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Extending the Limits of Nature. Political Animals, Artefacts, and Social Institutions

Juhana Toivanen

Abstract: This essay discusses how medieval authors from the thirteenth and fourteenth centuries dealt with a philosophical problem that social institutions pose for the Aristotelian dichotomy between natural and artificial entities. It is argued that marriage, political community, and language provided a particular challenge for the conception that things which are designed by human beings are artefacts. Medieval philosophers based their arguments for the naturalness of social institutions on the anthropological view that human beings are political animals by nature, but this strategy required rethinking the borderline between nature and art. The limits of nature were extended, as social institutions were considered to be natural even though they are in many ways similar to artificial products.

Keywords: Political animal, Social institutions, Political community, Marriage, Language, Nature, Artefact, Aristotle, Medieval philosophy, Thomas Aquinas, Nicholas of Vauvémont, Medieval commentaries on Aristotle.

Introduction

Aristotle famously claims that the political community (*polis*) is natural,¹ but he also holds that its formal cause is the constitution, which is established by a lawgiver.² These two assertions are difficult to reconcile, not least because Aristotle also defends a strict dichotomy between natural and artificial entities.³ A natural entity has an internal principle of movement and change, and its efficient cause is the same form in another natural entity. For instance, an acorn receives its form from the oak in which it grows, and its development into a full-grown tree is due to its own nature. Artefacts, on the other hand, are produced by an agent who has the form of the product in her mind, as when a builder constructs a house. From this perspective it seems that the two claims concerning the political community contradict each other: the political community is natural and comes to be by nature, but it is created by human activity and therefore artificial.⁴

The aim of the present essay is to look at how medieval philosophers from the thirteenth and fourteenth centuries addressed this philosophical problem. They did not question the naturalness of social institutions – such as the household, political community and language – but they extended the concept of ‘nature’ in order to reconcile it with the rather obvious fact that these institutions include

conventional and artificial aspects.⁵ Their strategy was to put a strong emphasis on the anthropological side of Aristotle’s argumentation and base the naturalness of institutions on the idea that human beings are political animals by nature.⁶ However, they also gave a central role to the freedom of the will and voluntary action, which shape social institutions and are necessary for their existence. Due to the twofold foundation of social institutions, it was necessary to challenge and overcome the radical dichotomy between art and nature, between human action and natural processes.

I shall begin by analysing the concept of nature that medieval authors put forth in order to address the seemingly conflicting passages in Aristotle’s *Politics* (section two). In addition to presenting the theoretical framework that was used in medieval discussions, I shall point out certain philosophical problems that arise from their views. Section three underlines the unity of the medieval approach by showing that exactly the same argumentative strategy was used in relation to the three social institutions mentioned above: household, political community, and language. The central claim of the essay is that certain medieval authors took seriously the idea that social institutions are human creations, and they also recognised the challenge that this view poses to their naturalness. They extended the scope of the concept of nature precisely because social institutions proved difficult to analyse in terms of a strict dichotomy between nature and art.⁷

The Scope of Nature: Inclination and Completion

The tension in Aristotle’s view did not escape the attention of medieval philosophers. For instance, when an anonymous commentator (the so-called Anonymous of Vatican) asks, in his commentary on Aristotle’s *Politics* (written after 1295),⁸ whether the combination of man and woman is natural, he puts forth a *quod non* argument, which is based on a dichotomy between natural and voluntary institutions:

Likewise, what is by choice is not natural; but the combination of male and female exists by choice; therefore etc. The major premise is clear, because it is one thing to exist by art and another to exist by nature, because these two are distinct genera. The minor premise is clear, because the combination of man and woman is based on deliberation; therefore etc. Also Averroes says, in book eight of the *Physics*, that the combination of man

and woman is not natural, since man projects the semen into the womb of woman by choice.⁹

The argument itself is not original. As Marco Toste has shown, the idea that humans need to choose to form associations was presented already by Thomas Aquinas and Peter of Auvergne (d. 1304), and accepted by several subsequent authors.¹⁰ However, the force that the anonymous author gives to it reveals how important this line of thought became in the thirteenth and fourteenth centuries. He also establishes an explicit connection between voluntary choice and things that exist by art: when something is chosen, it stems at least partially from the human will, and therefore it is not natural but artificial.¹¹ Thus, the whole question is framed from the very beginning in terms of a radical distinction between art/will and nature. The argument creates a dichotomous setting which suggests that the association between man and woman can be either completely natural or completely artificial, and it aims at proving that it is not natural because it involves a choice.

Anonymous of Vatican provides a good starting point for an analysis of medieval views concerning the role of human will behind the three mentioned social institutions. It shows that medieval authors were aware of the fundamental philosophical problem and did not hesitate to approach it in terms of a clear-cut division between natural substances and artefacts. Yet, they usually presented this division only to reject it by arguing that households, political communities, and language fall between these clear categories; they can be considered natural even though they stem partially from human will and action. This argumentation applies principally to political and other communities if they are understood in an institutional sense; the situation is different, if they are taken to be self-organising multitudes that are based solely on human needs. Aquinas discusses both of these, but he does not make an explicit difference between them. Certain later authors do, as we shall see below.¹² In the following I shall focus on the institutional sense.

The general strategy that medieval philosophers adopted in order to overcome the dichotomy between artefact and natural substance was rather simple: they suggested that when Aristotle argues that social institutions are natural, he is using the term 'natural' in an extended sense, which does not exclude everything that is created by human beings. They concentrated on the anthropological claim that human beings are political animals by nature, which they reduced to an inclination to live with other people. The result was a distinction between two senses in which the term 'natural' can be used.¹³ A thing ϕ can be said to be natural if:

(N1) ϕ is a result of a natural development; or

(N2) ϕ is based on a natural inclination.

This distinction can be traced to Thomas Aquinas. He argues that the upward movement of fire is natural in the sense that it is necessary and caused completely by the nature of fire. By contrast, marriage, which forms the basis of the household, is natural in the sense that human beings have a natural inclination to it, but this inclination needs to be actualised by an act of will.¹⁴ Aquinas uses

this distinction to support the idea that although the association between man and woman is a matter of choice, it can nevertheless be considered natural. In effect, he suggests that the distinction between natural and artificial things is not clear-cut. There are things that humans establish by voluntary decisions but which nevertheless count as natural as opposed to artificial.

Aquinas does not use this distinction in his commentary on the *Politics*, but he presents there another important idea. Addressing Aristotle's puzzling reference to a beneficent lawgiver, who first established political community, he writes:

Then [...] Aristotle treats of the foundation of the political community and infers from what has been said that all human beings have a natural drive for the association of the political community, just as they have for virtues. But as human beings acquire virtues by human activity, as Aristotle says in the second book of the *Ethics*, so human endeavour establishes political communities. And the one who first established a political community brought the greatest benefits to human beings.¹⁵

As Toste has shown, Aquinas seems to have been the first to suggest this analogy between moral virtues and the drive towards a political life.¹⁶ He explains elsewhere that human beings have a natural aptitude to acquire virtues, but they are ultimately produced by and do not exist without human action.¹⁷ By comparing the political community to virtues, Aquinas suggests that it does not result from a natural process in the same way as an acorn develops into an oak. The emergence of a political community requires human action.

The strength of this interpretation is that it manages to explain how the political community can be at the same time natural and established by human activity. However, it involves also certain problems. For starters, Aristotle does not say that virtues exist by nature. He claims that although they are not *contrary* to nature, they nevertheless *do not exist* by nature, precisely because they need to be brought about by human action.¹⁸ The potency to acquire virtues is natural for us, but we have to repeatedly perform virtuous deeds in order to actualise it. Virtue hinges on our voluntary control and this makes a radical difference to those potencies that are completely natural, such as the ability to see. Thus, although Aquinas may be able to show that the political community is not contrary to nature by drawing on Aristotle's conception of virtue, his stronger claim concerning its naturalness does not seem to be justified.

Another problem that stems from the suggested similarity between virtues and the political community is that when human beings acquire virtues, *they* change as their natural potency to become virtuous is actualised. It is not clear where the potentiality, which the lawgiver actualises, exists. The natural development of an oak is an actualisation of a potency that inheres in the seed, and developing one's virtues takes place by actualising a potency that the subject already has. However, it does not seem reasonable to say that human beings are actualising a potency within themselves, when they decide to create a political community. We are potentially virtuous, but we are not potentially political communities, and the actualisation of a political community does not bring about any direct change in the person who establishes it, but creates

a new entity, as it were.¹⁹ From this perspective, the similarity that Aquinas sees between political communities and human virtues appears problematic. Arguably, his argument fails to clarify in what sense the former differ from artefacts.

These problems suggest another interpretation, according to which simpler communities – households and villages – are in potentiality to turn into political communities, while lawgivers are efficient causes that actualise them. Aquinas seems to embrace this view when he argues that the political community is the nature of the household.²⁰ It is not completely clear what the concept of ‘nature’ means in this context, but it is likely that Aquinas is thinking of definitions that he gives in his commentaries on Aristotle’s *Physics* and *Metaphysics*. The nature of a thing is an internal principle of development and the final form that is actualised in this teleological process. According to this approach, natural substances are distinct from artificial things, because artefacts are brought into existence and completed by a human agent, whereas the development of natural substances is caused by an internal principle.²¹

It is not difficult to see that this interpretation loses much of the explanatory power of the analogy between moral virtues and political community. If the political community is truly natural, its development must be similar to the growth of an oak; by contrast, if the lawgiver is an efficient cause, then it seems impossible to hold that the political community is natural. The tension between naturalness and the efficient causal role of the lawgiver seems insurmountable.

There is a third option, however. Political community can be considered natural in an extended sense, comparable to a bird’s nest. A nest differs from natural substances because it is made by a bird and its existence cannot be accounted for by appealing to its own internal nature. It is also unlike virtues, since it is external to the bird, but it can be considered natural (instead of artificial), because it is based on the bird’s natural inclination to build nests.²² This interpretation succeeds in reconciling the apparent conflict within the Aristotelian framework, but it has its own problems. For instance, it conflicts with the idea that human beings are constitutive parts of the political community and not external causal agents for it, like a bird is to the nest.²³ More importantly, it runs the risk of diluting the difference between artefacts and natural entities. Almost everything that humans do stems from an innate and natural inclination for self-preservation. Why does a house count as an artefact, but political community does not, if both are means to achieve some natural goal? Finally, all nests are alike just because they are natural,²⁴ but social institutions contain cultural differences, some of which are consciously devised by lawgivers. There may be strategies to explain these problems away, but at least they call for a more detailed explanation of how exactly the extended sense of naturalness should be understood.

Social institutions challenge the strict dichotomy between natural entities and artefacts, because strictly speaking they cannot be considered (1) natural in the narrow sense, (2) artificial, or (3) natural in the extended sense. Each of these options pose a different set of problems. Aquinas’ view is probably best understood as a version of (3), but it is curious that he decided to compare the

political community to virtues, instead of appealing to things that animals make on the basis of their natural inclinations. His general intention is nevertheless clear: he wanted to maintain that social institutions are natural, even though human beings establish them. To be more precise, they are natural in the sense (N2): a thing ϕ is natural, if it is based on a natural inclination of the one who establishes it. Although Aquinas’ position does not manage to avoid completely the philosophical problems that he inherited from Aristotle, his solution makes room for human action as a crucial factor that partially accounts for the emergence of human communities.

Thus, the idea that human beings are political animals by nature was used to account for the naturalness of social institutions. We should be careful, however, because the meaning of the notion of ‘political animal’ is not simple and unified. Medieval authors used it to refer to a cluster of properties and traits, and even though they generally accepted the idea that it is an inclination that is in need of actualisation, it is not always clear precisely what this inclination amounts to. One possibility is that it is an inclination to live together with other people in order to acquire the necessities for life.²⁵ On the other hand, it may be understood in a more robust sense of having an inclination to actualise one’s rational nature, which requires forming organised communities. Exercising moral virtues and rational thinking actualises this inclination, and if the political community means nothing else than a group of people who follow this kind of life, it can be said to be natural. Yet, insofar as establishing it involves a rational and volitional element, the justification of its naturalness by appealing to the inclination remains problematic – at least if one is not ready to discard the strict dichotomy between natural entities and artefacts. At least according to certain authors, the form of the political community is the constitution, which is devised by a lawgiver.²⁶ Bestowing this form is a distinct process that may be based on an inclination (like the bird’s action to build a nest), but in order to hold that the resulting community is natural, one needs to find ways of stretching the distinction between natural entities and artefacts. Insofar as the community (or its form, the constitution) is devised by human reason, the problem remains. It may be less acute, if the inclination is taken in the robust sense, but the strict dichotomy between artefacts and natural entities is nevertheless difficult to apply to the community.

Human Communities and Language

Aquinas’ view gave rise to a general tendency to analyse social institutions in terms of human action and voluntary choice. The latter does not play any central role in Aristotle’s view. There is only one place in William of Moerbeke’s translation of the *Politics*, where deliberate choice is mentioned in relation to human associations. Aristotle argues that the association between male and female is natural, because it is based on a desire to procreate, which is shared by all living beings:

And so it is necessary first to combine those who cannot exist without each other, namely female and male for the sake of procreation. And this happens *not by choice*, but like in other ani-

mals and plants, <it is> natural to desire to leave behind something similar to oneself.²⁷

Aristotle argues that human beings do not choose this association. It is natural because it stems from a desire to leave behind something similar to oneself. The same desire explains also the behaviour of animals and the reproductive functions of plants.

Medieval philosophers were quick to turn Aristotle's claim on its head. They did not reject it outright, since they were ready to accept the main thrust of the argument, namely, that the desire to procreate is natural for human beings just as it is for other natural substances. However, they argued that the relationship between a man and a woman is not natural for us in the same way as it is for other living beings: unlike animals and plants, human beings can choose whether they form the association in the first place, with whom they form it, and how they organise it.²⁸ This observation may appear rather trivial, but it is based on important philosophical ideas. In order to understand what is at stake, let us shortly consider Aquinas' take on the matter. He presents the following argument in order to prove that the association between man and woman, and by consequence the household, is natural:

But Aristotle shows why this union [between a man and a woman] is first by what he adds: « not by choice. » We should consider here that human beings have something proper to them, namely, reason, by which it belongs to them to act by deliberation and choice. And human beings also have something common to them and other things, and such is reproduction. Therefore, the latter does not belong to them by their choice (*ex electione*), that is, by their reason choosing it, but belongs to them by an aspect common to them, other animals, and even plants. For all these things have a natural appetite to leave after them other things similar to themselves, so that reproduction specifically preserves what cannot be preserved the same numerically. Therefore, there is such a natural appetite even in all the other natural things that are corruptible.²⁹

Aquinas' explanation is based on a distinction between rational powers, and abilities which are common for us and other living beings. The power to reproduce belongs to the latter group, because it is a vegetative function of the soul. Plants, animals, and human beings have a natural desire to leave behind something similar to themselves, and this desire functions as the basis of the association between man and woman. The crucial point in Aquinas' argumentation is that we do not choose to have the power and the desire to reproduce, since they are natural for us.

Given that this argument is part of Aquinas' general proof for the naturalness of the household, we may ask whether it succeeds. He may be able to show that the power and desire to reproduce are natural in the sense that humans do not choose to have them, but does it really follow that the association that is based on them is natural as well? There is a tension between the claims that (1) certain anthropological features are natural, and (2) the institution that stems from these features is natural, and the move from one to another is legitimate only if we suppose that the concept of nature is taken in an extended sense. For instance, rational powers, which enable acting on the basis of deliberation and choice, are natural for human beings.³⁰ Yet, things that are produced voluntarily and on the basis of rational deliberation are artificial rather than

natural. Even if we accept Aquinas' idea that everything that results from irrational powers counts as natural, the argument would require an additional premise that the association between man and woman does not involve deliberation and choice at all. We have already seen that Aquinas defends the opposite view in his commentary on the *Sentences*, where he claims that marriage is partially based on choice, and therefore natural only in an extended sense.³¹

Aquinas' view opens a theoretical possibility to hold that although the desire to procreate is natural for us, we nevertheless choose the association that is based on it. This is exactly what later authors end up claiming. They argue that naturalness of marriage is based on a natural inclination to preserve one's own life and leave behind something similar to oneself – that is, it is natural in the sense (N2) mentioned above – but at the same time they claim that it is voluntary at least in two ways: an individual human being chooses to enter marriage; and the exact form of marriage is conventional and varies from one society to another. The former aspect of voluntariness can be seen, for instance, in Peter of Auvergne's question-commentary on the *Politics*. He argues that even though the association between man and wife is natural, the inclination to form it needs to be actualised by voluntary choice.³² In a similar vein, Bartholomaeus of Bruges (d. 1356) emphasises that although marriage is based on human nature, it requires mutual consent and free choice.³³ He also elaborates on the latter voluntary aspect:

[...] although the combination of a man and woman is absolutely speaking natural, as is clear from what has been said above, nevertheless to combine in a certain manner – for instance, in the manner of Christians, Jews, or Saracens –, or in accordance to certain arrangements and customs, is voluntary and constituted by humans. Thus, various nations follow different manners in their marriages, and the positive law deals with the combination of man and woman in this way, namely, insofar as it is subject to human will.³⁴

Bartholomaeus does not reject the idea that the union between man and woman is ultimately based on human nature. It is a necessary means for natural aims of self-preservation and reproduction and, as such, natural in the extended sense. However, marriage is also a social institution, which is voluntarily created by human beings. Its actual forms are conventional and depend on the laws and regulations of each society. In this sense, it is an artificial construction that receives its form from human action. The distinction between the inclination to form an association as such (*absolute*) and actualising this inclination by forming a certain kind of association (*sic vel sic*) shows that Bartholomaeus recognises that human institutions, such as marriage, challenge the strict notion of nature that excludes all artificial constructions. Still he is unwilling to grant that an association that is organised in a certain way is artificial, even if its organisation results from human reason and will.

Practically the same idea was defended in relation to political communities, but there was one important difference: whereas each individual decides whether or not to enter marriage, most humans are born into already existing communities. This is probably one of the reasons why the first voluntary element – the one that pertains to the

relation between an individual and the political community – was typically analysed in terms of the possibility to retreat to a solitary life, not as an active choice to participate in social life.³⁵ For instance, Peter of Auvergne endorses the Aristotelian dictum that human beings are political animals by nature but qualifies it immediately by arguing that it refers only to an inclination to live with other people. He employs the distinction between two senses of natural, (N1) and (N2), but instead of using it to explain the origins and naturalness of political communities, he focuses on the social and political nature of the human being and argues that political life is not necessary for every individual.³⁶

Peter's theory has been analysed elsewhere, and there is no need to look at its details here.³⁷ For the present purposes, it suffices to know that his view entails the existence of individuals who choose to live in solitude instead of leading a social and political life. The voluntary element appears most clearly when Peter explains how some people are able to live a solitary life due to their well-disposed bodies.³⁸ That kind of person is :

[...] most apt for speculation, not needing the society to his most principal operation and being able to live without it due to the moderation of bodily passions. And then he is disposed towards the body as towards an enemy, like Eustratius says, he has a heroic virtue, and he chooses (*eligit*) a solitary life in order to speculate the highest things. [...] And thus they become unsocial. They do not need the city for their defence, since they do not care about their bodies ; nor for the needs of the body, because they are enemies thereof ; nor for good customs, because they have an excess of virtues by themselves, as has already been made clear – and the city does not have other functions (*opera*).³⁹

Let us focus on the idea that Peter mentions in the middle of the quotation. He argues that those who have a superior body, which enables them to distance themselves from it psychologically, *choose* a solitary life.⁴⁰ This claim can be taken to point to two directions. First, it reveals how Peter conceptualises the relationship between an individual human being and the political community partially in terms of a choice. Virtuous philosophers and saints are capable of choosing to leave the communal life behind. Second, by claiming that the solitary life is a matter of choice, Peter emphasises that the bodily complexion does not determine the way of life : a philosopher may also choose otherwise and to continue to live with other people. This interpretation finds support from Peter's commentary on the *Nicomachean Ethics*, where he claims that also philosophers, who dedicate their lives to contemplation of theoretical matters, need other people in order to acquire the necessities of life. It is not altogether clear how these two portraits of a philosopher can be reconciled. One option is to think that there are two kinds of philosophers (those who are not perfect enough to treat their bodies as enemies, and those who are), but Peter may also think that philosophers have two options. Either they go on to live as members of the community and acquire the material necessities for life from there, or they leave it behind and lead a solitary life.

It is important to note that Peter is not suggesting any kind of contractual picture of the origins of the political community. He explains human sociability by appealing

to a voluntary element, but his idea is to emphasise the relation between individual human beings and an already existing community, not the emergence of the community as such. Several medieval philosophers, who argue that the political nature of human beings is nothing but an inclination, follow the same approach : they make room for a voluntary choice that goes against the natural inclination. In principle, they could have used the same argument to conclude that the political community as such is a voluntary association, but they tended to concentrate on the ability to choose a solitary life instead of choosing the social life.

To the best of my knowledge, the idea that human beings might need to actively choose to live as members of a political community was not explicitly raised before a late fourteenth century Parisian master of arts, Nicholas of Vaudémont (fl. 1370s), argued that : « Although human beings are political (*civilis*) by nature, they are not political initially and by way of completion, but only initially [...] because human beings are in a political community (*communicatione civili*) by will and choice. »⁴¹ Human sociability is a matter of choice, and the ability to choose is attributed to everyone – including those who decide to take part in social life. The choice concerns a life *within* the community, not only a life in solitude.

Unfortunately, Nicholas does not develop this suggestion further, and it is difficult to know how serious it is. Given that most human beings are born into an existing community and could never survive to their adulthood without help from others,⁴² it seems clear that they do not need to make an active choice to live with others : it suffices that they remain where they already are. Nicholas' idea may have been that since people are free to choose a solitary life, they tacitly choose to live within as long as they remain in the community. Even so, the relation between an individual human being and the community is conceptualised in voluntary terms, while the political nature of man is reduced to an inclination to live with others.

What about the other voluntary element, the idea that the existence and the final form of the political community is a result of human choice, and by consequence (partially) conventional and artificial ? It is well known that the idea of a pre-political state of humankind, from which the political community emerged by human action, was not alien to medieval philosophers. They were heavily influenced by Augustine's conception of the political life as a result of original sin, and they knew Cicero's story of the transition from the original state to a political community, which was accomplished by rational and rhetorical means. John of Paris (1255–1306) and Marsilius of Padua (c. 1275–c. 1342) adapted central elements of the Ciceronian view in order to demonstrate that although human beings retained part of their original social nature after the fall, the actual creation of a political community is not entirely a natural process but requires human action.⁴³ These ideas obviously influenced the way Aristotle was read and interpreted in the Middle Ages, but the idea that the emergence of a political community requires human action was not always developed in relation to Cicero, and the reasons for emphasising voluntary decision were manifold.⁴⁴

Giles of Rome argues along these lines that there are two ways in which a political community (city or kingdom) may emerge. The first way reflects Aristotle's genetic argument, and the second is closer to the Ciceronian model, according to which people first lived a scattered life and later came together and decided to establish a community. Giles argues that in both cases the resulting community is natural, but he also emphasises that the first way is more natural than the second, because it is based on a natural inclination *and* the process is natural, as it takes place through reproduction. In the latter case, naturalness is only due to the original inclination, since the actual establishment of the community is a matter of rational choice.⁴⁵ Giles does not pay attention to the problem concerning the dichotomy between art and nature, and he does not use the distinction between the two senses of nature (N1 and N2). However, the idea that naturalness comes in degrees suggests that he has some kind of extended sense of nature in mind.

Another way to deal with the twofold origins of the political community appear, for instance, in an anonymous commentary on the *Politics* (the so-called Anonymous of Milan, written c. 1300).⁴⁶ The author writes :

It must be understood that political community (*politia*) <can be taken in two ways>. In the first way, as it is a certain order of citizens who are united together for the sake of self-sufficiency ; and this order is the formal aspect of political community. [...] In another way, the political community can be taken as it is a multitude of citizens who are united together for the sake of self-sufficiency and life ; and this is the material aspect of the political community, since citizens are the material parts of the community. [...] And it is granted further that the political community (*civitas*) has complete and absolute existence from reason and art. It must be said that this is true, if the political community (*politia*) is a certain order [...] but if political community is taken as a multitude of citizens who are united for the sake of self-sufficiency, then it is not from art.⁴⁷

Here we see clearly how the two senses of political community are distinguished. Human beings gather naturally in order to acquire the necessities of life. This kind of association is completely natural : it does not require rationality or choice, and it is not an artificial or conventional creation. People simply begin to live and act together in order to survive. However, creating a political order in an institutional sense (presumably by setting up a constitution) is a rational act, and the constitution is an artificial form of the community. Given that constitutions vary from one community to another, it seems clear that they must be explained by appealing to human action and decision. In this latter sense, the political community is not completely natural, and it does not develop like a natural entity. The anonymous author's view resembles Giles' position, but there is an important difference : while Giles seems to imply that existing communities may have emerged in two ways, the Anonymous of Milan argues that all existing communities, which are political in the strict sense of the word, can be considered in two ways and involve both natural and artificial aspects.

The common element in the aforementioned views is that they make room for human action and choice as a partial explanation for the emergence of the political community. Nicholas of Vaudémont defends the same

view by arguing that all things can be considered either (1) from the point of view of their origin, or (2) from the point of view of the completion of their existence. This division enables a systematic classification of things that are natural and artificial in different respects. For instance, plants are natural in both senses, because human action does not play any role in their development. Agricultural products are artificial (*ab arte*) in the sense that their development is initiated by human action, but they are completed by nature – a farmer sows grain, but the growth is natural. Finally, bread and wine can be considered natural with respect to their origins, because the raw materials from which they are made, wheat and grapes, are natural. They are artificial only with respect to their completion.⁴⁸

It is not altogether clear whether the classification that Nicholas suggests to make can be carried out, since it involves certain technical difficulties. For instance, not only the completion of bread but also its origins seem to be artificial rather than natural (a farmer sows grain and a baker bakes the bread), and yet the plant itself is completely natural. However, the underlying intention is clear. Nicholas approaches the question concerning the naturalness of the political community by contrasting natural with voluntary/artificial, and his strategy is to claim that in a certain sense the political community (understood as a multitude of human beings who are subject to same laws and ruler and who live together⁴⁹) is *both* natural and artificial. It is like bread and wine, as it is initiated by nature but completed by art. It can be considered natural, because human beings are political animals by nature – that is, they have a natural inclination and desire to live together.⁵⁰ Yet, « although political community is initially by nature, its complete existence comes from art and choice. »⁵¹ The human inclination to live together with other people is one of the efficient causes of the political community, but humans nevertheless must decide to establish one ; and when they do, establishing it is not against their nature.⁵² Nicholas' argumentation concerning the political community incorporates a strong voluntarist element, and it is based on the philosophical principles presented by Peter of Auvergne, but he focuses on the nature of the community, in addition to the relation between an individual and the community.

Nicholas refuses to accept the dichotomy between art and nature, and considers the political community natural in the sense (N2). We can see this clearly from his answer to a *quod non* argument, according to which : « [...] nothing artificial is natural ; but any political community is artificial ; therefore etc. The consequence is clear and the major premise is known because artificial and natural are distinguished. »⁵³ Nicholas answers that : « <this argument> argues well that this community or association is natural initially and not by way of completion, and this is clearly true. »⁵⁴

Finally, the same argumentative strategy was applied to language.⁵⁵ It was commonly accepted that language is natural for human beings, but what this claim exactly meant is a complicated matter.⁵⁶ On one hand, medieval authors thought that humankind originally possessed a natural language, which was given by God or invented by Adam. It was natural in the sense that it grasped the true nature of the things, but it was later lost,

either due to original sin (Henry of Ghent) or because of the incident at the tower of Babel (Dante and many others). On the other hand, medieval authors accepted the Aristotelian idea that despite the naturalness of speech, actual languages are conventional (*ad placitum*) and created by human beings.⁵⁷ This view was developed further by making the familiar distinction and suggesting that while human beings have a natural inclination to use language to express their concepts, the final form that language takes is not determined by human nature. In effect, medieval authors thought that language is natural in the same way as other social institutions are: it is based on a natural inclination and completed by reason and will.⁵⁸

The two alternative explanations for the diversity of languages found their way also into Nicholas of Vauvémont's commentary on the *Politics*. However, Nicholas mentions the tower of Babel only in passing, while the philosophical argumentation is prominent throughout the question. He emphasises that actual languages are based on the human will: « It is argued as follows: voices are imposed to signify things voluntarily; therefore etc. The consequence is evident, and the antecedent is proved, because voices have conventional meanings (*ad placitum*). »⁵⁹ Although this view turns out to be too simplistic for Nicholas, he accepts its core:

The second proposition is that to speak in one or in another way, or to speak one or another language, is not natural for human beings. This is proved because if it were, then all humans would speak the same language. The consequence is false. And the consequence is proved, because what is natural for one individual of a certain species, it belongs to all individuals of that species. Secondly, this is evident, because humans speak in a certain way due to learning and custom.⁶⁰

Although it is clear that languages are not natural, the capacity to speak is. Nicholas invokes the distinction between two senses of naturalness and claims that although human beings have a natural inclination to communicate with others, the realisation of this inclination in the form of actual languages is a matter of human activity.⁶¹ The argumentative strategy is the same as the one that was used to explain the exact sense in which other social institutions (marriage/household and political community) are natural. Languages are natural in the sense that they serve functions that are natural for human beings, but they can be also considered conventional and artificial, because the exact form of each language is ultimately based on the human will and action.

Conclusion

Medieval discussions concerning social institutions challenge the distinction between natural and artificial entities. Household, political community, and language were considered artificial and conventional in the sense that their existence depends on human action, but at the same time medieval philosophers were careful not to question their naturalness. On the contrary, they argued that they are natural insofar as their emergence can be traced back to the social and political nature of human beings. The anthropological view that human beings are political animals by nature provides the important link between social

institutions and nature, but in a philosophically problematic way. Accommodating artificial and conventional elements of social institutions to the general framework of Aristotelian political naturalism turned out to be possible only by stretching the framework a profound way, and thus creating several philosophically intriguing problems.

Even though medieval authors emphasise that social institutions are human creations, they are still far from early modern social contract theories. The foregoing discussion suggests that the fundamental difference lays not so much in differing views concerning the nature of the social institutions, but in a different anthropological theory. When the idea that human beings are political and social animals by nature is rejected, the naturalness of social institutions loses its last footing and they become completely artificial – the problematic tension within the Aristotelian framework can also be solved by discarding it. However, medieval philosophers do not take that step. Instead, they extend the concept of nature because otherwise the natural origins of social institutions would be difficult to explain.⁶²

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Notes

- ¹ Aristotle presents four arguments to defend this claim. In the present context, two of them are especially important: the genetic argument that the *polis* develops from simpler communities, which are natural; and the telic argument that the *polis* is the final cause of this development. See *Pol.* I.2, 1252a24-1253a1. These two arguments seem to be based on the idea that things, which exist by nature, have an internal source of motion or change. See, e.g., *Phys.* II.1 192b12-23. For discussion, see Trott 2014, p. 42-64; Miller 1995, p. 37-40; Keyt 1987, p. 59-60.
- ² *Pol.* II.12; III.1, 1274b32-41; III.3, 1276b1-11. Aristotle also places an emphasis on human rationality and the ability to use language as important factors that explain the emergence of the political community. On the lawgiver as the efficient cause: *Pol.* I.2, 1253a30-1; III.6, 1278b8-10; IV.1, 1289a15-18.
- ³ *Met.* VII.7, 1032a11-b1; *Met.* XII.3, 1070a6-7; *Met.* XII.4, 1070b30-33; *Phys.* II.7, 198a22-27.
- ⁴ I do not intend to claim that Aristotle would not have recognised the problem, nor that he could not solve it. This question is beyond the scope of this paper. For my purposes, it is sufficient that it is not obvious how Aristotle conceived of the relation between nature and human action in the case of the political community. The problem is clearly stated in Miller 1995, p. 27-30. Modern scholars have presented various solutions: see, e.g., Miller 1995, p. 37-45; Kullmann 1991, p. 94-117; Keyt 1987, p. 118-141.
- ⁵ Medieval authors observed that social institutions take various forms in different societies, but they also were influenced by Cicero, who depicts the political community as a matter of human creation. See footnote 43 below.
- ⁶ Toste 2014, p. 113-188; Blažek 2007, esp. p. 315-332.
- ⁷ This approach comes in certain respects close to a philosophical problem concerning the relation between artefacts and natural substances: are the three mentioned social institutions artefacts or substances? For a recent contribution to the metaphysical discussion, which also gives a good overview on the *status quaestionis*, see Marmodoro, Page 2016, p. 1-21.
- ⁸ For discussion, see Flüeler, vol. 2, p. 85, 119-121; Toste 2014, p. 144, n. 74.
- ⁹ Anonymous of Vatican, I.4, fol. 15rb: *Item, quod est ab electione, non est naturale; sed combinatio maris et femelle est ab electione; ideo etc. Maior patet, quia aliud sit ab arte et a natura, quia sunt a genera distincta. Minor patet, quia combinatio viri et mulieris <est> ex consilio; ideo etc. Hoc etiam dicit Averroes, octavo Physicorum, quod combinatio viri cum muliere non est naturalis, cum vir prociat spermam in matricem mulieris ex electione.* The reference is probably to Averroes 1962, VIII.5, 388vb, where he comments on *Phys.* VIII.6, 258b35-259a7. Averroes' point is not the one that the anonymous author is suggesting, since he discusses the causal chain, which leads to the prime mover. He does mention an example, however, according to which Plato generates Cicero voluntarily, because he wants to copulate with a particular woman.
- ¹⁰ Toste 2014, p. 121-156.
- ¹¹ The author emphasises the role of the will instead of reason, but he also mentions deliberation, probably because choosing requires it. The way the argument connects art and will shows that artificial things need not be *designed* by human beings: things that are chosen count as artificial even when they are based on inclination. The ending of the passage suggests that the association is not marriage (as a social institution) but a realisation of a biological drive to reproduce—which counts as artificial insofar as it involves a voluntary element.
- ¹² These two ways to consider human communities have been discussed in the literature. For references, see footnote 25 below. Although Thomas Aquinas emphasises the incompleteness of human beings and natural needs in his *De regno* (Thomas Aquinas 1979, I.1, p. 449b-450a), he defends the institutional reading in certain passages of his commentary on the *Politics*. See Thomas Aquinas 1971a, I.1/b, 79b: *[...] ciuitates sunt institute humana industria. Ille autem qui primo instituit ciuitatem fuit causa hominibus maximorum bonorum.* Ibid., 2.17, 181a: *Postquam Philosophus prosecutus est de diuersis polititiis, hic prosequitur de*

institutoribus politiarum et legum. [...] quidam enim fuerunt conditores aliquarum legum sine hoc quod ordinarent aliquam politiam; quidam uero etiam instituerunt politiam, que est ordinatio regiminis ciuitatis [...]. See also footnote 47 below.

¹³ For a detailed discussion, see Toste 2014, esp. p. 129-130.

¹⁴ Thomas Aquinas 1858, IV.26.1.1; Toste 2014, p. 129-130. Aquinas' conception of inclination has been analysed, e.g., in Finnis 1998, p. 79-102.

¹⁵ Thomas Aquinas 1971a, p. 79b: *Deinde [...] agit de institutione ciuitatis, concludens ex premissis quod in omnibus hominibus inest quidam naturalis impetus ad communitatem ciuitatis, sicut et ad uirtutes; set tamen sicut uirtutes acquiruntur per exercitium humanum, ut dicitur in II Ethicorum (EN 2.1, 1103a31-b2), ita ciuitates sunt institute humana industria. Ille autem qui primo instituit ciuitatem fuit causa hominibus maximorum bonorum.* The translations of Aquinas' commentary are taken from Thomas Aquinas 2007, although I have amended them occasionally.

¹⁶ Toste 2014, p. 124-125.

¹⁷ Thomas Aquinas 1969, p. 77a-b.

¹⁸ EN II.1, 1103a17-26; Miller 1995, p. 44-45.

¹⁹ Note that it is one thing to actualise one's own inclination to lead a social life by becoming a member of a society, and quite another to bring about an institution by laying down a constitution. Aquinas' view fares better when applied to the actualisation of an individual's inclination than it does when applied to the existence of a community understood in an institutional sense.

²⁰ Thomas Aquinas 1971a, p. 78a; *Pol.* I.2, 1252b31-34.

²¹ Thomas Aquinas 1884, II.1.1; *ibid.*, 2.8.13; Thomas Aquinas 1971b, VII.6.

²² Miller 1995, 40-45.

²³ *Pol.* I.2, 1253a18-29.

²⁴ See, e.g., Thomas Aquinas 1961, II.82.2; *ibid.*, II.85.7; Thomas Aquinas 1973, XXIV.1.

²⁵ Latin authors found the idea that acquiring the necessities for life is a crucial aspect in their political nature from Avicenna. See Avicenna 1980, X.2, p. 531-532; Avicenna 1968, V.1, p. 69-70; Fioravanti 1999, p. 19; Lambertini 1990, p. 277-325; Rosier-Catach 2015, p. 232-233; Toste 2014, p. 149.

²⁶ See, e.g., Thomas Aquinas 1971a, III.2, p. 190b-191b; Albertus Magnus 1891, III.1, p. 208a: *Politia autem est ordo quidam habitantium ciuitatem: ordo autem ille determinatur lege [...].* Medieval authors follow here suggestions made by Aristotle, see, e.g., *Pol.* III.1, 1274b32-41; *ibid.*, 3, 1276b1-11; Miller 2017, section 2.

²⁷ Aristoteles Latinus, 1252a27-31, p. 71a (emphasis mine): *Necesse itaque primum combinare sine inuicem non possibiles esse, puta feminam et masculum generationis gratia; et hoc non ex electione, sed sicut in aliis animalibus et plantis naturale appetere quale ipsum tale derelinquere alterum.*

²⁸ This point has been extensively discussed in Blažek 2007 p. 315-332.

²⁹ Thomas Aquinas 1971a, I.1/b, p. 73b: *Set quare ista combinatio sit prima, ostendit per hoc quod subdit quod 'non ex electione.' Ubi considerandum est quod in homine est aliquid quod est proprium eius, scilicet ratio secundum quam ei competit quod et consilio et electione agat. Inuenitur etiam aliquid in homine quod est commune ei et aliis, et huiusmodi est generare; hoc igitur non competit ei ex electione, id est secundum quod habet rationem eligentem, set competit ei secundum rationem communem sibi et animalibus et etiam plantis. Omnibus enim hiis inest naturalis appetitus ut post se derelinquat alterum tale quale ipsum est, ut sic per generationem conseruetur in specie quod idem numero conseruari non potest. Est quidem igitur huiusmodi naturalis appetitus etiam in omnibus aliis rebus naturalibus corruptibilibus.*

³⁰ Aquinas explains elsewhere that *electio* is an act of the rational appetite (a.k.a. the will), which concerns things to be done and is based on rational deliberation. Animals and children can be said to act voluntarily in a broad sense, since their actions originate in them, but they do not choose their acts, due to the lack of deliberation. See Thomas Aquinas 1969, III.5, p. 132-133.

³¹ See footnote 14 above. The reason for excluding this part of the argument in the commentary on the *Politics* may be related to a desire to remain faithful to Aristotle's text, which claims that the association itself is not a matter of choice.

³² For a detailed study, see Toste 2014, p. 121-156. For an overview on Peter of Auvergne, see Flüeler, Lanza, Toste 2015.

³³ Barholomaeus de Brugis, fol. 124ra; Blažek 2007, p. 327-328.

³⁴ Barholomaeus de Brugis, fol. 124ra: *[...] licet combinatio viri et uxoris absolute loquendo sit naturalis, ut patet ex dictis, tamen sic vel sic combinari, puta modo christianorum, iudeorum, uel saracenorum, uel tali ordinatione et sollempnitate uel alia, hoc est voluntarium et a*

constitutione humana. Unde alie et alie gentes habent alium et alium modum in nuptiis, et hoc modo tractat legis positua de combinatione viri et mulieris, scilicet in quantum subditur voluntati humane. Blažek 2007, p. 328, n. 44.

³⁵ The medieval idea that human beings are capable of living in solitude has been discussed in, e.g., Briguglia 2013, 367-384; Toste 2008, 173-195.

³⁶ Peter of Auvergne, *QPol.*, I.9, fol. 277ra; see also *ibid.*, I.3, fol. 275rb. This work was written between 1274 and 1296, and it is extant in two manuscripts and one fragment (Toste 2014, p. 125, n. 32; Toste 2015, p. 321-353, esp. n. 14; Flüeler 1992, vol. 1, p. 86-131; Flüeler 1992, vol. 2, p. 101-112). I have used only the MS preserved in Paris.

³⁷ Toste 2014, p. 125-142.

³⁸ The idea that the quality of the body explains the differences between bestial, godlike, and normal people was generally used to explain the effects that the original sin had on human nature. See Robert 2016, p. 173-204.

³⁹ Peter of Auvergne, *QPol.*, I.9, fol. 277rb (quoted from Toste 2014, p. 139, n. 59): *Et propter hoc aptissimum erit ad speculandum, non indigens societate ad illam suam potissimum operationem, potens etiam illa carere propter moderamen passionum corporalium. Et ille tunc disponitur ad corpus sicut ad inimicum, sicut dicit Eustratius, et habebit virtutem heroicam et eliget vitam solitariam ad speculandum altissima [...]. Et ideo illi fiunt inciviles: civitate enim non indigent nec ad defensionem, quia corpus non curant, nec ad necessitatem corporis, quia illius sunt inimici, nec propter consuetudines bonas, quia de se habent excessum virtutum, ut iam patuit. Nec plura sunt opera ciuitatis.*

⁴⁰ Peter argues elsewhere that choosing (*eligere*) is an operation that belongs to human beings *qua* human beings. It is clear, therefore, that he has in mind an act of the will. See Peter of Auvergne, *QEN*, p. 33.

⁴¹ Nicholas of Vaudémont 1969, I.4, fol. 5va: *Licet homo sit civilis a natura, non est tamen civilis a natura initiative et complete, sed solum initiative [...]. quia homo fit a voluntate et electione in communicatione civili.* I have emended the 1513 edition with readings from two manuscripts: Bibliothèque Nationale de France, NAL 1130, fol. 2r-219r (= P, fol. 14v); and Vatican, BAV Vat. lat. 2167, fol. 1ra-139vb (= V, fol. 6va). For biographical information on Nicholas and on the MS tradition, see Flüeler 1992, vol. 1, p. 132-68; Courtenay 2004, p. 163-168. Nicholas' conception of solitary life has been analysed in Toste 2014, p. 153-158.

⁴² Nicholas of Vaudémont 1969, I.3, fol. 4ra (*P* fol. 12r; *V* fol. 4vb-5ra).

⁴³ Nederman 1988, p. 3-29; Luscombe 1982, p. 757-770. See John of Paris 1969, c. 1, p. 75-78; Marsilius of Padua 1928, 2.22.15, p. 353.

⁴⁴ Rosier-Catach, 2015, p. 225-243; Toste 2014, p. 113-169.

⁴⁵ Giles of Rome 1607, III.1.6, p. 413-414.

⁴⁶ For discussion, see Flüeler 1992, vol. 2, p. 76, 112-119; Toste 2014, p. 132-133; *ibid.*, p. 151-153.

⁴⁷ Anonymous of Milan, VII.4, fol. 54va-b: *Est tamen intelligendum quod politia <potest dupliciter accipi>. Uno modo, ut est quidam ordo ciuivm congregarum ad inuicem ad per se sufficientiam, et hic est formale in politia [...]. Alio modo potest accipi politia ut est multitudo ciuivm congregatorum ad inuicem ad per se sufficientiam et vite. Et istud est materiale in politia: cives enim partes materiales sunt politie. [...]. Et conceditur ultra, quod 'civitas perfective et simpliciter habet esse a ratione et ab arte,' dicendum est quod verum est accipiendo politiam ut est quidam ordo [...]. Sed accipiendo politiam ut est multitudo ciuivm congregarum ad sufficientiam per se, sic politia non est ab arte.* See also *ibid.*, III.1, fol. 19ra.

⁴⁸ Nicholas of Vaudémont 1969, I.3, fol. 4ra (*P* fol. 11v; *V* fol. 4vb): *Sexto notandum est quod aliqua sunt a natura initiative et complete, sicut patet de plantis. Secundo modo aliqua sunt ab arte initiative et ab arte complete, ut patet de bladis. Tertio modo a natura initiative et ab arte complete, ut patet de vino et pane. Ex istis sequitur quod quando quaeritur utrum civitas sit a natura, potest intelligi tripliciter, scilicet: initiative et complete a natura; secundo modo ab arte initiative et a natura complete. Tertio modo ab arte complete et a natura initiative.*

⁴⁹ Nicholas of Vaudémont 1969, I.3, fol. 4vb-ra (*P* fol. 11v; *V* fol. 4va-b).

⁵⁰ Nicholas of Vaudémont 1969, I.3, fol. 4ra (*P* fol. 11v; *V* fol. 4vb): *Secundo est notandum quod quando quaeritur 'utrum civitas sit a natura' et cetera, hoc est quaerere utrum homo appetitu naturali inclinetur ad communicationem civilem.*

⁵¹ Nicholas of Vaudémont 1969, I.3, fol. 4rb (*P* fol. 12r; *V* fol. 5ra): *Quinta conclusio: licet civitas sit a natura initiative, tamen ab arte et electione est complete.*

⁵² Nicholas of Vaudémont 1969, I.3, fol. 4ra (*P* fol. 11v; *V* fol. 4vb). Nicholas comes close to Aristotle's idea of naturalness of virtues: they are not contrary to human nature. See footnote 18 above.

⁵³ Nicholas of Vaudémont 1969, I.3, fol. 3vb (*P* fol. 11r; *V* fol. 4rb-va): [...] *nullum artificiale est naturale; sed quelibet civitas est artificialis; ergo et cetera. Patet consequentia et maior est nota quia artificiale et naturale distinguuntur.*

⁵⁴ Nicholas of Vaudémont 1969, I.3, fol. 5ra (*P* fol. 13v; *V* fol. 6ra): [...] *arguunt bene quod ista communicatio seu coniugatio est naturalis initiative et completive non, et hoc est bene verum.* The Anonymous of Milan uses the same strategy in relation to marriage (Anonymous of Milan, I.4, fol. 2vb).

⁵⁵ The purpose of language in the discussions concerning the political and social nature of human beings has been analysed in Rosier-Catach 2015, see esp. p. 227-237.

⁵⁶ The details of medieval views cannot be addressed to in the present context, but they are extensively studied, e.g. in Rosier-Catach 2016, p. 63-86; Rosier-Catach 2004, p. 35-98.

⁵⁷ The expression *ad placitum* may mean either conventional (collective connotation) or voluntary (individual connotation). See Rosier-Catach 2011, s.v. *ad placitum*. In this context I use 'conventional' to signify the non-natural aspect of actual languages, regardless of whether the meanings of words are voluntarily imposed by an individual speaker, or commonly agreed upon by the linguistic community. Aristotle thinks that speech is natural, but he suggests that it is not natural in the same way as voices are for animals. People speak different languages in different places, and the ability to speak a certain language is learnt and acquired through instruction. See, e.g., *GA* V.7, 786b20-21; *HA* IV.9, 536b9-21; Miller 1995, p. 44.

⁵⁸ Toste 2014, p. 133.

⁵⁹ Nicholas of Vaudémont 1969, I.4, fol. 5va (*P* fol. 15r; *V* fol. 6vb): *Secundo arguitur sic: voces imponuntur ad significandum voluntarie; igitur et cetera. Patet consequentia et antecedens probatur, quoniam voces significant ad placitum.*

⁶⁰ Nicholas of Vaudémont 1969, I.4, fol. 5vb (*P* fol. 15v; *V* fol. 7ra): *Secunda propositio: taliter vel taliter loqui seu in tali vel tali idiomate non inest homini a natura. Probatur, quia si sic, tunc omnes homines idiomate uno loquerentur. Consequens est falsum. Et probatur consequentia, quia quicquid inest a natura uni individuo alicuius speciei, inest cuilibet individuo illius speciei. Secundo apparet, quia taliter loquuntur homines per doctrinam et consuetudinem.*

⁶¹ Nicholas of Vaudémont 1969, I.4, fol. 5vb (*P* fol. 15v; *V* fol. 6vb): *Secundo sciendum quod refert multum querere utrum loquela insit homini a natura, vel utrum taliter loqui insit homini a natura. Tertio notandum quod loquelam inesse homini a natura potest intelligi dupliciter: uno modo initiative solum, alio modo initiative et completive. Ibid., fol. 5vb (*P* fol. 15v; *V* fol. 7ra): *Quando dicitur quod « loquela inest et cetera, » verum est talis loquela vel taliter loqui. Sed tamen loquela inest a natura. Ad secundam respondetur quod bene arguit quod taliter loqui non inest a natura nisi initiative.**

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