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DE VOLUNTARIO ET INVOLUNTARIO, DISP. 9<sup>1</sup>

Appendix: DE LEGIBUS, LIB. 7, CAP. 1, N. 2

<266, col. a>

DE USU ET IMPERIO

Diximus de actibus pertinentibus ad ordinem intentionis, nunc breviter de his, qui ad ordinem executionis pertinent, de quibus D. Thomas 1, 2, quæst. 16 et 17.

We spoke about the acts belong to the order of intention. Now [we will speak] briefly about those which belong to the order of execution, concerning which St. Thomas [speaks] in [ST] IaIIæ.16–17.

SECTIO I

WHAT USE IS AND WHAT ITS OBJECT IS (Quid sit usus, et quod ejus objectum)

1. *Variae usurpationes usus.*—Usus apud theologos, omissis aliis significationibus, a fruitione distinguitur, et illi quasi opponitur, ex Augustino, de doctr. Christiana, cap. 3, ubi ait, uti esse id, quod in usu venit, ad id, quod amas obtinendum, referre. Nota tamen, in re amata propter aliam posse versari et electionem et facultatem etiam aliquam inferiorem eam rem exequendo; et in hoc ultimo consistit, vel perficitur usus: et ideo D. Thomas dixit, usum significare applicationem ad operandum. Sciendum autem est, applicationem potentiae exequentis non habere rationem usus, nisi ut est actio voluntaria ad finem ab ipso operante relata, et ideo bruta non utuntur proprie: quapropter in ipsomet usu distinguendum debet et actio exterior ipsius potentiae, quæ ad exequendum opus applicatur, et actio interior illius potentiae, quæ exteriorem applicat. Dicunt ergo quidam, usum proprie esse illam actionem externam, et ideo, usum non esse actum elicited a voluntate, sed imperatum. Alii vero cum D. Thoma dicunt interiorem illam actionem esse usum: et consequenter dicunt esse elicited a voluntate. Sed forte dissentio est in verbis, nam in re constat usum compleri in ipsa

1. *Different usages of use.*—Setting aside the other significations, use is distinguished from enjoyment (*fruitione*) among the theologians and is, as it were, opposed to it. [This is taken] from Augustine in *De doctr. Chr.*, cap. 3, where he says that to use is to refer that which comes in use to the obtaining of that which you love. Note, nevertheless, that in executing that thing both election and also some lower faculty can be directed to the thing loved for the sake of something else. And use consists in or completes the latter. And therefore St. Thomas said that use signifies the application to acting. It should be known, however, that the application of the executing power does not have the nature of use except insofar as it is a voluntary act related to the end by the one acting himself. And therefore brute animals do not properly use. For this reason there must be distinguished in the very use itself both an exterior act of that power which is applied to executing the work and an interior act of that power which applies the exterior [act]. Certain people, therefore, say that use, properly speaking, is that external act, and, therefore, use is not an act elicited by the will but commanded. But others say with St. Thomas that that interior act is use and consequently they say that it is elicited by the will. But

<sup>1</sup>Latin text is from vol. 4 of the Vivès edition.

executione. Certum etiam est, præcedere ante istam executionem aliquem actum interiorem appetitus, qui est causa exterioris actionis humanæ. Quare non mihi displicet illa distinctio communis usus in activum, et passivum, juxta quam.

2. *Prima assertio.*—Dico primo : usus activus est actus elicited a voluntate. Probatur, quia voluntas est, quæ movet cæteras potentias ad operandum : sed non movet, nisi per actum ab ipsa voluntate elicited : ergo per illum utitur inferioribus potentiis, et actibus earum; imo et intellectu et se ipsa, quatenus se ipsam applicat ad exercitium actus.

3. *Secunda assertio.*—Dico secundo : usus passivus est in exteriori potentia exequente. Patet, quia est usus procedens ab usu activo : et ideo dicitur passivus, quamvis respectu ipsius rei exterioris, vel interioris extrinsece habeat quamdam actionem activam : sic enim motione manus utor calamo, et dici potest activus secundarius : vide Durandum, in 1, d. 1. Sed dices, etiam actus appetitus sensitivi habet rationem usus. Respondetur breviter : in homine hic appetitus non potest movere alias potentias nisi consentiente voluntate : et ideo consequens usus tribuitur voluntati, præcipue moraliter. Et præterea usus, ut supra dicitur, proprie importat actum perfecte voluntarium : et propterea ipsamet motio appetitus sensitivi non habet rationem usus, nisi ut subest voluntati. Et his facile definitur, quod sit objectum hujus actus.

4. *Tertia assertio.*—Unde dico tertio : usus proprie est de mediis. Est D. Thomæ, et omnium ex Augustino supra, et probatur ex vi nominis : nam usus significat motum quemdam. Et confirmatur; nam usus versatur immediate circa nostras actiones humanas, quæ sunt media ad cognoscendum ultimum finem ex Augustino 11, de Civitate, cap. 25. Et ex hoc colligitur proprie, et immediate usum, qui est actus voluntatis, versari circa interiores potentias, et actiones hominis; quia est applicatio potentiarum ad opus : tamen ex consequenti, et mediate versatur circa res exteriores, prout eas ad nostras actiones ordinamus, vel prout sunt materia nostrarum actionum : quapropter nulla re uti dicimur, nisi

perhaps the disagreement is verbal, for it is agreed that in reality use is completed in the execution itself. Also, it is certain that that execution is preceded by some interior act of appetite, which is the cause of the exterior human action. This is why that common distinction is not displeasing to me according to which use [is divided] into active and passive.

2. *First assertion.*—I say first that active use is an act elicited by the will. It is proven since the will is that which moves the remaining powers to action. But it does not move, except through an act elicited by the will itself. Therefore, it uses the lower powers and their acts through that [act]. Indeed, [it uses] both the intellect and it itself to the extent that it applies itself to the exercise of the act.

3. *Second assertion.*—I say secondly that passive use is in the exterior executing power. It is clear because it is the use proceeding from the active use. And therefore it is called passive, although with respect to the exterior or interior matter itself it can extrinsically have a certain active action. For thus I use a reed with the motion of my hand and it can be called secondarily active. See Durandus in 1, d. 1. But, you may say, an act of the sensitive appetite also has the nature of use. It is responded briefly: in a human being this appetite cannot move other powers except by the will agreeing. And therefore the following use is attributed to the will, especially morally. And, in addition, use, as I say above, properly conveys a perfectly voluntary act. And, therefore, the very motion itself of the sensitive appetite does not have the nature of use, except insofar as it is underneath the will. And what the object is of this act is easily defined from these.

4. *Third assertion.*—Hence, I say thirdly that use is properly of means. [This] is [the view] of St. Thomas and everyone else [taken] from Augustine above and it is shown by the method of names. For use signifies a certain motion. And it is confirmed: for use is immediately engaged with our human actions which are means to cognizing the ultimate end, according to Augustine, *De Civ.*, cap. 25. And from this is gathered that properly and immediately use, which is an act of the will, is engaged with the interior powers and actions of a human being, since it is an application of powers to work. Yet by consequence and mediately it is engaged with exterior matters as we order them to our actions or as they are the matter of our actions. For this reason, we are said to use nothing

subjecta sit <267> nostræ voluntati. Quod variis modis contingere potest, nam aliquando subjicitur tanquam instrumentum; aliquando tanquam materia, vel objectum; aliquando solum, quia est nobis illa res commoda.

5. Sed objices; nam sequitur, nos non posse uti Deo contra Augustinum. Probat, quia est nobis valde utilis; et possumus illum diligere propter nostrum commodum. Confirmatur primo; nam beati saltem dicuntur uti Deo tanquam objecto et speculo, in quo omnia vident. Confirmatur secundo, nam utimur sole, et Angelis etiam; quæ tamen res non subsunt nostræ voluntati. Respondetur ad argumentum primum, nos non uti Deo, sed possumus uti actionibus circa Deum, id est, amore secundo. Aliud est, Deum esse utilem nobis, et ideo amari; quod interdum fieri potest amore etiam honesto, licet non perfecto. Aliud est uti Deo, quod fieri recte non potest; tum quia non est in potestate hominis, applicari Deum ad efficiendum id quod sibi est utile; tum etiam quia licet amor Dei possit referri proprie in nostram utilitatem, tamen non ultimate, sed tandem debet terminari in ipsum Deum. Unde ad confirmationem respondetur, beatos non proprie uti Deo : præcipue quia operationes, quas beati exercent circa Deum, sunt necessariæ, quæ tamen, ut ex dictis patet, debent esse liberæ. Ad confirmationem secundam respondetur, non esse locutiones illas adeo proprias : omnes tamen dicunt ordinem ad nostram voluntatem, et operationes : utor enim sole quatenus est in potestate mea, non illum mihi, sed me illi applicare : et quodammodo utimur Angelis, quia volumus juvari orationibus, vel auxilio eorum.

## SECTIO II

WHETHER USE IS AN ACT DISTINCT FROM ELECTION (Utrum usus sit actus ab electione distinctus)

1. *Prima sententia.*—Prima sententia negat, ita Aureolus apud Capreolum, in 1, d. 1, q. 2. Fundamentum est, quia habent idem objectum, nempe bonum propter aliud appetendum. Confirmatur, nam supra dixi, electionem esse voluntatem efficacem, ex qua sequitur opus. Sed hæc eadem est ratio usus : ergo, etc.

unless the subject is our will. This can happen in different ways, for sometimes it is made the subject as an instrument, sometimes as the matter, or sometimes the object alone, since that thing is suitable for us.

5. But you will object, for it follows, contra Augustine, that we cannot use God. It is proven, since he is most useful to us and we can love him for the sake of our advantage. It is confirmed, first, for the blessed at least are said to use God as the object and mirror in whom they see everything. It is confirmed, secondly, for we use the sun, and angels also, yet these things are not underneath our will.

It is responded to the first argument that we do not use God but we can use actions concerning God, that is, *amor secundus*. The one is that God is useful to us and is loved for that reason. This can sometimes happen even by an honest love although not by a perfect love. The other is to use God. This cannot happen rightly, since it is not in the power of a human being that God be applied to effecting that which is useful to him and also since—although the love of God can be referred, strictly speaking, to our utility—it cannot [be referred] ultimately [to our utility] but in the end must be terminated in God himself. Hence it is responded to the confirmation that the blessed do not strictly speaking use God, especially since the actions which the blessed exercise concerning God are necessary, yet which, as is clear from what was said, ought to be free. To the second confirmation is responded that those locutions are not truly proper. Nevertheless, they call everything an ordering to our will and actions. For I use the sun insofar as it is in my power, not to apply it to me, but to apply me to it. And in a certain way we use angels, since we wish to be assisted by their prayers or help.

1. *The first view.*—The first view denies [that use is an act distinct from election]. Aureol [does] so before Capreolus in [*Sent.*] I, d. 1, q. 2. The foundation is that they have the same object, namely the good desired for the sake of another. It is confirmed, for as I said above, election is an efficacious willing from which a work follows. But the nature of use is the same as this. Therefore, etc.

2. *Secunda sententia.*—Secunda sententia communis Thomistarum est hos actus ex propriis rationibus semper esse distinctos : fundamentum est, quia electio est quasi simplex voluntas, et intentio circa finem : usus autem <col. b> non sic. Confirmatur primo, quia electio sequitur immediate post iudicium consilii, et antecedit executionem, usus vero non est, nisi in executione ipsa, unde non sequitur immediate post iudicium, sed post electionem, et imperium. Confirmatur secundo : nam usus non proprie versatur circa medium, sicut electio, sed circa potentiam exequentem, quod ad opus applicat.

3. Nota, electionem duobus modis posse fieri : uno modo quasi abstractivè, determinando scilicet medium, non tamen omnes particulares circumstantias, scilicet hic et nunc, et hoc modo exequendas. Secundo modo potest fieri electio cum totali determinatione circumstantiarum particularium.

4. Dico primo. Electio cum fit priori modo, non est usus. Hoc probant rationes secundæ sententiæ, et præcipue, quia ex vi hujus electionis potentia non applicatur ad usum. Et de hac electione intelligendus est D. Thomas, cum 1, 3 [sic], quæst. 16, art. 4, dicit electionem antecedere usum : moraliter enim, et fere semper ita fit, ut prius fiat consilium, et electio de medio secundum se, quam tractetur de executione : licet interdum accidat, adeo esse breve tempus, quod inter electionem et usum intercedit, ut vix percipiatur.

5. Dico tamen secundo, per se simpliciter loquendo, necessarium non esse electionem tempore antecedere usum : et tunc electio et usus non sunt actus re distincti. Prior pars probatur, quia nihil impedit quominus intellectus subito determinet medium, et circumstantias omnes, et voluntas in eodem instanti, in quo eligit medium, eligat circumstantiam et actualem executionem. Secunda vero pars patet ex fundamentis primæ sententiæ : et præcipue, quia ex vi talis electionis sequitur actio potentiæ exequentis.

6. Dico igitur tertio. Electio et usus secundum se non videntur actus formaliter, vel essentialiter distincti : sed frequenter differunt secundum majorem, vel minorem determinationem circum-

2. *The second view.*—The second view common among the Thomists is that these acts are always distinct by reason of their proper natures. The foundation is that election is, as it were, a simple willing and intention concerning the end. Use, however, is not like that. It is confirmed, first, since election follows immediately after the judgement of counsel and precedes execution. But use does not exist except in the execution itself. Hence, it does not follow immediately after judgement, but after election and command. It is confirmed, secondly, for use is not properly engaged with means, as election is, but with the executing power that is applied to the work.

Note that election can happen in two ways. In one way abstractively, as it were, namely, by determining the means yet not all the particular circumstances, namely, here and now and to be executed in this way. In the second way election can happen with a complete determination of all particular circumstances.

4. I say first: when election happens in the first way, it is not use. The arguments for the second view prove this, especially since the power is not applied to use by the strength of this election. And St. Thomas should be understood [as speaking] about this election when he says in [ST] IaIIæ.16.4 that election precedes use. For morally and almost always it happens in such a way that counsel happens earlier and election of the means follows it, which is discussed concerning execution. Although sometimes it happens that for that reason there is a brief time that intervenes between election and use, so that it can hardly be perceived.

5. I say secondly that, in itself, speaking strictly, it is not necessary that election precede use in time. And then election and use are not acts that are really distinct. The first part is proven since nothing prevents the intellect from suddenly determining the means and all the circumstances and the will from choosing the circumstance and actual execution in the same instant in which it chooses the means. But the second part is clear from the foundation of the first view and especially since the action of the executing power follows from the strength of such an election.

6. Therefore, I say thirdly: election and use according to themselves do not seem formally or essentially distinct acts. But frequently they differ according to greater or lesser determination of the circumstances.

stantiarum. Patet ex dictis, et ratio præcipua est, quia ibi actus tendunt in objectum sub eadem ratione boni, nempe ut est utile ad consequendum finem, et hoc est essenziale : illa vero alia differentia videtur plane accidentalis. Et hoc est juxta confirmationem primæ sententiæ. Neque obstant argumenta secundæ.

7. *Ad fundamentum primæ [sic] sententiæ in numero 2 ejusque primam confirmationem.*—Quare ad fundamentum respondetur, electio- <268> nem etiam versari circa medium in ordine ad executionem : unde, quod hæc executio vel statim, vel in posterum determinetur, non arguit differentiam essentialem, sed solum secundum magis et minus accidentaliter : et ratione hujus majoris determinationis fit ut ad usum sequatur opus, et non ad electionem, quando fit sine ista determinatione : quia exercitium operis requirit determinationem omnium circumstantiarum. Ad secundam respondetur ipsummet usum potentiæ exequentis esse velut unum ex mediis necessariis ad consequendum finem : et ideo eandem rationem boni, et appetibilis participat : unde non arguit distinctionem essentialem. Secundo non sequitur, ad executionem operis esse necessarium ut voluntas directe, et quasi in actu signato velit applicare potentiam exteriorem ad opus : sed satis est, hic et nunc velle istum effectum, nam statim propter naturalem connexionem potentiæ sequitur opus, ut maxime patet in usu ipsius intellectus. Et ita intelligitur facile D. Thomas, in illo art. 4, ad 1 et 3.

### SECTIO III

WHAT ACT OF THE INTELLECT PRECEDES USE AND, AT THE SAME TIME, WHAT COMMAND IS AND HOW IT IS DISTINGUISHED FROM USE (Quis actus intellectus antecedit usum, et simul quid sit imperium, et quomodo distinguatur ab usu)

1. *Datur in nobis imperium.*—*Prima sententia quid sit imperium.*—Auctores omnes conveniunt, reperiri in nobis internum quoddam imperium, quo nobis ipsis imperamus : quoniam imperare est inferiorem movere, et ordinare opus. Homo autem per potentias superiores se movet, et ordinat ad operationes inferiorum potentiæ : unde in nobis distinguimus actus elicitos et imperatos, ut infra dicitur : vide D. Thomam, quodlib. 9, a. 12. Itaque dari imperium certum est : quid autem sit, non constat inter auctores.

It is clear from what was said and an especially strong reason is that there the acts tend to the object under the same aspect of good, namely, insofar as it is useful for pursuing the good. And this is essential. But that other difference seems plainly accidental. And this is according to the confirmation of the first view. Nor do the arguments for the second view stand in the way.

7. *To the foundation of the second view in n. 2 and its first confirmation.*—Hence, to the foundation is responded that election is also engaged with means in the order of execution. Hence, that this execution is determined either at once or subsequently does not prove an essential difference but only more or less accidentally. And by reason of this greater determination it happens that work follows on use and not on election, when it happens without that determination. This is because the exercise of work requires the determination of all circumstances.

To the second [confirmation] is responded that the very use itself of the executing power is just as one by the necessary means for pursuing the end. And therefore it participates in the same aspect of good and desirability. Hence, it does not prove an essential difference. Secondly, it does not follow that it is necessary for the execution of the work that the will directly and, as it were, in the designated act wish to apply the exterior power to the work. But it is enough that it here and now wish that effect, for the work follows at once on account of the natural connection of the powers, as is especially clear in the use of intellect itself. And thus St. Thomas is easily understood in that art. 4, ad 1 and 3.

1. *A command is given in us.*—*The first view on what command is.*—All the authors agree that a certain internal command is found in us by which we command ourselves, since to command is to move something inferior and to order work. A human being, however, moves and orders himself to actions of the lower powers through the superior powers. Hence, we distinguish in ourselves elicited and commanded acts, as will be said below. See St. Thomas, *Quodlib.* 9, a. 12. And so it is certain that a command is given. What it is, however, is not clear among the authors. Many think that

Multi censent esse ipsummet actum activum voluntatis : ita Scotus, in 2, d. 36, d. 1, Medina, *Codice de Pœnitentia*, tract. de Oratione, c. 2. Fundamentum præcipuum est, quia finis imperii est movere, et ordinare : sed movere inferiores potentias est proprium voluntatis, ut constat ex dictis. Ordinare etiam, inquit Scotus, convenire potest voluntati, vel per se, quia potentia immaterialis est : et hoc sufficit, vel saltem quasi per participationem ab intellectu. Confirmatur : nam imperium proxime respicit executionem : ergo est illud, ex quo immediate oritur executio : oritur autem immediate ex <col. b> usu activo voluntatis, ut ex dictis patet, et in potentiis brutorum ostenditur manifeste. Nam motiones exteriores ab appetitu manant sine aliquo alio imperio.

2. *Secunda sententia, variæque illius explicationes.—Ejus fundamentum proprium.*—Secunda sententia affirmat actum imperii pertinere ad intellectum. Ita divus Thomas, 1, 2, q. 16, a. 1, et q. 90, a. 1, Cajetanus, his locis, Soto, 1, de Just., q. 1, a. 1. Tamen Thomistæ non conveniunt in explicando rem hanc. Nam quidam dicunt hoc imperium antecedere actum voluntatis. Alii electionem : alii, solum esse post electionem, sed ante usum. Alii etiam volunt, esse post usum activum voluntatis, et immediate cadere in potentiam exequentem. In hoc tamen convenire videntur, quia omnes putant, istud imperium esse actum distinctum a iudicio intellectus, et consistere in impulsu quodam, qui explicatur hac voce, *fac hoc*. Et Aristoteles 3, *Ethic.*, c. 10, manifeste distinguit imperium a iudicio, et utrumque dicit esse actum prudentiæ. Et ex Augustino 15, de Civ., c. 7. Fundamentum proprium est, quia intellectus est ordinare unum ad aliud, et hoc est effectus imperii.

3. *Duo præsupposita pro resolutione.*—Suppono primo, nos hic loqui de imperio, quo quis sibi ipsi imperat : nam de imperio, quo aliis imperat, agendum est in materia de legibus : licet hinc petenda sint fundamenta. Secundo suppono, hominem dupliciter seipsum movere, et sibi imperare, primo, quasi in actu exercito, dum se movet ad aliquid agendum : quamvis explicite non exprimat illum actum, *fac hoc*. Alio modo quasi in actu signato vel expresse signando illum actum, juxta illud : *Spera in Domino* : et illud : *Convertere animam meam in requiem tuam*.<sup>1</sup>

it is the active act itself of the will. Scotus, in [*Sent.*] II, d. 36, d. 1, and Medina, in *Codice de Pœn.*, tract. de Oratione, c. 2, [think] this. The main foundation is that the end of the command is to move and to order. But to move the inferior powers is proper to the will, as is clear from what was said. Scotus says also that to order one can agree with the will, either *per se* since the power is immaterial (and this suffices) or at least, as it were, through participation from the intellect. It is confirmed: for command proximately regards execution. Therefore, it is that from which execution immediately arises. But execution immediately arises from active use of the will, as is clear from what was said and is manifestly revealed in the powers of brute animals. For exterior motions flow from appetite without any other command.

2. *The second view and its various explications.—Its proper foundation.*—The second view affirms that the act of command belongs to intellect. St. Thomas, in [*ST*] IaIIæ.16.1 and 90.1, Cajetan, in these places, and Soto, in *De Just.* I, q. 1, a. 1, [think] this. Nevertheless, the Thomists do not agree in explaining this matter. For certain ones say that this command precedes an act of the will. Others say that it precedes election. Others say that it exists only after election but before use. Others also wish that it be after active use of the will and immediately fall into the executing power. Yet they seem to agree in this since they all think that that command is an act distinct from a judgement of the intellect and that it consists in a certain impulse that is explicated by the phrase ‘do this’. And Aristotle in *EN* III, c. 10, manifestly distinguishes command from judgement and says that each is an act of prudence. And [likewise] from Augustine, *De Civ.* 15, c. 7. The proper foundation is because it is the role of the intellect to order one thing to another and this is the effect of a command.

3. *Two presuppositions on behalf of a resolution.*—I suppose first that we say these things of the command by which someone commands himself. For concerning the command by which he commands others should be dealt with in the material on laws, although the foundations may be sought from here. I suppose secondly that a human being moves himself and commands himself in two ways. In the first way, in an exercised act, as it were, until he moves himself to doing something, although he does not explicitly express that act ‘do this’. In the other way, in a designated act or in expressly designating that act like this [from

Ps. 37:3]: ‘trust in the Lord’ and this [from Ps. 116:7]: ‘Turn my soul to your rest’.

1 Psalm 114:7, in the 1598 Vulgate, reads: ‘Convertere, anima mea, in requiem tuam’. But it looks like the *Psalterium Romanum* might have also have the accusative ‘animam meam’ that Suárez uses.

4. *Probabile in hac quæstione.—Secundum.*—His positis hæc censeo in re probabiliora. Primum ante electionem antecedere iudicium practicum, et non alium actum ab illo distinctum, qui possit dici imperium. Hoc supra dixi et probavi. Secundum post electionem illam, quæ abstrahit ab executione ante usum, natura saltem præcedere, et necessarium esse aliud iudicium magis practicum in hoc distinctum a iudicio, quod præcedit electionem, quia immediatius attingit opus, et omnes determinatas circumstantias necessarias ad operis executionem. Et hinc est quod vehementius etiam movet voluntatem non tam virtute sua, quam virtute electionis jam factæ: ratio est, quia ante omnem actum voluntatis debet antecedere <269> iudicium intellectus illi consentaneum, a quo dirigatur et illuminetur: sed usus activas est actus voluntatis, quid aliquid addit illi electioni jam factæ: ergo, etc. Et hoc iudicium merito dici solet practice practicum, seu omnino practicum; quia omnino, et prorsus ordinatur ad executionem operis, et magis inclinatur ad vincendam difficultatem operis, quæ tempore executionis major semper apparet, quam in consultatione et electione abstracta.

5. *Tertium.*—Tertium, præter hæc duo iudicia practica reperiri in nobis actum illum, quem experimur, cum nobiscum ita loquimur interius, *fac hoc*, qui actus non est iudicii, sed interior quædam locutio, qua homo sibi ipsi explicat vel rationem, vel voluntatem operis exequendi. Nam sicut exterius alios alloquimur, vel enuntiando, vel imperando; ita etiam interius nobiscum: et hæc interior locutio, sine dubio, est actus intellectus, quia fit per conceptus interiores, et quia est expressio proprii iudicii, vel affectus.

6. *Quomodo fiat actus interior imperii?*—Quod si quæras, quomodo fiat, arbitrator, illum actum non existere, neque fieri per conceptum, quem vocant ultimum, sed per conceptus non ultimos ipsarum vocum non solum interius apprehendendo voces ipsas, sed in actu exercito, seu loquendo per signa mentis, quæ vocibus corre-

4. *A probable [answer] to this question.—The second.*—Of these proposed things I think these more probable in reality. First, that prior to election a practical judgement precedes and not another act distinct from it which could be called command. I said and argued for this above. Second, that after that election which abstracts from execution prior to use, at least by nature there precedes another judgement that is necessary and more practical and in this is distinct from that judgement which precedes election, since it more immediately achieves work and every determinate necessary circumstance for execution of the work. And hence it is that it also more vigorously moves the will not so much by its own strength as by virtue of the election already made. The reason is because before every act of the will a judgement of the intellect appropriate to it ought to go before by which it is directed and illuminated. But active use is an act of will which adds something to the election already made. Therefore, etc. And this judgement is usually, and rightly, called practically practical or wholly practical, since it is wholly and entirely ordered to execution of the work and is more inclined to conquering the difficulty of a work (which always appears greater at the time of execution) than to consultation and abstract election.

5. *Third.*—Third, in addition to these two practical judgements there is found in us that act which we experience when we thus internally say ‘do this’ to ourselves. This act is not of the judgement but a certain internal locution by which a human being sets forth to himself either the reason or the will for executing the work. For just as we externally address other people by either declaring or commanding, so also we address ourselves internally. And this internal locution, without doubt, is an act of the intellect, since it happens through interior concepts and since it is an expression of a proper judgement or affect.

6. *How does an interior act of command happen?*—If you should ask how that happens, I observe that that act neither exists nor becomes through a concept which they call ultimate but through non-ultimate concepts of those sounds not only by internally apprehending the sounds themselves but in an exercised act or by speaking through the mental signs which corre-

spondent : quod patet in interiori locutione per modum optantis. Nam si consideremus, quod sit ultimum significatum hujus internæ locutionis, *utinam hoc fieret* : illud certe non est, nisi desiderium voluntatis : et tamen locutio illa in intellectu est, quæ fieri non potest, nisi dicto modo : ergo similiter in proposito.

7. *An istud imperium ante vel post voluntatem existat.—Non est necessarium, sed utile.—Sed quæres, an iste actus antecedit, vel sequatur voluntatem?* Respondetur ex Augustino 8, lib. Confess., c. 9, dicente : *Imperat sibi animus ut velit, qui non imperaret, nisi vellet.* Hoc ergo imperium, si efficax est et verum, absolutam voluntatem supponit. Nam si fiat sine ulla voluntate, est fictum et tantum verba : si vero voluntas, quæ antecedit, sit inefficax, ipsum etiam inefficax erit : et ratio est, quia tota efficacia movendi est a voluntate. Dices, Ad quid ergo est iste actus? Respondetur : non est quidem per se necessarius, ut voluntas, aut exterior potentia moveatur : tum quia voluntas antecedit, tum etiam, quia potest esse motio, ut experimur : tum etiam, quia nulla potentia percipit illud imperium, <col. b> nisi ipse intellectus : est tamen utilis iste actus, ut voluntas ipsa, et totus homo magis moveatur, vel ut citius aggrediatur executionem, vel constantius in ea perseveret, quia dum homo sibi ita imperat quasi supra seipsum reflectitur, et fit sibi superior : et denique quia ipsa locutio nescio quomodo vim habet movendi et incitandi animum.

spond to the sounds. This is clear in internal locution through the way of desiring (*optantis*). For if consider what the ultimate significate of this internal locution ‘would that this would happen’ is, it certainly is not anything other than a desire of the will. And yet that locution is in the intellect, which cannot happen except in the stated way. Therefore, likewise in the proposed case.

7. *Whether that command exists before or after willing.—It is not necessary, but useful.—But you will ask whether that act precedes or follows willing.* It is responded according to Augustine, who says in *Conf. VIII, c. 9*: ‘The rational soul commands itself to will, which could not command except it will’.<sup>1</sup> This command, therefore, if it is efficacious and true, supposes a finished willing. For if it were to happen without any willing, it is imagined and mere words. But if the willing which precedes is inefficacious, then it itself will also be inefficacious. And the reason is because the entire efficaciousness of moving is from the will.

You will say: to what, therefore, is this act? It is responded: it is at least not *per se* necessary that the will or external power be moved. First, because the willing precedes. Next, also, because there can be motion, as we experience. Next, also, because no power perceives that command if not the intellect itself. Nevertheless, that act is useful for moving the will itself and the entire human being, either undertaking the execution more quickly or persevering in it with more constancy, since then the human being commands himself in such a way as if he is reflected over himself and is made his own superior. And, finally, because the locution itself somehow has the power to move and incite the soul.

1 Latin text from James J. O’Donnell’s edition: ‘imperat animus ut velit animus, nec alter est nec facit tamen. unde hoc monstrum? et quare istuc, inquam, ut velit qui non imperaret nisi vellet, et non facit quod imperat?’

8. *Quartum probabile in hac questione.—Probatur primo.—*Quartum, præter dicta judicia practica, et istam locutionem, nullum esse actum intellectus, qui dici possit imperium, patet : quia nullus alius actus est necessarius neque ad movendam voluntatem, neque ad potentiam exequendam. Primum patet ex dictis, quia ostensum est, voluntatem vel sufficienter moveri dictis judiciis practicis : vel etiam necessario, si aliquis actus in voluntate præcedat, cum quo alius actus necessariam connexionem habeat : quam connexionem intellectus per judicium proponit. Secun-

8. *The fourth probable [answer] to this question.—It is proved, first.—*Fourth, in addition to the mentioned practical judgements and that locution, it is clear that there is no act of the intellect which can be called judgement, since no other act is necessary either for moving the will or for executing a power. The first is clear from what was said, since it was shown that the will either is sufficiently moved by the mentioned practical judgements or also necessarily if some act in the will precedes when by that another act has a necessary connection, which connection the intellect puts forward through a judgement. The second is also clear

dum patet etiam, et ostenditur argumentis prioris sententiæ. Et constat ex Aristotele 3, de Anima, cap. ult., et ex D. Thoma, illa q. 17, a. 8, ad 1, potentias exequentes non applicari immediate, nisi ab appetitu.

1 Erroneous citation?

9. *Probatur secundo.—Confirmatur.—*Præterea non potest intelligi talis alius actus. Nam omnis actus intellectus, vel est apprehensio, vel iudicium, vel locutio: et ratio est, quia intellectus essentialiter, et adæquate, est potentia cognoscitiva: potentia autem cognoscitiva duo tantum potest efficere, nempe cognoscere quod non fit, nisi apprehendendo et iudicando, et exprimere quod cognovit, nempe loquendo: ergo, etc. Confirmatur, quia quidquid voluntas efficit, efficit per modum potentiæ appetentis: unde si movet, et applicat exteriores potentias ad opus, id non facit, neque potest, nisi appetendo et volendo: ergo similiter intellectus, quidquid operatur, efficit per modum potentiæ cognoscitivæ: vel certe si non potest illi accommodari, tanquam cognoscenti, nullo modo potest fieri, etiam ad quæstionem de nomine pertinere videtur, cui istorum actuum accommodari debeat nomen, et ratio imperii, quæ est movere cum ordinatione.

10. *Cui actui competat nomen imperii prima assertio.—*Et dico breviter primo: usum voluntatis sæpe dici imperium, id constat ex D. Thoma 1, 2, q. 71, a. 6, ad 2 et 2, q. 4, art. 2, ad 2, quibus locis voluntatis dicit esse imperare cæteris potentiis, etiam intellectui. Et eodem modo, ut dictum infra, unus actus <270> voluntatis imperatur ab alio actu ejusdem, ut actus misericordiæ ab actu charitatis: et ratio hujus locutionis sumi potest ex dictis in prima sententiâ: et quia imperare est habentis dominium: voluntas vero est, quæ quasi habet dominium omnium actionum humanarum.

11. *Secunda assertio.—*Dico tamen secundo: actus intellectus dicitur imperium, et proprie illi convenit ratio hujus vocis. Hoc vult D. Thomas, in d. q. 17, a. 1, et patet, nam imprimis illa actio per modum imperantis manifeste continet rationem imperii, quia movet et ordinat. Patet etiam, quia simili modo imperamus aliis: et hoc modo videtur loqui Augustinus supra: tamen Aristoteles non loquitur de hoc imperio vero, sed

and was shown by the arguments for the first view. And it also agrees with Aristotle in the last chapter of *DA* III and St. Thomas in [*ST* IaIIæ].17.8 ad 1:<sup>1</sup> executing powers are not applied immediately except by appetite.

9. *It is proved, second.—It is confirmed.—*Besides, another such act cannot be understood. For every act of the intellect is either an apprehension, judgement, or locution. And the reason is because the intellect essentially, and adequately, is a cognoscitive power. Moreover, a cognoscitive power can effect only two things, namely to cognize (which cannot happen except by apprehending and judging) and to express what it cognized, namely, by speaking. Therefore, etc.

It is confirmed since whatever will effects, it effects in the way of a desiring power. Hence, if it moves and applies external powers to work, it does not do that nor can it do that except by desiring and willing. Therefore, likewise, the intellect, whatever it does, it effects in the way of a cognoscitive power. Or, certainly, if it cannot be applied to that as to one cognizing, it can happen in no way. It also seems to belong to the question of the name to which of those acts the name and nature of command, which is to move with ordination, ought to be applied.

10. *The first assertion concerning to which act the name of command is applicable.—*And I say briefly, first: use of the will is often called command, which is based on St. Thomas in [*ST*] IaIIæ.71.6 ad 2 and IIaIIæ.4.2 ad 2, in which places he says that it belongs to will to command the other powers, including the intellect. And in the same way, as was said below, one act of the will is commanded by another act of the will, as an act of mercy by an act of charity. And the reason for this locution can be taken from what was said in the first view. And since to command is to have dominion. But it is the will which, as it were, has dominion over all human actions.

11. *The second assertion.—*Yet I say, secondly: An act of intellect is called command and the concept for this word properly agrees with it. St. Thomas wishes this in [*ST* IaIIæ].17.1. And it is clear for especially that action in the way of commanding manifestly contains the nature of a command, since it moves and orders. It is also clear since we command others in a similar way. And it seems that Augustine above [in n. 2] speaks in this way. Still, Aristotle is not speaking about

de illo, quod simpliciter necessarium est ad actus prudentiæ, et exercitium virtutis. Et ideo Aristoteles tam iudicium illud practicum, quod antecedit electionem, quam quod antecedit usum, vocat imperium : et ratio est, quia imperare non est quomodocumque movere, sed movere quasi imponendo legem : intellectus autem est qui legem ponit voluntati, quoniam iudicat de agendis.

12. *Notatio prima.—Notatio secunda.*—Sed nota primo, multos in hoc fuisse deceptos, quia putant de ratione imperii intellectus esse, ut necessitatem inferat voluntati; et propterea non attribunt hanc rationem iudicio practico, sed alteri actui, quod falsum esse constat ex D. Thoma, art. 3 et 4, ad 2, et contra Aristotelem dicentem rationem imperare voluntati regendo et iudicando : et ratione constat; quia non est de ratione legis, ut necessitatem inferat; ergo nec de ratione particularis imperii, quod quis sibi imponit, quod est quasi lex particularis. Et confirmatur : nam cum aliis imperamus : non inferimus illis necessitatem. Nota secundo apud Aristotelem cum distinguit imperium prudentiæ a iudicio, nomine *imperii* intelligere illud iudicium practice practicum, quod proprie antecedit usum tanquam ejus regula : neque vero intelligit hunc actum non esse per modum iudicii : nam falsum id esse constat ex dictis. Constat etiam ex verbis ejus : nam dicit, illum actum esse conclusionem syllogismi practici : conclusio autem vim iudicii habet, nam manifestat connexionem inter electionem factam et usum, seu exercitium actionis : et hinc habet vim ad determinandam voluntatem : nam revera si talis actus nihil denuo ostenderit voluntati, esset inutilis : distinguit ergo hunc actum a iudicio, quia tota consultatio, et difficultas ferendi iudicium <col. b> pendet ex consultatione, et iudicio, quod post illam sequitur : facta autem consultatione, et iudicio, jam difficultas non est, in cognitione, sed in exequendo; et per hæc constat, quid veritatis habeant sententiæ alatae.

13. *An usus præcedat imperium.—Uno modo imperium præcedit.*—Et ex his facile solvitur quæstio, quam D. Thomas, art. 3 illius quæstionis 17, tractat : nempe an usus præcedat imperium? In

this command, however, but concerning that which is strictly speaking necessary for an act of prudence and exercise of virtue. And for that reason Aristotle rather calls that practical judgement which precedes election command than that which precedes use. And the reason is because to command is not in any way to move but to move, as it were, by imposing a law. The intellect, moreover, is what places a law on the will, because it judges concerning what is to be done.

12. *The first note.—The second note.*—But note first that many have been deceived in this, since they think that it is of the nature of the command of intellect to inflict necessity to the will and therefore they do not attribute this nature to a practical judgement but to another act. This is false according to St. Thomas art. 3 and 4, ad 2, and is in opposition to Aristotle who says that reason commands the will by ruling and judging. And it is clear by reason, since it is not of the nature of law to impose necessity. Therefore, neither is it of the nature of a particular command which someone imposes on himself, which is, as it were, a particular law. And it is confirmed: for when we command others, we do not impose necessity on them.

Note, secondly, that with Aristotle when he distinguishes the command of prudence from a judgement, by the name 'command' is understood that practically practical judgement which properly precedes use just as its rule. But neither does he understand this act not to be in the mode of a judgement. For that this is false is clear from what has been said. It is also clear from his words. For he says that that act is the conclusion of a practical syllogism. But the conclusion has the force of a judgement, for it manifests the connection between an election that has been made and the use or exercise of action. And hence it has the force for determining the will. For in reality if such an act does not show something anew to the will, it would be useless. Therefore, he distinguishes this act from judgement, since the whole deliberation and difficulty in producing the judgement depends on the deliberation and judgement that follow after that. But once the deliberation and judgement has been done, the difficulty no longer is in cognition but in executing. And through these things it is clear what truth the reported views have.

13. *Whether use precedes command.—In one way command precedes.*—And the question which St. Thomas discusses in [*ST IaIIæ*].17.3 (namely, whether use precedes command) is easily solved with these. Regard-

qua breviter nota, voluntatem uti intellectu, et aliis potentiis, quia omnis actus liber ut sic, est a voluntate : loqui ergo possumus de usu voluntatis et imperio intellectus, prout directe tendunt ad directionem, seu actionem potentiae exequentis : hoc modo constat, imperium eo modo, quo est in intellectu, antecedere usum ratione iudicii practici. Quod satis ex dictis patet : ratione vero illius locutionis non necessario antecedere, sed quasi concomitanter. Notat vero D. Thomas illud imperium, seu iudicium intellectus, etiamsi omnino practicum sit, sæpe natura tantum, nonnunquam vero etiam tempore antecedere usum, quia vel imperium non est efficax, vel voluntas non vult obedire, sed mutare, vel differre electionem : vel forte, quia potentia exequens est aliquo modo impedita. De ipso autem usu voluntatis dicit D. Thomas, nullo modo antecedere actionem potentiae executivæ : quia omnino movet illam, et quia in genere moris non solum est principium effectivum ejus, sed quasi forma, et ideo censentur esse simili omnino.

14. *Alio modo subsequitur.*—Si autem loquamur posteriori modo, et consideremus ipsum imperium, quatenus actus liber est, necessario dicendum est, a voluntate procedere : atque adeo esse potest ad aliquem usum voluntatis. Sed oportet hic advertere, istum usum non necessario per actum formalem, et expressum, quo voluntas velit intellectui imperare, sed frequenter fieri solum virtuali usu : nam posita intentione efficaci finis, sæpe ex vi illius applicatur intellectus ad inquirenda media. Et similiter ex vi electionis applicatur ad cogitandum de executione ipsa, licet etiam interdum præcedere possit ille formalis actus voluntatis applicantis intellectum : quod maxime contingit in illo imperio, quod fit per interiorem locutionem : nam cum illud non sit ex natura rei simpliciter necessarium : vix unquam sequitur ex virtute alterius actus, sed ex formali voluntate sibi imperandi, sicut contingit in imperio; quo aliis imperamus. Unde fit, ut ante hanc voluntatem debeat <271> præcedere, et cognitio, et iudicium, et consequenter quodammodo usus. Quapropter ne in infinitum procedatur, in aliquo virtuali usu intellectus sistendum est.

ing this, note briefly: will uses the intellect and other powers, since every act that is free as such is by will. Therefore, we can speak of the use of will and the command of intellect, as they directly tend to the direction or action of the executing power. In this way it is clear that command in the way in which it is in intellect precedes use by reason of the practical judgement. This is clear enough from what was said. But by reason of that locution it does not necessary precede but, as it were, concomitantly. But St. Thomas notes that that command or judgement of the intellect, even if it is entirely practical, often only by nature but sometimes also in time precedes use, since either the command is not efficacious or the will does not wish to obey but to change or delay election. Or perhaps, since the executing power is in some way obstructed. Moreover, concerning this use of the will, St. Thomas says that it in no way precedes the action of the executive power, since it wholly moves that and since in the genus of morality it not only is its effective principle, but, as it were, form, and for that reason they are thought to be wholly similar.

14. *It is pursued in another way.*—But if we speak in the latter way and consider that command insofar as the act is free, it must necessarily be said to proceed from the will. And to that extent it can be to some use of the will. But it is necessary to note here that that use is not necessary through a formal and express act by which the will wished to command the intellect, but frequently it happens only through a virtual use. For by an efficacious intention of the end having been posited, the intellect is often applied by the strength of that to searching for means. And likewise it is applied by the strength of election to thinking about the execution itself, although sometimes that formal act of the will applying the intellect can also precede. This happens especially in that command which happens through an interior locution. For when the former is not strictly speaking necessary by the nature of the thing, it hardly ever follows by the force of another act, but by the formal will commanding itself, just as happens in a command by which we command others. Hence, it happens that before this will there must precede both cognition and judgement, and, consequently, use in a certain way. In order not to proceed into infinity it must be stopped in some virtual use of the intellect.

## DE LEGIBUS, LIB. 7, CAP. 1, N. 2

&lt;136, col. a&gt;

2. *Secunda opinio.—Usus quid.*—Superiores vero difficultates magna ex parte oriuntur ex æquivocatione terminorum, ideoque significationes eorum explicandæ prius sunt, ut res ipsa intelligi possit. Tres ergo termini imprimis sunt notandi, scilicet, usus, mos, consuetudo : nam in hoc conveniunt, quod solum in actibus liberis proprie dicuntur, et quamdam inter se affinitatem et connexionem habent, et nihilominus aliquod discrimen inter illos invenitur. Usus ergo, in theologica proprietate, significat actum quo voluntas libere exequitur quod eligit, juxta doctrinam D. Thomæ 1. 2, quæst. 16, per totam; et Augustini, lib. 10 de Trinitate, c. 11, et lib. 83 Quæst., quæst. 30, ubi hac ratione dixit non posse uti nisi animal quod rationis est particeps, quia solum illud libere se vel alia applicat ad operationem, quam applicationem usus significat. Unde fit ut usus, in philosophico rigore, dicatur de quolibet actu utendi per se spectato, quia quilibet est libera applicatio facultatis ad mediū executionem, sicut quicumque actus gaudii de fine adepto dicitur fruitio. Nihilominus tamen, communi et usitato modo loquendi, usus significat similitudinem actuum frequentiam; quomodo dicitur in l. 1, tit. 2, p. 1, usum nasci ex his rebus quas aliquis facit longo et continuo tempore, ut notavit ibi Greg. Lop. Ubi hac ratione dicit usum esse quid facti, scilicet, frequentiam ipsam libere operandi circa rem aliquam, eodem, seu uniformi modo. In lege autem illa dicitur, usum esse id quod relinquitur, seu nascitur ex illa frequentia actuum, quod statim explicabitur.

2. *The second opinion.—What use is.*—But the above difficulties arise for the most part from equivocation of terms and therefore their significations must first be explained so that the very matter can be understood. Therefore three terms especially need to be noted: namely, use (*usus*), *mos*, and *consuetudo*. For they agree in this that they are properly said only of free acts and they have between them a certain affinity and connection. Nevertheless, some distinction is found between them.

Use, therefore, in its characteristic theological feature, signifies an act by which the will freely executes what it elects, following the doctrine of St. Thomas in [ST] IaIIæ.16 (the entire question) and of Augustine in *De Trin.* X, c. 11 and *Quæst.* LXXIII, q. 30, where for this reason he said that nothing can use except an animal that partakes in reason. For only it can freely apply itself or something else to action, which application use signifies.

Hence, it happens that use, with philosophical rigour, is said of any act of using considered *per se*, since it is any free application of a faculty to the execution of means, just as any act of joy concerning an attained end is called enjoyment. Still, nevertheless, by a common and familiar way of speaking, use signifies a frequency of similar acts, just as it is said in l. 1, tit. 2, p. 1 that use arises from these things which someone does for a long and unbroken time, as Gregory noted here in *Lop.* For this reason he says that use is what has been done, namely, the very frequency of freely acting concerning some thing in the same or uniform way. But in law this is said: use is that which is left behind or arises from that frequency of acts (which will be explained at once).