



The Owl of Athena

# CONTRATYRANNOS

## The Natural Law Theory of Human Progress Website

### EXCURSUS #18

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

## THE REFORMATION, ENSLAVEMENT, AND THE NATURAL LAW THEORY OF HUMAN PROGRESS

Summary: We are all descendants of both slaves and enslavers. In its briefest terms, this excursus acknowledges enslavement as a common component of all past civilizations. At the same time, natural law makes clear to every person that enslavement is immoral. The explanation for this seeming paradox is that natural law has been overruled by positive (man-made) laws and actions imposed by authoritarian dictate. The Ten Commandments (the Decalogue) are a formal exposition of natural law expressed in Judeo-Christian scripture, and they affirmed the abnegation of slavery to the West. Yet enslavement persisted. But the Reformation then declared the equal status of all persons before God, following which secular leadership and citizens began to be viewed as equals and equally subject to natural law. As legislatures became more representative of their citizens, natural law was increasingly incorporated into secular laws defending natural rights. Remarkably, just as it took two-and-a-half centuries after the onset of the Reformation for modern medical progress to appear, the same period was required for abolitionism to be initiated on a national scale. Morality and ingenuity of the common citizenry were unleashed simultaneously. Such is the power of associations of a free people when endowed with natural rights and guided by natural law instead of authoritarian governance run by a privileged political class. The abolition of slavery, like medical progress, can thus be explained by the *Natural Law Theory of Human Progress*, which now seems to encompass the political as well as apolitical betterment of mankind.<sup>2</sup> Although the preceding is a Western drama unique in the history of civilizations, the Judeo-Christian Decalogue, as a formal statement of natural law, is the birthright of all humanity.

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

Vol. 1 – *The Natural State of Medical Practice: An Isagorical 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*

<sup>2</sup> Definition of *Natural Law Theory of Human Progress*: A theory ascribing all apolitical advances for the betterment of mankind to autonomous associations pursuing self-betterment in which each member has equal opportunity to speak freely and share ideas about the group's common interest without fear of retribution. Axiomatically it excludes "betterments" that have been stolen, copied, derived by exploitation, or used for subjugation of others. (See Excursus 12, Validation of the Natural Law Theory of Human Progress.)

## Introduction

It is frequently pointed out that enslavement is as old and widespread as mankind.<sup>3</sup> There is no one who is not the descendant of many slaves. Most of those slaves would have been from conquered populations. And it is likely that most of those ancestors were women, for in many instances it was the female who was enslaved. It is for this reason that Professor Orlando Patterson proposed that the first true appreciation of, and voice for, individual liberty was that of women, for they knew and lived the horrors of slavery. The men had been spared that injustice; whether in battle or as prisoners afterward, they were all killed.<sup>4</sup>

The converse of the above is also true. There is no one who is not the descendant of many enslavers. Indeed, the very fact that each of us, the living, exist is in all likelihood testimony to the success of some of our ancestors in enslaving some of their contemporaries, thus enabling a few of those ancestors to survive and procreate. The prehistory and history of mankind is so teeming with threats to survival, and the ability of our species to survive amidst them has been so pitiful (as demonstrated in Excursus 9, “After Eden,” and in volume 3 of *The Natural State of Medical Practice*, p. 211ff), that it could be argued that humans as a species might have become extinct without the enforced subjugation of others at critical periods.<sup>5</sup>

It has always been easy enough to find examples of enslavers among Western Christian, Orthodox Christian, Islamic, Hindu, Buddhist, Confucian, Zoroastrian, pre-Columbian polytheistic civilizations, ancient Egyptian polytheism, Tengrism (which includes shamanism and animism), and Shinto religious practices. As enslavement has been a global practice, therefore, the question is not the morality of those who practiced it, for that would include ancestors of all of us, and it is we in the West who formally came to know the answer: it was immoral. The real question is, who formally, *i.e.*, through legislation, effectively outlawed slavery based on moral grounds rather than merely expedient ones.

## Source of moral argument

There were many early opinions critical of enslavement, and they are frequent enough to conclude that there is in the consciences of mankind a natural antipathy to enslavement, an awareness by every individual that it is a bad thing to do. Many prominent Greeks and Romans expressed humane concerns depending on the type of enslavement. But the institution of slavery was not confronted as a universal nemesis, although Zeno, the stoic philosopher, (*ca.* 300 BC) considered it “despicable,” and the Mauryan Buddhist king Ashoka (3<sup>rd</sup> C BC) stopped the trading of slaves in the Indian subcontinent. Indeed, there are expressions by individuals in the ancient

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<sup>3</sup> Hunt, P., *Slavery*, in *The Cambridge World History*, volume 4:76-100.

<sup>4</sup> Patterson, O., *Freedom in the Making of Western Culture*, New York, 1991, Part II, *The Greek Construction of Freedom*.

<sup>5</sup> This perhaps odd suggestion may be relevant to the absence of an abolitionist stance against slavery in the Bible, especially regarding the Decalogue, the Covenant Code, and relevant commentary. The immediate and complete cessation of any form of slavery might have been considered lethal by inhabitants of relevant societies. A society’s abolition of slavery in a world where slavery was everywhere established might have led to that society’s disappearance. An analogy might be today’s Quaker population in America. As a profoundly pacifist society its members are conscientious objectors to participation in warfare, but should America with its protective forces lose its autonomy to an authoritarian State, Quakerism would be one of the earliest of sectarian groups to be regulated into anonymity.

history of every civilization in every age and region desiring an end to or moderation of slavery. It is a reasonable conclusion that the moral argument against enslavement is found in the conscience of every person, which is natural law.

Natural law contains the same message about right and wrong that is found in the Ten Commandments (herein the Decalogue), the distinction being that the Decalogue is not subliminal. It is written in stone, so to speak. Evidence of the immorality of slavery is found in the 1<sup>st</sup> and 8<sup>th</sup> Commandments (the latter being one of the “ethical” Commandments and states, “you do not take from others” (οὐ κλέψεις). The Decalogue was directed at every Hebrew and forbade the individual from taking something from someone else (without their permission). This could be property, livelihood, reputation or freedom (as a natural right) itself. We need look no further for a moral denouncement of slavery as evil.<sup>6</sup>

It is fair to state, therefore, that judgment on slavery as good vs. bad or right vs. wrong or moral vs. immoral is not an arbitrary thing. It is immoral and everyone knows it and has always known it. To claim not to know it is a guilty verdict on the society to which one belongs. And in the past that judgment can be applied to every society and every civilization. This was to end.

## Setting the stage

Despite natural law and despite the Decalogue, enslavement in various forms continued everywhere and motives were, in general, related to the status of citizen vs. noncitizen as implemented or facilitated by positive (man-made) laws, whether at a domain or a tribal level. Although there is considerable academic controversy, the Decalogue has been dated to the 13<sup>th</sup> C BC following the exodus of the Hebrews from Egypt under Moses. But there was limited social response to this Commandment that would abolish slavery, in part because of disruptions and captivities of Hebrew tribes themselves.

Nevertheless, the Jewish population of the Roman Empire grew to be several millions and the Decalogue remained prominent in Jewish writing for all to see, including the works of Philo (20 BC-50 AD) and Josephus (37-100 AD). Most important, via the Pentateuch it was prominently transmitted to Christianity.

It was for the Judeo-Christian religion to first oppose enslavement as an institution. The Essenes, a Jewish sect *ca.* 100 BC, did formally forbid its practice and opposed it on moral grounds. The Essene population was not large, but it was an integral part of the Jewish community, and Prof. Timothy Lim considers this to have been a unique principled stand.<sup>7</sup> St. Paul (1<sup>st</sup> C AD) then stated (Luke 6.31) “And as ye would that men should do to you, do ye also to them likewise.”<sup>8</sup> As Martin Luther would later interpret it: “Therefore, I cannot strip another of his possessions, no matter how clear a right I have, so long as I am unwilling myself to be stripped of my goods.

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<sup>6</sup> Continuing with the proposal of the previous footnote, this might explain some biblical allusions to slavery that advise kindness to the enslaved rather than outright abolition of slavery in early civilization, for its presence was universal and viewed by many as necessary. To have it abolished might have been considered suicidal by contemporary reasoning. It would take a civilization based on the Decalogue to overcome this presumed obligatory requisite for survival.

<sup>7</sup> Lim, T., *The Earliest Commentary on the Prophecy of Habakkuk*, Oxford, 2021.

<sup>8</sup> This is a restatement of the “Golden Rule” which, as discussed in Excursus 6, can also be equated to natural law and to the Decalogue.

Rather, just as I would that another, in such circumstances, should relinquish his right in my favor, even so should I relinquish my rights.”<sup>9</sup>

Gregory of Nyssa, a 4<sup>th</sup> C Bishop and Church Father from the center of modern Turkey, also considered it as an affront to God, of Whom every person was a creation. He traced his opinions on slavery to the earlier teachings of Origen of Alexandria (185-253 AD), a Church Father who agreed with freeing of the enslaved in the seventh year as expressed in the Pentateuch, and in his *De Principiis*, Book 3, concluded that mankind possessed free will to deal with its responsibilities and therefore needed to be free to do so.

But in the post-Roman West dialogue regarding both the Decalogue and slavery through the Dark Ages and Medieval Period was limited because most of the population were already serfs. During those centuries, the widespread Christian kinship under the aegis of the Roman Catholic Church had little to say either *pro* or *con* slavery.<sup>10</sup> This is explained in part by the myriad of small communities throughout post-Roman Europe inhabited primarily by poor peasants with pre-assigned obligations within a self-sustaining feudal system that would have provided no home for imported slaves.

Later there was a Germanic legal code, *Sachsen Spiegel* (ca. 1220), that expressed the same opinion as the Church, that humans were “a likeness of God,” but, as discussed by Prof. Hans Frambach, it specifically condemned “the total power of one man over another.” Aspects of this law code, which reflected ancient Saxon tradition and law of a free people, had parallels to English common law. A few institutions and city-states also prohibited or limited serfdom and sometimes slavery. Natural law was peeping through the curtain. But overall there was limited experience in Europe with overt slavery even though during the Crusades extensive slavery was encountered by Christian armies, with varying degrees of accommodation in the Near East.

But as the second millennium proceeded, two important trends were under way. In one it was increasingly recognized in the West that, with the Decalogue gaining prominence and its equivalence with natural law clearly identified by Thomas Aquinas (1225-1274), the importance of personal responsibility rather than tribal dictate in following its Commandments was being recognized. In the other, especially in the 14<sup>th</sup> and 15<sup>th</sup> centuries, there was a developing European economy based on a growing population and mercantilism, and trade and colonization could particularly benefit from slavery. Slavery as an institution was now visible and relevant to more and more of the general population. There were occasional attempts to stop participation in local or regional enslavements, but with monarchical powers favoring trade practices that benefited from the labors of enslaved populations, a sustained policy forbidding slavery did not emerge.

Meanwhile, questioning of the authority of the Church proceeded apace. The Hussites, the Lollards, and the humanism of the Renaissance (the “anticlerical” writings of Erasmus preceded Martin Luther) were disruptions, physical and intellectual, that occupied the Church hierarchy. But slavery remained an unimportant issue. Erasmus (1466-1536) wrote a *paraphrasis* in 1519 of St. Paul’s letter concerning Onesimus, a runaway slave who stole items from his master but became Paul’s “equal” upon his baptism, but there is no comment by Erasmus on slavery *per se* in the text where Paul mediates the return of Onesimus to his master.

It has been suggested by some that the Reformation was inevitable, a natural consequence of earlier anticlerical efforts. On the other hand, Luther’s initial call for resolution of his

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<sup>9</sup> Excerpted from Luther’s *Temporal Authority: To What Extent It Should Be Obeyed*. (1523)

<sup>10</sup> A similar argument would apply to the troubled centuries of the ancient Hebrews, namely the disruptive centuries characterized by wars, captivity, and Roman desolation. The Decalogue was always there, in oral, then written, tradition, but the laws of men, the positive laws of authoritarian regimes, would shield them from its full observance.

ecclesiastical concerns, had it been answered with some concessions, may have prevented the subsequent schism within the Church and brought about a more acceptable relation between feudal leaders and the Church, thereby strengthening the *status quo*. Perhaps this will be clarified in the future, but the very fact of the Reformation would now alter European society forever, and, for the West, this would include for the first time in history legislation abolishing slavery on moral grounds.

## Moral orientation of the Reformation

What is Christian morality? The range of opinion is considerable, and there is variation in its definition depending on religious denomination and on the mores of contemporary society. But there is some academic agreement that in the early Medieval Period (500-1000 AD) it was the Seven Deadly Sins that were prominent in its definition, whereas as the centuries passed the Decalogue gradually became, and remains, dominant.

Three important features are considered relevant here. One is the idea that the Decalogue was specifically directed at the individual, requiring one to personally assess his or her actions as good or bad, whereas the Seven Deadly Sins were straightforward “do nots” emanating from society’s religious leadership. There was no equivocation and no searching of the conscience necessary.<sup>11</sup> Second, this change to the Decalogue involved the element of introspection, an appeal to the individual to determine the appropriateness of an action, a source of informed choice; personal choice broadened its scope and identified one’s judge as God, not an official. And third, this approach became practical when Bibles became available in the vernacular, for now the average person could have direct access to knowledge of process rather than being prescribed a “rule of conduct.”<sup>12</sup>

Thus, the Decalogue, which had been considered by Thomas Aquinas to be the equivalent of natural law and an appropriate statement on Christian morality, became increasingly prominent. This was clearly evident in the writings of Martin Luther. Calvin also expressed it with regularity and even increased its prominence by promoting musical versions (he viewed music as an effective vehicle for spreading the Word). And as the Reformation spread throughout northern Europe Queen Elizabeth in 1560 ordered that the Ten Commandments be prominently posted in every church in England. This was reaffirmed by James I, and then Charles II, during the Restoration and despite a turn from Calvinist practices, ordered that they be posted in every church that he had ordered rebuilt by Christopher Wren following the great fire of London in 1666. Their location was specified so as to be obvious to everyone, and repetitions were part of liturgy.<sup>13</sup> Prominent also during Elizabeth’s reign and contemporary Europe was iconoclasm, as destruction of statues, paintings and other popular manifestations of saints and other venerable items was considered justified based on the Second Commandment, either as examples of idols or as a source of temptation.

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<sup>11</sup> Briefly, they are: pride, greed, lust, envy, gluttony (drunkenness), wrath and sloth.

<sup>12</sup> *The Ten Commandments in Medieval and Early Modern Culture*, Leiden 2017, Y. Desplenter, J. Pieters, W. Melion, eds., see Introductory chapter.

<sup>13</sup> These interesting observations were reported by Drew Keane in his article, *Commandment Boards and Catechesis*, in *The North American Anglican*. It has also been pointed out that humanist ideas were afloat during the Renaissance, and the dominance of the Church was being questioned by intellectuals of the 15<sup>th</sup> C. Henry VIII was attracted to this way of thinking, and it was this, rather than Reformation thinking, that led to his anticlerical reign.



It can be concluded that the Decalogue, at least with the onset of the Reformation, was now considered the formal expression of and vessel for Christian morality.<sup>14</sup> Natural law was no longer to be easily ignored.

## The Reformation and slavery

For background, the consequences of the release of human ingenuity following the onset of the Reformation are subjects of Excursus 8 which traced the concepts of natural rights and equality of all people in determining their own governance from the equality of all persons before God. Thus, religious leaders and their congregants were equals within the Church. It was the Reformation that would lead some to conclude the same applied to the secular world; the leader must obey the same higher authority as the citizen and could be ousted if he did not. What ultimately followed was legislative protection of religious rights and then natural rights of the individual, thereby freeing the great majority of the population to pursue self-betterment rather than the betterment of their betters. Evidence of ingenuity of individuals and the formation of collegial associations for providing specialized crafts and services appeared. As discussed in *The Natural State of Medical Practice* (vol. 1), these associations were distinct from the protective guilds of medieval cities. In particular, medical practices and associations began to appear, displacing in the public mind the bogus medicine and bogus physicians of Late Medieval universities. The field of medicine began to evolve a natural state of medical practice and the 18<sup>th</sup> C saw the early flourishing of ingenuity in medical care that would peak in the 20<sup>th</sup> C. To this we can attribute medical progress, our longevity, and modern conveniences and prosperity. Thus, I propose the timeline of the freedoms of the West to extend from the Mosaic Decalogue to the present day, justifying the concept of a Judeo-Christian Civilization rather than a Western one (see Excursus 16).

This excursus argues that the same sequence applies to slavery, concluding that the moral eradication of slavery is solely a consequence of the Judeo-Christian civilization and the morality of the Decalogue. The democratic trends of the ancient Greeks were irrelevant in furthering abolition of slavery because their philosophical renderings regarding slavery were of no practical value. Unmistakably, the issue has always been moral rather than political, but political machinations have prevented its proper recognition. No other civilization or culture on earth has taken such a principled stand on slavery's abolition.

Martin Luther in the 16<sup>th</sup> C did not dwell on the institution of slavery, perhaps in part because he considered all mankind as slaves (of the Devil) until that moment that faith led to salvation. His colleague, Philip Melanchthon (1497-1560), however, made the position clear: "Also in civil law, as they call it, there are many things that reflect human affections instead of natural laws. For what is more foreign to the law of nature than slavery? ....a good man will fashion civil constitutions according to a just and good rule, that is, with both divine and natural laws. And whatever is instituted against these laws can be nothing but unjust."<sup>15</sup>

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<sup>14</sup> The Reformation prompted many Christians to declare the Decalogue as irrelevant to Christianity, for it was considered specifically directed at the Hebrews. It and its attached ritual and social commentary were thought outmoded. In the Reformation it was natural law, therefore, that reigned in its place, even though Luther himself equated the two.

<sup>15</sup> *Commonplaces: Loci Communes*, 1521, transl. Christian Preus (St. Louis: CPH, 2014), p. 66.

Luther's equality of leader and the led, directed at Church hierarchy, was promptly echoed throughout the reforming churches of northern Europe, profoundly aided by the printing press. Instigatory tracts were published. An early publication was *Vindiciae Contra Tyrannos*, a Huguenot tract of 1578.<sup>16</sup> In *Lex, Rex*, a 1644 book by a Protestant minister in Scotland, Samuel Rutherford, clearly stated in Question 40 that "The prince is but a private man in a contract" and that a king is not a king until he takes an oath and is "accepted by the people." But beyond this, "A man being created according to God's image, he is *res sacra*, a sacred thing, and can no more, by nature's law, be sold and bought, than a religious or sacred thing dedicated to God." The equality of the religious leader and the led was being politically duplicated with the ruler and the ruled. Rules were changing.

Once triggered by Luther because of simony within the Church, much of Europe underwent massive institutional changes, especially in political and economic arenas that would seem to be social venues quite distinct from religion. How could this happen?

With new limitations on the power of the Roman Church in some regions because of the Reformation, local political leadership, usually the traditional elite hierarchy, looked to other institutions to support its continued financing and governance. Parliaments were enlisted to help. Although knowledge of early events of the Reformation on the continent was available in England, it was Henry VIII that removed the label of heresy by introducing aspects of the Reformation into the English system of government. He used Parliament for that purpose, the consequence being that now Parliament would approve monarchical plans rather than Papal concurrence. Parliaments thereby increased their influence.

During this contentious period the Roman Church was not indifferent to natural law and the Decalogue and their implications for freedom. The statement was made at the Council of Trent (1545-1563): "Since then, the Decalogue is a summary of the whole Law, the pastor should give his days and nights to its consideration that he might be able not only to regulate his own life by its precepts, but also to instruct in the law of God the people committed to his care."

There had been a gradual release from much of serfdom in western European populations prior to the Reformation, and it was possible to purchase freedom. Even some cities were able to afford their separation from feudal control. In contrast, eastern Europe serfdom was slower to appear and late to disappear, with aspects of serfdom common into the 18<sup>th</sup> and 19<sup>th</sup> centuries. Thus, while serfdom is not the same as slavery, it appears that neither the Reformation nor the Roman Church *per se*, as a religious movement or an institution, can claim to have directly contributed to abolition. Instead, change would come from the message of the Decalogue as implemented by its recipients, the congregants, the general citizenry, rather than institutional leadership.

In 1524 the first dialogue of the *Doctor and Student* appeared in England. Written by a "Protestant" who would ultimately be considered a "reformer," Christopher St. Germain (1460-1540), the work was the first to analyze English common law and natural law, thereby influencing William Blackstone as well as our Founding Fathers. In Dialogue I, chap. 2, he wrote:

*Doct.* The law of reason teacheth, that good is to be loved, and evil is to be fled: also that thou shalt do to another, that thou wouldest another should do unto thee; and that we may do nothing against truth; and that a man must live peacefully with others; that justice is to be done to every man; and also that wrong is not to be done to any man; and that also a trespasser is worthy to be punished;

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<sup>16</sup> This website, [contratyrannos.com](http://contratyrannos.com), derives its name from that work, the author presumed to be Hubert Languet, a "French reformer" but born in Antwerp in 1518.

and such other. Of the which follow divers other secondary commandments, the which be as necessary conclusions derived of the first. As of that commandment, that good is to be beloved; it followeth, that a man should love his benefactor: for a benefactor, in that he is a benefactor, includeth in him a reason of goodness, for else he ought not to be called a benefactor; that is to say, a good doer, but an evil doer: and so in that he is a benefactor, he is to be beloved in all times and in all places. And this law also suffereth many things to be done: as that it is lawful to put away force with force; and that it is lawful for every man to defend himself and his goods against an unlawful power. And this law runneth with every man's law [positive law], and also with the law of God [the Decalogue], as to the deeds of man, and must be always kept and observed, and shall always declare what ought to follow upon the general rules of the law of man, and shall restrain them if they be any thing contrary unto it.

The similarity of St. Germain's statement to the Decalogue, natural law, and the Golden Rule is obvious. What the writer considers to be natural law he calls the "law of reason," and by the "law of God" he refers to the Ten Commandments, for the latter were "revealed."

Excursus 16 identifies several writers of the 16<sup>th</sup> and 17<sup>th</sup> centuries (*e.g.*, Johannes Althusius, 1563-1638) that recognized the biblical justification of the concept of natural rights. Then John Locke (1632-1704), born to Puritan parents, developed a political philosophy that some consider an important cause of the Enlightenment of the 17<sup>th</sup> and 18<sup>th</sup> centuries. His message to us was encapsulated in these words: we have rights to life, liberty, and estate (property). Locke believed in the supremacy of the Bible. In *Two Treatises on Government* (1689), Bk. II, chap. 2, sect. 6., the antislavery sentiment is obvious. He wrote:

The state of nature has a law of nature to govern it, which obliges every one: and reason, which is that law, teaches all mankind, who will but consult it, that being all equal and independent, no one ought to harm another in his life, health, liberty, or possessions: for men being all the workmanship of one omnipotent, and infinitely wise maker; all the servants of one sovereign master, sent into the world by his order, and about his business; they are his property, whose workmanship they are, made to last during his, not one another's pleasure: and being furnished with like faculties, sharing all in one community of nature, there cannot be supposed any such subordination among us, that may authorize us to destroy one another, as if we were made for one another's uses, as the inferior ranks of creatures are for ours. Every one, as he is bound to preserve himself, and not to quit his station willfully, so by the like reason, when his own preservation comes not in competition, ought he, as much as he can, to preserve the rest of mankind, and may not, unless it be to do justice on an offender, take away, or impair the life, or what tends to the preservation of the life, the liberty, health, limb, or goods of another.

It is interesting that neither he nor St. Germain specify the Mosaic Decalogue in their writings. Luther had made clear a reason for this: the Decalogue was from the Old Testament and was revealed specifically to the Hebrews, whereas natural law was the same thing but was engrained in every person. Thus, the Decalogue was a secondary manifestation to a people that needed to have it pointed out. There was reticence to give credit to the Jewish origin of the covenant of the Ten Commandments if its presence was already available to everyone via human reason.

The prominence of natural law was increasing, and what natural law was here to protect was being discussed. Thus, the political focus turned also to natural rights. An early example was the work of Francis Hutcheson (1694-1746), son of a minister, later Professor of Moral Philosophy



in Glasgow, who wrote the following in his important work, *An Inquiry into the Original of Our Ideals of Beauty and Virtue* (in Treatise Two, Concerning Moral Good and Evil, sect. 7, VI):

The Rights call'd perfect, are of such necessity to the publick Good, that the universal Violation of them would make human Life intolerable; and it actually makes those miserable, whose Rights are thus violated. On the contrary, to fulfil these Rights in every Instance, tends to the publick Good either directly, or by promoting the innocent Advantage of a Part. Hence it plainly follows, "That to allow a violent Defence, or Prosecution of such Rights, before Civil Government be constituted, cannot in any particular Case be more detrimental to the Publick, than the Violation of them with Impunity." And as to the general Consequences, the universal Use of Force in a State of Nature, in pursuance of perfect Rights, seems exceedingly advantageous to the Whole by making every one dread any Attempts against the perfect Rights of others.

Concurrently, Montesquieu ((1689-1755) in his *Esprit des Lois* (Bk. 15) noted "Slavery is moreover as contrary to civil law as to natural law." On the other hand, after discussing the variety of enslavement, he concludes: "But whatever be the nature of the slavery, civil law must try to free it from abuses...." Adam Smith (1723-1790) viewed the problem analytically and argued slavery was not economically efficient but unlikely to be stopped because of laziness of the enslavers. So, it may be proposed that in some circles there was a roar of antislavery sentiment but not much bite.

With the increased wealth associated with colonialism and the Reformation, sometimes attributed to the "Protestant work ethic," businesses prospered, and employees were needed to allow supply to match demand. Thus, economic issues have been blamed for the flourishing of the slave trade, but, more recently, a thoughtful explanation for its abolition.<sup>17</sup>

But I propose it is exposure to, experience with, and discussion of slavery occurring among the general citizenry that would ultimately lead to its abolition on *moral* grounds. It has been effectively argued that abolition of the slave trade in the West was possible because of efforts of nonconformist Christians, primarily 18<sup>th</sup> C Evangelist and Quaker sects in Great Britain and the United States. Quakers and other dissenting groups arose in 17<sup>th</sup> C England during the mid-century Civil War. Thus, a variety of associations came to this opinion, and the justification for their stance was founded on their religious morality, the Decalogue and/or natural law. Important in leading to abolition were individuals such as James Oglethorpe, Lord Mansfield and Sir John Holt, and a variety of legal suits. But most important were active associations such as Clapham Sect, Quakers, the African Association, the Committee for the Abolition of the Slave Trade, and groups from denominations including Methodists, Baptists, Swedenborgians, and Anglicans. Notably, women and women's groups were, for the first time, activists, although they were ineligible to vote. It has been said that legal abolition in English law was slow in coming, but it should be remembered that few English were eligible to vote because of land requirements. And there were other factors: Manchester's population of 250,000 in 1831 had no Member of Parliament for whom to vote. *A generous estimate is that about one in twenty males could vote at that time.*

William Blackstone (1723-1780), an Anglican from a middle-class shop-keeper's family, was profoundly influenced by the Decalogue and its equivalent, natural law. In his magisterial *Commentaries of the Laws of England* (vol. 1, p. 41, 1765) he wrote:

This law of nature, being co-eval with mankind and dictated by God himself, is of course superior in obligation to any other. It is binding over all the globe, in all countries, and at all times; no

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<sup>17</sup> Williams, E., *Capitalism and Slavery*, Chapel Hill, 2021 (third edition).

human laws are of any validity, if contrary to this; and such of them as are valid derive all their force, and all their authority, mediately or immediately, from this original.

Here Blackstone equates natural law with the Decalogue, the latter as dictated by God and equivalent to St. Germain's Law of God received by revelation. With regard to enslavement, he wrote (*ibid.*, chapter 14, Of Master and Servant): “

Upon these principles the law of England abhors, and will not endure the existence of, slavery within this nation; so that when an attempt was made to introduce it, by statute 1 Edw. VI. c. 3, which ordained, that all idle vagabonds should be made slaves, and fed upon bread and water, or small drink, and refuse meat; should wear a ring of iron round their necks, arms, or legs; and should be compelled, by beating, chaining, or otherwise, to perform the work assigned them, were it never so vile; the spirit of the nation could not brook this condition, even in the most abandoned rogues; and therefore this statute was repealed in two years afterwards.(d) And now it is laid down,(e) that a slave or negro, the instant he lands in England, becomes a freeman; that is, the law will protect him in the enjoyment of his person, and his property.”

**Other factors were in play, but it was aspects of Judeo-Christian morality that provided the key justification for abolition as expressed not by Government or Church but in the enthusiasm of the general citizenry when they realized what the problem was and that they were able to do something about it. As Dr. R Anstey has written, “It was mainly religious insight and zeal ... which made it possible for anti-slavery feeling to be subsumed in a crusade against the slave trade.”<sup>18</sup> It has been argued that economic issues were the explanation for the success of abolition in the late 18<sup>th</sup> C, but Dr Anstey considered economic explanations to be inadequate. As Abraham Lincoln said, “With public sentiment nothing can fail; without it nothing can succeed. Consequently he who molds public sentiment, goes deeper than he who enacts statutes or pronounces decisions.”<sup>19</sup>**

The subsequent course of abolitionism is well-described in many publications. But the whole argument revolved around moral issues rather than sectarian or economic ones. People saw that enslavement was the ultimate suppression of natural rights. The immorality of suppression of natural rights is clearly expressed in the Decalogue and in natural law. Whether by law of God, natural law, or, most succinctly, the Golden Rule, the ending of slavery is without question a Western phenomenon based on Judeo-Christianity as first formally expressed in the Mosaic Commandments. Would that it be so recognized globally.

### Concluding note: Natural Law Theory and political progress

Why did it, in both medical progress and in abolitionism, take two-and-a-half centuries from the onset of the Reformation for action to follow words? The answer herein is the same for both: it took time for government to get out of the way.<sup>20</sup> Government, while necessary, is never

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<sup>18</sup> Anstey, R., *The Atlantic Slave Trade and British Abolition, 1760-1810*, Atlantic Highlands (NJ), 1975, (p. 153).

<sup>19</sup> Lincoln-Douglas debates, Ottawa, 1858.

<sup>20</sup> Here it might be argued that it would have taken the industrial revolution in the United Kingdom (roughly dated from 1760 to 1840) time to develop to the point that human labor requirements decreased and abolition could be discontinued because its usefulness was ceasing. But the simultaneous reality of medical progress and moral abolition may not have been a coincidence. Both emerged from the general citizenry of Western nations, and both became

the actual origin of anything good. It can assist in correction of a “bad,” and it is proper in its provisions of the necessary, but it will not be the originator of a “good.” Any good associated with government is the result of either a regulatory limitation on government, a reaction to demands of citizenry (which is its proper function), or the negation of some previous government action.

In the case of slavery in the West, it took two-and-a-half centuries for civil liberties to evolve to the point that the common citizenry, mostly non-voters, could organize popular antislavery associations with sufficient political power to begin to influence government action. Thus, the 1833 action that outlawed slavery in the United Kingdom did not represent a parliamentary epiphany. It was instead a reaction to the demands of the citizenry. In the same sense, the Emancipation Proclamation of 1863 and the Civil Rights Act of 1964 were governmental “goods,” but they were reactions to demands of citizens and corrections of earlier bad governmental policies, both federal and state. But should political leadership declare it plans to initiate a helpful new program, one without precedent, watch out. The intent may be good, but the consequences will almost always be bad, usually because its motives are selfish and will increase government influence and thereby power.

For slavery, that regression of Western governments from interference with natural rights of citizens finally came about when the 16<sup>th</sup> C Reformation in Europe led to 17C parliaments that began to cede natural rights in the 18<sup>th</sup> C to common citizens, permitting them to grapple with, and then abolish, that immorality. In medicine it had been the published findings of unprivileged physicians such as Morgagni (1761, well-to-do but raised by his mother), Auenbrugger (1761, son of an innkeeper), Gordon (1795, son of a tenant farmer), and Laennec (1819, son of a lawyer) that opened the 19<sup>th</sup> C golden age of medical progress. In abolitionism it was writings of the unprivileged Nonconformists such as Sharp (1769, son of a senior Anglican cleric), Ramsay (1784, son of a ship’s carpenter), Wilberforce (1787, son of a merchant), and Roscoe (1788, son of a market-gardener) that would lead to the 19<sup>th</sup> C abolition of slavery. Those at the top of the social order, the canonizers of the political hierarchy, whatever their personal opinion, were removed from the theater of autonomous action and therefore incapable of formulating *per se* practical solutions.

The Natural Law Theory of Human Progress states that the source of all *apolitical* human progress, as gauged by medical practice, is the collegial association of autonomous individuals with special or focused knowledge in the general population sharing a common interest and having a goal of self-betterment.<sup>21</sup> These associations in medicine were composed of practitioners who actually saw their patients and assumed the responsibility for their care. In abolitionism, moral leadership came not from the political or academic hierarchy. It came from citizens from all walks of life who viewed slavery as an affront to natural law and natural rights granted by God, rights they now had to a degree that permitted argument without fear of punishment from government. Addressed by religious associations, the moral force they recognized was based on autonomous “self-betterment” being denied to the enslaved. By becoming a potent political force they successfully caused government to abolish slavery. It appears that the Natural Law Theory of Human Progress applies to *political* progress as well as the *apolitical*.

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possible with the protection of natural rights. Thus, by time, means, locus, and focus I argue the two events were part of a larger process released when the Reformation inspired civil liberties, and that process was a manifestation of the Judeo-Christian civilization, both a long time coming.

<sup>21</sup> See Excursus 12 for more on the *Natural Law Theory of Human Progress*.