



The Owl of Athena

CONTRATYRANNOS

The Natural Law Theory of Human Progress Website

EXCURSUS #15

One of a series of monographs that expands the discussion of important topics examined in *The Natural State of Medical Practice*.¹

Human progress, which Excursus 14 argued is a necessary component of the definition of a civilization, was proposed in *The Natural State of Medical Practice* to emerge in early societies from individuals collaborating in common council to improve their condition in life. Through such collaborative groups ideas can be improved and vetted to the benefit of the members and, when applied to society, can lead to improvement in the lives of everyone. Thus, whenever the government restricts the natural exploitation of ingenuity for self-betterment, government not only limits an individual's options for his or her personal well-being. It also blocks the benefits that can emerge from a new idea or discovery being introduced into society. Also in this excursus, human ingenuity (as a facet of human reason) is postulated as a counterpart to natural law. Natural law is our protection against other humans, but ingenuity is our protection against everything else. I propose that purposeful limitations by government on one's attempt at improving, by legal means, one's condition in life can be considered equivalent to violation of natural law. It is detrimental to both the individual and society, even to its survival.

PROGRESS: OUR MOST IMPORTANT PRODUCT

Nothing, in my opinion, is more deserving of our attention than the intellectual and moral associations of America. The political and industrial associations of that country strike us forcibly; but the others elude our observation, or if we discover them we understand them imperfectly, because we have hardly ever seen anything of the kind. It must, however, be acknowledged that they are as necessary to the American people as the former, and perhaps more so. In democratic countries the science of association is the mother of science; the progress of all the rest depends upon the progress it has made.² Amongst the laws which rule human societies there is one which seems to be more precise and clearer than all others. If men are to remain civilized, or to become so, the art of associating together must grow and improve in the same ratio in which the equality of conditions is increased.

Alexis de Tocqueville (1805-1859)³

¹ Volume, chapter and page number of otherwise unreferenced statements in this monograph refer to the version of the three volumes as published by Liberty Hill Press:

Vol. 1 – *The Natural State of Medical Practice: An Isagorial Theory of Human Progress*

Vol. 2 – *The Natural State of Medical Practice: Hippocratic Evidence*

Vol. 3 - *The Natural State of Medical Practice: Escape from Egalitarianism*

Vol. 4 – *The Natural State of Medical Practice: Implications*

² Dans les pays démocratiques, la science de l'association est la science-mère; le progrès de toutes les autres dépend des progrès de celle-ci. The translation is accurate. Italicizing added.

³ *Democracy in America*, vol. II, sect. 2, chap. 5, (translation of final paragraphs by Henry Reeve, italics added). The referenced chapter by Tocqueville comprehends all types of associations. There is a tendency in academia to exclusively concentrate on his use of associations as bases for activism in the public or "civil" sphere. I view this as a narrow interpretation. Implicit in his overall assessment of associations is self-governance. Management of local issues by local people decouples them from central government: the more widespread the associations the less governmental presence and the less risk of tyranny. To this I would also add is his implication, in the italicized line,

purpose, represented a broader platform from which to announce the event, increased the likelihood that any benefit would accrue community-wide, and made it less likely to be ignored, minimized, or scuttled by those in positions of authority.⁵

The populations in the primary city-states of Sumer, Egypt, India, China and ancient Greece were not large by modern standards, and it was proposed that a small group, perhaps but three or four people, might have been sufficient to create a focus of competency in some trade, craft, or service that would grow in membership, improve its product or service and become a popular profession.⁶ Logically it follows that a larger group should have more and perhaps better ideas on which to build.

Unfortunately, as population increased this did not happen. Instead, central political hierarchies evolved that would have their own idea about what those better ideas would be, and authoritarian regulation stifled innovation and discovery by the common citizenry. The story of *The Natural State of Medical Practice* is the story of the disastrous consequences resulting from the terribly imperfect competence of authoritarian leadership neglecting the pervasive competence of the people.

America evolved differently. During and after the confluence of the counterpart of “city-states” into a Union, many voluntary associations developed, composed of like-minded people who wanted to improve their personal status, *e.g.*, granges, guilds, lodges, boards, business groups. In contrast to all other contemporary nations, the newly formed government of the United States did not subsequently commandeer sources of power and success from the unifying States; its new Constitution prevented such meddling. This left local problems in the hands of local populations, and local associations appeared that managed, invented, and discovered as their situations required. Their prominence, success, and importance in resisting centralization of power in central government was considered by Tocqueville to surpass that of even “political and industrial associations.” Competency, therefore, remained diffusely distributed throughout the land, active and vocal throughout the citizenry, and the inherent limited competency of central government had less opportunity for display. This two-pronged approach of (1) personal autonomy and (2) limited government led to the many successes of our society and to its progress, producing the greatest nation in the history of the world.⁷

A group discussion

“Groups” as a concept in the modern social sciences has received much attention, especially primary groups “characterized by intimate face-to-face association and cooperation.”⁸ Primary groups have been further divided into (1) those of common blood or community, (2) personal attachment and proximity, and (3) ideological or common cause.⁹

⁵ Modern communication, digital technology and ready access to capital make individual entrepreneurs less dependent on collegial associations to devise, develop, and widely distribute a discovery or invention.

⁶ This is proposed in *The Natural State of Medical Practice*, vol. 1, p. 168ff, in the excursus describing the ancient Greek association called a “koinon.”

⁷ While the focus herein is mostly the United States of America, the political relevance of natural rights and natural law originated in Europe following the Reformation. See volume 1, p. 439ff.

⁸ Charles H. Cooley, *Social Organization*, chapter 3 (pp. 23-31), New York, 1909.

⁹ This pattern of small groups is a modification of those presented in *The Small Group* (New York, 1959, p. 53ff), by Dr. Michael S. Olmsted, although it was originally posed by Dr. Edward A. Shils in *Primordial, Personal, Sacred and Civil Ties*, in *Brit. J. Sociol.*, 8:130-145, 1957.

In group (1) the association is based on primary bonds of localism, communalism, and kinship. This intimate association guides status and conduct and thereby limits justice and restrains progress. Its actions have been described as the “antithesis of achievement.” Equality is not possible because status is assigned. Because a primary group based on kinship is strong and demands loyalty, it is often considered a restraint on State tyranny. The significance of this threat is seen in authoritarian societies as they attempt to minimize the role of family in acculturation of children. This is occurring in America today. An ancient example was the separation in Sparta of young males from the family unit so that a unified social and military indoctrination and fidelity could be instilled.¹⁰ Dr. Nisbet even noted that primary groups today are “withering away,” thereby making the way for totalitarianism.¹¹ On the other hand, dynastic totalitarianism is common throughout world history, and this often has its leadership and loyalty based on kinship.

In group (2) there is personal attachment and commonality that grows from proximity, but there is no particular orientation toward mutual goals or welfare.

In group (3) there is a common cause and ideology. This group was used to describe activist political and religious groups as they worked to approach their social “ideal.” This type of primary group, like group (1), while at times helpful in forwarding a cause, is potentially destructive in its attempts to attain an ideological goal that may be unattainable and because it may introduce schisms that interfere with cohesive solutions for the rest of society.

It is therefore proposed herein that, for primary group (3), “common cause” be considered distinct from “ideology” and placed in a group of its own, *i.e.*, a group (4), and that the common cause be more closely defined as “common council,” with collaboration toward a common goal based on self-betterment. Henceforth, the historical group of interest herein is the collaborative group, not one based on emotion, ideology, faith, proximity or kinship.¹²

In summary, group (1) is incompatible with progress, group (2) is neutral, and group (3) is limited to ideology. None of these is helpful in furthering progress, and group (1) is distinctly inhibitory. Focus is now on a new primary group (4), common council based on self-betterment.

Importance of common council groups

Collaborative common council groups foster progress, unlike other types of primary groups. Often the common council group has a specific goal, the solving of some particular problem or advancing a particular process, the solution of which would help the members of the group enhance their individual effectiveness in their respective enterprises. Examples might include a group of farmers implementing an irrigation system, a group of medical practitioners forming a local medical association to share clinical information so that each member could be a better doctor, and a corporate research team designing an improved computer chip. The simplest statement explaining the effectiveness of a collaborative group is that two heads are better than

¹⁰ Knottnerus, J. D., and Berry, P. E., *Spartan Society: Structural Ritualization in an Ancient Social System*, in *Humboldt J. Soc. Relations*, 27:1-41, 2002.

¹¹ Nisbet, R., *The Quest for Community*, 1953.

¹² In *The Natural State of Medical Practice*, volume 1 (pp. 168-175), the ancient Greek koinon (κοινόν) is described as basically an acephalous and voluntary autonomous and democratic group allied by individual self-interest and acting in common council. It was suggested that such a group was formed by a few medical practitioners, and one result was that its shared medical wisdom would be incorporated into the *Hippocratic Corpus*. The koinon would fit perfectly into primary group (4), the common council group.

one in developing and exploiting an idea.¹³ But another benefit of a group lies in its greater number experiences with a particular issue, and this affects the validity of conclusions. There is strengthened statistical significance if an issue is based on nine or ten personal experiences rather than two or three. The conclusion is therefore scientifically more sound.

An important feature of the common council group is its focus on a specific problem(s) of a practical nature by persons with special needs, knowledge or experience with the problem at hand who band together for its solution. Thus, primary group (4), in contrast to the other three primary groups, brings together those with both personal interest and a degree of competence for the project.

A consequence of the collaborative common council is that its efforts may provide desired services that benefit the general population. Solving the issue that is the focus of the group will tend to benefit to society at large. The farmers know that irrigation will benefit them personally, but they also know the reason is that their society will desire the fruits of their labor. The nascent medical practitioners know they will have enhanced remuneration with improved service, because they also know that their society wants improved service. Self-betterment is the personal motivation for their projects, but that is only possible if society at large is keen on it. This inescapable reciprocal and mutually beneficial association between self-interest of a capitalistic free market and the public good is often underappreciated.

Such collaborative groups with the goal of self-betterment would not be permitted in a kinship. But mankind's early break with the kinship occurred because people fled the egalitarianism of the kinship for the personal freedoms associated with early urbanization. The nature of a common council group project and its size can be related to population size, and *The Natural State of Medical Practice* suggests a lower limit of about 10,000 persons in an urban setting is sufficient for establishing a medical "profession" by a small group of practitioners that can be a source of progress.¹⁴

The pooling of competence in a collaborative group may result in lower costs and quicker service. But its most important consequence is a new or improved product. **And it is the search for a new or improved product that is the basis for scientific discovery and thereby progress.** Tocqueville recognized this process under way in America two hundred years ago. Should the goal of a new or improved product be reached and benefits of discovery or invention become available to the general population of an early society, we would have been privileged to observe the source of progress and an early step toward a true civilization!

At the core of the primary collaborative group, or common council, must be its independence and motivation of self-betterment. Other types of groups with social goals often include within their compass some elements of common council.

¹³ Two heads are better than one" is not a new idea, although leave it to modern scholarship to confirm it as true. See: Wooley, A. W., et al., *Collective Intelligence and Group Performance*, in *Current Directions in Psychological Science*, 24:420-424, 2015. And there is the commonsense interpretation of C. S. Lewis: "Two heads are better than one, not because either is infallible, but because they are unlikely to go wrong in the same direction."

¹⁴ In *The Natural State of Medical Practice* (volume 3, p. 224) and based on evidence, four requirements are proposed:

1. A collegial network of at least several medical practitioners
2. Two or three centuries of relative social stability
3. Prosperity, as evidenced by distant trade and specialized products and services
4. A centralized population in the tens of thousands, perhaps as low as 10,000

If the regional environment cannot provide long-term agricultural support for a sedentary population above *ca.* 10,000, the number of independent practitioners will likely be too few from which several could separately agree to collaborate by pooling knowledge for the purpose of improving the service of each member.

Common council and competence

The underlying argument of *The Natural State of Medical Practice*, supported by objective and circumstantial evidence, is that authoritarian political forces delayed human progress for millennia. Discussed in earlier excursus and briefly reviewed here, this occurred several ways:

- a. The initiation of progress can be blocked by the controlling policies of the kinship. Its authoritarian nature is described in detail in volume 3, chapter 11 (p. 238ff). The kinship prevents progress because its members are assigned their responsibilities and status within the kinship. As a result and despite its fabled egalitarian nature, there is no opportunity or motivation for the innovation and self-betterment that is needed for formation of small autonomous groups necessary for specialization.
- b. Discovery and invention by primary collaborative groups once under way, they can be commandeered by political leadership and become the purview of the political hierarchy, which, lacking competency, cannot improve on them. In such a way was rational predynastic Egyptian medicine subsumed by pharaonic priests, never to improve over the next 2500 years.
- c. The takeover of a profession or an institution by political leadership also disenfranchises of the bulk of the population because it removes the subsumed profession or institution from choices for the people to improve their status; there is no stimulus to become competent at something. In such a way did Chinese dynastic monarchies bureaucratize their “physicians,” thereby diminishing the possibility of a spontaneous reappearance of a profession of rational medicine competitors from the general population.
- d. The political leadership, by marginalizing the general population and producing a servile population, blocks the very act of discovering and inventing, checks progress, and thwarts competency. In such a way dynastic kinships of ancient China, when they enforced an agricultural culture on a peasant society, removed the capability of self-betterment from ninety percent of its population, a characteristic guaranteeing a society that over three thousand years would be free from progress, getting bigger but not better.
- e. Because actions of a centralized political hierarchy are based on politics rather than competency, attempts at logical understanding of adversaries by a dictator represents attempts at reading the mind of other dictators. The incompetence inherent in totalitarian decisions affecting entire societies is proved by their unending wars and destructiveness. A destabilized society is the result, such as contributed to loss of Hippocratic medicine of the Greco-Roman “civilization.”
- f. The ultimate phase is likely reached when there is no competency in either leadership or the people, with society either becoming subjects of another society and or surviving by conquest. This is a logical prediction, but not an evidence-based conclusion.

Given the social processes that unintentionally prevented progress in ancient times, it is a wonder that progress ever occurred. But occur it did following the Reformation in Europe when increasingly liberal legislation protecting natural rights released the pervasive competence of the unprivileged citizenry.

Competent: having requisite ability¹⁵
 Antonym: incompetent

Competency does not require an unusual attribute or unusual intelligence, ability, diligence, strength or cleverness. It requires only a level of ability and motivation considered sufficient to perform a particular task. Many trades, services and professions, through certification, guarantee competency of their members. Competency is distributed throughout the citizenry. In agriculture the farmer is the competent, in transport the trucker is the competent. There is, however, no certification required for political positions, and candidates for political positions cannot be judged competent or incompetent by established standards. It is common to hear a politician being criticized by political opponents as incompetent, but it will be difficult to have that claim objectively proven. A politician may know how to get things done when in office, but the important issue is what it is that which should be done.

With a myriad of competencies, designated “generic competence,” distributed throughout the general population and no gauge for competence in higher echelons of government, it seems to have been a sensible conclusion in ancient Athens during its Golden Age (5th C BC) that for a while all positions of civil authority were best selected by lot (“sortition”) rather than appointment or democratic election, except for senior military positions.¹⁶ It worked well for that relatively small population. But it is proposed herewith that more important than apolitical leadership and competent politicians is that the generic competency of the entire society be protected. This requires minimizing the effect of centralized governance on its citizens.

Human progress resides in collaboration in common council by the competent. Thus, limiting the opportunity to develop competency or to build on competency, defining competency in terms of what leadership decides is useful for society, or directing generic competency toward goals of government will be dead ends for progress.

Concentrating incompetence

The necessary functions of government are varied and there can be no one measure of competence for those holding political office. It is no measure of competence to talk glibly, appear likeable, or be ruthless. For government to acquire competence it must seek the advice of those who are competent in performing the myriad activities within a society. But competency distributed among the common people cannot be transposed to centralized government. Furthermore, competent representatives of major activities throughout society may have opposing ideas. What to do? The answer is to do as little as possible and let the competent work things out by themselves. And it axiomatically follows that, with competency in all sorts of things present throughout the general population and with no mechanism for judging competency of those in power, it is best, from the point of view of society, to consider centralized political power as lacking competence, *i.e.*, it is a locus (but not a focus) of incompetence. This is inevitable rather than disparaging. But the point is, why should power be given to a central government characterized by limited competence if it restricts or ignores opinions, or the contest of opinions, of the competent within the broader society?

¹⁵ Merriam-Webster.com, <https://www.merriam-webster.com/dictionary/competent>

¹⁶ Herodotus, *The Histories*, Bk. 3, 80.6.

Central government is necessary for several reasons, but, limited in competence, it should not be entrusted with issues better left to those who are competent. When it infringes on their domain, central government indirectly blocks the people's attempts at innovation and invention, not to mention its civil service and those dependent on government largess, all of whom are automatically limited in their options for improving their status by attempting self-betterment outside of government. Thus, one prong of progress is broken by expanding the limited competence of governance throughout the citizenry and the other prong is broken by commandeering of venues of the people that in a free society normally should invite invention and discovery. The general population is then being guided into a state of incompetency and dependence. Liberty and ingenuity are the losers. The answer, of course, is to leave competence alone and to consider the ideal government one in which, should a person be asked "Who is the President?," there is a long pause.¹⁷

Note that the limited competence of centralized governance is not meant as an insult to the leaderships of nations. Incompetence is mathematically unavoidable. Most issues of the populace are manageable at local levels. Thus, the fewer the issues that make it to central governance the better, for it means more decisions are made by those who are competent rather than by their political representatives (particularly desirable in medical practice), and central governance can more thoroughly consider those few problems it must necessarily handle and thereby increase its competence in their management.

The considered approach in the preceding paragraph does not, of course, apply to power of the State when it has been assigned to one person. That this medieval, indeed primeval, concept of a supreme leader keeps emerging reflects the power of propaganda and imposed ignorance characteristic of totalitarian societies.

It is, therefore, of greatest concern in the United States that over the past century (1) the power of federal government has vastly increased, thus putting more and more power in the hands of persons whose competence cannot be established and who, for political reasons, often do not assiduously consider the opinion of the truly competent, and (2) the tentacles of government have spread to the point of takeover or control of major segments of our industrial, medical, commercial establishments and blunted the effectiveness of our energy, agriculture, and environmental management. The role of local associations is now minimal. Options for progress are quickly narrowing, compounded by misinformation and overt propaganda via modern technology.

Tocqueville's broad statement on American associations is a statement for the ages. He declares autonomous associations to be the mechanism of progress and the barricade against tyranny. Progress requires competency, not legislation. Authoritarianism is a harbor for the incompetent, and those in government often include many who cannot manage in the world of the competent.

To conclude this section, it is relevant that the issue of competency of centralized governance applies to all governments. Adversarial governments each have the same defects. Thus, problems are actually worse than they seem and more unpredictable whenever two bastions of incompetency come face to face.

¹⁷ It might be argued that career politicians, rather than term-limited politicians, are an answer to the dearth of centralized competency, for competency should come with experience and deliberative bodies should act as common councils. But governance of a society should not be a playground for self-interests of politicians who can thereby competently proceed to formalize and embed those self-interests into law affecting all of society, although truly deliberative democratic bodies can indeed be considered common councils.

Ingenuity and natural law: Linked in freedom

Just as with our conscience and its codified guidance, natural law, we have inherent ingenuity. Like natural law, which protects us from each other, it is human ingenuity that protects us from everything else.

As a general statement, all humans are endowed with equivalent intellectual potential, and from this it can be surmised that the same can be said about ingenuity, although the nature of that ingenuity and the opportunity to express it will vary from person to person.¹⁸ It is an easy assumption that ingenuity is present for a purpose, and that is to serve the individual in whom it resides. Presumably from the very beginning it was meant to ease the path forward for mankind. The sad history of mankind, however, is the history of those who would have that path blocked. *The Natural State of Medical Practice* reveals such a history as it has applied to medicine.

Ingenuity, “the ability to invent things or solve problems in a new way,” is a mechanism useful for human survival and benefit. It is a facet of cognitive reasoning and is not learned, although it is applied to things we have learned as we seek to improve or change them. Through reason we understand; in a sense it is passive. Through ingenuity we achieve a goal; it is active. But, as concluded in volume 3 of *The Natural State of Medical Practice* (p. 199ff) regarding life expectancy, data do not support the value of ingenuity to our survival as a species. Life expectancy and a superior style of living did not seem any better for the bulk of our ancient ancestors than for other mammalian species and did not improve over millennia for which there are data. Ingenuity is with us, therefore, for a reason other than just personal survival. Indeed, it seems that its usefulness to survival requires a co-factor to operate, *i.e.*, it is a “potential” benefit that will become manifest when appropriately used, and that benefit can then be made manifest through our society. What is the permissive element?

It is proposed that the permissive element for expression of ingenuity is the collaborative group acting in common council. While an ingenious idea can benefit the individual and those in proximity, it is through the collaborative group of competent persons motivated by self-betterment that an idea can evolve and proliferate to the benefit of both the one and the many. It is through the collaborative common council that the field of medicine has, in the past two centuries been associated with the mean life expectancy of all social classes in many regions around the globe to increase from less than forty to eighty years.

In a sense it is like natural law. It protects our existence as a society just as natural law protects us as individuals. And it is like natural law in that it applies to institutions as well as to individuals. Institutions should not transgress natural law and institutions should not transgress (impede or mismanage) human ingenuity. There will be a price to pay. Authoritarian governance ignores natural law by taking from individuals what they do not want to give, and it ignores human ingenuity when it restricts the options of its citizenry from pursuing self-betterment.

The fact that ingenuity becomes of value to humankind when exploited by a collaborative common council group may be relevant in another way. A malevolent person has his share of ingenuity but can use it to wrong purpose. But if several people recognize or agree to develop an ingenious idea it is less likely to be accidentally or purposely used for ill. Perhaps this is a way of

¹⁸ “Reason” might be considered interchangeable with “ingenuity,” but the former is a frontal lobe function that is a general term that includes intelligence as a measurable quantity used to distinguish among humans, whereas the latter is applied to a specific function (utility). “Ingenuity” rather than “reason” is the focus of this section. Ingenuity can also be equated with “genius” as discussed in the Prologue and p. 205 of *The Natural State of Medical Practice* (vol. 1).

fostering good rather than bad things. Making it necessary for several persons to agree on something may not always make it a better idea, but it may make it safer and help prevent its being used for evil. It is even to be considered that this is one of the principal reasons for the superiority of democratic governance. Not only is democracy a mechanism for exposing the better idea and, by the very fact of its existence, a way of excluding many forms of authoritarian governance; it also may vet an idea as good or evil, presumably by bringing the consciences of many persons into its assessment, *i.e.*, in a free society democracy facilitates the implementation of natural law. Without common council more wild and dangerous ideas might be let loose to proliferate within a society, a common phenomenon in totalitarian states.

Liberty is not just a nice thing to have because it is our birthright or because it allows us to enjoy doing what we want without being harangued. What this discussion brings to the fore is that liberty is essential for our protection and very survival. When our ability to freely associate and collaborate in common council groups on all issues is restricted, we are weakened and our survival as a society is threatened. A society with limitations on responsible freedom is putty in the hands of those leaders who, now in the position of being able to define what is good and evil, have no restrictions as to the use of those definitions to manipulate society.

To conclude, we know that we have natural rights to life, liberty, and pursuit of happiness. But authoritarian governance, whether in a kinship or a nation and even if it does not directly deny life, liberty and pursuit of happiness, can do so indirectly and can thereby prevent human progress and threaten survival.¹⁹ It is one of the many benefits following the Reformation that for the first time in human history we have been able to become civilized for an extended period and as individuals to enjoy the security and longevity available in our “Western” civilization.²⁰ Without the trend to democratic governance and protection of natural rights following the Reformation, the life expectancy for the common man and woman would still be in the mid-thirties. Instead, in the last two centuries billions of lives have been improved because we have the ability to defend ourselves against adverse events of all kinds. Self-betterment is not limited to doing what we want to be “happy.” It is the mechanism by which we identify needs and threats and then formulate with others a reasoned solution, one that extends its benefits to society as a whole. But Tocqueville’s keen observation on the value to freedom and prosperity of the myriad associations in the United States will be lost to history if expansion of government power and influence continues to build but more paddocks for the common man and woman.

¹⁹ A government that fosters war can lead to great loss of life, thus indirectly denying life to many. A government that appropriates a segment of a national economy indirectly denies liberty to many who, in common council, would have deliberated and managed issues of that segment on their own, and better. A government that distributes largess (usually with a hitch) to retain power indirectly removes or limits motivation for self-betterment, and the nature of the latter is unique for each individual.

²⁰ Excursus 16 will pursue further the concept of civilization, the uniqueness of our own, its origin and its name.