter through which it passed, which baptized and altered the image of the merchant, and posited for commerce a certain ideal, was the concept of the common good and solicitude on behalf of that end.

Yet the merchant's industrious prudence was not the only factor in the more positive assessment of his work. Aquinas, with prominent reluctance, after pointing to the benefits of a self-sufficient city whose basic needs are fulfilled primarily from its own agriculture and artisans, after highlighting the dangers of commerce both for their instability and its insidious cultural effects,²³ makes some allowance for commerce by recognizing the benefits it provides to the city:

²² John Duns Scotus, *John Duns Scotus: Political and Economic Philosophy*, trans. Allan B. Wolter, The Franciscan Institute, St. Bonaventure: New York, 2001, p. 57

²³ "Again, if the citizens themselves devote their life to matters of trade, the way will be opened to many vices. Since the foremost tendency of tradesmen is to make money,

Still, trade must not be entirely kept out of a city, since one cannot easily find any place so overflowing with the necessities of life as not to need some commodities from other parts. Also, when there is an over-abundance of some commodities in one place, these goods would serve no purpose if they could not be carried elsewhere by professional traders. Consequently, the perfect city will make a moderate use of merchants.²⁴

For Duns Scotus, apart from those merchants who attempt to corner the market and ignore the conditions of legitimate business and who ought on that account to be banished, the value of a good merchant is such that they ought to be sought out and brought into the country:

"In an indigent country ... if the lawgiver is good, he ought to hire at great expense such merchants to import essential and indispensable goods and preserve and look after the things they bring. He ought to find not only the necessary sustenance for them and their families, but also make use of their industry and practical experience and underwrite the risks they take."²⁵

In other words, the merchant's service to his country was undergoing a re-evaluation, not only in terms of its legitimacy within the bounds of Christian moral intention but also in terms of its value to his country. The two perspectives developed together in what was at the same time a greater appreciation for the difficulties of his work, with all the special efforts and talents it required in recognition that these could be put down, carefully, to prudence, love of family and country, and for his contribution to the material welfare of the community.

This dual appreciation was not quickly forthcoming and was made with reservations, as is evident from Aquinas' reluctance and Scotus' double-edged distinction of merchants, those who were to be invited and those to be cast out. Yet it was indeed a trend both among humanists and preachers. Coluccio Salutati, in a letter addressed to the city of Perugia, describes the

greed is awakened in the hearts of the citizens through the pursuit of trade. The result is that everything in the city will become venal; good faith will be destroyed and the way opened to all kinds of trickery; each one will work only for his own profit, despising the public good; the cultivation of virtue will fail since honour, virtue's reward, will be bestowed upon the rich. Thus, in such a city, civic life will necessarily be corrupted."

Thomas Aquinas, *De Regno*, Book II, Chapter 3, *ibid.*

²⁴ Thomas Aquinas, *De Regno*, Book II, Chapter 3, *ibid.*

²⁵ John Duns Scotus, *John Duns Scotus: Political and Economic Philosophy*, *ibid.*, p. 59

merchants of Florence as "the sort of men who are indispensable to human society and without whom, in fact, we cannot live."²⁶ This was no exuberant endorsement, but an evident recognition that came despite Salutati's equal emphasis upon the spirit of poverty that proved its virtue in handling worldly affairs with virtue and judgment. Nowhere is this combination of approval and disapproval more evident than in the work of San Bernadino of Siena. For by "the fifteenth century, ... the attitude of churchmen toward trade had mellowed considerably. They were no longer able to shut their eyes to reality and ignore that agriculture had declined in relative importance and that the prosperity of cities and towns rested on trade and industry."²⁷ It is perhaps dubious that they had shut their eyes to this, but that their eyes became keener is clear. Indeed, Bernadino not only confirms the existing tradition that trade is licit and not sinful in itself, but rather poignantly stretches the example as he points out:

"that buying and selling is not the only occupation leading to sin, but that this may be said of all callings, not excluding the episcopate, if the incumbent does not properly discharge the duties of his office."²⁸

Moreover, Bernadino elaborates upon the valuable services that merchants provide - distinguishing three types of beneficial services that they conduct. First, "there are the importers-exporters (*mercantiarum apportatores*) who transport commodities from a country which has a surplus to another where they are scarce and in request, sometimes at considerable risk, trouble and expense."²⁹ Secondly, there are the *mercantiarum conservatores* "who preserve and store goods ... importers and wholesalers who buy in large quantities and sell by the bale or the load to retailers, who, in turn, sell in minute quantities of a pound or even less to consumers."³⁰ Finally, there are *mercantiarum immutatores seu melioratores* "who transform raw materials into finished products, for example, make cloth from wool, shoes from

²⁶ Hans Baron, "Civic Wealth and the New Values of the Renaissance: The Spirit of the Quattrocento," in *ibid.*, p. 225

²⁷ Raymond de Roover, *San Bernadino of Siena and Sant'Antonino of Florence: The Two Great Economic Thinkers of the Middle Ages*, Cambridge, Massachusetts: Harvard University Printing Office (1967), p. 10

²⁸ Raymond de Roover, *ibid.*, p. 10

²⁹ Raymond de Roover, *ibid.*, p. 11

³⁰ Raymond de Roover, *ibid.*, p. 11

leather, or candles from wax."³¹ Apart from the further detail which Bernadino adds to each of the foregoing and the by now perennial observation that the "only justification of business lay in the service and utility of the commonweal (*pro republicae servitio et utilitate*), Bernadino also gives greater attention to the characteristics of the good merchant.

In this regard, Bernadino "fully recognized that managerial ability, far from being common, is a rare quality and that a scarce combination of competence and efficiency goes into the making of a successful businessman. San Bernadino lists four necessary qualifications: diligence or efficiency (*industria*), responsibility (*solicitududo*), labor (*labores*), and willingness to assume risks (*pericula*). First of all, merchants should be efficient, by which he means that they should be well informed about qualities, prices, and costs and be 'subtle' in computing risks and assessing profit opportunities, 'which indeed very few are capable of doing.' Second, businessmen should be responsible and attentive to detail, [here we interject to emphasize the connection to prudence and avoidance of neglect, a sense of duty] ... Nothing can be achieved without a great deal of trouble and toil. The merchants must be prepared to endure discomforts and to suffer hardships in crossing seas and deserts. They will unavoidably expose their persons as well as their goods to many perils. In spite of the best management, the businessman may be visited by bad luck and suffer a loss. It is therefore, meet that he should earn enough on successful ventures to keep him in business and compensate him for all his troubles."³² Beyond these, a critical personal and professional feature is added: "Business integrity the Franciscan preacher prized very highly. A reputation of reliability was an asset ... A merchant was expected to keep his word, to respect his agreements with his partners, and to fulfill his commitments"; not to mention their religious duties of hearing "Mass on Sundays and feast days, take communion at least once a year, and confess their sins to a devout and God-fearing priest."³³ In the conduct of useful service to the state, certain quasi-virtues peculiar to the work were to be esteemed and cultivated along

³¹ Raymond de Roover, *ibid.*, p. 11

³² Raymond de Roover, *ibid.*, p. 13

³³ Raymond de Roover, *ibid.*, p. 14

with the obvious and general commitments of Christians to a religious life. This recognition that, beyond the general duties and affections of Christian life, beyond even the virtues commonly necessary to all men, there were "virtues" particular to one's work and station is an addendum to one's ethical constitution that is of broad significance.

In the first general steps toward an image of the merchant, San Bernadino states that secular business can become unlawful with respect to the status of the person performing it (namely, lay or clergy - prohibited to clergy):

"And therefore I say that the first thing to be done is this, that you must consider the person who doth carry on the business, whether he be secular or religious."³⁴

Secondly, and still generally,

The second point to be considered in regard of him who doth carry on business is, from what motive he doth carry it on. I told thee of it yesterday; today I will tell thee again. I say that if he doth this to provide for his family, or in order to free himself from debt, or to marry his daughters, -- then I say it is permitted to him. But what shall we say of him who hath no need thereof, who doth so spend himself, doth busy himself here, doth busy himself there, doth this, doth that, and doth never cease? Say I, that unless he doth this for the poor, he doth sin mortally, since that such hoarding as this is called the sin of avarice."³⁵

That charity and service are to guide business are clearly not in doubt, that they should inform business conduct is not new, yet detailing all the little ways that business can turn sour and become unlawful is a significant step toward the particularity of virtues specific to commerce.

Nor was San Bernadino alone in such endeavors. Rather, apart from San Bernadino's particular acumen and interest, this entire strategy of combining praise for noble conduct and exhortation to simple work was a common possession of preachers. San Bernadino's contemporary, Giovanni Dominici, though far less interested and far more suspicious of merchants, nevertheless engaged in painting "a portrait of the ideal merchant. Dominici declared that a merchant was allowed to make great profits provided he made them 'with grace, with charity, with direct and sincere intention, with reverence, peace, and love for his neighbor.' ... On the whole, Dominici and Bernadino

³⁴ San Bernadino of Siena, *Saint Bernadine of Siena: Sermons*, ed. Don Nazareno Orlandi, trans. Helen Josephine Robins, Siena, Italy: Tipographia Sociale, (1920), p. 196

³⁵ San Bernadino of Siena, *ibid.*, p. 196-97

encouraged a similar type of pious merchant to engage in honest commerce."³⁶ In fact, "all our sources concur in arguing that diligent industry is 'dignified, necessary, and fruitful', earning the labourer both reasonable temporal gain and eternal salvation."³⁷ The efforts of the friars in the piazza, then, were aimed at providing an ideal of behavior for the maintenance of justice in exchange and for the sake of fostering that sort of *philia* that ought to characterize communal life, but also, for the sake of just that sort of *philia* which was requisite to functional exchange relations: "Doing business or trading (*mercari*), and those who carry out these activities (*mercator*), are described more and more by Franciscans (and this habit will continue in the fourteenth century) as the concrete and everyday reflections of a sociability that the government must and should promote and institutionalize."³⁸ In this regard, a good merchant was not merely imbued with private Christian virtue, but was a model to his fellow citizens of the manner in which material wealth ought to be dealt with and therefore also possessed of public virtues even more expressive of this character, which itself was to be all the more highly esteemed for its educational value as an example in the community - and publicly honored.

Useful service to the community, however, was not only delimited by exhortation to noble professions, but - importantly - by a general assessment of professions less than noble in themselves. For in the very same measure that the Christian merchant represented something more than a model of commercial success, so too his psychological, interior poverty, honesty and simplicity were also made to represent, on the side of production, what was already condemned on the side of consumption. That is, just as the preachers defined as licit that profit and consumption "which is necessary to maintain the worker and his family and provide them with food, shelter and other essentials but not with those things which are superfluous, such as an overabundance of food and other delicacies," so too on the side of production, the utility of professions was also bounded in some degree by Christian morals. It goes without saying that some trades do not generally appear as

³⁶ Nirit Ben-Aryeh Debby, *ibid.*, p. 161-3

³⁷ Bernadette Paton, *ibid.*, p. 167

³⁸ Giacomo Todeschini, *ibid.*, p. 125

viable options to ethical economic agents, prostitution or slave trade, that range of options is always defined in some way - and the preachers aimed at contributing their moral criterion to defining the range of the useful: "Sant'Antonino is well informed about the structure of the Florentine textile industry ... [he] fully acknowledges that this industry fulfilled a useful purpose in providing clothes to protect the human body against cold and to cover its nakedness. Wool has his wholehearted approval, but objects to silk because it often serves vanity and waste, [etc.]."³⁹ Indeed, "Sant'Antonino has something to say about nearly every profession or craft," from architects and contractors to artists and musicians, his moral approbation or disapproval being converted into an attempt to convince merchants and artisans to focus on production and trade in things useful to and not corruptive of the community in a Christian sense.⁴⁰ Doubtless, the effort was not supremely successful, although at the time the secular adoption of sumptuary and usury laws are not inconsequential (and can be imputed a variety of motives), in any event there is an evident sense in which the general recognition of the propriety of a given profession or action leans heavily on its perceived viability as a career or course of action. A life despised by the community is rarely the spontaneous choice of anyone but the more anti-social or desperate character. It is in this light that the preaching friars generally viewed their promotion of Christian poverty and simplicity as a fundamental touchstone of economic vision: a highly desired luxury or a highly profitable profession or opportunity may not be in accord with a simple and ordered use of the world, a just use in the sense of right reason oriented toward love of neighbor and of God. On the contrary, not a few luxuries, professions and opportunities served to corrupt the city, imply the maltreatment of neighbor and the violation of the justice that held the city together. In other words, the friars wished to encourage the simple, moral life as fundamental to the ethical sociability underpinning the market and civic life. If the particular profession of the merchant fell within the realm of what was useful to the community and was conducted in accordance with the same intention, avoiding all the pitfalls open to it in

³⁹ Raymond de Roover, *ibid.*, p. 15

⁴⁰ Raymond de Roover, *ibid.*, p. 15

terms of sin, then it was an appropriate profession for the Christian and could be performed more or less nobly. Moreover, in the degree to which it was more or less nobly performed, the more or less it accorded with the justice in exchange that was the counterpart of the very *philia* and *caritas* that bound the city together. This, no doubt, goes far in establishing an ordinary sense of duty in work, almost a worldly asceticism, while nevertheless still attempting to hold that sense of ethical commercial pursuit well within the bounds of ordinate intentions and ordinate professional channels.

Yet for those who performed their professions more nobly - and incidentally, more successfully - the stage of rewards was set in accordance with the praiseworthy sociability that it presumably signified. This was so particularly with the advent of an explicit resolution of a long-standing ambiguity that had already implicitly received its Scholastic Christian answer. To the question of whether economics was simply the art of household management or whether it properly included also some broader range of activities, Sant'Antonino makes "the important point that the problem of 'commutations' or exchange is an economic matter which pertains either to household management - economics in the old sense - or to politics because the whole purpose of business is to supply either the household or the community with goods or services."⁴¹ This drift of focal point from *oikos* to political economy was conjoined or parallel to the movement from private virtues of good order and simple, honest, prudent diligence to public virtues of liberality, magnanimity and magnificence as an example of that combination of simplicity and public-spirited perfection belonging to the Christian merchant who might guide others both in spirit and in practice - and receive the honors befitting a true merchant. To those who betrayed the ideal: "If merchants are not 'honorable and trustworthy,' writes Olivi, if people cannot generally trust their word, they are not real merchants."⁴² Indeed, just as Florentines were only true Florentines when they were true Christians, so to with merchants. It is not that public recognition made the merchant, though perhaps the aspiring merchant might

⁴¹ Raymond de Roover, *ibid.*, p. 14

⁴² Giacomo Todeschini, *ibid.*, p. 124

well conceive of it thus, but, rather, it is worthiness of their recognition that made the true merchant - and the actual recognition, which was now being accorded to their successful and servicable performance, was not a matter of their mere household prudence, but a scalar evaluation that extended toward political economy.

To whatever extent, and a precise determination of its influence passes beyond the scope of our investigation, this whole ethical imagery was effective; that is, it was at least partly imbibed by the merchant class at the highest levels as formative of their social identity and group culture - and, most importantly, their aspirations. No doubt, among more ordinary bourgeois merchants and artisans, it had already given significant impetus to at least moderate ambition to some social standing as responsible and honest men at work, conducting themselves with dignity. With respect to the elements celebratory of the grandeur and civic ethos of merchants, however, this had an indubitable influence on their ethos of "simplicity" in noticeable, magnanimous Christian service and their regard for their high office as well as in their understanding of their own discipline and sagacity: "Dominici's and especially Bernadino's descriptions of the ideal merchant are very similar to those in the numerous trade manuals of the period. Dino Compagni declares that the merchant 'will be worthier if he goes to church, gives for the love of God, clinches his deals without a hagggle, and wholly abjures the taking of usury'. Other descriptions of the ideal merchant as 'humble, loyal, solicitous, steady, honest, and orderly' also echo the preachers' views."⁴³ The rising popularity and spread of these handbooks extends into a whole genera, "which summarized the basic knowledge that all merchants should have, took place along the northern Mediterranean coast from the fourteenth century onwards. These merchant handbooks amounted to more or less utopian ideological constructions which, apart from the collection of technical materials, established the moral bases for merchant activity."⁴⁴ Perhaps no display of this phenomenon in the mirror of

⁴³ Nirit Ben-Aryeh Debby, *ibid.*, p. 162

⁴⁴ Jaume Aurell, "Reading Renaissance Merchants' Handbooks: Confronting Professional Ethics and Social Identity," p. 74-75:
<http://dspace.unav.es/dspace/bitstream/10171/29296/1/Reading%20Renaissance%20Merchants%E2%80%99%20Handbooks%20.pdf>

merchants genera of commercial handbooks is greater the manual of Benedetto Cotrugli in 1458:

"The dignity and office of merchants is great and exalted in many respects, and most particularly in four. First, with great respect to the common weal for the advancement of public welfare is a very honorable [purpose], as Cicero states, ... The advancement, the comfort, and the health of republics to a large extent proceed from merchants; we are always speaking, of course, not of plebeian and vulgar merchants but of the glorious merchant of whom we treat [and who is] lauded in this work of ours. ...

Secondly, I exalt the dignity and office of merchants with respect to the useful and honorable management of their private properties and goods. As a matter of fact, a sparring, temperate, solid, and upright merchant increases and augments his wealth. ...

Third, the dignity of merchants is to be esteemed and appreciated with respect to association, both private and public. ... there is no room for rogues, retainers, henchmen of all sorts, partisans, thieves, runaways, and gamblers such as are want to live at the courts of princes, magnates, and lords. ...

We have left for the fourth [place] the dignity of merchants with respect to [faith].... It is generally said that today [good faith] abides with merchants and men-at-arms.... Neither kings nor princes nor any [other] rank of men enjoy as much reputation or credit as a good merchant."⁴⁵

Perhaps suggestive of the loose fitting role, or gentle conditioning, that such moral vision and image had for the full range of commercial practice is the fact that such splendid exaltations and exhortations generally formed the preface and frame of the works in this genera; this is not to imply that it was mere rhetorical eloquence, but certainly it indicates that the honorable attire of the mercantile art could very well, and significantly, exceed the merchant's conformity to the standard of his social identity. Perhaps, as is not uncommonly the case, the general image and tilt of ethics was more desirable than the full details of injunctions and restraints. For "Francesco Balducci Pegolotti, the merchant-compiler of one of the more important handbooks in Renaissance Italy, a few sentences are enough to summarize the moral qualities that all merchants should strive to achieve."⁴⁶ And yet, the coincidence of moral and professional virtues was a constant theme in

⁴⁵ Benedetto Cotrugli, *On Commerce and the Perfect Merchant*, (1458):
<http://www.ux1.eiu.edu/~cfdks/cotrugli.pdf>

⁴⁶ Jaume Aurell, *ibid.*, p. 76

the literature - as was the patriotic and public-spirited self-image, not to mention the tense relation between public manners and public virtues of display in contrast to private virtues of simplicity and restraint as well as private vice and hypocrisy. The civility, courtesy and cultivation of the leading figure ought to be joined to sincerity - particularly so with regard to the sincerity and honesty of the merchant, his deep trustworthiness was a requisite of his profession as well as his social standing in a Christian community.

The Discipline of Prudence

This same almost sanctimonious baptism of professional virtues in their approximation and subordination to moral virtues, and the tension between that private virtue and the desire for public honors, is presented in that work made most famous by Werner Sombart, *Della Famiglia*, by Leon Battista Alberti.⁴⁷ For Sombart, "What today is called the capitalist spirit comprises within itself, besides the spirit of enterprise and the desire for gain, a complexity of certain qualities, to which I shall apply the term 'middle-class virtues.' These include all the views and convictions ... of a respectable citizen and head of a family, no less than of an honest tradesman. To the best of my knowledge we make the acquaintance of the citizen ... for the first time in Florence, at the close of the 14th century."⁴⁸ There, in the Tuscan merchants of the late 14th and early 15th Italian renaissance, Sombart saw "a whole list of tradesmen and others intimately acquainted with trade ... [who] have bequeathed to us their views, set down in valuable memoirs or books of edification, ... the incarnation of the spirit of respectable citizenship."⁴⁹ In these writings, to which we have alluded in the previous section, with their "maxims that should govern life, the rules that make for respectability,"

⁴⁷ Werner Sombart, *The Quintessence of Capitalism: A Study of the History and Psychology of the Modern Business Man*, trans. M. Epstein, New York, New York; Howard Fertig, Inc., (1967)

⁴⁸ Werner Sombart, *ibid.*, p. 103

⁴⁹ Werner Sombart, *ibid.*, p. 104

Sombart found the average and middle class bourgeois, disciplined and dedicated to business. He pointed to L.B. Alberti as "the most perfect type of the 'bourgeois' of those days," and noted that "Alberti's views were generally shared by a large number of people; and that they express the outlook on life then current in tradesman's circles."⁵⁰ And Alberti's views, as we shall shortly see, do indeed breathe the general ethos of a mercantile commitment to the rational organization of life in respectable business practice - and, more importantly, a pervasive sense that such activity was an extension of responsible, dignified prudence requisite to social standing and distinction.

Yet while this may be true, and it is certainly of eminent importance that the average and ordinary businessman of the age could seek some such standing as a respectable citizen precisely in commercial and artisan professions, we need not limit ourselves to the moment of triumph when such aspirations were prominent and definitive features of the late-14th and early 15th century Italian civic humanism in full flourish. One might just as easily point backward to the prior and gradual emergence of a respectable *Christian merchant* before the notion of a *respectable citizen* became a social ideal, by which one was measured and, perhaps, by which one measured oneself. For the merchant ethos and its respectability had begun to take shape long before the end of the 14th century. It had done so over centuries, so much so that it had already been on display in the grandeur of the late 13th century merchants who touched and tasted the life of the nobility. On the basis of this prior establishment of the merchant in the city as a respectable Christian, these more illustrious figures had themselves risen over the long 13th century: "The few who accomplished this feat did so over three or four generations, and they were the first families of the republic in the early *trecento*. Such chroniclers as Giovanni Villani and Ricordano Malespini remembered well the humble origins of these new clans ('novi cives'). Thus the way to preferment in Florence was through the entrepreneurial world of the greater guilds where new and old families mingled to form the energetic aristocracy of the late medieval business

⁵⁰ Werner Sombart, *ibid.*, p. 104

world."⁵¹ Such families as the Acciaiuoli, Bardi, and Peruzzi had even begun to monumentalize their ethos: "Perhaps the greatest single testimony to the *hubris* of this Saturnian age is the Maso di Banco tomb painting done for the Bardi at about the same time (1335). In this work in the chapel at Santa Croce, Messer Bardi rises confidently from his marble tomb to meet God."⁵² According to Marvin Becker, this earlier ethos, wherein "[c]hivalric daring is coupled with burgher cunning," often showed its evident aspiration to take their place as elite Christian merchants close to the life of the country nobility of landed aristocrats. Their energy, no doubt inspired thereby, was nevertheless often imperiled and exhausted in the purchase, but they strove for that reflected dignity nonetheless: "Seldom did the burgher ethic remain immune from ideals of largesse and honor. Moreover, even the less well-to-do and the parvenu, no matter how tight-fisted, were drawn to the ennobling rural life, to the chase and the pastoral ease and spontaneity. There were very few, even among the artisan shopkeeper class, who did not own at least a piece of land or a small house in the countryside."⁵³ At any rate, by the time civic humanism was in full flourish, the mercantile elite of the later 14th century were not quite so enamored of the countryside and built their palazzos inside the city. Though obviously the dignity of nobility was of eminent importance to them, it's character as landed and as chivalric-military was less and less appealing as merchants came more completely into their own. It is a question of degrees both in the lives of individuals and their pervasiveness in city life, yet Sombart tended to look more for the dominance of a respectable merchant-citizen at a time when lesser Christian merchants had already been accepted and even "heroic" figures had long been their more illustrious counterpart in an ideal of social distinction that thereafter endured in new forms in the late 14th century rise of the Medici, Alberti, Strozzi, and Pitti families. In short, the Christian merchant had already been forged as a worthy ideal and almost immediately became an object of social ambition and of lesser motives which only found themselves that much more exuberant in their pursuit of social distinction in an

⁵¹ Marvin Becker, *Florence in Transition: Volume One: The Decline of the Commune*, *ibid.*, p. 27

⁵² Marvin Becker, *ibid.*, p. 54

⁵³ Marvin Becker, *ibid.*, p. 15

increasingly secular age, wherein they became respectable citizens and merchant-princes with their own dignity rather than Christian merchants often seduced by the allure of landed elitism.

Such an allure, toward the conspicuous consumption of the feudal elite and noble, is in fact the start of Alberti's dialogue. It is therein the allure to be treated with the greatest of caution. Indeed, the whole dialogue is inconclusive - it contrasts the more tempered aspirations of a Florentine merchant in exile, Giannozzo Alberti, who aspires to a quiet, moderate nobility with the views of a younger family member, Lionardo Alberti, who aspires to the illustrious admixture of a civic-centered merchant ethos. Indeed, if there is any conclusion in the dialogue, it is that this latter must be purged of its ostentation and display, its wanton miming of the nobility's consumption patterns; it is that the ambition for glory must be true to virtue if it is not to ruin a house (as Alberti well knew from the fall of his family's fortune at the hands of his imprudent cousins prior to his own career). Thus, the work begins with an amiable discussion of the follies of youthful and immature aspirations to grandeur.

That is, in the first paragraph of the famed Book III on prudent management, the literary and historical figure, the aging merchant Giannozzo Alberti expresses his wish, as he does at the end of the chapter, to attend the Mass, and Giannozzo is then asked about the days of his youth. Giannozzo responds with an assessment of the jousting tournaments for honor in feats of military arms and grandiose expenditures of youth that he once entertained that dismisses these and much beside as the folly of men who have not yet or never learned the value of their lives and fortunes:

"I have become wise. I know that it is madness to throw away what you possess. The man who has never experienced the sorrow and frustration of going to ask others for help in his need has no idea of the usefulness of money. If a man has no experience to tell him how painfully money is acquired, moreover, he spends it with ease. ... It is most desirable my dear children to be thrifty. ... [Although he adds] God forbid. Let our worst enemies be avaricious. There is nothing like avarice to destroy a man's reputation and public standing."⁵⁴

⁵⁴ Leon Battista Alberti, *The Family in Renaissance Florence: Book Three*, trans. Renee Neu Watkins, Long Grove, IL; Waveland Press Inc., (1994), p. 28

The danger of avarice, doubtless with evident moral overtones, is nevertheless primarily associated with reputation. This does not make the assessment purely worldly, as Weber thought, but in fact shows precisely the extent to which the respectable Christian citizen found his own professional responsibility to be a near extension of virtue; for "thrift" and prudence are immediately contrasted with prodigal young men:

"What could I find to call them but 'damned pestilence'? Thoroughly off the road themselves, they lead others astray. Other young men see these prodigals of yours abounding in every sort of entertainment, and since it is the vice of the young to prefer places of delight to the workshop ... they quickly join them in the consumption of luxuries and delicacies. They live a life of idleness, avoid the kinds of activity men praise. ... Oh Lord, what crimes do they not commit, merely to continue it? They rob their fathers, their relatives, their friends, they pawn and they sell. ... Finally, my dear Lionardo, these prodigals are left poor and full of years, without honor and with few, or rather no, friends. Those joyful leaches whom they took for friends in their great days of spending, those lying flatterers who praise their over-spending ... and called it a virtue, who, glass in hand, swore and promised to lay down their life - you have seen the water swarming with fish while the bait's afloat; when the bait is gone, all is deserted and empty."⁵⁵

The avaricious receive no better from Giannozzo, but the mean between avarice and prodigality is "thrift." A "holy thing," "all thrift consists no so much in preserving things as in using them at need."⁵⁶ Thrift is the proper use of one's own and "there are three things which a man can truly call his own": his spirit, his body, and his time.⁵⁷ To heal the body, care properly for the spirit and wisely dedicate its energies to family and honorable conduct in the sight of God require discipline of the body, of the spirit and of one's time. In direct response to the question of his way of devotion, his way of keeping the soul pleasing to God, Giannozzo responds:

"I have two ways. One is to try and do all I can to keep my spirit joyful. I try never to let my mind be troubled by anger or or greed or any other excessive passion. This I have always believed to be an excellent way. The pure and simple spirit, I believe, is the one that pleases God the most. The other way I have of pleasing God, it seems to me, consists in doing nothing of which I am doubtful whether it be good or bad.

⁵⁵ Leon Battista Alberti, *ibid.*, p. 29-30

⁵⁶ Leon Battista Alberti, *ibid.*, p. 33

⁵⁷ Leon Battista Alberti, *ibid.*, p. 34

Alberti's book is dressed with such a hallowed religious tone despite its worldly advice. The whole point, it is important to remember and emphasize, is that all the worldly advice that Giannozzo gives is set within this image of responsible patriarchal and Christian civic duty, it is not a simply secular vision but the ethos of a respectable citizen and the bourgeois religiosity which is a critical element of his self-image as worthy of dignified, reputable social standing.

This framing is, for men bent on not seeing it, easily forgotten when he launches into the details of good management: "The maxims of the old seigniorial way of life were now utterly rejected. Expenditure had dominated the feudal economy, ... But now income was the governing factor in all economic activities. 'Be mindful, O my sons, never to let your expenditure exceed your income.' That is the last word of wisdom in the third volume of Alberti's work, as indeed it is the conclusion of Pandolfini's treatise."⁵⁸ With thrift, saving is extolled: "The idea of saving thus came into the world; of saving not as a necessity but as a virtue. ... A man like Giovanni Rucellai, who owned thousands, adopted the maxims of a country yokel, that 'to save a penny is more honorable than to spend a hundred.'"⁵⁹ Such economization of finances is matched by the economization of time:

"My plan, therefore, is to make as good use of time as possible on praiseworthy pursuits. I do not spend my time on base concerns. I spend no more time on anything than is needed to do it well. ... And to waste no part of such a precious thing, I have a rule that I always follow: never remain idle. I avoid sleep, and I do not lie down unless overcome by weariness, for it seems disgraceful to me to fall without fighting or to lie beaten ... First thing in the morning when I arise, I think to myself, 'What are the things I have to do today?' There are a certain number of things, and I run through them, consider, and assign to each some part of my time. ... and in the evening, before I retire, I think over again what I have done during the day."⁶⁰

Such an attitude is worthy of the medieval Franciscan ascetic or the Roman Stoic - indeed, the daily effort to plan one's day in advance and note one's performance in the evening, all these things practices can be found in any

⁵⁸ Werner Sombart, *ibid.*, p. 106

⁵⁹ Werner Sombart, *ibid.*, p. 106

⁶⁰ Leon Battista Alberti, *ibid.*, p. 42

ancient work or monastic *regulae* on the ethical 'care of the self.'⁶¹ Indeed, as Max Weber noted, this is, in some respects, a literary theory - and more than one scholar has noted the resemblance to Xenophon's *Oeconomia* and the pseudo-Aristotelian *Economics*. Yet, contrary to Weber, the book is not simply a literary fiction that could not possibly inspire.⁶² The popularity of the book, not to mention its resemblance to a number of other similar works and to the multiplicity of merchant manuals as well as concordance with the religious elaboration of the same quasi-virtues found in the preaching of the age, i.e., diligence, dedication, prudence, honesty, repute, surely make the application of the practices of discipline to the economic life found in Alberti and similar works rather more important than less. For rather than the book inspiring merchants, though it may well have, it is the book that often breathes an inspiration that was, in fact, reflected in commercial tracts of the Renaissance and in their lives as well and in innumerable documents and discourse of the age. Moreover, as we have seen, a substantial religious and civic history lay behind this "literary" and "secular" theory. And any substantial ethos involves an ideal of oneself and an ascetic imposition upon oneself in order to move oneself toward that ideal - the motivation, here in Alberti, is not simply profit and gain. Rather, more deeply, it is honor and respectability, even social distinction through achievement and reputation for grandeur and nobility. That these objects of social ambition were very much and very confusingly bound up with religious and civic aspirations suggests a strong tremor of energy conducive to the imposition of the discipline of prudence in one's life. This applies even if the approbation is through one's own conscience and only in one's eyes as formed by social ideals, and is perhaps particularly so in the case of the most energetic characters.

⁶¹ For a discussion of ancient and early Christian ethical practice, asceticism as a theme necessarily associated with any ethos, see Michel Foucault, *The Hermeneutics of the Subject*, ed. Frederic Gros, English ed. Arnold I. Davidson, trans. Graham Burchell (New York: Palgrave MacMillan, 2005).

⁶² Max Weber, *The Protestant Ethic and the Spirit of Capitalism*, trans. by Talcott Parsons with a foreword by R. H. Tawney (New York: Charles Scribner's Sons, 1930), notes to chapter 2, note 12, p. 194-98: "But how can anyone believe that such a literary theory could develop into a revolutionary force at all comparable to the way in which a religious belief was able to set the sanctions of salvation and damnation on the fulfillment of a particular (in this case methodically rationalized) manner of life."

In fact, Alberti's dialogue reaches its critical point in an exchange between Lionardo and Giannozzo when the former reasserts the energetic ethos of civic humanism against the evident inclination of the latter toward a more tranquil and non-civic oriented life of quiet private quasi-religious virtue: "Giannozzo's eulogy of a private existence devoted to mercantile pursuits is followed by one of the most eloquent pages written in the spirit of political humanism":

I would say that a good citizen loves tranquility, but not so much his own tranquility as that of all good men. He rejoices in his private leisure but does not care less about that of his fellow citizens than he does about his own. He desires the unity, calm, peace and tranquility of his own house, but much more those of the country and the republic. ... So you see, Giannozzo, that the admirable resolve to make private *onestà* one's sole rule in life, though noble and generous in itself, may not be the proper guide for spirits eager to seek glory. Fame is born not in the midst of private peace but in public action. Glory is obtained in public squares; reputation is nourished by the combined voices and judgments of many honorable people and in the midst of the multitude. ... Nor would I call it lust for power if a man shows great care and interest in doing hard and generous things, for these are the way to honor and glory."⁶³

Thus, without wanting to detract from the importance of the more ordinary, less political ambitions of the ordinary merchant and his rationality, the very dignity and quiet respectability of the citizen-merchant was closely bound up with the fact that its counterpart was an illustrious ideal of civic service. That fame and glory attached to the great mercantile families of the day belonged, in no small part, to their role within the city, their social *personae* and public action. It was, in fact, the more ordinary and earlier merchant whose religiosity was justified as a kind of civic figure, but it is the illustrious *personae* that pathed the way for abundant social recognition of the merchant and the more strained association of private professional virtues and general moral virtues.

In addition to such social imagery concerning the combination of general moral virtues and private professional virtues that evince an ethos of proper conduct in business according to a organized and prudent schema, reflecting a responsible and orderly state of desire, the same ethos was equally

⁶³ Hans Baron, "Civic Wealth and the New Values of the Renaissance: The Spirit of the Quattrocento," in *ibid.*, p. 266-67

expressed in commercial solemnities: "[l]ate medieval contracts and business documents are laced with oaths, invocations of God, and professions of pious good faith. The expression, 'in the name of God and profit,' occurs repeatedly as a kind of invocation in late medieval partnership contracts and account books. The phrase was born of the belief not only that, as one writer put it, 'wealth is the recompense for piety,' but also that a devout Christian would adhere to his contractual commitments more faithfully than a sinner, infidel, or Jew."⁶⁴ These solemnities extended beyond the simple addition of phrases into action: "Each time they drew up or revised a budget, a fund for the poor was created with some of the capital of the company. These funds were entered in the books in the name of 'our Good Lord God' as representing the poor, who in this way, were made partners of the company. When the dividends were paid, a proportional part thus went to the poor."⁶⁵ Contracts themselves were not infrequently sealed with more than a simple oath: "An offering was made every time a contract of sale or purchase was drawn up. In France it was called *denier a Dieu*, in Germany *Gottespfennig*, in Italy, *Denaro di Dio*. This money served as a deposit, but it was always destined for pious works, not for the seller. There are even statutes which affirm its legal position, establishing that once the money was handed over, the Good Lord was henceforth considered as its witness, and the contract could not be modified or broken."⁶⁶ Or again, there is the constantly reiterated exhortation found in manuals, seen in Alberti, of going to Mass as a sort of preface to one's work: "surprising to a modern mind inclined to divorce business from religion is the fact that exhortations of this kind are found in merchant manuals as late as the seventeenth century, for example, in *Le parfait negociant* written by Jacques Savary, who was by no means a saint but a hardheaded businessman."⁶⁷ Indeed, while it may be surprising to the modern mind, the strength of the emerging adverse judgment upon the poor and lazy, those who lack the rigorous habits that attend virtuously to

⁶⁴ Margaret Carroll, "In the name of God and Profit," *Representations*, No. 44 (Autumn, 1993), pp. 96-13; p. 105;

⁶⁵ Armando Sapori, *The Italian Merchant in the Middle Ages*, trans. Patricia Ann Kennen, New York, NY: W.W. Norton & Company, (1970), p. 23

⁶⁶ Armando Sapori, p. 24-5

⁶⁷ De Roover, *ibid.*, p. 14

business, is readily accepted and can serve as something of an indirect measure of the extent to which this mindset and self-image influenced the higher ranks of merchant elite and inspired them with a sense of their own dignity and - social ambition.

The lazy and indolent were, not unlike the usurious Jew and now marginal avaricious miser, marked with certain characteristic vices opposed to Christian social conduct and to the normal functioning of a Christian market. For the Christian market presumed certain ethical *a priori* in which one could trust and therefore a certain recognition of others that came in and through exchange relations. Along with the usurious, the overly luxurious and the miser, the monopolist who forced up prices, the speculator whose manipulations influences prices but produced nothing, the indolent were castigated as those who unnecessarily and presumptuously relied upon the charity of others. These as well were called out for their lack of discipline and strength of character: "The sin of *acedia*, originally that of spiritual sloth and the neglect of religious obligations, had, by the fifteenth century, been replaced by the concept of physical idleness in popular preaching."⁶⁸ Despite the word "replaced" being an exaggeration, the notion of physical idleness in want of employment or indolence and carelessness at work, certainly took its place alongside spiritual sloth - or rather, it blended with that concept insofar as virtue itself was also adopting certain professional "virtues." It was but the concomitant negative judgment connected with the more positive light in which professional responsibility was now viewed: "It is possible to trace two distinct attitudes to the poor in these works. The first, which appears to be typical of Conventual literature, is characterized by its emphasis on the concept of the 'deserving' poor. While the notion that the receivers of alms had to prove themselves morally worthy had precedents in both patristic and Scholastic theology, the manner of its presentation in Dominican sermons and treatises is more closely aligned to contemporary bourgeois attitudes. ... These secular attitudes to both the 'poveri vegognosi' [shame-faced poor too proud to beg] and the undeserving poor are clearly reflected in Conventual

⁶⁸ Bernadette Paton, *Preaching Friars and the Civic Ethos*, *ibid.*, p. 169; for the development of this line of thought in popular preaching, S. Wenzel, *The Sin of Sloth: Acedia in Medieval Thought and Literature* (Chapel Hill, 1960).

Franciscan sermons ... These attitudes contrast markedly with that displayed by contemporary Franciscan Observant preachers ... they were more inclined to identify themselves with the poor of the city than the moneyed classes [and to advocate unconditioned charity]." ⁶⁹ However, regardless of the differences of emphasis between orders and factions thereof, most preachers made significant critical remarks on both the wealthy and the poor and it was certainly a matter of emphasis that separated their messages.

This constant even-handedness is evident in the fact that alongside the professional duties of an employer entailed responsibilities to his employees, there was no extraordinary emphasis on the indolence of the worker: "Sant'Antonino was impartial: he stressed the duties of the workers toward their masters as well as the obligations of the latter toward their subordinates. He had no good word to say about workers who were careless, spoiled their masters' materials, or were slow in returning them."⁷⁰ It is not that such an attitude more critical of laborers and the poor was suddenly dominant and lopsidedly elitist, but that it appears to have finally found an express articulation is reflective of the more important fact that professional responsibilities had come to be viewed as expressions of general virtues in lay practice of religious life. This view certainly found a significant and exaggerated voice, one that portends the future of secular economic nationalism, in the works of the younger generation of humanists such as Matteo Palmieri:

"... let the working masses and the humblest sector of the middle class struggle for the good of the Republic. Those who are lazy and indolent in a way that does harm to the city, and who can offer no just reason for their condition, should either be forced to work or be expelled from the Commune. The city would thus rid itself of that harmful part of the poorest class."⁷¹

More important than an assessment of potential elitism in condemnation of indolence, however, was the fact that this was part of the general proposition that "the harmfulness of economic behaviors derived, in a final analysis, from indifference to the religious and civic solidarity that should hold the

⁶⁹ Bernadette Paton, *ibid.*, pp. 199-205

⁷⁰ De Roover, *ibid.*, p. 27

⁷¹ Matteo Palmieri, *Delia vita civile in Biblioteca Enciclopedica* 381-82; cited in John McGovern, *ibid.*, p., 237-38

civic market together."⁷² It is not that religious and civic conduct are considered to be directly the most economically advantageous in any instance, but that economic behavior contrary to the religious-civic ethos cut at the foundations of the very society that made the market possible. This general proposition is the fundamental context for the emergence of the merchant as an esteemed social figure and, evidently, the vision of poverty as both pitiable and despised. It is not just wealth that is in some way tainted, but now poverty is tainted. For it is only where general virtue transformed itself to include proper concern with the details of one's *officium* that the skillful conduct and attention to successful performance of a particular profession could be associated with dedicated service to the community through economic activity. In fact, it is only in light of such a confluence of social values that there could be that characteristic shame that attended the fall of a once successful or rich man and family to the status of *poveri vergognosi* (shame-faced poor), a status to which friars were particularly attentive and sympathetic.⁷³

The question, however, arises as to the specifically Christian character of those professional virtues and the market sociability. If the merchant emerged from the age with an idealized image of moderation, loyalty, honesty, simplicity and prudence, these are partly expressions of the fact of a great many professional requisites found their place in connection with more generally recognized Christian virtues. Mercantile life and virtue were, so they thought, within, or very nearly within, the grasp of natural man. If the merchant emerges as a public figure of immense importance, or even as a highly respected member of the community with a moderately public-minded ethos and a set of manners befitting his social identity, this is partly on account of the conception of the market as an extension of sociable conduct servicable to the welfare of the community that derived from the unity of religious urgings to the common good and the already intense patriotic sentiment of Italian city-states.

Within this setting, the social identity of the merchant, regardless of the full extent of its reality in their individual practice, was undoubtedly of

⁷² Giacomo Todeschini, *ibid.*, p. 161

⁷³ Nirit Ben-Aryeh Debby, *ibid.*, p. 166

influence on their self-image and their exalted conception of the dignity of their work and their status or *officium* within the community. Such a sociable and chivalrous view needed no absolute purity of religious motive to exist, partial religious approbation and civic *caritas* was enough for that; for with those came motives of honor, a sense of dignity in dutiful conduct, motives that might drive a man onward. Certainly the merchant was not so immune to considerations of self-respect and honor, illustrious *fama*, that some might not labor for them, perhaps day and night, and strive for all that they bring in their wake. The prizes to be won cannot be ignored in their full weight - wife of good-standing, friends, contacts, wealth, self-respect, social distinction, etc. Profit and the satisfaction of wants, those reductive modern words, utterly fail to capture why men work and the differences in intensity that those motives give rise to. That social and religious ethics centered their focus on these aspects of human life and gave them the character of nearly qualifying criteria for social recognition and Christian respectability, is of significant import in providing the basis for an object of social ambition in distinction along these lines. The message of preachers and humanists did not merely function to restrain, therefore, rather, it also - despite its moderate and simple intentions - inspired and formed from within. If the conception of virtue particular to one's profession and if that conception of a social identity, with the dignity required of it and the honorable status that afforded, were of significance in the formation of a social group identity that encouraged a certain conduct and fostered a certain intensity in the merchant's motives, then it undoubtedly had influence in the formation of his conduct and the intensity with which he sought to apply that respectable professional rationality to his life. And indeed, many leading men displayed such intensity in the imposition upon their lives of a regimen of professional virtues that were imbued with all the values of self-worth as a human person and social figure. Many sought - increasingly - to choose a life of commercial endeavor and to strive therein for the honors that came with wealth and at least some, often a significant amount of, patriotism and conscious Christian attire.

Chapter 8

Late-Medieval Economic Ethics

Law, Imperfect Justice and the Use of the World

The forceful influence of Scholastic ethical considerations in the formation of the merchant's character is all the more evident if we turn to consider the weight of law upon his conduct. For it was not merely through conscience and social approbation that Scholastic moral theology functioned on behalf of ethical constitution. Despite the increasing marginalization of ecclesiastical courts, despite the relegation of intentions and the most rigorous aspects of spiritual lives to the *foro interno* of the confessional, and regardless of the gaps between Scholastic theology, canon law and secular legal practice, both in earlier times and in the early Renaissance, the law was the bridge between morality and the merchant's conduct: "From the church's point of view, the law developed by the merchants to regulate their own interrelationships, the *lex mercatoria*, was supposed to reflect, not contradict, the canon law. The merchants did not always agree with that. They did not disagree, however, that the salvation of their souls depended on the conformity of their practices to a system of law based on the will of God as manifested in reason and conscience. ... Law was a bridge between mercantile activity and the salvation of the soul."¹ If Scholastic economic ethics reveals an inclination toward the conflation, particularly in Franciscan thought, between theological and legal criterion, wherein the former was nearly reduced to the latter, even within that more limited and legalistic concern for the salvation of the soul, the relation between morality and law increasingly accommodated the merchant.

¹ Harold Berman, *ibid.*, p. 339

For the recognition of the merchant was not only a religious, social and patriotic recognition; it also came from the development of Scholastic economic thought inasmuch as it settled upon a presumption in favor of market evaluation of commercial activity and evaluation of the successful performance in the duties of one's *officium*. To discuss the just price as a general theory of market price determination on the presumption of fulfillment of certain ethical standards is to show how the medievals sought *a)* to condition economic behavior with rules of conduct for the market determination of just prices in general and *b)* to set up a discussion of the just wage as a particular instance thereof that recognizes profit as the wage of the merchant. As we shall see, within the price theory of Scholastic thought, the *utility* and *rarity* of the talent required for commercial pursuits was, *on that very account*, found to be economically valuable and the wages it received as profit were the market's evaluation and compensation of that skill and labor. Yet this was not a presumption in favor of the "impersonal laws" of the market, but a presumption of precisely the opposite: for the laws of the market were not at all presumed to be impersonal, they were supposed to be the very laws and customs of the community that conditioned economic exchange in such a way that the acts they constrained or proscribed represent the procedural formalization of conduct becoming personal recognition of equality in an ethically constituted system of exchange relations between citizens. It was a system that both presumed and bound them into some community on the basis of some acknowledged equality and the rules thereof sought to define conduct that respected that underlying community and equality. To act according to the law, *if* the law is just, is to give and exchange in accordance with justice and to treat another equitably and honestly, i.e. with neither force nor fraud.

This presumption, however, was neither absolute nor sufficient for perfection of justice. That it was not absolute followed from the Scholastic's obvious distrust of men acting as economic agents and the myriad of ways in which pricing may therefore fail to be an honest and fair reflection of the expressed needs of the community. That it was not sufficient for perfect justice is rather more obscure. Yet it is so obscured precisely on account of the combination of *a)* a legalistic treatment of the market price's relation to the just price and *b)* a prudential allowance of imperfection, that together

inclined toward the functional and presumptive convergence of market legal criterion with the conception of justice in exchange. Indeed, that the market price cannot necessarily be presumed to be a truly just price in the strongest and fullest Scholastic meaning of the term is something that ought to have followed from the entire parallel to moral and theological virtue, and to true and false peace, according to which justice too was subject to a division into commutative and distributive justice. That division almost parallels the intrinsic ordering of parts in a whole and the whole's extrinsic orientation to an end. For distributive justice, which governed the distribution of common goods and honors from the communal whole to its parts, was to be based upon the orientation of the whole such that the roles and status of the parts received their due in accordance with their relation to the ends of the community. In other words, any disorder in the community's orientation toward its proper end, the life of virtue or spiritual beatitude, implied a disorder in the desires of the community, in that to which it gave honor and in the way it evaluated goods.

Yet the parallel and the judgment was not made explicit within their economic considerations* and was therein left aside in favor of a treatment of the legal and prudential: namely, it was not made clear that any influential inordinate desire in the community functioned to betray a price's reflection of truly ordinate human desire through justice in relation to God and the law of ordered love. Such a disorder functioned to threaten, for example, by dint of striving strategic machinations or the inordinate luxury spending of a few or the many, to pervert the extent to which prices reflected both the genuine expression of the human needs of the community and the expression of the genuine, ethical human needs of the community as a people of God. This was the true import of the spirit of poverty in market sociability, a Christian sense of the use of the world - but it was emphatically overshadowed by the very legalism of their analysis of exchange and by the fact that all else was,

* Evidently, the place of their economic thought within their broader and sweeping vision, as well as their constant reiteration of the point that desires should be structured in an orderly fashion so that the less important does not overshadow anything more important, make the point clearly enough.

and perhaps ought, to be left largely to human spiritual liberty.² In conjunction with the theoretically novel recognition of the independence of temporal sovereignty and with the increasing acceptance of the view that the sovereign's ordinary end is the *utilitas publica*, this obscuring convergence of market-legal and just prices further inclined late medieval political and economic thought toward a theoretical vision of temporal power as focused upon the exterior actions of economic agents, leaving the common good of the interior life, whether it be the life of virtue or spiritual life, under the purview and jurisdiction of other more hortatory authorities. In this regard, even the economic ethics that was preached by the friars was already of a derivative sort. This inasmuch as it described only the commutative justice of prices that characterized perfect obedience to a series of legalistic criterion and not necessarily those that might follow from full conformity to the spirit of poverty as ordinate desire. Put another way, it placed the exterior actions of citizens considered as economic agents under the purview and authority of the temporal prince or government with a view to their ordering, through law, for the common welfare and common wealth of emerging territorial states. It would, thereby, make justice a matter of the conditions of commutation without further qualification, leaving the spirit and passions behind those commutations increasingly to the realm of the spiritual and private. Those commutations, under the presumption of their accordance with law, could be left free and left primarily to the market.

However, this story unfolded in connection with the development of moral theology in understanding economic exchange. And the story of medieval economic thought is that of a double movement, doubtless caught up with the social approbation of the merchant. It is a story that moves both from a fair degree of moral rigidity with respect to commercial justice

² A similar obscuring function is played by attempting to treat of Scholastic economic thought in anachronistic terms of "economic analysis" that treats of their analytics separate from the whole intent of their philosophical theology and anthropology to the point that commutative justice is taken apart from the whole of which it is a part. This has led to many attempts to establish the injustice of the market price on the level of commutative justice, whereas it is ignored that the just price on the level of commutative justice is not and cannot be a sufficient condition for justice in the absolute sense of ordinate desire and orderly love of God and neighbor.

toward a moderate degree of latitude and practical acquiescence as well as from a more holistic philosophical-ethical focus to a heavier and more intense emphasis upon the elaboration of legalistic ethical framework that form the criteria of commutative justice in exchange. In that emerging latitude is a fundamental conclusion: that the merchant's just reward is the profit that he makes and that, therefore, in addition to the reward of honor for all those material goods he makes available to the community, the reward of wealth can justly be added. The real focus of our attention, however, is not merely that the legitimation took place, but the particular legalistic-ethical criteria that were applied in this legitimation. In other words, while the focus is indeed on the fact that wealth was made a legitimate reward, it is also on the reward for commerce *as* gained within certain bounds. The model of legalistic perfection and the acquiescence in practice to a palatable degree of latitude in those legal strictures constitute the external attire, the public conduct, of the merchant in his exchange relations with others. It is an ethical or social *framework* for the *personae* of the merchant. The rules of economic ethics establish, in fact, the essential limits of conduct befitting a character upon whom expectations of mutual benefit and with whom trustworthy contractual relations may be formed. That the merchant is a character of private virtuous intent as described in the previous chapter is of great import - but who he must appear to be tied to his habituation to a certain standard of conduct in exchange. That standard is the formal public concomitant of the rhythm of intention and behavior that, as we have seen, ought to be part of his virtuous private personal solicitude. That the preachers gave attention to both *person* and *personae* is more than evident, but that there is a significant gap between the fulfillment of an ethical-legal framework within which there is freedom of intention and the true meaning of ethical conduct as proper and orderly intention in one's personal life is often neglected. It is neglected in favor of the just price in accord with the ethical framework and not necessarily in accord with the very heart of the ethos behind commerce. Therein lies the ever present tension between the rewards offered, the kind of person who desires them and the rules according to which he may seek them.

This drift toward emphasis upon the practical latitude and upon the ethics of commutative justice can be seen with regard to the movement of

Scholastic treatment of one of the most important economic themes they discussed: the just price. It is a drift that is exaggerated in connection with any attempt to treat Scholastic economic thought in isolation from the whole philosophical and social thought of which it is but a small part. Nevertheless, that such an analytical isolation occurs is not entirely accidental to the development and emphasis of Scholastic thought. There are, however, different voices that must be distinguished in "Scholastic" thought. Medieval economic thought can perhaps most properly be called 'Scholastic' with respect to the theologians at universities who elaborated upon ethical principles for economic activity; however, there are at least four additional groups who would have held some opinion on economic affairs: ecclesiastical (canon) lawyers, secular (mainly Roman) lawyers, rulers and merchants. Of rulers and merchants, we shall say a little in our conclusion. At present, we focus on representative Scholastic theologians, St. Thomas Aquinas and Peter Olivi/Duns Scotus and, more heavily, upon the most prominent preacher-theologians St. Bernadino and Sant'Antonino. Moreover, insofar as the judgment of Canon and Roman law is partially incorporated into their work and plays a significant role in grasping the partial "devolution" of emphasis upon perfect justice as it approaches the lay and secular standard of this-worldly civic life, we shall touch upon the opinions of the lawyers as well. The focus is limited as well by our general theme, namely, the merchant *as* commercial agent - meaning we are not interested in the merchant with regard to the history of banking or usury but only in the treatment of the figure of commercial agents and in investment only insofar as it touches upon that theme.

Now, we have seen that the principal reason that Aristotle had excluded commerce from the art of household management and cast it in an entirely suspicious light was that he thought it aimed at the augmentation of money through trade. Trade which, insofar as it merely exchanged one thing for another, could only gain if exchanged for something of greater value, i.e. an inequality that meant that someone lost and thus the exchange was in violation of the very reasons for human association in exchange relations. Equality was therefore, for Aristotle, of the utmost importance in commutative justice in exchange. The question, as we have also seen, arises as to how, according to what measure, goods are "commensurate" so that

exchange can be made and that Aristotle's response, more or less, is that it is human need that is the value that is the measure of equality in exchange. Yet human need is measured through the mediation of money: "Price is a value measured in monetary terms, an old Aristotelian concept. This is why the scholastics insisted that, in a just exchange, the contracting parties ought to receive value for value, hence the concept of the 'just price.'"³ This general perspective is more than evidently perpetuated in Aquinas:

It is altogether sinful to have recourse to deceit in order to sell a thing for more than its just price, because this is to deceive one's neighbor so as to injure him. Hence Tully says (De Offic. iii, 15): "Contracts should be entirely free from double-dealing: the seller must not impose upon the bidder, nor the buyer upon one that bids against him." But, apart from fraud, we may speak of buying and selling in two ways. First, as considered in themselves, and from this point of view, buying and selling seem to be established for the common advantage of both parties, one of whom requires that which belongs to the other, and vice versa, as the Philosopher states (Polit. i, 3). Now whatever is established for the common advantage, should not be more of a burden to one party than to another, and consequently all contracts between them should observe equality of thing and thing. Again, the quality of a thing that comes into human use is measured by the price given for it, for which purpose money was invented, as stated in Ethic. v, 5. Therefore if either the price exceed the quantity of the thing's worth, or, conversely, the thing exceed the price, there is no longer the equality of justice: and consequently, to sell a thing for more than its worth, or to buy it for less than its worth, is in itself unjust and unlawful.

The problem, however, is that this leaves the 'just price' open to interpretation in relation to how, more precisely, human need or human use is to be understood as the measure thereof and how it is to be determined whether the price exceeds the thing's worth or the thing's worth exceeds the price. That is, the questions are two. First, what meaning is given to the terms *indigentia* [human need] and *usum* [use]? Are these to be understood as referring to some objective standard of true human need or of the truly useful in contrast to merely subjectively desirable? Second, are *indigentia* and *usum* to be understood as relative to individual human need or use such that the determination of the price is solely a matter of free bargaining between individuals? Or is the price arrived at through individual voluntary bargaining judged in reference to a just price that measures the thing's worth

³ Raymond de Roover, *Bernadino and Antonino*, *ibid.*, p. 20

as determined by consideration of broader factors of supply and demand on the market, i.e., with reference to the current price on the market?

One thing is perfectly clear, it is not and never was an issue of price measuring the essential dignity of a nature in the hierarchy of being, but a matter of price measuring their value for human use: "The specifically economic aspect of goods is that which emerges when they *veniunt in usum et utilitatem communitatis* [they come into use and for the benefit of the community]." ⁴ For Aquinas, it is obvious that economic value is not determined by the natural order of essential dignity. Yet even though he cites St. Augustine in referring to the fact that men would rather have bread than a mouse in the house, and the fact that a pearl may be worth more than a servant girl, it is of note that where Augustine himself refers "*a necessitate indigentis seu voluptate cupientis* [to indigent need or desire of pleasure]," ⁵ Aquinas does not include "*voluptate cupientis*" in his own discussion of exchange but refers primarily to *indigentia* and *usum*. In other words, although the Augustinian formulation, which itself is not a discussion of exchange but human valuation in general, wherein "need and pleasure are not distinguished, ... would seem to be a fruitful approach to economic demand theory and Aristotelians were to find it later, but Thomas let it rest." ⁶ Duns Scotus' use of the same passage similarly emphasizes *usum* over *voluptate*:

"And this must be understood of things that are vile or dear so far as use is concerned, because frequently a thing which in itself is more noble in its natural being is less serviceable for the practical for human use and on this score less precious, according to what Augustine says in *De civitate Dei*, ch. 16: 'In the home bread is better than a mouse.' Nevertheless, every living thing is more noble by nature than what is not living. And because of this it is added: 'according to right reason,' namely one must attend to the nature of the thing in relation to human use." ⁷

The suggestion here is that, as the "purpose of moral instruction will tend to discount pleasure; the emphasis in Thomas [and Scotus] is squarely on the human usefulness of commodities in contrast to their place in the natural

⁴ Odd Langholm, *Price and Value in the Aristotelian Tradition*, *ibid.*, p. 87

⁵ St. Augustine, *De civitate Dei*, XI, 16

⁶ Odd Langholm, *ibid.*, p. 87-8

⁷ Duns Scotus, *ibid.*, p. 45

order of creation."⁸ This is, of course, quite true - but the emphasis on the contrast does not explain the apparently deliberate restriction of the conception of *indigentia* or *usum* to an evidently more basic level of fulfillment that carries the further connotations of 'right reason' than where *voluptate cupientis* runs unbridled. If the purpose of the restriction of the concept was purely to strike the contrast between the natural order and human evaluation, the inclusion of *voluptate* would without a doubt make the point more poignantly; the restriction, then, is evidently associated, even if unclearly, with the moral purpose of the discourse and its focus on justice in exchange. It is as easy to make too much of the change toward a concept of restraint as it is to simply pass over its potential connection to the notion of justice. Yet it is that much easier to pass over it when interpretation is seeking to evaluate the contribution of medieval theologians to an analytical discourse on economic price theory. It is not that moral considerations of restraint are explicitly and unambiguously connected to the notion of justice in exchange or the just price, far from it, the very ambiguity suggests a lack of connection.

Nevertheless, the hesitance indicated by the alteration is suggestive of Aquinas' place within a trend: "In the Aristotelian tradition, the concept of *indigentia* ... was in a process of transformation; ... No analytical use was made of the Augustinian pearl until Buridan (who inherited the formula in the shape of a fly compared to gold) rectified this bias in the earlier traditions by embracing in his market model any willingness to buy which springs from desire, whether the object sought is 'necessary' or not."⁹ The emphasis of secondary literature is on the failure of St. Thomas and other scholastics apart from Buridan, to significantly depart from their moral bias and move toward an analytical perspective that grasps how simple human need or basic use is inadequate to a more instructive picture of price formation. However, it must immediately be added that perhaps interpretation's concern with the "failure" of this apparently deliberate medieval neglect and the resultant ambiguity for purely analytical purposes is an anachronistic import that itself fails to see that the scholastics were implying a criterion for

⁸ Odd Langholm, *ibid.*, p. 88

⁹ Odd Langholm, *ibid.*, p. 88

the formation of just prices in the fullest, and more traditional sense of the word "just", namely, a reflection of need that accords with man's just and ordered use of the world in accord with mendicant spirituality and, frankly, all of ancient and medieval ethics. This question of interpretation only becomes more poignant in the case of Olivi, San Bernadino and Sant'Antonino.

These thinkers, who recognize the analytical value of desire, but retain the notion of some reference to what must and does appear, to purely analytical considerations, as an error on account of moral bias, may well have, even in their analytical failure, intimated through moral bias a criterion for perfect justice in a sense that goes beyond mere commutative justice in the exchange of subjectively desirables: "San Bernadino makes his most important contribution by stating that value is composed of three elements: (1) usefulness (*virtuositas*); (2) scarcity (*raritas*); (3) pleasurable or desirability (*complacibilitas*). ... *Virtuositas* is, he explains, a *virtue*, or property, inherent in the goods themselves, of satisfying, either directly or indirectly, human wants. It may, therefore, be defined as objective utility. *Complacibilitas* is undeniably a subjective factor which depends upon the mood and preferences of the consumer."¹⁰ This whole triple distinction that retains some reference to objective utility is, in fact, far older than Bernadino: "the entire section on utility in Bernadino's sermon thirty-five was lifted almost word for word out of a treatise by Pierre Olivi ... A copy of this treatise, extant in the Public Library of Siena, has marginal notes in San Bernadino's own hand. In the margin, facing the passage dealing with value, are the three words: *raritas*, *virtuositas*, and *complacibilitas*."¹¹ The reticence of Scholastics to abandon this "objective utility" is frequently considered unfortunate: "A theory may start with the properties in goods which make the market conditions relevant. An example of a value theory of this kind is that of Petrus Olivi ... it seeks to explain value on the basis of properties like *virtuositas* and *complacibilitas* in addition to *raritas*. But any theory that seeks to explain human relations on the basis of the nature of external objects must also break down. In the case of Franciscan theory - if I may call it that - the very distinction between *virtuositas* and *complacibilitas*, denoting respectively 'objective'

¹⁰ Raymond de Roover, *ibid.* p. 18

¹¹ Raymond de Roover, *ibid.*, p. 19-20

and 'subjective' worth, reveals the chink in its basis."¹² The question is whether the analytical failure that results from a "moral bias" that either insists upon retaining the distinction within an analytical perspective or does not make the distinction clearly enough so as to separate the moral and the analytical perspectives represents something other than an analytical failure. That is, it seems to suggest a strong resistance to abandoning an underlying presumption, in a discussion of justice in exchange, of the necessity of an ethically ordered use of the world: not that the goods themselves dictate their utility, but that human utility is not simply without an "ought" that should condition the way it values things.

In any case, even the ambiguous character of the reticence is noteworthy less for what it positively suggests than for the fact that that suggestion is rather obscure and increasingly so in moving toward Buridan's position. That is, it is important that the sense of justice in exchange was increasingly being discussed primarily in reference to commutative justice and legalistic criterion for the establishment of equality as measured by human use. In short, with regard to the first questions concerning the meaning of *indigentia* and *usum*, the issue represents a strong reluctance or moral bias that resists admitting just any plenitude of desire into the evaluation of the just price. Certain inordinate desires, not to mention entirely illicit desires, may be influential in the formation of prices, and for precisely that reason, those prices may not be just. In fact, it is noteworthy that Buridan nearly makes, but precisely misses, this point in his provocative example:

"Because Socrates gave his wife willingly and with her consent to Plato to commit adultery in exchange for ten books, which one of them suffered loss and which one gained? ... Both suffered injury as far as their soul was concerned ... [but] with regard to the external good, each gained since he has more than he needs."¹³

The distinction, which occurs most clearly in Buridan, between that which is purely commutatively just and that which is nevertheless morally illicit is a distinction between what is commutatively just between individuals as parts of a whole and what is useful to man in the full sense of virtue as properly

¹² Odd Langholm, *Price and Value*, *ibid.*, p. 115

¹³ Jean Buridan, cited in Murray Rothbard, *Economic Thought Before Adam Smith: An Austrian Perspective on the history of Economic Thought, Vol.1*, Auburn, Alabama; Edward Elgar Publishing, Inc., (1995) p. 73

ordered according to *ratio recto* and perfection in the sight of God. This is no abandonment of the distinction or repudiation of the ethical perspective, but it is a clarification of their separation that allows for the possibility of distinct analytical and moral perspectives.

That Buridan, credited with the analytical achievement of finally including luxury and subjective desire within the concept of human need and no longer retaining the suggestion of an objective utility, thus breaking "need" in favor of something more like "demand", can also bring the clarity of perspectival distinction between ethical and analytical discourse is highly suggestive of the importance of the moral bias for the formation of just prices: "[Buridan's] contribution involves intangibles of a psychological and ethical nature as well. It is evident that Thomist *necessitas* can be more easily conceived of as just and natural than the luxury wants of Buridan, ... By breaking down the partition which had kept one of these classes of economic factors out of consideration, Buridan's analysis permits (if not invites) an attitude toward justice in pricing which points far ahead to 'subjective' value theory - and to *laisse-faire* economics."¹⁴ Thus Aquinas' hesitation to extend the meaning of human need and use to include subjective desire, and Olivi's, Bernadino's and Sant'Antonino's inclusion of subjective desire without discarding a reference to some objective use value appropriate to things, constitute a durable hesitation in mendicant medieval thought (Buridan was not a mendicant but a secular cleric). It is a hesitation that gives way to a distinction between the 'objective' and 'subjective' that, occasionally to the chagrin of secondary literature, is often retained, in a manner obviously befitting a mendicant vision of the use of the world, as a curious reference to some objective criterion that is not conducive to a purely analytical perspective on justice in price theory. Yet for all the "failure" of medieval thinkers to achieve a pure analytics in this regard, the question at least ought to arise as to whether that "failure" is indicative of a rather different failure, namely, to make explicit a connection of some criterion of simple ethical use for just price theory. Such a simple and just use of the world would readily parallel the perfection of *pax* in contrast to a mere *concordia* inasmuch as the former, not rejected, is nonetheless increasingly left aside as an idyllic aspiration in

¹⁴ Odd Langholm, *ibid.*, p. 126

favor of a lower concept of peace that is more akin to some *concordia* in aiming at a lesser good than the perfection of human life. It would, further, parallel the perfection of spiritual life and theological virtues in contrast to the life of virtue and the natural acquired virtues inasmuch as those too were increasingly distinguished from each other without rejecting the spiritual-theological aspiration, but definitely inclining toward a focus on the attainable. The potential connection between a simple use of the world and the formation of just prices is, in any case, both constantly present and constantly obscured by the increasing emphasis upon commutative justice in exchange in a legalistic fashion in relation to the second set of questions asked above concerning the just price, individual free bargaining and the determination of prices on the market.

Thus, in passing to the questions as to whether the just price in an exchange is purely and simply that which is arrived at voluntarily by free bargaining between individuals or whether there is a just price to which that exchange is referred as to broader considerations, it is to be noted and remembered that the passage removes the response from the above consideration of the meaning of *indigentia* and *usum* to the question of the equation thereof in an exchange. That is to say, it is here where Scholastics placed their primary emphasis in their discussion of economic ethics. It is here that they developed the majority of the clear, ethical-legalistic criterion that they considered essential to justice in economic exchange. This "here" is the realm of commutative justice, wherein *force* and *fraud* have no place and must be defined in detail and precluded if an exchange is to be properly constituted in accord with just conduct. It is in the realm of commutative justice that, increasingly considered apart from the simple use of the world as a problem for the formation of prices, the merchant's exterior action is weighed and judged carefully in his relation to others. The problem of free-bargaining and price formation in the market leads us directly into the discussion of the just price theories of the Scholastic doctors.

Free-Bargaining, the Common Need and the Just Price

The difficulty with individual free-bargaining is that it opens the door to *laesio enormis* [enormous gain] inasmuch as the equality of persons in exchange was not guaranteed simply by their casual encounter in such a way that one man could be in a substantially better position to negotiate:

"Secondly we may speak of buying and selling, considered as accidentally tending to the advantage of one party, and to the disadvantage of the other: for instance, when a man has great need of a certain thing, while another man will suffer if he be without it. On such a case the just price will depend not only on the thing sold, but on the loss which the sale brings on the seller. And thus it will be lawful to sell a thing for more than it is worth in itself, though the price paid be not more than it is worth to the owner. Yet if the one man derive a great advantage by becoming possessed of the other man's property, and the seller be not at a loss through being without that thing, the latter ought not to raise the price, because the advantage accruing to the buyer, is not due to the seller, but to a circumstance affecting the buyer."¹⁵

In other words, while in the first way of speaking about buying and selling, Aquinas refers to the necessity of an equality in connection with the worth of the thing, in this case, he considers the case of when a thing can be sold for more than its worth. The question is whether this "worth" is based simply upon the need or utility of the individuals involved in the exchange or if it refers to some broader criterion of evaluation. That the exchange may "accidentally tend" to the advantage of either or the two parties suggests that the determination of the equitable price, the just price, is not simply that of the voluntarily agreed upon; for there could be no "advantage" where there was no external referent and the only factors involved in consideration were the effective consent of the contracting parties.

The real indication, clear enough if not quite explicit, for the solution of this question is made in St. Thomas' response to a traditional question posed in Cicero. The question is: a "merchant is carrying grain to a famine-stricken area. He knows that soon other merchants are following him with many more supplies. Is the merchant obliged to tell the starving citizenry of the supplies of grain and thereby suffer a lower price, or is it all right for him to

¹⁵ Thomas Aquinas, *S.T. IIa.IIae. q. 77, a. 1, reply*

keep silent and reap the rewards of a high price?"¹⁶ Cicero had answered that duty binds the merchant to inform the people and accept a lower price. St. Thomas, significantly, changes the response: "The answer is that he may sell his wheat at the current price without infringing the rules of justice, although ... he would act more virtuously by notifying the buyers."¹⁷ That the merchant is allowed, in accord with commutative justice, to sell at the current market price without informing the indigent population of forthcoming future supplies suggests the conclusion that has so often been drawn: "[This] proves beyond doubt that he considered the market price as just."¹⁸ Indeed, it is clear that there is a significant presumption in favor of the current market price that enables the merchant to justly sell at that price without thereby taking advantage of the situation of dire need in the famine-stricken community.

It would appear that the problem of coercive imposition upon another's situation of need is, in effect, partially resolved by reference to the current market price. This interpretation is further supported by the sketch of injustices that are readily related to perversion of the market price: "it is clear from the foregoing, where injustice occurs, for 'the straight line is the judge of both itself and the curved' (*De anima* I). And hence from the preceding article as to how justice is served ... it is apparent as to where injustice happens to occur."¹⁹ Thus the fact that monopolistic pricing was strictly despised is significant: "Throughout the Middle Ages, monopolies, therefore, were regarded with universal reprobation. Clearly such practices were iniquitous on all counts. For one thing, by enhancing the price, monopolists sold something for more than it was worth, which was against the idea of equality underlying commutative justice. In the second place, exploitation in whatever form was against the precept of charity and brotherly love. And, thirdly, monopolies were injurious to the commonweal, because monopolists not only increased prices, but also withheld supplies from the market and thus created artificial scarcity. The dictum was: *Monopolium est injustum et rei publicae*

¹⁶ Murray Rothbard, *ibid.*, p. 53

¹⁷ Raymond de Roover, "The Concept of the Just Price: Theory and Economic Policy," *The Journal of Economic History*, Vol. 18, No. 4. (Dec., 1958), pp. 418-434, p. 422

¹⁸ Raymond de Roover, *ibid.*, p. 422

¹⁹ John Duns Scotus, *ibid.*, p. 61

injuriousum [Monopoly is unjust and injurious to the republic]."²⁰ Monopoly, then, was prohibited precisely on account of its coercive aspect in relation not merely to the need of some particular individual, but to the needs of the whole community by way of artificially raising the price in a manner tantamount to extortion preying upon the weakness of another's position. This prohibition also clearly indicates that while the current market price was presumed to be a reference point for justice, the formation of prices on the market was itself to be guaranteed by law as free of coercion and, only if so free from force, was it presumed to be justly priced. A just price presumed the fulfillment of prior ethical-legal criterion concerning sociability that did not violate the notion of equality, particularly in a Christian community.

This solution was, in fact, standard: "This was the sense which emerged from legal discussions. The Roman lawyers Azo (d. 1220) and Accursius (d. 1260), who glossed the famous [Roman] dictum that 'things are worth as much as they can sell for', had both added the significant words *sed communiter*, but commonly. In doing so, they were echoing two other texts from the *Digest* which stated that 'the price of things is not from the affection or utility of single persons, but from their common estimation.'²¹ The same solution is clearly found in Peter Olivi, who "defined his concept of utility by introducing the common good: the value of utility was not purely individual but was the typical utility of the general public. He was concerned with the injustice of establishing price exclusively by personal use and interest. ... Olivi thus valued common use over individual subjective use and the common good over one's own individual good. Acting otherwise would destroy the social network of humanity, the civil society. ... The common good is referred to by Olivi as the sociability of man and as the community, to which he belongs."²² San Bernadino "considered price determination as a social process. ... price is not set by the arbitrary decision of individuals but collectively by the community as a whole. He makes this clear by stating that 'the

²⁰ Raymond de Roover, "Monopoly Theory Prior to Adam Smith: A Revision," *The Quarterly Journal of Economics*, Vol. 65, No. 4 (Nov., 1951), pp. 492-52; p. 497

²¹ Diana Wood, *ibid.*, p. 136

²² Martin Schlag, "Economic and Business Ethics in Select Italian Scholastics: (ca. 1200-1450)," in C. Luetge (ed.), *Handbook of the Philosophical Foundations of Business Ethics*, Springer Science and Business Media B.V. 2013, p. 186

price of goods *and services* is set for the common good with due consideration to the common valuation or estimation made collectively by the community of citizens."²³ Elsewhere "San Bernadino defines the just price as 'the one which happens to prevail at a given time according to the estimation of the market, that is, what the commodities for sale are then commonly worth at a certain place."²⁴ The just price, therefore, was a reflection of the common estimation of need and use and any interference with that reflection was violence to the community.

This is all the more evident in the dramatic penalty of exile that Duns Scotus recommended for merchants who betray the community in such a manner. As Duns Scotus had put it before San Bernadino in articulating the contributions of the merchant:

"some businessmen deserve censure, namely, those who neither import, export, conserve, improve by their industry or set any fixed price for the value of what they offer for sale. Rather they buy up directly for immediate sale to corner the market and ignore all these conditions for doing a legitimate business. Such hucksters (the French call them *regratiers*) should be banished from the country, for they prevent immediate exchange between buyers and those who wish to sell the goods they have imported or stocked. As a consequence, they make everything usable or salable more expensive than it should be, and of little value to the vender."²⁵

That is, without the *moral* justification of adding some value through industry or service, the effort to buy and sell solely for the purpose of profiting by strategic manipulation of prices through monopolistic practice is detrimental to the community and a deliberate anti-social act for which exile is only the confirmation of one's status as outside the bonds of community. As with Scotus, Bernadino condemns "those who conspired to withhold supplies from the market in order to drive prices up, especially in times of dearth. ... He also denounced regraters who formed rings in order to manipulate prices to their own advantage and to the detriment of the public."²⁶ Still further, adding details to tradition with his own observations of the grasping merchant, Bernadino "censured those who unjustly disparaged the wares of a competitor in order to sell their own. ... those who

²³ Raymond de Roover, *San Bernadino and Sant'Antonino*, *ibid.*, p. 20

²⁴ Raymond de Roover, *ibid.*, p. 20

²⁵ Duns Scotus, *ibid.*, p. 59

²⁶ Duns Scotus, *ibid.*, p. 12

bought and sold slightly above or below the ruling rate in the hope of securing for themselves a larger share of the market by outbidding competitors."²⁷ Sant'Antonino, for his part, "fiercely inveighs against the formation of any temporary rings or more permanent cartels for the purpose of securing larger profits and higher prices. Such combinations ought not to be tolerated by the State, especially not if they involve victuals or other necessities and thus place an excessive burden on the poor."²⁸ The same animosity toward coercive or corruptive influence on the market price led beyond prohibition of monopoly to prohibition of any pure speculation that perverted prices by distorting their resemblance to the true need and use beneficial to the community. Thus, on the side of force, the medieval theologians developed a position closely, though certainly not exactly, parallel to that of the Canon and Roman law scholars of the age. This inasmuch as for these latter the just price, the price that brought about equality between thing and thing according to the measure of human need or use, was bounded first and foremost by the fact that there were specific courses of action that were to be prohibited. These actions were monopolistic or oligopolistic conduct, pure speculation, and in any way taking advantage of another's need by raising the price beyond the common estimation, the market price - obviously in the presumption that that common estimation had been formed in a manner sufficiently in conformity with the same criterion.

The case is similar if we examine the doctrine of the theologians with respect to fraud. Aquinas, of course, discusses the issue a question concerning sale in which there is a fault or defect in the thing sold:

A threefold fault may be found pertaining to the thing which is sold. One, in respect of the thing's substance: and if the seller be aware of a fault in the thing he is selling, he is guilty of a fraudulent sale, so that the sale is rendered unlawful. Hence we find it written against certain people (Isaiah 1:22), "Thy silver is turned into dross, thy wine is mingled with water": because that which is mixed is defective in its substance. Another defect is in respect of quantity which is known by being measured: wherefore if anyone knowingly make use of a faulty measure in selling, he is guilty of fraud, and the sale is illicit. Hence it is written (Deuteronomy 25:13-14): "Thou shalt not have divers weights in thy bag, a greater and a less: neither

²⁷ Duns Scotus, *ibid.*, p. 12-3

²⁸ Raymond de Roover, "Monopoly Theory," *ibid.*, p. 499

shall there be in thy house a greater bushel and a less," and further on (Deuteronomy 25:16): "For the Lord . . . abhorreth him that doth these things, and He hateth all injustice." A third defect is on the part of the quality, for instance, if a man sell an unhealthy animal as being a healthy one: and if anyone do this knowingly he is guilty of a fraudulent sale, and the sale, in consequence, is illicit. In all these cases not only is the man guilty of a fraudulent sale, but he is also bound to restitution. . . . Moreover what has been said of the seller applies equally to the buyer.

Duns Scotus provides a concise version of the same three-fold categorization, with essentially the same examples as well:

The first of these added requirements is that *the exchange must be without fraud*. This qualification excludes fraud as to substance, quantity and quality. As to 'substance', for instance, that copper is not exchanged as gold, nor water as wine. As to 'quantity' (whether this be measured by a) weight or b) some linear measure such as a yardstick or some similar gauge of length, or c) some other bulk measure, liquid or dry, such as a gallon, a pint, or the like) so that in the exchange of dry or liquid substances a just weight and in general a just measure be observed. The same holds good as regards 'quality' so that soured wine or vinegar is not passed off or sold as pure wine."²⁹

Instead of just a concise scholarly taxonomy of fraud, Bernadino puts forward, with the same vigor as he had addressed coercion and influence over prices, the ways in which business becomes unlawful. In a discussion of the very particular moral risks attendant to commercial life and requiring those particular virtues highlighted above, he highlights the dangers peculiar to distinctive professions, and by implication, the "virtues."

Thus, when San Bernadino, in typical preaching style, descends into the occasions of sin and manifold injustices of the market place, his detail often goes beyond the general examples typical of more academic, Scholastic authors. For while it "goes without saying that San Bernadino castigates the grosser forms of deceit, such as the use of false weights and measures, the sale of defective merchandise and adulterated products, not to mention those harmful to health," the list does not stop there but becomes rather acute, for example:

"Another vice in regard of business lies in counting; it is that of the man who doth count so as to cheat; for with counting in so great haste he doth contrive to bewilder the man or the woman who doth receive the money, and this through his counting

²⁹ Duns Scotus, *ibid.*, p. 44-45

in haste : there, and there, and there, and there: one, two, three, five, seven, eight, ten, thirteen, fourteen, sixteen, nineteen, and twenty. And the poor little old woman, who hath not much wit, believeth that it is as thou sayest, and doth receive the money as thou givest it to her ; and home she goeth, and doth begin to count it, coin by coin, and findeth herself cheated of three pence, and she returneth to him who gave her the money, and saith: Ay me! I went home with the money you gave me, and I have counted it again ; I find that I lack three pence. Such men as this will reply: You will see that you have made a mistake in counting it. Saith she: no, you have given me too little, for the love of God, give it to me. Saith he: Oh! look whether you have not dropped it, hath not your purse perchance a hole in it?"³⁰

Others "cheated in small ways, such as the vintner who added water to wine ... innkeepers and others that ... charge travelers and pilgrims more than the price prevailing in the local market."³¹ Other sources equally concur in this prototypical fire of condemnation aimed at injustice: "Dominici devoted an entire sermon to the discussion of various kinds of thefts, and the levels of responsibility of those participating in them: 'when you send a messenger to commit the theft, when you know about a theft but ignore it, or when you keep the stolen goods afterwards' you are responsible, and a thief."³² In general, the "scriptural text of the buyers and sellers in the temple, seventh commandment [thou shall not steal], and the capital sin of Avarice provide the basis for numerous sermons by Bernadino, Mariani, Salimbeni, and their contemporaries on the ever-popular themes of theft, fraud, cheating, mendacity, false contracts, perjury, simony, and usury."³³ Perhaps famous for his extensive lists of unlawful practices, San Bernadino's very thoroughness - representative in some way of the whole effort of preacher's in general - is comparable to making a sculpture, chiseling away the unlawful acts to reveal the proper formal conduct of an honorable merchant whose professional responsibility was the inverse exhortation of his criticism of misconduct.

Commercial conduct, then, was bound together by such rules prohibiting force and fraud wherever Scholastic found it, constraining exchange to respect the justice established by laws that aimed to make exchange a matter of sociable conduct. Exchange is established for the common advantage and

³⁰ San Bernadino, *Saint Bernadine of Siena: Sermons*, *ibid.*, p. 201

³¹ Raymond de Roover, *ibid.*, p. 12

³² Nirit Ben-Aryeh Debby, *ibid.*, p. 164

³³ Bernadette Paton, *ibid.*, pp. 168-69

therefore equality is both its measure and the sign of a relationship between men in society. It is of great importance, then, to recognize that these rules aimed at commutative justice in the sense of guaranteeing equity between citizens through equity in the things they exchanged. They did so by making "voluntary" commutation, truly voluntary inasmuch as this required true knowledge of the product and the elimination of coercion manipulating the common estimation of that product's price. It is no accident that St. Thomas treats of the whole matter under the title of "sins that are committed in relation to voluntary commutations"³⁴ and Duns Scotus states:

"[A] person is not entirely free in giving if he is deceived or is forced to give by necessity, as it were. For what is done out of ignorance or under any compulsion is simply involuntary."³⁵

The communal estimation, the market price, presumes the fulfillment of these rules if there is to be justice in voluntary exchange. No recognition of status high or low was necessary, no one was due preferential treatment in strict commutative justice - for what was measured was not the person in the exchange but the thing exchanged, the persons were equal. There was to be equity, and for the most part, to sell above or below the average market price was illicit, requiring restitution unless the difference was intended as a gift.*

In their application of this view of force and fraud to the assessment of actual prices, theologians were generally stricter, or at least less liberal in theory, in their use of the term "just" than were the Canon and Roman lawyers. Nevertheless, the theory of the theologians recognized, and therefore included, the difference between perfection according to the Divine law and the prudential imperfection or spiritual freedom allowed by human civil law:

³⁴ Thomas Aquinas, *S.T. II-IIae*, q. 77-78

³⁵ Duns Scotus, *ibid.*, p. 61

*Nor was a prior inequitable distribution of wealth sufficient to alter this judgment so long as such iniquity was due to just apportionment in consideration of distributive justice according to the needs of *officium* and so long as the governance of passions in accord with right reason established prices not unduly influenced by and therefore reflective of inordinate desire and a disordered communal estimation. Of course, these latter were rather stringent conditions that made the simple equation of the absolutely just price with the market price an extremely dubious affair if one considers the full import of opportunity costs if luxury spending induced significant re-allocation of resources to investment going toward their production rather than some other.

[H]uman law is given to the people among whom there are many lacking virtue, and it is not given to the virtuous alone. Hence human law was unable to forbid all that is contrary to virtue; and it suffices for it to prohibit whatever is destructive of human intercourse, while it treats other matters as though they were lawful, not by approving of them, but by not punishing them. Accordingly, if without employing deceit the seller disposes of his goods for more than their worth, or the buyer obtain them for less than their worth, the law looks upon this as licit, and provides no punishment for so doing, unless the excess be too great, because then even human law demands restitution to be made, for instance if a man be deceived in regard to more than half the amount of the just price of a thing [Cod. IV, xlv, De Rescind. Vend. 2,8. On the other hand the Divine law leaves nothing unpunished that is contrary to virtue. Hence, according to the Divine law, it is reckoned unlawful if the equality of justice be not observed in buying and selling: and he who has received more than he ought must make compensation to him that has suffered loss, if the loss be considerable. I add this condition, because the just price of things is not fixed with mathematical precision, but depends on a kind of estimate, so that a slight addition or subtraction would not seem to destroy the equality of justice.

That is to say, that for Scholastic theologians, perfect justice in exchange never fully coincided with the Roman law relegation of commercial transactions to the realm of private law of contracts subject only to consent of the parties to an exchange free from force or fraud maintaining a relaxed attitude toward prices within a generally acceptable latitude: "There is a sharp division in medieval economic theory between teachers of canon and Roman law, who, with some qualifications, considered a sale legitimate provided only that the price was acceptable to both parties, and Scholastic writers, who taught that it was sinful to sell a good or buy it for less than its just price."³⁶ Thus in "matters of price the lawyers, both Roman and Canon, concerned themselves chiefly with a just and legally enforceable system of sale. They examined the phenomena of sale with the view of determining licit or illicit contracts. On the other hand, the theologians, who thought in terms of first principles, attempted to construct an all-embracing system of human ethics in which the virtue of justice formed the foundation of the good life on earth. For them the doctrine of the just price was the result of the penetration of justice into the world of commerce."³⁷ For where the civil

³⁶ David Friedman, "In defense of Thomas Aquinas and Just Price," *History of Political Economy*, 12:2, (1980), p. 235

³⁷ John Baldwin, *ibid.*, p. 8

law would allow some departure from the common estimation of the price, within the bounds of fifty percent above or below that price (anything beyond that being considered "enormous gain" that was subject to legal action), theologians *generally* held to the view that such latitude was due to the human law's accommodation of imperfection.

Yet neither was there perfect harmony amongst theologians with regard to the precision that could be demanded of pricing. For indeed, at precisely the point where St. Thomas himself recognized some free bargaining in that one could sell above the just price on the basis of the special attachment or value to the seller, there was a development of Scholastic economic thought that lent further support to the existing, above Thomistic, prudential accommodation of imperfection in pricing as it was presented according to the civil law. Where St. Thomas distinguished more sharply between human and Divine law only to then relax in favor of allowing some free bargaining and imprecision, Peter Olivi tends to make the two, the moral and the legal, nearly converge in recognition of the fact of the fallen human condition and the imprecision of human affairs, only to then recognize the some distinction of imperfection of legal justice in contrast to the perfection of moral justice. Olivi points out that after original sin, "social institutions had to be made to fit the nature of the fallen man. ... What is evil, therefore, is the intention of making an unequal exchange. ... Olivi brings four arguments in favor of his position. (1) The common custom has the force of law; so does the common estimate of the value of a good. Forbidding any deviation from the just price and obliging parties to give back what was won unjustly would cause endless strife and ruin peace. (2) God does not demand perfect equity and equality in business. (3) A contract is ratified by the free will of both parties. Therefore if someone, who has not been deceived by the seller's fraud, wants to buy something at a certain price, then this is as just as if he wanted to make a gift. (4) All human estimates on prices are highly uncertain and imprecise. ... Olivi draws the moral line with the *laesio enormis*."³⁸ Nevertheless, "[Olivi] does comment ... that 'perfect justice' requires equality; this means that the just price has to strictly correspond to the true value of the exchanged goods. He thus introduces a distinction between 'mere justice'

³⁸ Martin Schlag, *ibid.*, p. 187

which suffices for everyday life and 'perfect justice' which seems to be impracticable and unfeasible as a criterion for business ethics."³⁹ Duns Scotus, for his part, follows Olivi closely with a slight difference in expression:

"The equality according to right reason, however, does not consist in what is indivisible [and hence precise] ... Indeed there is great latitude in this mean that commutative justice regards or looks to, and within this latitude one does not attain an indivisible point of equivalence between one thing and another, because so far as this is concerned, it is impossible as it were to bring about an exchange [that is precisely equivalent] and it becomes just in any degree between these extreme measures. But what latitude is and to what it extends is known sometimes through positive law, and at other times through custom. For the law rescinds a contract where the one contracting is deceived about an average price [*medietatem iusti pretii*] that is far above what is just. ... At times, however, it is left to those making the exchange that, after weighing their mutual needs, they decide as to what equivalent must be given and accepted here or there. ... so that to some extent a donation accompanies every contract. And if this is the manner in which these persons engage in the exchange, based, as it were, upon this law of nature: Do to another what you would wish done to you, it is sufficiently probable that when they were satisfied, if there is any deficiency in regard to what justice requires, they mutually intend to waive the difference."

Other Scholastic thinkers also fall somewhere along similar lines: "Between buyer and seller, wrote Astesanus, there should be the equality established by natural law that a good should be exchanged only for a good of the same value measured by money. This equality, however, had a wide margin of estimation (*magnum latitudinem habet*). Therefore, small digressions were harmless as long as they remained within the margin of half the good's value. ... Astesanus thus accepted Olivi's criterion of *laesio enormis* as the moral and not only legal benchmark."⁴⁰ The implication is that, concurrent with the trend noted earlier toward an extension from individual to communal need, there was also an increase in favoring some latitude with respect to the just price in situations where individuals are without a proper market reference or in some other circumstance that allowed for some degree of free-bargaining.

In other words, there was a difference between the Thomistic and Olivian line of thought, just as there "was a significant difference between the legal

³⁹ Martin Schlag, *ibid.*, p. 187

⁴⁰ Martin Schlag, *ibid.*, p. 194

and theological theories, but it was a difference of degree and not of kind, because of the fluctuating nature of the current price on which both theories were founded."⁴¹ That is, there was a practical agreement insofar as Thomist and strict thinkers concur with latitude-inclined Franciscans inasmuch as Thomists allow the prudential restraint of Divine law to accommodate the imperfection and latitude of human law as well as allowing some small imprecision as unimportant while nevertheless insisting on justice as strict equality, where Olivi and Scotus incline to the position that latitude is basically justice even if in some sense imperfect, not to mention utterly impracticable and likely to cause immense strife in the community and better resolved through a general intention toward amicable relations that are not obsessed with precision. More importantly, in fact crucially, and even on account of this near convergence of moral and legal visions, there is a shift - in Thomistic as well as Franciscan thought - in the placement of the emphasis on a distinction between "mere justice" and "perfect justice" that now falls entirely within the realm of the commutative (leaving aside the notion of human use of the world according to ordinate desire). Now, there is "mere justice" where the conditions of commutative justice are basically fulfilled according to the law; there is "perfect justice" where the conditions of commutative justice are perfectly fulfilled. The ascription of "perfect justice" to commutative exchange based on the mere equality of utility, without explicit explanation of utility as somehow bound up with an ethical use of the world according to right reason and ordinate desire is to remove all question of ethical criterion for exchange other than those of commutative justice.

Market Price and Merchant Profit

Now, while this increased coincidence of moral and legal economic thought tells us of the convergence of perspective in focusing upon commutative justice and the rules for market conduct, and therefore of an increasing potential neglect of any importance that might be attributed to the violence

⁴¹ John Baldwin, *ibid.*, p. 78

of desire in its influence upon prices, it does not yet tell us what the Scholastics thought of how, more precisely, "common estimation" actually functioned to determine prices. For now the ethical conditions of commutative justice for the proper expression of human need or use in the community, now all the key criterion applicable to what it means to engage in highly ethically-constituted voluntary transactions, are in place - but the problem of price determination entails more than justice, for utility is a relation to things and services. There is, therefore, another factor in the determination of value that utility must confront: scarcity.

In this regard, it should be noted that while we have seen that the Scholastics morally justified commerce on account of the wide variety of useful industry that the merchant's activity performed for the benefit of the community, this is not the same as attributing their economic value to their industry. The "emphasis all these authors place upon the element of remuneration of some socially useful activity has given rise, on the one hand, to the opinion, which may be correct, that the source of the (moral) 'right to the produce of one's labor' may be found in the scholastic literature, and, on the other hand, to the error that the scholastic doctors held a (analytic) labor theory of value, that is, that they explained the phenomenon of value by the fact that (most) commodities cost labor."⁴² We must not confuse the fact that Scholastics justified trade and profit morally speaking with how they thought that that profit was determined.* Moreover, we must first grasp how just prices were

⁴² Joseph A. Schumpeter, *History of Economic Analysis*, p. 88

* In this regard, we steadfastly maintain the distinction above, namely, that between moral justification and analytical explanation, in the face of secondary literature positing a running alternative labor or cost-of-production theory of value; it is readily admitted that many a medieval thought that in the absence of a common estimation, a price could be settled upon that covers costs and moderate profit, but this was precisely to function in the same manner as the "common estimation" - that is, as a hedge against monopolistic pricing and in general the Scholastic bent is thoroughly against any such imposition of prices upon buyers. Schumpeter, in this regard, seems to have accurately captured the problem: one was morally justified to charge a price in accordance with the market determination thereof. Perhaps the most evident case of this misrepresentation is the constant claim that Duns Scotus held a cost-of-production theory of value when it is quite likely that he followed Olivi closely and that neither Astesanus nor Bernadino drew any such conclusion from his work. Scotus too maintains that the market value fluctuates and

formed more generally before seeing how profit came to be considered the price of the merchant's labor and how, in accordance with the theory of prices, that commercial labor was highly valued such that the wealth of the merchant was considered his just recompense.

It is true, of course, that with regard to situations where free-bargaining was concerned, the theologians inclined toward a view that work deemed useful could seek to receive proper remuneration, so that prices reflected their cost-of-production and a moderate profit without preying upon the buyer's need. This does not mean, however, that in the face of a common estimation which did not provide for such remuneration, they were free to violate that market estimate. On the contrary, any such violation was condemned, even if the door was opened again with the notion that some latitude might be allowed to pricing on the basis of the seller's need to indemnify himself. It has been thoroughly noted that St. Thomas' teacher, Albert the Great, introduced some hesitation in this regard, advocating both a theory that saw labor, i.e., toil and industry, as what was measured on the market and a theory that saw utility as that which was the measure of the market price. Aquinas himself "accepted that labour and expenses might be a factor in determining value, although he placed more weight on demand. ... He was quite prepared to admit that the price of a thing might increase due to the seller's labour and the risk he encountered."⁴³ It is nevertheless very difficult to extract from this admission that Aquinas thought that labor was the measure of value rather than vaguely viewing it as an indirect factor that influenced prices through supply. That a merchant is morally justified in attempting to increase his price to indemnify himself does not mean that he will be able to do so justly when confronted with a common estimation and latitude that in no way meet his costs. Moreover, Aquinas is generally wary of such departures from the common estimation. The whole endeavor to find some appreciation of labor value in scholastic thought tends to ignore precisely that the theologians did not at all favor free-bargaining, despised guild impositions of prices, etc. This is all the more important to remember in the case of such think-

determines the price that can be charged within the limits of positive law and the custom regarding *laesio enormis*.

⁴³ Diana Wood, *ibid.*, p. 137

ers as Olivi, Bernadino and Antonino, who clearly grasped that the toil and difficulty of labor was an indirect factor in the formation of prices through their influence on supply.

In fact, the Scholastic theologians were not at all unaware of the influence of supply upon prices - as is evident from Aquinas' above-mentioned example of the merchant traveling to a famine-stricken area where he might receive a great price for his wheat. It is, furthermore, evident in all cases of the recognition that this is precisely one of the functions of a merchant and how his profit is morally justified. That is, he gains by the difference in prices caused by local conditions of supply and demand and his service is to bring products to where they are in demand. There can be little doubt that they recognized that it played a significant role as an imposition upon the common estimation of a thing's utility: "In his analysis of how the market arrived at the common estimation of price, Olivi considered two elements in regard to demand and two in regard to supply. ... (1) The common estimation cherishes the natural qualities of goods. A good which is instrumental to other goods or that holds longer or is prettier than others is esteemed more."⁴⁴ That is:

"While some goods like horses and gold are more durable in use and can be used in many different ways, there are other things naturally considered more beautiful and pleasant and therefore usually more desired as useful by our will and sensibility: as is evident in the case of dyes, of multicolored clothes, of gems, of perfumes, and the various sounds of musical instruments."⁴⁵

In other words, and under the broader concept of utility that incorporates desires not entirely favored by many a mendicant, utility is what gives the initial impetus to value. Yet it is not sufficient: "Utility, as a price determining factor, is not absolute utility. Otherwise, as San Bernadino points out, a glass of water, on which life itself depends, would be almost priceless and be worth more than gold."⁴⁶ This leads to the observation of the importance of scarcity: "(2) The community (market) values the scarcity of a good."⁴⁷ That is:

⁴⁴ Martin Schlag, p. 186

⁴⁵ Olivi, *De emptionibus et venditionibus*; cited in Todeschini, *ibid.*, p. 115:

⁴⁶ Raymond de Roover, *Bernadino and Antonino*, *ibid.*, p. 20

⁴⁷ Martin Schlag, *ibid.*, p. 186

Thus the common phrase is that all which rare is precious and all which is excessively familiar and abundant breeds contempt. [Unde et commune verbum est quod omne rarum est pretiosum et quod nimis familiaritas et abundantia parit contemptum.]⁴⁸

In his own recognition of supply and demand as factors influential in pricing, Bernadino "copies extensively [from Olivi], coining from the [above quotation] the more striking phrase, *omne rarum est carum*. [All that is rare is dear.]"⁴⁹ Moreover, he "gives as an example the case of merchants who transport a commodity from a country where it is plentiful and cheap to another where it is scarce and dear and who automatically makes a profit, although they buy in the one and sell in the other at the prevailing price. Only if there is no such price is the merchant allowed to set his own price so that he makes a reasonable profit after taking into consideration his expenses, labor, trouble, and risk."⁵⁰ Apart from revealing a general recognition that supply and demand in different times and places are influential in the formation of prices, Bernadino's example speaks to the problem of how cost-of-production entered into such considerations as a moral justification without necessarily influencing the the just price that could be set in light of a common estimation that does not indemnify him: "This seems to be what Bernadino has in mind when he invokes the authority of Saint Raymond of Pennaforte (1180-1275) and Henricus of Susa, Cardinal Hostiensis (d. 1271), who both said that a seller should sell at the current price regardless of the fact that 'he may have to sell for less what he purchased for more."⁵¹ The individual seller's moral right to a reasonable profit does not legitimize injury to the common benefit. This, in fact, brings up the question of what it was that these theologian-preachers thought when it came to the common estimation of labor insofar as it was a factor in the formation of prices.

On the side of supply and the pricing thereof, the phrase connecting profit and the wage of the merchant is nearly universal; Aquinas, for instance:

⁴⁸ Olivi, *De emptionibus et venditionibus*, cited in Odd Langholm, *ibid.*, p. 155

⁴⁹ Odd Langholm, *ibid.*, p. 155

⁵⁰ Raymond de Roover, *Bernadino and Antonino*, *ibid.*, p. 20-1

⁵¹ Raymond de Roover, *ibid.*, p. 21; see also de Roover, "Joseph Schumpeter and Scholastic Economics," pp. 134-35

Thus, for instance, a man may intend the moderate gain which he seeks to acquire by trading for the upkeep of his household, or for the assistance of the needy: or again, a man may take to trade for some public advantage, for instance, lest his country lack the necessaries of life, and seek gain, not as an end, but as payment for his labor.

This is a moral justification, but it is clear enough that the gain which the merchant receives is payment for his labor. The question remained as to how that profit was determined. It might well be surmised that the difference between prices in different times and locations, free of force or fraud, would be the obvious feature determinative of the merchant's profit. Yet that view only more clearly emerged in the Franciscan tradition, although Antonino the Dominican followed them, when the common estimation of labor and wages in general had already explicitly been connected with the common estimation of utility.

This is to introduce "a salient feature of the Franciscan analysis of value, namely its focus on the relative *raritas* and *pretiositas* of human productive skills."⁵² It was not an entirely unprecedented move apart from the clarity and force of its articulation; for although "St. Thomas Aquinas had been a little more cautious ... he stated that the wage is the natural remuneration of labor 'almost as if it were the price of the same.'";⁵³ indeed, Aquinas had expressly connected the concept with the just price:

"for a reward means something given anyone in return for work or toil, as a price for it. Hence, as it is an act of justice to give a just price for anything received from another, so also is it an act of justice to make a return for work or toil."⁵⁴

Olivi, in this regard, states that the common estimation tends to appreciate what is undertaken with great difficulty and great risk, great talent and great dignity: "(3) The community (market) considers the costs and the risks undertaken by the craftsmen and merchants to produce the good or service and to make it available. The community (market) also values expertise (an architect receives more than the mason). (4) Insofar as wages are concerned, the community (market) also considers the dignity connected with certain labors and grants higher wages to persons who have more representative

⁵² Odd Langholm, *ibid.*, p. 155

⁵³ Raymond de Roover, *ibid.*, p. 24

⁵⁴ Thomas Aquinas, *S.T. Ia.IIae., q. 114, reply*

costs."⁵⁵ This is elaborated upon in a manner that connects these considerations with utility and rarity: "He who quarries or cuts the stones, *quamquam plus corpore laborans* [although with more bodily toil], gets less than the architect who guides and instructs the labourers, *cum altiori peritia et industria* [with higher skill and expertise] ... It is not only that higher functions require *amplior sollicitudo mentalis et etiam multo et diuturno stuio atque experientia et labore* [greater mental sollicitude and also much and longer study and experience and toil], skills are difficult and costly to come by: ... Such skills, then, *pauci sunt et rari sunt* [are few and are rare] and, says Olivi, *ideo in maiori pretio reputantur* [therefore are estimated at a higher price]."⁵⁶ As Bernadino saw it: "the same rules which apply to the prices of goods also apply to the price of services [*pretium obsequiorum*] with the consequence that the just wage will also be determined by the forces operating in the market, or, in other words, by the demand for labor and the available supply."⁵⁷ Sant'Antonino "states without making any reservation that the wage of a laborer is a price which, like any other price, is determined by common estimation in the absence of fraud."⁵⁸ Moreover, few preachers were sympathetic to the guild imposition of prices and wages that were not infrequent in the Middle Ages and collective conspiracy on the part of employees was viewed with the greatest of suspicion: "[Antoninus] did not suggest that the [employees] try to redress the balance by forming some sort of brotherhood or labor union. Such combinations were illegal in Florence and the scholastics, far from being favorable to them, tended to brand them as unlawful 'conspiracies.'"⁵⁹

This is not to say that the problem of employer-employee imbalance of bargaining power was ignored or that the preachers were insensitive to the systematic abuses of that power by merchants: "Free bargaining over wages was different from haggling over prices, because of the inequality of employer and employee. Antoninus of Florence, despite opting for the current market wage, discussed free bargaining and aired his concern about inequali-

⁵⁵ Martin Schlag, *ibid.*, p. 186

⁵⁶ Odd Langholm, *ibid.*, p. 156; translations are my own.

⁵⁷ Raymond de Roover, *ibid.*, pp. 23-4

⁵⁸ Raymond de Roover, *ibid.*, p. 24

⁵⁹ Raymond de Roover, *ibid.*, p. 25

ty. ... [H]e recognized that the bargaining power of employed and employee was unequal, because the worker 'is a pauper and has to be satisfied with much less than is needed to support himself and his family.' ... It was as unjust and sinful to pay less than the just wage in such a situation as it was to pay less than the just price simply because a seller desperately needed the money."⁶⁰ Of course, it is also to be remembered that "when dealing with the issue of profit-making the friars were firm in their denunciations of the profit motive, condemning any earnings over and above those necessary for subsistence in reasonable comfort as *turpe lucrum* [filthy gain]." However, as we have seen, this did not mean "subsistence" and "need" without relation to stature and occupation: "despite this overt condemnation of the actual profit-making process, in other contexts the friars showed themselves not unwilling to accept the existence of personal wealth."⁶¹ Thus, by and large, the recognition that wages were set by the market led simply to the concomitant conclusion that the profits of the merchant, especially those great merchants so readily esteemed for their mental sollicitude, energy, endurance, and expertise, were the proper wages of the commercial profession. It should be remembered as well, in this regard, that while status "was only a marginal factor in determining the price of goods, it could be more central in determining the price of labor, especially at the top of the social scale"⁶² - this on account of the fact that *human evaluation*, the common estimation, as Olivi had pointed out, considers the dignity of an occupation: and when the *utilitas publicae* is concerned, what greater dignity is there than that of a upright merchant?

Social Personae and Social Distinction

With this conjunction of the market evaluation of profits as the merchant's just wage as long as his professional work was conducted within the bounds of "strict justice" ethically-legalistically speaking, and with the honorable

⁶⁰ Diana Wood, *ibid.*, p. 152

⁶¹ Bernadette Paton, *ibid.*, 186-87

⁶² Diana Wood, *ibid.*, p. 153

status, even the exalted social status, offered to the merchant on account of the very dignity of his virtuous intention and contribution, we have reached an end point. For the conditions of the merchant's social acceptance were set. In an age which was - with all the effort of the friars - turning to leave behind the violence of feudal familial vendetta and the rough militaristic manners of knights and mercenaries, the mendicants strove to form the merchant and honor him in the image of a Christian merchant. Such a turn, precursor to the heroic age of commercial empires, implied that ethics not only struggled to preclude whole prior social evaluations concerning the value of violence and militarism, but that economic activity was to be civilized as well - and in as Christian a manner as possible. Thus a whole set of conditions contributed to the formation of a merchant *ethos* for the interior life and his conduct in exchange. These interior conditions, even if they were accompanied by heavy emphasis on the justice of commutative exchange, even with the implication that the perfection of virtue in charity was something above and beyond, an achievement for men of immense character, attempted to channel economic pursuits into certain intentions and those intentions were to be in harmony with a certain ethical framework of commutative justice.

Yet there can be little doubt that the social constitution of the ideal of the merchant as a public *personae* did not necessarily lead to men in accord with the interior purity of *person* of the ideal Christian merchant. Any number of disagreeable motives or complexes of motives could drive a man to commercial pursuits, not least of which was an intense social ambition not looked upon favorably by most mendicants. Yet, taken together with some acquiescence on the part of those same preachers to the private accumulation of wealth and striving social ambition behind a palatable degree of conformity to rules of commutative justice, little remains but to state the obvious. The common estimation of the merchant was not merely an economic value but was infused with a social evaluation of his economic "service" as valuable to the community. That estimation intensely inspired not a few to grasp at his respectable dignity and even his glory and noble *fama*. In that effort, they were encouraged to take on the *askesis*, the prototypical discipline of prudence, of his public *ethos*, the commercial service of the common benefit, for the sake of success in their endeavor, for the sake of their good name in the city - and - for the sake of the city. That discipline was partially moral-

ized and converted into a sign of the respectable citizen and even a sign of disrepute. Yet that very exaltation and respectability of prudent economic discipline was a sign that the common estimation of economic service was in tension with the vision of Christian civilization with which the mendicant friars had begun and was in tension with the rules of commutative justice they had set forth.

The exhortation toward civic-centered charity, magnificent conduct in the public eye, from the construction of churches, hospitals, orphanages, chapels, the funding of art-works and piazzas, the purchase of public debt, not to mention private palaces and colonnades, was understood to approximate something akin to civic spirit and *caritas*. To be a merchant of good-standing in the community, particularly of that elite class of merchants whose business operations extended far beyond local economic concerns and into operations spanning the whole of Europe, in distinction from the provincial retail business or artisan class, but further, to be of good standing more generally as a lay person, a whole set of characteristic features of useful work, professional diligence, etc. are requisites associated with dignity. It is not just any work that is dignified, only honest and well-conducted, with the proper care and discipline that did not waste and squander in frivolity and idleness, but especially highly esteemed work of great ability and dedication that contributes to the lives of one's fellow citizens. There is, no doubt, something quite Christian in such a view. Nevertheless, the contraction of dignity toward prudent business discipline in a way that precisely inclined toward the concentration of dignity in those most apt, most competitively ambitious for the sake of their illustrious distinction was hardly the mendicant Scholastic intention. For in that network of social meaning wherein honor is offered to successful commercial service, the north-star of social ambition rises as a guide to any and all who aspire to be respectable citizens, not to mention even truly honored and famed. Human ambition takes a turn toward commercial life rather than landed feudal elitism. As Richard Goldthwaite has noted of the later generations of merchants: "In northern Europe, still dominated by the feudal aristocracy, it was virtually a law of social behavior that the focus of social ambitions was fixed on the nobility, so that a rich entrepreneur's greatest aspiration was to buy land, leave the counting house, and move into the rural gentry. Some scholars have taken up ... the notion that

this mentality was also at work in Renaissance Italy ... The three-generation cycle from business to land, however, does not obtain in the social history of this city [Florence]."⁶³ Indeed, Marvin Becker has traced the pattern in reverse in the second half the Florentine *trecento* in a dramatic, even shocking, image which ought not to be over-emphasized: "Again, Machiavelli's *History of the Florentine* furnishes valuable insight: at mid *trecento* the rule of law commenced to level the upper reaches of society so that prowess at arms and magnanimity were stifled within the ranks of the nobility. Private sources of prestige and honor dwindled so that men were more dependent on the public order for ennoblement. All too eagerly did once-proud magnates clumsily imitate prudent and parsimonious burghers. The documents of the time lend support to Machiavelli's contentions: petitions from magnates to the signory requesting commoner status were abundant, with petitioner agreeing to renounce his *consorteria*, relinquish his title and his coat of arms, and even assume a new family name."⁶⁴ The repudiation of the purely private accumulation of the miser, whose money benefits only himself, the unjust hoarding of wealth, the denunciation of the absorption of wealth in the idle luxury of the feudal nobility, the repudiation of the honors of arms and landed elitism, the individualistic endeavors of an anti-social few, no less than the refusal of the not so gentile and less fortunate to labor honestly, earnestly and intensely for the sake of the city, were of a single movement. All these were emphatically tied to a view that *caritas*, service the common welfare, was the circulatory life of civic life and the growing center of that life was the merchant and the increasingly centralized government of the commune. Of course, the point is exaggerated and there were other avenues of service that had their own dignity. However, the point stands as a premonition of things to come. Those who conformed to the model of commercial behavior were critical to that civic life, they circulated their wealth; through their industry and expertise that circulation turned otherwise sterile money into fruitful investment.

Again the potential confusion is suggestive. For the early medieval view of money is that it was, in and of itself, sterile. It was human industry that

⁶³ Richard Goldthwaite, *The Economy of Renaissance Florence*, *ibid.*, p. 584

⁶⁴ Marvin Becker, *Florence in Transition, Volume Two: Studies in the Rise of the Territorial State*, *ibid.*, p. 37

bestowed upon it its fruitful character, to charge interest upon money lent was to sell another his own industry. Yet it was Peter Olivi who had "distinguished between 'mere' money in a drawer or a chest destined for consumption and capital. For Olivi, 'capital' is any good, including money, which has a *ratio seminalis* (the character of a seed) of profit. Money is therefore not always and in any case capital, but acquires the seed character and becomes 'capital' through the '*propositum*' (resolution) of its owner to invest it in a concrete commercial project."⁶⁵ This view, though not developed further, is cited by Bernadino "admitting ... that [money] acquires 'a seminal quality by being invested in a business venture and becoming capital.'"⁶⁶ Scholastic thought did not morally object to the conception of capital and investment, on the contrary, they were fairly amenable to it, but they definitively ascribed the fruitful character of that investment to human diligence and industry in the management and operation of business and not to money itself. Nevertheless, "the capital of merchants and bankers, in this perspective, is not only presented as a 'tool' at the service of the common welfare, ... This continuous dialectic between 'capital' in circulation and professional activities - that is, between circulating currency ... and wealth produced by the professions and enterprises it finances - makes money, as Bernadino of Siena says, into the 'blood' or the 'natural heat' of civil society."⁶⁷ The point should not be exaggerated - no preacher would ever confuse money itself with the life of the city; however, the conceptual proximity of *caritas*, the proper use of wealth as marked by a spirit of poverty, prudence and liberality, and the movement imparted by this proper use of riches to the continued circulation of money, while not yet an explicit theoretical theme, was a general view that expressed itself in the constant condemnation of all those who would absorb wealth, withdraw it from use or do not lend it their industry for the communal welfare. This condemnation was the counterpart to the praise of those whose talents were placed in the service of the city and drew wealth into it and did not obscenely hoard it or wallow in purely private anti-social luxury or idleness.

⁶⁵ Martin Schlag, *ibid.*, p. 188

⁶⁶ Raymond de Roover, *ibid.*, p. 29

⁶⁷ Giacomo Todeschini, *ibid.*, p. 172

Thus such good merchants brought, as far as the common, populist estimation was concerned, perhaps more than mere abundance and civic wealth: "Stefano Porcari, a young Roman, who in 1427 as the Florentine *Capitano del Popolo* so excellently expressed the moods and convictions of the Florentine citizens that his public speeches were soon widely circulated in Florence, boldly declared ... on the Piazza in Florence in a speech of which the climax was a real hymn of praise for the blessings brought to citizens by wealth. 'Let us contemplate the requirements of private life,' Porcari cried challengingly. 'Whence are our houses and palaces procured . . . ? From riches! Whence come our clothes . . . ? Whence the meals for us and our children? From riches! Whence the means to educate our children and make them virtuous . . . ? From riches . . . These consecrated churches with their decorations, the walls, the towers, the defences, . . . your palaces and dwellings, the most noble buildings, the bridges, the streets, with what have you built them, whence do you obtain the means of preserving them, if not from riches?'"⁶⁸ Indeed, if we look further afield, to Barcelona, we find nearly similar views in the Franciscan Francis Eiximenis: "In 1383 his [*Regiment de la cosa publica*], in fact clearly establishes ... that reliable and highly esteemed merchants are the pillar of the state and 'the life of the places where they are located.'"⁶⁹ To whatever degree, then, the very conflation of sociable service to the city with the accumulation and circulation of wealth militated against the friars' unsympathetic view of striving for upward mobility: "St Thomas holds the static conception of society, that which characterized social conditions in the pre-capitalist era. Every man had his niche wherein he stayed to the end of his days. He had his calling and his status, and the income to accord with that. ... Consequently the amount of wealth of every person was a fixed quantity. He was as rich as his status required."⁷⁰ That static status, the immobility of *officium*, was very close to the mendicant vision of the general justice of ordinate desires that would be reflected in prices according to common need or an ethical use and ordered use of the world. For in that *stasis*, even the lowest found their place, their nearly permanent, lowly *officium*.

⁶⁸ Hans Baron, "Franciscan Poverty and Civic Wealth as Factors in the Rise of Humanistic Thought," *Speculum*, Vol. 13, No. 1 (Jan., 1938), pp. 1-37; p. 22

⁶⁹ Giacomo Todeschini, *ibid.*, p. 157

⁷⁰ Werner Sombart, *ibid.*, p. 246

Yet there is undoubtedly a significant degree of transformation in those images when all the praise heaped upon commercial and temporal endeavor ultimately broke through that typically medieval acceptance of social status in Cardinal Cajetan's endorsement of the effort to improve one's position and the stature of one's family: "Thomas de Vio (Cardinal Cajetan, or Gaetano, d. 1534) believed the opposite: a person of uncommon qualities could legitimately 'pile up riches in order to purchase temporal power.'"⁷¹ That is, "the rigidity of Thomism, has been tempered by Gaetano's interpretation, by which a man endowed with exceptional qualities may lawfully seek the wealth that will procure him a status compatible with his qualities."⁷² The price to be paid for any such urge was the exercise upon oneself of a regimen of discipline. And in a dynamic world where the willingness to impose that discipline upon oneself was valued, where competitiveness was both the price of dignity and the opportunity for some modicum of social mobility, the lowest might find themselves without a place - or worse, they would wind up in work-houses, with discipline imposed upon them *for the common good*.

That a conception of social standing tied to one's work as a responsible Christian citizen had been approximated, that such a quasi-virtuous rationalization of one's economic pursuits was emergent, that capitalistic forms of business had arisen, do not of themselves necessarily mean that any of these would be pursued with the energy and intensity typically associated with a modern capitalism. No doubt they may produce a tremor of energy, but that is not sufficient to produce what is so often mistaken for a simply "irrational" and pathologically ceaseless pursuit. For while "intense industry, even that which exceeds individual needs, is socially justifiable for the Catholic philosopher, who, following in the steps of St. Bernadino, will point out that even the man who has gained sufficient for his own needs should seek to increase the prosperity of the whole community," it is said that the sort of energy that animates modern business pursuits is unlikely to arise from sheer selflessness and that a man will not be so driven if he does not also see his

⁷¹ John McGovern, *ibid.*, p. 233

⁷² Amintore Fanfani, *Catholicism, Protestantism and Capitalism*, London, UK; Sheed & Ward, (1935), p. 132

own good in it.⁷³ Of course, any number of motives or complex of motives, including religious motives, may move a man to some degree of energetic industry. For the most part, however, that variation in degree is related to the particular motives that drive a man and it is insufficient to posit abstractions, which without determination are simply irrational motives, e.g. profit, self-interest, the satisfaction of wants. The difficulty is that profit and self-interest are not motives, for they are simply incomplete concepts; for men may have only a loose and multiple rationale for seeking profit and their self-interest may be loosely and variously defined, but their definition explains their rationality and their relative intensity. Now, a man may pursue the conduct of his business for hedonistic delight or sheer miserly *auri sacra fames*, but that is rarely sufficient to sustain him in the endeavor beyond a certain point and even if it is, if it were exclusively and *evidently* his purpose, it is unlikely that such a spirit would have found social approbation in a predominantly Catholic age. Further, a man may pursue his business with a sense of duty and responsibility for religious purposes, but in that regard it is often sufficient for him to be a respectable citizen; and even if he strives to improve and increase his business, he need not strive with that alacrity and energy that is the mark of an economic man striving to become an illustrious one. Indeed, the application of the discipline of prudence to one's conduct and entire life typical of capitalist intensity depended less upon its religious and more upon its social value.

This is not at all to deny the import of religion in bringing about the intensity of modern economic pursuit. For that the very social value of economic pursuits was, in part, predicated on religious values then predominant in society is clearly important. It gave work meaning and clothed it the garb of moral propriety and a sense of self-esteem. Yet the energy and intensity displayed by the "heroic" competitive type of capitalist are, for that very reason, dependent not only on an individual's religious sensibility but also his degree of social ambition (which need not be his yearning for public approval, but may be merely the approval of his own sense of self-worth - *as measured by a commonly accepted standard of value*). Religion, then, undeniably played an enormous role in fostering the very respectability and social

⁷³ Amintore Fanfani, *ibid.*, p. 150

esteem which attached to economic professions as socially approved and honored objects of any desire for social distinction. For no doubt wealth is, more or less generally, an object of human desire, so too honor and social status; no doubt they may coincide in more ways than one and other factors contributed to the luster and desirability of mercantile pursuit. However, that these should converge such that wealth and honor not only could but should be obtained through the deliberate pursuit of earnest and scrupulous business endeavor rather than through other more harmful pursuits, and could and should be pursued more or less within apparent conformity to the bounds of certain socially approved methods and strategies, was of definite influence in the rise of energetic-disciplined economic performance and mercantile-elitism. And that convergence was, in *part*, a function of the work of the mendicant friars and a function of the Christian honor that they accorded to the serviceable and upright conduct of the merchant. That new world wherein men strove for respectability in economic pursuits and for social distinction in feats of commerce rather than feats of arms was, in fact, a significant improvement on a feudal and militaristic age.

Yet neither is this to say that the mendicants thought of this new world, imbued as it was with immense untamed passions and lionized ambitions, as that which they had intended, namely, a Christian civilization just in the eyes of God. For the same passion for social distinction, when it divorces itself from distinction in charity and an ordinate use of the world, tends invariably to purchase the ornaments of luxury that adorn social distinction and produce whole social consumption patterns in imitation thereof. In this regard, the words of Peter Koslowski gesture at the potential divergence of ordinary market prices from their perfect justice in a truly Christian economy: "Between the objective economic goal of meeting needs, on one hand, and the subjective purposes of the economic persons and their demands for the satisfaction of subjective demands, on the other hand, a tensions can arise in certain historical situations that is so momentous that objective economic reasons for price determination, such as ensuring survival, must be asserted against the subjective reasons for price determination of market demand. Price justice does not forget that, beyond the subjectivisms of buyers, the

price system must also still attain the objective goal of the economy."⁷⁴ Indeed, the over-arching principles and general framework of medieval philosophical-theology would insist that without the absolutely perfect ordination of "subjective demand," where the prices in the community were reflective of a morally ordered state of human desires, that the historical situation where a price system diverges from the objective goal of the economy is the norm rather than the exception. This inasmuch as it may not only fail to provide for simple common needs of biological life, but for a common flourishing of *human* life in its fullest sense. A just community in the eyes of God was not merely commutatively just, i.e. trading with equity things measured by wildly inordinate desires (and indeed the likelihood of truly inordinate desire staying within the bounds of a mere ethical framework is dubious at best). Perhaps that explains why the Scholastics, despite their emphasis on the common estimation of the market, could never bring themselves to discard the notion that the just price was either the market price or the price set by authorities for the common good (the legal price). Moreover, beyond disorders of consumption, there are - from this perspective - similarly under-explored disorders on the side of production. These would include not only those derived from the structure of consumer demand, but also those consequences of unnecessarily competitive intentions bent upon lion-ized market shares, monopolistic strategies, imperious business organization and rent-seeking. That world, at least, was not the vision of mendicant Catholicism, which would very likely prefer a simpler world even if it meant a poorer use of the world.

⁷⁴ Peter Koslowski, *Principles of Ethical Economy*, Dordrecht, Netherlands; Kluwer Academic Publishers, (2001), p. 221

Conclusion

The world of the medieval merchant extends from the days when he first appeared as a wandering peddler to when he appeared as civic-patron, as oligarch and even as prince. At first a despicable character, released from feudal ties to the land for a variety of reasons, the merchant sought his way amidst the tenuous reemergence of commerce in a world of knights and lords inspired by codes of familial honor and feudal privilege. He was nobody - perhaps a useful stranger, but usually *persona non grata* to the people whose needs he variously served or preyed upon. Knight and lord frequently found it easier to take from him on the road than to pay him in the local market. Priest and peasant held his motives and his prices under the greatest of moral suspicion. Yet he ultimately found his dusty footing in a world of nascent towns and cities governed by bishops and lords that protected him, deriving benefit from his trade and extending the walls of their *bourgs* to hold him. The walls and streets that embraced him were often the walls and streets that he and his compatriots paid to build - as were the churches he desired to go to and the priest whose benefices he funded. So too the medieval morality that ultimately approved of his profession and offered him the status of a respected citizen, on condition of his fulfillment of certain rules of conduct and certain tacit social responsibilities, was readily embraced by him as a part of his identity. One can only imagine the pride he increasingly took in these things. They constituted the social meaning of his individualism, by which he was both inspired and bound.

It is impossible to speak of real individualism without defining that in which one seeks distinction and gain - even if the term suggests that concrete form of individualism characterized by the most narrowly egoistic and simplest of hedonistic motives. It is all well and good to define a logic of choice in pure abstraction, provided it be truly pure and abstract. Yet to equate real individuals with concretely hedonistic or egoistic utility-maximizing mechanisms of choice in abstraction from the content of their preferences and mo-

tives is to fail in the use of abstraction. Only by maintaining a lop-sided creation of thought, a concrete utilitarianism in relation to generic abstract preferences, can such a conception be maintained. For the concrete content of preferences and motives so often readily betray the narrowness of that conception. Only the most sociopathic and crudest of men set out to accumulate purely private pleasures at the expense of all others. To imagine such a narrow and limited individualism as the origin and root of trade, however plausible at the simplest level of seeking basic human needs, cannot do justice to the development of commercial society. Such origins are born of humble circumstances where trade and trust are sporadic – the work of men on the margins of society in pursuit of narrower interests. The *rise* of merchants, however, is neither so humble nor so asocial precisely because it is in and through society that development, both of commerce and of the merchant, occurs.

As men of increasing monetary and material means, merchants were critical to town life not only as economic agents vital to the vent of products but also as citizens who contributed significantly to the construction of the city, the administration of civic life and the dignity of the bishop or lord. It is impossible to express just how strong such a man's provincial loyalty was to cities that were very often *his* in a special way - not because he was lord over them, but because he very often *made* them and they, in turn, *made* him (for there he was someone - in a world where being a recognized person in the community meant so very much). In short, it was his home: his family lived there, his social aspirations to some dignity lay there - so did his hope to involve himself in the religious life of the community. What he sought to gain from his labor was defined by the world in which he lived.

The civic life of the Italian communes was not purely a world of his creation. He was as much its creature as it was his. He not infrequently shared the same sense of familial honor as much as any knight or lord and was liable to resort to violent defense of that honor at a moment's notice. He was sensitive to the claims of his *officium* on a certain modicum of social dignity and was liable to spend his money on precisely such consumption as befit that dignity, but not so much more as to imperil either his station or his religious standing. For he clamored to participate in a communal life that was intimately bound up with religious life and very much sought to conduct

CONCLUSION

himself in a manner appropriate to that life. Yet this was not easy. The traditional forms and ideals of that religious life were not readily adapted to civic life. The early medieval ideal of monastic withdrawal drew a rather sharp and deep chasm between the professional life of the laity, particularly the commercial profession, and religious practice. Nor were the codes of Christian conduct for professional life well elaborated by a frequently illiterate diocesan secular clergy. Much that was not understood was despised. It was the destiny of a new religious movement, of the mendicant orders, to vigorously renew the study of what a Christian civilization meant, to elaborate upon the morality it prescribed and to incorporate the life of the laity into the spirit and practice of that morality.

From their conception in the persons of St. Francis and St. Dominic, the mendicant orders spread rapidly, gained followers and founded small communities of brothers dedicated to a partially novel version of the "apostolic life." In the early Middle Age this "apostolic life" had been considered a strictly monastic withdrawal from the world to live in communities dedicated to simplicity and prayer. Now the "apostolic life," while indeed dedicated to simplicity in the form of radical poverty and to a life of prayer, was also to a life of mendicancy, studious contemplation and itinerant preaching. In the 1220's, the orders truly began to send their members as far and wide as they could: "Although both the Franciscans and the Dominicans were quick to establish themselves in the major cities, there was a marked difference in the pace of their expansions. ... In Germany by the year 1250, some thirty years after their arrival, the Dominicans had planted 38 communities, whereas the Friars Minor had established upwards of 100. ... In England, by 1250 the Dominicans had 26 houses, as against 43 founded by the Friars Minor. In France, by 1275 the Dominicans had 87 houses, compared with no less than 195 founded by the Franciscans."¹ The spread of the orders through Italy had begun much earlier: "By 1221 the Franciscans had already acquired the site of Santa Croce in Florence close to the Arno. ... The Dominicans arrived shortly afterwards. ... By 1300, most of the major cities of Western Europe

¹ C.H. Lawrence, *The Friars: the impact of the early mendicant movement on western society*, London, UK: Longman (1994), pp. 103-05

housed communities of four or five Mendicant Orders."² They preached the spirit of poverty, charity and peace. They preached and worked in the cities and the relative popularity of their message formed a part of the social environment in which the merchant's aspirations to be a recognized and respectable person moved and had their meaning.

Yet that message was more elaborate than its simple encapsulation in a few favorite themes. The mendicant Scholastics reworked the traditions of philosophical and theological thought that were handed down to them from antiquity and from the Church Fathers. Amongst their principal concerns were God's distinction from the cosmos, His liberty in relation to that world as its Creator, His intention in having created it and what that meant for man, his spiritual life and Christian civilization. And what that meant for man was that the world had been created through an act of love that imparted to the world its very purpose: that it ought to be a movement of love in imitation of the Divine love. With regard to human life, the pinnacle of that movement, the meaning was very much dependent upon their philosophical anthropology. Therein the movement of the physical and biological world was distinguished as the natural from man as conscious and intentional, capable of knowing and loving God. This is not to say that man was an accomplished entity, a given, perfectly rational and loving being; instead, man was that primarily in the sense that he was potentially so. His life was to be his movement - and his movement, his life. Moreover, man was by his very nature inclined to such a movement insofar as his intellect was inclined to truth in general and his will to goodness in general. That is, no particular objects absolutely captivated his actions, but instead he was directed toward abstract objects that made it possible for him to view a variety of objects in relation to truth and goodness - under the aspect of the true and the good. This set him free in relation to his environment in a way that vegetative and animal life were not, in that he could discover, evaluate and choose a variety of goods and means to them, and yet it also obligated him to seek and find his way in this world.

In other words, man was just sufficiently rational and free enough to pursue the truth about what was good, to seek the knowledge that would make

² C.H. Lawrence, *ibid.*, pp. 103-05

CONCLUSION

his behavior rationally in accord with what was truly good. For the mendicant Scholastics, human freedom and rationality was intimately bound up with this task, lest he be bound by his ignorance and his passions to what was not ultimately good. Man was capable of failure in rationality and in love because he was capable of deliberate rest in immediate goods. That is, man could turn away from the effort required for rational conduct insofar as he could focus on some immediate, lesser good even when he knew that there were reasons why he ought not to. It was here however, despite a significant degree of harmony, that the thought of the Dominican St. Thomas and the thought of the Franciscan Duns Scotus, taken as representatives of their respective orders, diverge. And although there was significant continuing complementarity in their visions despite that divergence, the difference in emphasis nevertheless had importance in the medieval world. The disagreement originated in their theological views of God's love.

St. Thomas held that God's love for His own goodness was necessary on account of the fullness of that infinite goodness as fully grasped by His intellect in all its unicity and simplicity such that, because the Divine will was naturally good, His love for an infinitely good object was spontaneous and necessary. This meant Aquinas did not place the liberty of the Divine will in any residual negative liberty considered as a pure perfection but in the perfection of the Divine intellect that was capable of grasping the fullness of infinite goodness that God loved because His will was perfectly *directed* by His intellect. Thus Aquinas likewise thought that the character of the human will and its potential for failure was primarily on account of the nature of the power that directed it, namely, the human intellect. It was on account of the character of the human intellect as knowing only through abstraction, particularly in relation to our knowledge of God only through abstraction, and not through direct vision or experience of that goodness in particular, that the human will was not necessarily determined to act by his knowledge. Earthly life, then, was characterized by negative liberty precisely because no particular object known as good in this life could move the human will necessarily. For no particular worldly object was universally good, and in this life God's universal goodness is not known as immediate particular good, and thus all goods could be suspended as objects of thought and viewed from another perspective. Only a direct vision of the Divine essence as universally good im-

mediately and particularly present, a gift of God which the human intellect was capable of receiving but not achieving on its own power, would end the time of negative liberty, the "liberty" to sin, the time of merit and blame.

Duns Scotus, on the other hand, held that the Divine love for His own goodness was free and necessary, but not spontaneous. God's love was free, but necessary - necessary not on account of the direction it received in a perfect knowledge of His own goodness but because His love was adequate to the task of an act of infinite intensity of love for that goodness, an act so firm, strong and dedicated that it could not be shaken. There was something about will that was inherently free, it gave itself of its own volition - the goodness known to it, in particular or in abstraction, did not make the will's act necessary, it only determined that if it chose to act, it would act with reason. In other words, the Divine will's negative liberty was a pure perfection belonging to it on account of God's own character, not on account of the nature of the Divine intellect. The human will, therefore, was essentially free, not because of the abstract character of human knowledge but because it too was a will. No good whatsoever could move it necessarily, but so too no movement of a finite will was strong enough to cleave to reason and give itself in so firm a fashion as to amount to unshakable necessity. Only God could freely and completely give Himself unwaveringly. Thus man's liberty to sin was not a perfection of his will but existed on account of the human will's lack of perfection as a finite will. The human will was, on account of its finitude, incapable of the infinitely intense act that constitutes fullness of self-possession and purity of heart and is therefore incapable of perfect strength of will in love and, conversely, capable of allowing itself to fail in its dedication to rationality. Man, although capable of charity and acts of love, was not capable of sustaining himself in them. Only in the state of beatitude, where God would infuse the human will with a gift of strength in charity so intense, a gift man was capable of receiving but not achieving of his own power, that his act of love for God's goodness would be sealed in a rapture of complete dedication.

The difference between Thomas Aquinas and Duns Scotus on the Divine and human will is critically important to grasping the whole attitude of their respective orders toward the practice of the religious life and toward political philosophy as well. Dominican spirituality was from the beginning dedicated

CONCLUSION

to learning. Aquinas' vision of human ethical development was one wherein human will and human vision proceeded together. Restraint and habituation of the former was necessary, but it was the latter that truly constituted progress that could be sustained. Man could learn to see the good in such a way as to gather himself together and move toward perfection. And where men failed, it was more likely on account of some ignorance or debilitating passion. This gave rise to an attitude toward law at once more understanding and more rigorous. The purpose of law was to direct men to their own good. Law was pedagogical at its root - it aimed at intentions through its control of actions. This meant that it was both more rigorous in the sense that it could command all good, but that it was more understanding because it was to be attentive to perspective of the man it led and was not to break him. Moreover, it also meant that the temporal sovereign of a Christian people was to be subordinate to the ultimate aim of Christian life and to the Papacy as the guide to that end. Spiritual life could require the stick and the spur when necessary as well as encouragement and exhortation when possible.

Franciscan spirituality, on the other hand, was from the beginning more exuberant and ecstatic in its conception of love. That is, Franciscans focused on the radical re-dedication of life to poverty and charity. Poverty was a rigorous first step to rooting out desires that oppressed the flourishing of human love and affection. Charity was to leap forward on the basis of dedication, strength of will and real affection and real attention. Study and learning were not originally so great a part of the plan. The oscillation was wilder: extremity of poverty, extremity of free charity. So too the Franciscan attitude to law exhibits a similar duality: law was a minimum set of coercive rules so that society might flourish in a free spiritual endeavor. Man was, according to the most radical Spiritual Franciscans, to be spiritually free - and that meant that the Papacy was not to coerce or have dominion over the temporal sovereign or his laws. The Papacy was to guide - in a strictly pedagogical sense - with teaching and exhortation, without the use of the stick and the spur.

That said, the difference between the Dominican and Franciscan visions was not quite so immense and tended toward a similar conclusion on a practical level. After all, they were both mendicant orders dedicated to poverty, charity and preaching. For where the Papacy was concerned, the position of Aquinas and of his students who sided with the Papacy's claims to ultimate

authority over Christian temporal sovereigns was that the regular role of the Pope was to be spiritual both in the sense that it ought to be only irregularly involved in coercive methods and generally only indirectly involved in temporal matters. That is, the regular jurisdiction of the Pope was to be the spiritual realm, delegating his original authority in temporal matters to temporal sovereigns. With regard to the law, the notion of pedagogical prudence, the understanding of the man or culture that was to be treated by law, was to restrain the aspiration of law and limit it to the prohibition of serious vices such as destroyed the peace of society. This left the world of intention and Divine law primarily to the work of private and free human action.

The Franciscans, similarly, were often inclined to allow the Pope coercive power over such extremities as heresy and to act where these threatened the community, not in opposition to the temporal sovereign, but in case he defaulted on necessary obligations. With regard to law, Franciscans recognized that the ultimate aim of Christian society was man's supernatural beatitude. They understood that the temporal sovereign ought to make laws directed toward the preparation of more or less naturally virtuous men for the purely pedagogical guidance of the Papacy. However, they insisted that - generally - human law was aimed less at this natural virtue than at a modicum of tranquility and security. In Franciscan thought, then, it is true that the realm of human intention, particularly intention with supernatural spiritual aims, was more markedly set off from temporal law governing exterior action. Nevertheless, this did not mean that the world of private intent was totally cut off from the legal order. Instead, the legal order was related to an ascending moral scale where the higher reaches were increasingly left to private liberty at first on account prudence and then, more strictly on principle, to the realm of spiritual liberty that was suited to man's natural liberty of will as a real perfection.

Thus, with regard to temporal sovereignty and law, both orders were inclined toward a significant distinction of jurisdiction even if the Franciscans frequently took the leap from distinction of jurisdiction to distinction of ultimate authority and power. This was, in fact, in accord with the whole mission of the mendicant orders from their inception: to purify and reform the Church and dedicate it once again to spiritual rather than temporal affairs after it's thoroughly confused involvement in worldly matters in the early

CONCLUSION

medieval period. How close they were in this intention is shown by the fact that the split between Dominican Thomistic and Franciscan Scotistic thought does not do justice to the fact that even well-known "Thomist" Dominicans such as John of Paris were opposed to the Papacy's claims to temporal power. Dominicans too could favor the distinction of authority rather than that of mere jurisdiction. Moreover, both orders shared a vision of the end of human society as a state of beatitude and perfect peace in an ordered love of God and neighbor that constituted the common good of man in society. For the mendicant Scholastics, man's search for meaning led him from knowledge of one good to another, from one community to another as cooperative aids in obtaining higher and more commonly shared goods - and ultimately to the highest good and most commonly shared good that was supernatural peace. This movement, the very life and social life of man, was a movement from immediate needs to common benefits to social perfection in love of God; in short, it was a movement of love towards charity.

This, however, meant that when the Franciscans, particularly in the thought of William Ockham, argued over the relative separation of temporal and spiritual power and insisted that the former was coercive and the latter spiritual and free, they were arguing over the character of the movement of man to God, of man in social life and of Christendom to unity under the Papacy. The subtle but significant divergence between the mendicant orders meant that, for Franciscans and those similarly inclined, man's movement to unity under God became a staggered journey that did not pass fluidly and easily from temporal to spiritual guidance. More importantly, precisely on account of the fissure between the temporal and spiritual authorities, the former were understood to aim - if possible - at the natural common good of virtue, but more plausibly at the common benefits of tranquility, security and material well-being. The realm of private intention and spiritual perfection was an increasingly distant aim of Christian political society. It is in this sense that "the whole period shows a steady disintegration of the medieval idea of unity, marked by two main features - negatively by the loss of international unity and the transcendent supra-political authority of the Papacy, and positively by the growth of the modern state and the national political

unit."³ What this double movement implied was a less exalted conception of the common good in independent sovereign territorial states as well as a conception of law that focused primarily upon public, exterior actions and the rules of conduct that organized those actions into some regular and peaceable order.

This shift holds true, not only on the level of theory chronologically speaking, but also on the practical level of mendicant preaching as they left the heights of academic Scholasticism and an ideal of Christian unity and entered into the realities of ordinary medieval life. It is within the context of this newly emergent order that the Dominicans and Franciscans preached in the streets and piazzas of independent Italian city-states. There, amongst artisans and merchants seeking to maintain themselves and their families through their various professions, the friars strove to inspire a spirit of charity and love of the common good. On the basis of their broad principle of charity as a movement in the love of the good, from the lowest goods and the associations that provided them to the highest good and the community that sought it, the preachers evaluated the professions and justified commercial industry and trade precisely as providing for one's needs, the needs of one's family and the needs of the community.

Yet whereas hitherto and in the halls of high philosophical-theology, the words "charity," "common good," "peace" and "justice," had been strongly associated with the perfect order of virtuous desires and the harmonious Christian peace of society in the worship of God, now they received a more concrete sense and meaning in connection with the independent city-states of Italy that aimed at the commune good. The high ideals of theory were not forgotten, but they were now concretely understood as in progress through such phrases as love of country, the common welfare, tranquility and some basic legal justice in the market-place or daily life. In such a context, the contributions of the merchant to society were that much closer to the some of the highest aims of society and were, accordingly, appreciated more. The material wealth and well-being that the merchant brought to his city were highly valued services to the community and, precisely on account of their

³ Christopher Dawson, *The Dividing of Christendom*, New York, NY: Sheed & Ward, (1965), p. 19

CONCLUSION

mixture with ideals of charity understood as service of the common good, were considered a nearly exalted avenue of lay Christian life. The substance of the merchant's profession, his prudent care in trade and investment, took on the character of quasi-virtues and paths to spiritual perfection open to the laity.

Of course, no preacher stopped there. They encouraged - strenuously and to great effect - the image of an ideal merchant who not only dedicated himself to disciplined professional service but also to generous liberality in spending his money for the sake of improving the city and caring for the poor. Churches, hospitals, orphanages, public squares, patronage of art and literature, even purchase of public financial debt - these acts of charity were forged together into the image of a prudent and open-handed, respectable Christian merchant. The public *personae* of the merchant was that of a dignified, magnificent, magnanimous benefactor of his *patria*. The merchant was a gentleman and a courtier, and professional work was a manner in which one could distinguish oneself in the service of one's community and city. As this new world emerged, aspirations for professional distinction and social status ran high: "In medieval society, ... a man's position depended on his function. He was a craftsman, or a clerk, or a monk, or a soldier, and he was bound strictly to the order of the guild and the university and the religious Order. But in the new Renaissance society he was an individual who tried to assert the freedom of his personality and to realize every possibility of development."⁴ This was not a sudden novelty of the Renaissance but a product of the incorporation of lay life in general and commerce in particular into the sphere of respectable Christian paths to God.

Joined to this exalted image of the Christian merchant as infused with charitable intent was the elaborate economic ethics of Scholastic thought as a condition for social acceptance and social esteem. A merchant ought not to violate the myriad of ethical rules surrounding trade, for those ethical rules - together with his hidden intentions - were what made his trade dignified and worthy of praise. Nevertheless, within the space carved out by those ethical rules, particularly where those rules primarily governed his external conduct both in trade and in his external actions as dignified public *personae*, there

⁴ Christopher Dawson, *ibid.*, p. 45

was ample room for the human passions for social distinction and glory. Insofar as the friars economic thought also justified the merchant's profit as the wage for his service, there was ample room within the limits of ethical conduct, for the human passions for wealth. Behind ethical conduct, intentions could be less charitable and more individualistic. Moreover, the merchant's ambitious soul was susceptible to the ideal of magnanimity and prudent behavior that would distinguish him as a Christian benefactor of the welfare of a city that which was *his* and wherein he was someone.

The mendicant friars had preached about lay service in the optimistic hope that an ideal image of commercial-social agency would guide and tame the worldly character of mercantile activity and status seeking men. It goes without saying that their success was limited. And yet, in many ways, they contributed to the delimitation of the realm of passions and ambitions within the bounds of honorable civility - *ille indignantes magno cum murmure montis circum claustra fremunt* - within the constraints of sociable conduct.⁵ Perhaps this was no somber and solemnly suited Puritan in pursuit of a purely individualistic salvation through economy - but it was undoubtedly a well-defined social group of Renaissance merchants who took pride in their economic profession and the social status and cultural self-image that it afforded them. Within their medieval corporative spirit, their aspirations were neither purely individualistic nor purely economic, but they were more individualistic and more economic. For it is undoubtedly true that the merchants' individualistic passions contributed to their energy, but it is equally true that the individualism of their intention was channeled into the acceptable and "praiseworthy" external actions of serving the community through professional, commercial activity.

The dominant spiritual ethic of the age had praised individual achievement precisely in service to the community and had praised economic professions as services to the common good. All the more so had the preachers exalted the diffusion of wealth, mostly in the generous spirit of magnanimity toward the poor and toward the commune, but also in prudent business that did not hoard wealth for purely private delights but circulated it in investment. The wealth of the merchant class, insofar as it was honorably obtained

⁵ Vergil, *Aeneid*, 1: 55-56

CONCLUSION

and honorably diffused, was the indices of their social distinction and made them a valuable class to any temporal sovereign. The friars were, in this sense, instrumental in forging social ideals that gave extraordinary impetus and form to a quasi-economic, quasi-individualism that encouraged men to careful prudence in business and lavish expenditure on public works of "charity." The energetic pursuit of wealth as an index of status that characterizes the Renaissance merchant coincided with the invention and diffusion of double-entry book-keeping in the 14th and 15th centuries. Both aspects of commercial life had, in the early Middle Age, been associated with insatiable avarice of the rich and the social pariah of the miser. Both aspects also became indications of a responsible and worthy professional character that contrasted with the militaristic and agrarian ideals of the early medieval period. These were two sides of the ideals of wealth that constituted the social environment in which men chose to pour their energy and ambition into commerce rather than knighthood.

It must, however, be frankly admitted that the mendicant friars also preached against wealth. They denounced the corrupting influence of wealth in the Church. They spoke against the influence of the wealthy in their attempt to monopolize power in the cities in a callous pursuit of status. They strove against that curious mixture of violent traditional clan concern with familial honor and the pursuit of wealth. They condemned the violation of ethical rules of exchange and sought to cleanse the market of the most minute infractions. In other words, when they spoke of wealth and status, they also spoke of sin, repentance and conversion. There is no denying a certain one-sidedness to the treatment of mendicant thought and merchant culture found in this thesis. The absence of emphasis on characteristically medieval phenomena such as guilt and guilds, condemnation and corporativism is sufficient indication of the perspective taken - namely, this thesis traces origins. It traces the emergence of a new spirit behind what have often appeared to historians as static feudal social structures and ideals of the Middle Ages.

In this regard, it is worth taking up what this thesis does *not* intend for its conclusion. The point can be made by measured contrast with claims made by Richard Goldthwaite in *The Economy of Renaissance Florence* in favor of an image of the immobility of cultural values: "the emphasis of this economic humanism was on how wealth benefited the man who had it, to the

exclusion of any interest in how he used it in productive economic activity; on how he spent rather than on how he invested; on morality rather than on the economy. The civic humanists' distinction between the just pursuit of wealth and avarice was one of social class, not economic consequences. They justified wealth without, however, introducing any new cultural values that informed and reshaped economic behavior."⁶ These claims are made in connection with two inter-related observations.

The first is that "economic theory never went beyond the normative thought of the scholastics." Instead, it is claimed, moralistic humanism focused on the way money was spent, or better, given away. That is to say, the economic ethics of the Scholastics and civic humanists remained primarily focused upon moral rather than economic concerns. While it touched upon matters of economic analysis, it did not produce any significant analysis of productivity and investment. While it justified commercial activity, it did not produce a revolution in values. Scholastics, civic humanists and government officials, despite a new awareness of the importance of wealth, never "crossed the intellectual barrier to analysis. ... let alone to develop a theoretical understanding of economic activity."⁷ Thus a "commission of 1458 declared that Florence 'became powerful and great through her industries and businesses, and thanks to these it defended itself from all oppression.' All this was in the tradition of the protomercantilist policies of the medieval commune, driven by what has been called an economic nationalism, a sense that the wealth generated by productive activities and commerce benefited the state, conceived both as the government, whatever its form, and the population."⁸ Yet this recognition did not pass over into an explicit analysis of those productive and commercial activities for the purpose of formulating policy based upon economic theory. The primary orientation of their ethos and thought was not on investment and productivity, but on charity and proper personal expenditure.

⁶ Richard Goldthwaite, *The Economy of Renaissance Florence*, Baltimore, MD: Johns Hopkins University Press, (2009), p. 592

⁷ Richard Goldthwaite, *ibid.*, p. 590

⁸ Richard Goldthwaite, *ibid.*, p.

CONCLUSION

The second observation made by Goldthwaite in favor of the durability of a medieval outlook is that Italian merchant culture exhibited no evidence of the strong influence of a revolution in values. That is, the merchants continued to operate with a strong sense of corporatist non-competitive behavior in their *economic* pursuits even if they were quite violent in their political struggles against each other. In other words, despite a broad array of economic developments, "the Florentine experience was still too early for us to talk about a natural link to the kind of individualism exemplified by *homo oeconomicus*."⁹ That the Italian merchants were nearly compelled to a significant degree of cooperation for the defense of their common interests in foreign lands is an established feature of the age. The primary outlet and orientation of their competition was domestic, political violence is the well-known origin of very lively stories of Italian intrigue, vendetta and conspiracy. They did not focus primarily on competition, investment and growth, but on non-economic ends.

It is in a correction for the obvious imbalance of these observations that this thesis finds its own conclusions. Nevertheless, it must be admitted that there is a significant measure of truth to Goldthwaite's remarks. The spirit of guild corporativism, which curbed the emergence of the late medieval merchant's spirit of individualistic economic competition, was certainly alive throughout the period under consideration. So too, the Scholastics, humanists and government officials did not formulate an explicit and elaborate theory-based economic policy or focus intensively on an analysis of production and investment. Scholastic economic ethics had its primary influence, curiously enough, on the ethics of economy. The ideal merchant was often portrayed by moralists as primarily a matter of how he spent money, or better, how he gave it away. This is more than clear when one considers the relative absence of the modern state and then reflects on how the commune was supported in a manner highly suggestive of the influence of moralists. That is, when one considers the origin of the funds and labor for the alleviation of poverty, the construction and operation of churches, the work of hospitals and orphanages, the patronage of public art and architecture - this was the joint and voluntary work of merchants, artisans and mendicants alike. The

⁹ Richard Goldthwaite, *ibid.*, p. 590

extent to which the merchants held together in their commercial activities and the extent to which they attended to the diffusion of wealth, taken together, suggest that they had not fixed their eyes upon the permanent increase in their business operations.

Yet that this order, this extension of the medieval corporatist mentality, the ethical orientation of their economic thought and the religious-moral spirit of their humanism to their aims, which had not yet coalesced around the emerging modern territorial state, was in transition is also well-established. At the limits of each of these apparently still very medieval phenomena, new cultural values did indeed inform and reshape economic behavior. Hidden in the merchants' unity was a newly inspired and ambitious corporative group - a group whose identity was linked to notions of sufficiency and *officium* that indicate both economic energy and a focus that inclined them to protomercantilist competition with other communities. Hidden in the Scholastic vision of economic ethics was a move to include, in the proper use and diffusion of wealth, concepts of prudent management and investment as a service to the public interest, a scarce, valuable talent and discipline.

The apparent similarity between early medieval guild corporativism and the merchants' emergence as a strong social class with their own conscious identity does not establish perfect continuity between the non-competitive conformity shown by the former and the exalted confidence, economic vigor and quasi-individualism of the latter. Beneath the apparent stability of words and such as "sufficiency" and "*officium*" and social forms such as "merchants guild" or "artisan" - which still carried the connotation of a fixed status in the social order and perhaps for that reason also an added dignity - there were significant new accents. New connotations imbued those same old concepts with very different cultural values than had been dominant when commerce was first, tenuously and cautiously, morally justified. As Goldthwaite himself observes: "Merchants' letters reveal the urge to be ahead of the others in taking advantage of changing market conditions and new opportunities but nothing about cost-cutting, underselling, or calculated stockpiling ... The cutthroat competition practiced by the new generation of merchants coming out of Antwerp must have been as foreign to these Floren-

CONCLUSION

tines as it was to their Venetian colleagues."¹⁰ However, this lack of ruthless economic competition at the level of ordinary business operations on an ordinary basis does not demonstrate absolute lack of economic competition or economic individualism, much less individualism more broadly understood. That this last certainly made a significant appearance in the late-medieval period and early Renaissance is represented by the ambitions of merchants.

Indeed, where terms such as "sufficiency" and the dignity of one's "*officium*" are extended to include immense fortunes and palaces, public "charity," magnificence and grand scale liberality, their previous connotation of poverty and stasis is tenuous at best. In fact, Goldthwaite himself notes that individualistic activity: "Florentines were especially energetic in transforming this religious patronage into a kind of self-glorification through art and architecture, and in this sense much of the splendor of Renaissance Florence" finds its explanation.¹¹ Evidently, medieval merchants understood individualism and found an outlet for their ambitions through a curious mixture of religion, honor and commerce. That this last, commerce, was perhaps not the primary and exclusive end of their individualism, so that merchant culture cannot be called a strictly *economic* individualism, is to be partly admitted. Nevertheless, the growing esteem in which merchants were held, the praise their profession received from preachers when it was conducted honorably, their own pride in their professional identity as a class, represent a growing *economic* aspect to their broader individualism. The appreciation of the importance of commerce for the material well-being and wealth of the city reached a new level of emphasis and constituted the ground for a new assessment of the merchant's dignity and the value of his profession. There is no question that this led to a partial economic individualism even where ruthless or other competition was minimal: that individual achievement was increasingly recognized and sought in and through economic pursuit is indisputable. In fact, it is strange that ruthless or other prototypical and ethically dubious forms of competition are made the primary criterion of economic individualism when striving for personal achievement in an economic field ought to be the foremost of such criterion.

¹⁰ Richard Goldthwaite, *ibid.*, p. 589

¹¹ Richard Goldthwaite, *ibid.*, p. 585

However, and this is of critical importance, it is precisely *not* the intention of this thesis to find strictly economic individualism in the late Middle Ages and Renaissance. The late medieval period did not furnish history with the ideal of an economic individualist where the accent falls on either of those terms, "economic" or "individualist." Instead, the point is simple and two-fold: that a new object of social esteem, economic achievement, was ascendant and that the aspiration toward the honor and social status that attached to that object was characterized by a novel individualistic element. This is not to say that either the object or the aspiration were purely individualistic or purely economic. Instead, it is to say that precisely because the object and the aspiration were not purely individualistic and purely economic that the mendicant preachers found cause to elevate it as exemplary and honorable. It is to claim that the ethical, normative, thought of the mendicant Scholastics was instrumental in giving impetus and shape to the conscious identity of the merchants as a social class seeking something greater than a crude egoistic hedonism. For it is the peculiarity of this social identity that the individualism it inspired sought distinction in service of the common wealth not through purely economic and purely individual aims but through conditioned economic pursuits as a quasi-charitable contribution to the commune. Those conditions and serviceable contributions were as important to the energy of economic development as the partly egoistic motives that did not necessarily live up to the ideal were to the ultimate form that that development took. The recognition of the importance of wealth for the power, dignity and defense of the city was recognition of the importance and of the merchant class - but it was the very recognition of that contribution as a contribution that gave that class its peculiar social distinction. Moreover, it is that class recognition that inclined the new and aspiring merchant magnates to conceive of themselves as pillars of the state and to see their work as critical to its life. In this way, the economic ethics of the mendicant preachers addressed the soul of the merchant and imparted to him a measure of civility through the ways in which he was encouraged to understand his own activity and conduct himself accordingly.

Further, while it is true that the economic thought of the Scholastics and mendicants had not crossed over into economic analysis as their primary focus, what economic analysis they had engaged in similarly tended to the

CONCLUSION

conclusion of the importance of commercial agents to the communal welfare. Their analysis largely remained on the level of an ethical inquiry into the activity and character of the merchant and the manner in which he ought to conduct his business in the market. Nonetheless, it would be a mistake to say that Scholastics never engaged in economic analysis, particularly when it comes to reflection on market exchange, prices and value. In their reflections on economy and the "just price," Scholastic thought had moved from a consideration of the proper use of wealth as sufficiency for one's needs, etc. and for charitable purposes to the justification of the merchant's profession as the use of wealth as an instrument that could be prudently managed through attentive investment, a quasi-virtue that was valuable on account of its scarcity and its utility for the common benefit. Beneath that assessment lay an explicit recognition of the workings of supply and demand, utility and scarcity in market pricing as well as a recognition of money used as an instrument in the creation of new business.

Yet it is precisely *not* the conclusion of this thesis that a pure economic analysis emerged in the work of Scholastic mendicant authors and preachers. The medieval moralist and civic humanist did not primarily focus on the analysis of production and investment and the abstract economic agency of men. Instead, they focused on real agents, merchants, and in so doing expanded the notion of charity to include more than a simple notion of liberality as giving away, even if liberality mainly consisted in knowing how to part with goods. For behind words such as "diffusion" and "liberality" were new notions of what this meant when placed alongside the virtues of prudence and foresight in the conduct of one's particular station and professional service in civic life. This is not to say that they had moved beyond their focus on how a person ought to use wealth. Rather, it is to say that the mendicant Scholastics had introduced into their concept of the appropriate use of wealth, the notions of responsible business practice and prudent diffusion - be it in charity or commercial investment with a view to one's family and, especially praiseworthy, to the common welfare.

In other words, what can be seen in all this are the features of a multifaceted transition pressing against the limits of any ideal-typology of medieval social institutions. The period is distinguished by the emergence of a type of inspired commercial agent, the social identity required of him, the neces-

sary retraction of law from pedagogical aims to a legal framework focused on exterior actions, the atrophy of the ideal of international unity and the birth of independent territorial sovereigns, the relaxation of the common good to a concept of common material well-being as the orientation of law. These features of the age constitute the historical origins of the perspective of the prince and the conception of his State as an independent unity open to legal organization and economic development with merchants featuring prominently therein. The economic individualism of the merchant-magnate as a social group was the outcome of a quasi-economic, quasi-individualist ethos of honorable patriotism. Nevertheless, the merchant class was also thereby inclined to conflate their own foreign trade and commercial activity with the health of the community. The very individualism of the merchant vitiated the mendicants' condemnation of monopolistic practice. For the merchants fell short of the individualism that related itself to service to the community and sought distinction in that service when they turned aside toward a narrower self-interest and toward what became the ultimate economic sin, mercantilism.

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