



The Owl of Athena

CONTRATYRANNOS

The Natural Law Theory of Human Progress Website

EXCURSUS #4

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

EXCURSUS 4: PROGRESS AND TRUE VIRTUE, CONSEQUENCES OF THE MORALITY OF NATURAL LAW

Summary: The philosophical orientation of this excursus is an attempt to bypass the many versions and definitions of virtue over the ages and to assign to natural law that which is its due, namely the source of the freedom that permits virtue. Based on *The Natural State of Medical Practice*, it then develops a theorem: *Human progress and true virtue, as expressions of natural law, can occur only in a free society*, refers to its supporting evidence, and places its significance in today's world.

In previous excursus it was concluded that mankind's progress was impossible without human liberty and that avoidable delays in medical progress led to unfathomable suffering over millennia. To better understand the role of social environment in permitting progress, the present monograph also concerns human liberty, but the focus is now more on characteristics of the individual than of the group, the latter defined here as "a number of individuals having some unifying relationship" (Merriam-Webster). The justification is that there cannot be autonomous associations of free individuals if there are no free individuals. And it is through free individuals that the broad variety of human ingenuity is expressed, whereas in authoritarian states that expression is diminished. The issue is approached herein at a most general and basic level, *i.e.*, by considering the original endeavors at progress. The subsequent political implementation, intricacies and implications are complex far beyond the present subject.²

Natural law has been equated with conscience in our ability to distinguish between good and evil and thus how to be good and to avoid evil. In *The Natural State of Medical Practice* it

¹ 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*

² A most thorough statement on freedom, natural law, natural rights, and virtue as they relate to practical implementation can be found in Thomas G. West's *The Political Theory of the American Founding: Natural Rights, Public Policy, and the Moral Conditions of Freedom*, Cambridge, 2017.

was shown that, at its core, natural law is a statement on the inviolability of human liberty.³ The connection between individual freedom and the distinction between good and evil is central to this monograph.

To begin, if the definition of “moral” involves the distinction of good from evil, definitions will vary from society to society. But natural law is understood to already incorporate the ability to make that distinction and it applies to every human, regardless of society or status. Thus, natural law should itself define morality. If this is so, the issue of cultural relativity of morals is irrelevant, because adherence to natural law becomes the definition of “moral,” *i.e.*, if a person’s action is consistent with natural law, the distinction between good and evil is realized and that action is morally excellent. If the action is inconsistent with natural law, that action is immoral.

Furthermore, it may sometimes be unnecessary to even consider the motive for choosing “good” over “evil” inasmuch as natural law does just that: besides being assumed to be “good,” it has been *proven* to be good in that it is beneficial to human progress (see Excursus 3). In other words, good consequences of a person’s action within a community can be independent of motive as long as that action is consistent with natural law.⁴ In contrast, an inadvertent action or one with an intended good motive but inconsistent with natural law may lead to a bad consequence. In this respect natural law would seem to be efficiently self-regulating by some intrinsic mechanism no matter how it is made manifest. Either there is an assumption built into natural law (*i.e.*, the nature of natural law itself) such that, given the proper social environment, only a good, or “moral,” result will ultimately emerge (the “immoral” ultimately failing), or that the role of personal judgment, such as the individual reasoning as suggested in Kant’s “good will,” is relatively insignificant for its operation.⁵ **For such a far-reaching yet forgiving mechanism to exist within us it must be very important indeed, for it suggests that people in any society will inevitably improve their condition if nothing keeps them from obeying natural law.** Indeed, progress in that society will evolve like other natural phenomena unless disrupted by natural law transgressions, just as humans wonderfully mature as the years pass unless impeded by disease.⁶ These rather astonishing statements will seem not so far-fetched as an analysis of the Natural Law Theory of Human Progress as proposed in *The Natural State of Medical Practice* (volume 1) unfolds.

A related phenomenon concerns virtue, for virtue might cohabit with natural law, and it has often been stated that without freedom there can be no virtue because authoritarian governance,

³ See *The Natural State of Medical Practice*, especially vol. 3, chapter 12. There are also my summaries of the discussion of natural law in Excursus 2 (*A Personal View of Natural Law: Likening Natural Law to Human Autonomy*) and Excursus 6 (*Natural Law, the Ten Commandments and the Golden Rule Compared*).

⁴ A related issue is the virtue of assistance and self-sacrifice for another person in need. Such humane actions are always considered virtuous, even in wars and on opposing sides. They are recognized in The Golden Rule in that (1) they help protect the life and property of the individual in distress and (2) the proffered assistance is something we would want were we in a similar situation. While this monograph is more a fundamental description of virtue and natural law, the virtue of natural law would apply to such individual acts of humaneness.

⁵ See translation by H. J. Patton of Kant’s “Groundwork of the Metaphysics of Morals” in *The Moral Law*, London, 1964, chapter 1, p. 61ff.

⁶ Another implication of natural law as portrayed in this paragraph is expressed in the question, *How did it get there?* However one might answer that question, the purpose of natural law is our betterment. Mankind’s survival will inevitably follow (see conclusion of Excursus 9, *After Eden*). Furthermore, that betterment may be in the future, perhaps far in the future, which, to humans, is unknown. We are preparing for something, but what? Other animals may care for their young and travel in peaceful herds over tens of thousands of years, but natural law works daily to improve mankind’s meaningful existence on earth; our survival, with its operational mechanism of ingenuity, is a separate matter. See p. 161 of vol. 4 (Excursus 15), *Ingenuity and natural law: linked in freedom*.

in suppressing freedom, arrogates the definition of virtue to its convenience.⁷ The consummate example of this is China, where, in a continuation of 4,000 years of totalitarian rule at the provincial and state level, the greatest virtue, as promulgated in its present “law-morality amalgam,” remains a fervent nationalistic dedication to the authoritarian state despite its profound limitations on freedom.⁸

There are wide-ranging conceptions of virtue, including Aristotle’s twelve virtues, each being the mean between two extremes (with the extremes lacking virtue), the Stoics’ prudence, temperance, courage and justice, Aquinas’ theological virtues of faith, hope and charity, Dante’s combination of the preceding two (i.e., seven virtues), Kant’s “moral strength of a human being’s will in fulfilling his duty,” and Nietzsche’s distinction between moralities of the master and the slave. But more simply and succinctly, Merriam-Webster, in its definition (1a), equates virtue with morality, and in definition (1b), as “a particular moral excellence.” Consistent with the assertion that the complexity of an issue is directly proportional to the length of its definition, for purposes of this monograph virtue is understood to be “moral excellence.”⁹

It can be asked whether virtue has any function outside of natural law. It does if a society defines it so. Even extermination of another society might be viewed as virtuous if an authoritarian regime declares it necessary and if members of that society agree or can be made or enticed to agree. But this becomes irrelevant if we assign true virtue to one thing, and one thing only, adherence to natural law.

Natural law, viewed as the equivalent of the Ten Commandments (the Decalogue) and the Golden Rule rather than an inconsistent list of “things not to do,” can be considered essentially a definitive statement on individual liberty, for its restrictions advise no unwelcome interference with the life of another person.^{10,11} If true virtue is defined as moral excellence and if morality is defined by natural law, promoting and defending individual liberty is virtuous. Doing something that interferes with another’s liberty (against that person’s will) is not virtuous and is immoral. Helping to preserve another’s liberty (upon request) is virtuous and moral. Human liberty,

⁷ Frederick Douglass (1818-1895) wrote “There can be no virtue without freedom - and no peace without justice.” He viewed the U.S. Constitution as an anti-slavery document, with slavery being unconstitutional and against natural law and natural rights.

⁸ Lin, D, Trevaskes, S., *The Ideology and Institutions of China’s Political-Legal System*, in *Asian Journal of Law and Society*, 6:41-66, 2019.

⁹ This is not the same as “a virtue is understood to be a moral excellence,” for the list of specific virtues is long, each one presenting an issue with subjectivity. But what if virtue is not in partnership with natural law and is a “stand alone” phenomenon. For example, there is the subject of virtue ethics, one that has close ties with Western legal systems. There is, however, a distinction between the noun virtue and the adjective virtue of virtue ethics. Ethics has been divided into three broad categories: those in which actions are to be gauged by their good consequences, those in which actions are to be gauged by how dutifully they are fulfilled, and the nature of the character of those involved in the doing. As it concerns the latter, the legal ramifications of virtue ethics are broad, arbitrary as to motive (who defines or quantifies what is virtuous?), and, to some, paramount. Virtue ethics is not a topic of this monograph.

¹⁰ Paul Sigmund, in *St. Thomas Aquinas on Politics and Ethics* (New York, 1988, paperback, pp.48-50), lists the following “internal expressions of natural law” by Aquinas: good is to be done, evil to be avoided, our actions should be guided by reason, we should not harm others, we should not kill others, we should not commit adultery, we should not take from others.

¹¹ The Golden Rule, as expressed in Mathew 7:12, is “Do unto others what you want them to do to you.” Here is a version in Greek from the 2nd C AD: πάντα ουν ὅσα ἐὰν θέλητε ἵνα ποιῶσιν ὑμῖν οἱ ἄνθρωποι, οὕτως καὶ ὑμεῖς ποιεῖτε αὐτοῖς· οὗτος γὰρ ἐστὶν ὁ νόμος καὶ οἱ προφῆται. Literal: “everything therefore whatever you wish that they should do to you the men (the people), thus you do to them; for this is the law and the prophets.” And see Excursus 6 for a more definitive discussion of the similarities of natural law, the Ten Commandments and the Golden Rule.

therefore, is the *modus operandi* of natural law and is necessary for expression of true virtue (moral excellence). That such a profound statement can be attributed to something as vaguely perceived as natural law may seem unwarranted in that its importance seems inversely proportional to its phantom-like nature. In the absence of deducing specific laws that are considered to comprise natural law (as has been done in the past), how can this be applied to the human condition?

In *The Natural State of Medical Practice*, the essential role of freedom in procuring progress for the benefit of mankind was revealed. From the very origin of medical practice the relief of human suffering and averting of (premature) death have been purposefully chosen humane goals of medical care in that external threats to existence and to well-being were moderated.¹² Using a decrease in human suffering and an increase in life expectancy as incontestable “goods,” therefore, statistical analysis of data in *The Natural State of Medical Practice* provides positive evidence of human goodness as a manifestation of a free society, not a society devoid of liberty.¹³

Thus, the relation of natural law and virtue can now be more broadly interpreted: virtue is not necessarily characterized as doing something for virtuous reasons. Like a moral act, it can even result from the doing of nothing that interferes with the freedom of others.¹⁴ This is a virtuous way of life that can be looked upon as doing one’s duty according to natural law. From this adherence to natural law it is obvious that one should not take or harm another person’s life or property. From murder and theft to abuse and prevarication, all this is subsumed under the category of interference with the freedom of others. We are all virtuous if we do not do these things, and thus it seems axiomatic that virtue is an expression of natural law and being virtuous is our natural state and to purposely interfere with the freedom of others is an acquired aberrancy. When we interfere with freedoms of someone else, we, like taking a bite from the fruit of the Tree of Knowledge of Good and Evil, are assuming we are justified in usurping the natural right of the victim to direct his or her own life; we, intentionally or not, have become, like God, arbiters of what will befall the victim of our illicit transgression.

But what about virtuous behavior such as courage, generosity, self-control, modesty, forgiveness, kindness, humility, obedience, loyalty, sincerity, and patriotism, to list but a few examples? By present discussion, they all could be virtuous if their end is to protect another individual’s autonomy (assuming that autonomy does not infringe on someone else’s rights). But if their end is to interfere with that autonomy, including their life, liberty, and pursuit of happiness, they are not virtuous. Obedience, courage, and loyalty to a gang involved in smuggling people and drugs are not virtues. Even “moral excellence” can be a suspect virtue in that there have been societies that have engaged in ritual infanticide in the belief that threats to well-being of society can thereby be allayed. No, there is only one true virtue that cannot be warped into something monstrous, and that is to not interfere with the rights of others (unless requested or in response to

¹² There also have been academic studies that revolve around the Democratic Peace Theory, a theory based on the contention that democracies do not war on other democracies, surely a “good,” and while democracy is not the equivalent of freedom it is at the least a step away from authoritarian governance. There are critics of that theory, both theoretical and factual, but at present the dominant opinion is that the Democratic Peace Theory is reasonably supported by evidence. See: Rummel, R., *Never Again: Ending War, Democide, & Famine through Democratic Freedom*, Llumina Press, Coral Springs (FL), 2005, and Gat, A., *War in Human Civilization*, New York, 2006.

¹³ *The Natural State of Medical Practice*, vol.3, Appendix A, p. 313. It has said many times that freedom is the source of all value in that it permits moral choice, but the present argument is more specific, *i.e.*, good moral choice and its virtuous expression.

¹⁴ It would also be virtuous to protect others from losing their freedom or from bodily harm or personal loss. This is self-evident and is not discussed herein.

obvious need, in which case courage and kindness, for example, could without qualification be called virtuous acts).¹⁵

What is our cue that we may be doing something not virtuous? Definitions of conscience are found in abundance around the world and throughout history, which is strong evidence that there is such a thing. Although often considered equivalent to or identical with natural law, there is a debate about whether conscience is innate or acquired or both. This debate is widespread and ongoing, whereas natural law is considered innate and established. It has been shown that children approximately 8-10 years of age begin to question the correctness of propositions they hear from others, including from those most likely to instill in them particular opinions of what is good and bad, *i.e.*, their parents. This fledgling moral reasoning does not suggest conscience is entirely teachable. Instead, it suggests maturation of an innate process of searching for a way to properly identify the right answer to things. Conscience is therefore to be considered in this monograph as innate and as the mechanism by which guidance of natural law is allowed to consciously assert itself, an alternative guidance mechanism being defined through human reason (*i.e.*, thought, discourse, study).

If the preceding is so, then laws and actions that are inconsistent with natural law will, if an individual follows those improper laws or wrongly acts, prompt the conscience to express itself when the appropriate moment arrives, and that expression will be guilt. Guilt, not the contentment of innocence, helps us differentiate between the good and evil of our actions. Without the ability to feel or recognize guilt, evil will be unrecognized and unimpeded.¹⁶ Authoritarianism, by carrot or by stick, impairs our ability to act on our sense of guilt when we are made to adhere to bad positive laws and wrongful social pressure, the tyranny of opinion. In contrast, in a free society guilt can more readily be detected, acknowledged and the problem corrected. There can, of course, be virtuous acts in an authoritarian state because natural law exists there as well and therefore could be sufficient to move an individual to act virtuously as a local or personal situation may require or permit. But in those societies/nations where natural law, in protecting natural rights, is the *rule*, progress and goodness will reign as long as external authoritarian threats to existence are blocked.¹⁷

Within the framework of elementary generalizations proposed in this monograph, it is claimed herewith that (1) human progress and true virtue are exclusive outcomes of human liberty, (2) protection of human liberty, and thereby our virtue and well-being, is our moral duty as well as the purpose of natural law.¹⁸

¹⁵ An anonymous act of kindness to a person in need or of courage displayed in a rescue can occur in any society and would be an example of true virtue, for the intervention would be reversing a threat to the other person's well-being. But a similar act extended to a gang member whose purpose is to take from others merely reflects an attempt to avoid a loss of manpower.

¹⁶ "Lack of conscience" is part of the definition of a sociopath.

¹⁷ It is obvious that political authoritarianism comes in degrees, and its susceptibility to immorality therefore does the same. Nevertheless, this monograph presents an "all or none" picture of authoritarianism for illustrative purposes, for to substitute "totalitarianism" for "authoritarianism" would imply limited relevance to all that is under discussion.

¹⁸ If a person dives into turbulent water to save another's life, that act is virtuous whatever the outcome. If a person fights a dangerous brush fire that threatens a community, that act is also virtuous. If a person speaks out against political repression, that act is also virtuous. In each case the pronounced virtue is based on preservation of human life, protection of property, and protection from unjust prosecution. Thus, a great number of examples of virtue are made known to us each day, but each case reflects the importance of individual freedom, including freedom from premature death, from theft, and from injustice, all being consistent with adhering to natural law. Unavoidably, debate will be needed concerning what the boundaries are between one individual's freedom and another's freedom and between one individual's freedom and a democratic society's varied wants and infringements. The interaction between

The relevance of this to *The Natural State of Medical Practice* is thus:

Theorem: Human progress and true virtue, as expressions of natural law, can occur only in a free society.

Proofs of the theorem:

- A. *The Natural State of Medical Practice* proves that authoritarian governance prevents maturation of progress and the authoritarian kinship prevents initiation of progress.
- B. *The Natural State of Medical Practice* proves that the autonomous association of free people seeking self-betterment is the source of progress.
- C. *The Natural State of Medical Practice*, using (1) a decrease in human suffering (purposefully and humanely effected through the invention of the natural state of medical practice) and (2) an increase in life expectancy as “goods,” provides evidence that human goodness as a virtue is a manifestation of a free society and absent in one devoid of liberty.¹⁹

Consequences of the theorem:

- A. *The Natural State of Medical Practice* provides strong evidence that, by adhering to natural law, the liberation of the ingenuity of common man and woman explains the global dominance of Western civilization (which Excursus 16 renames as the Judeo-Christian Civilization).
- B. As proposed and supported by *The Natural State of Medical Practice*, the penalty for not adhering to natural law is not merely cessation of progress but ultimately a reversion to empiric practices.
- C. Humans, by natural law, are inherently good but can be made or enticed either to do evil or, by disregarding natural law, open the door to manipulation by evil. Man-made laws inconsistent with natural law (*i.e.*, contrary to a free society) are inimical to progress and to virtue and goodness.
- D. Natural law provides protection for the rights of the individual, not the group, and therefore is in unqualified conflict with collectivism.
- E. Natural law is the definitive statement on the inviolability of human liberty, but it exists not merely to protect the freedoms of the individual in whom its imprint resides. It is, at a deeper level, to be understood as an accommodation to human social interaction. Its principles are therefore logically to be considered universal and applicable to social interactions of institutions and government. The virtue it demands is far more than the praiseworthiness we apply to what we consider admirable qualities, admirable acts, and “good deeds” of individuals. Good governance accorded a free people allows the intended good emanating from natural law and natural rights to be expressed in progress and in virtue throughout a society. As an example, charitable giving as an example of virtue would be unnecessary except for the unexpected.

justice and necessity is another traditionally difficult area. But these can be resolved by reason. The bedrock for judgment remains natural law and its defense of liberty, in particular civil liberty.

¹⁹ Unless stolen, copied or purchased from a freer society.

- F. The evidence that America is indeed a virtuous society based on its founding has been convincingly explained by Dr. Thomas G. West.^{2,7} Loss of the strength and idealism of the freedom expressed in its founding, which no other nation can supplant, will be a defeat for America in the contest of nations and inevitably will be the death knell for civil liberty around the globe for centuries to come. Will the Sovereign of all mankind dwell in Heaven or on Earth?