



The Owl of Athena

CONTRATYRANNOS

The Natural Law Theory of Human Progress Website

EXCURSUS #7

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

HUMAN DISPERSION AND NATURAL LAW; GOVERNMENT AS A KINSHIP

Summary: A description of mankind's natural aversion to crowding as displayed by primitive nomadic and sedentary groups opens this excursus. Manifested in small groups by early humans for social contact and protections centering around family, it is proposed that larger and thereby more authoritarian kinships were preferentially avoided except for safety. In rare but remarkable instances the repressive early tribal kinship was abandoned for commercial urbanization, although ensuing progress would, within a few centuries, be blocked by authoritarian political governance. This is a warning that the ethic of natural law encounters increasing risk of subversion as population density increases and we lose or cede our natural rights and responsibilities to a politicized central governance. Should this occur, the consequence will be perennial conflict and regression of progress already obtained. Would that it were possible to safely disperse.

It is repeatedly claimed that man is a political animal,² and there are studies of chemical mediators that affect individual human interactions with things, events, and other humans.³ The latter approach has even been applied to interactions between groups. The topic of this monograph, however, concerns the interaction of an individual within a group. But the "group" herein is not just any group. It does not include political associations, institutions, or other sodalities. The common feature of the individual-group interaction that is the present topic requires that members of the group reside in close proximity. The size of the group can therefore vary from an extended family to larger kinships such as a tribe and to a city. Finally, the focus is on primitive groups and the earliest *de novo* appearance of cities in primary civilizations, for the opening question is, did cities originate or survive because of a psychological orientation of humans as "social animals" to

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 Aristotle is credited with this phrase, and from his description he seems to be praising citizenship in established Greek city-states (Aristotle, *Politics*, Bk 1, 1253a). The Greek phrase is ὁ ἄνθρωπος φύσει πολιτικὸν ζῷον, in which the literal interpretation implies a need or desire for the responsibility of citizenship in a State. This indicates he was not referring to cities or States in general but in a State where the individual retained political significance.

³ See the brief review by Simon N. Young, *The Neurobiology of Human Social Behavior: An Important but Neglected Topic*, in *J. Psychiatry Neurosci.*, 33:391-392, 2008.

reside in close proximity to, or have a need to be part of, an assemblage of many other humans. The answer to this question will be shown to be “No” but that the aversion to larger groupings was overcome in several instances by intelligent self-interest.

It has been the conclusion of *The Natural State of Medical Practice* that, as reflected in the course of civilizations, humans best display their ingenuity when they are free and their capacity for progress when they collaborate in autonomous groups to solve a problem. This was supported by evidence surrounding the evolution of medical practice during early urbanization in several ancient civilizations.

Some have proposed that early urbanization was a consequence of regional population growth, a popular theory implying that cities from the beginning were both desirable and inevitable consequences of increasing population density.⁴ The mainstay for that theory of urbanization was agriculture, for, with the availability of an adequate food supply being the dominant factor, the greater the food supply the greater could be the local population and population density. An adequate supply of food and water therefore was the permissive factor that allowed regional populations to fulfill a natural desire to congregate, something not possible for hunter-gatherers.⁵

An alternative explanation was put forth by Dr. Gordon Childe who considered cities born and bred for commerce. In other words, it was food *surplus* for export rather than food *sufficient* for local population growth that was the key to urbanization. This is a major distinction. In food surplus there might not have been cities were it not for commerce, whereas for food sufficiency humans were just waiting, figuratively speaking, for the opportunity to reside communally with fellow humans.

But if people were so pleased to intermingle then there should have been a city develop just outside Eden’s gate, perhaps like Cain’s Enoch, that would have enlarged as agriculture prospered until a maximum supportable size was obtained, at which time more distant cities would have emerged. Based on modern scientific theory of human origins, therefore, Africa should have been promptly populated with cities, the other continents laggards.

While Adam and Eve were not hunter-gatherers on leaving Eden, instead pursuing sedentism, evidence indicates it was in small groups that people emigrated from central Africa to populate most of the globe, and there is not a single early ancient city from those earliest days to show for it. This suggests that ideas leading to expanded communal living either did not occur to early people or that they considered that possibility but then rejected it. Assuming we are neither more nor less intelligent than our ancient *Homo sapiens* ancestors, it is reasonable to conclude the latter.

There are, of course, important geological and geographical considerations. One is growing season. Thus, nomadism was abandoned first in more temperate, cooler, regions; the growing season was longer in warmer climes and thus better supported continuation of an itinerant

⁴ See publications of Dr. Paul Bairoch, including *Cities and Economic Development: From the Dawn of History to the Present*, English translation, Chicago, 1988. It was Aristotle, of course, who, in his *Politics*, viewed the State as a natural consequence of the desire of humans to associate and live a good life above bare necessity. *The Natural State of Medical Practice*, however, considers the city’s “good life” to be the unintended consequence of the original desire of humans to leave the tribal kinship, involvement in commercial ventures being their “escape from egalitarianism” rather than a “flight to pleasure.”

⁵ Farming requires greater effort than nomadic existence and recent estimates suggest about five acres of land are needed per person for sustenance. There also are problems with soil deterioration and climate changes. Hunter-gatherer groups on the other hand might need two hundred acres or more of territory per person for subsistence. Thus, it has been proposed that population shifts between sedentarism and nomadism and the formation of towns can be explained by the territory needed to provide adequate caloric intake for a given population.

existence.⁶ This is an interesting observation in that it suggests any change from a nomadic to a settled lifestyle was the product of geological and meteorological conditions rather than being a lifestyle preference for sedentism, although another possible reason is safety from dangers of the environment or from other humans.

It remains to be explained, however, why it took so many years for the first “cities” to appear following regression of the Quaternary Ice Age. Temporary Mesolithic (20,000-8,000 years ago) settlements have been discovered around the world, suggesting sufficient humans existed regionally during the Ice Age to form sizeable communities but did not. Glaciers had significantly receded 15,000 years ago, yet it took several thousand years for a few small and organized settlements to be established, most still being associated with rock shelters and usually occupied only transiently. Locally concentrated permanent populations exceeding ten thousand did not appear until perhaps 6,000 years ago, and even these were all located in or near Mesopotamia, with its earliest 4th millennium city, Eridu, containing perhaps 4,000 inhabitants. Beyond this region there were rarely permanent villages. All this suggests humans were in no hurry to congregate in large communities over the great majority of their existence on Earth even though there would have been knowledge that large settlements could exist or existed.⁷ Instead, they generally continued to disperse.

Even when ancient population centers came into existence there was no rush to enlarge them. The population and the accommodations of Catalhoyuk in the 8th millennium remained stable at 8-10,000 for about a thousand years and then disappeared. The early population of Jericho in 9400 BC contain an estimated seventy dwellings. Two thousand years later the population is estimated to have been as low as two hundred persons. Nevali Cori, a settlement in present-day Turkey, comprised some twenty remarkable houses in the 9th millennium, but it was abandoned within a few hundred years. A similar but smaller 9th millennium settlement is at the Geshar archeological site in Israel, and it appears also to have had a similarly brief existence. There are large parts of the world, including vast areas of Siberian and Mongolian plateaus, that have known nothing but nomadic or pastoralist peoples up to the present day. Then there is the modern extreme example of Australian aborigines who, after fifty thousand years of isolation on the Australian continent, have refused to accommodate a single town.⁸ There clearly was no pent-up demand for congregating with fellow humans despite glacial regression. There appears to have been little to attract people to either relatively populous or permanent residences if reasonable conditions permitted them to remain separate and nomadic.⁹

To be able to settle permanently in one place (sedentism) required selecting a location with a year-round water supply, a source of game or space for domestication of animals, and protection against uncertainties of weather, geology, and wandering threats, human or otherwise. Sanitation and seamliness associated with permanent human habitation must have been issues. Early centers of sedentism could develop without an agricultural component, but they did not naturally evolve into agricultural towns and cities, and local migratory or nomadic behavior remained a prominent parallel phenomenon. Overall, frequently moving around in separate groups, especially to places

⁶ Max Weber, *The City*, in chap. 1, *The Nature of the City*, Free Press paperback, Glencoe, 1986.

⁷ World population graphics as published by the United States Census Bureau, *Historical Estimates of World Population*, and viewable as of 2021.

⁸ See *The Natural State of Medical Practice*, vol. 3, p. 200ff.

⁹ Perhaps those early populations detected difficult social issues that would be magnified in a city environment. Today’s rate of many serious psychiatric diagnoses is considerably higher in cities than in rural environments. See a review of this problem: Gruebner, O., et al., *Cities and Mental Health*, in *Dtsch. Arztebl. Int.*, 114:121-127, Feb. 2017.

known and previously occupied, seems to have been preferable, even though disabled members could be travel liabilities.

But what is meant by “separate?” Is separation a euphemism for autonomy, or does it merely mean a desire to remain in the nomadic, or hunter-gatherer, mode. In choosing nomadic life the band required members who would travel together and remain closely knit to provide for the common welfare. Such groups may go their separate ways, but internally members would be permanently in close contact, with kinship usually being both the common bond of membership and the common authority for obedience. This was not autonomy. Indeed, as discussed below, the reason for joining in urbanization was not to escape nomadism *per se*, already shown to an acceptable and perhaps even preferred lifestyle, instead being an escape from its egalitarianism.¹⁰

Agriculture did not change the overall dispersion of the population. Over time the European population increased in part due to immigration, beginning in the 6th millennium, of a farming people via Anatolia and the east. But despite the widespread introduction of farming throughout Europe there are only four possibly permanent settlements dated prior to the 4th millennium, one being Argos in the Peloponnese, dated to *ca.* 5000 BC, a small village. There was a settlement of perhaps a thousand or more individuals near Stonehenge in the British Isles that existed *ca.* 2500 BC, but it was a temporary settlement that lasted for perhaps two or three centuries to support the development of regional henges. Settlements in the British Isles otherwise are inconsequential in size until the 2nd millennium.

Thus, the broad expanse of Europe with an estimated population of ten million by the beginning of the 2nd millennium can be considered virtually devoid of established assemblages of people.¹¹ In China the same pattern applied but with a twist. Several population centers developed in the 2nd millennium. The early settlement of Taosi of *ca.* 2000 BC is considered the largest center, but the center itself was primarily an elite political habitation with hegemony over a regional population that resided in small surrounding villages. It survived only a few hundred years. The first “urban” site was Erlitou, which reached a population of 11,000 about 1800 BC. It was, like Taosi, a monarchical center. Thus, even within the authoritarian designs of ancient China there was no rush to centralization by the general population, which existed in small satellite villages (a proposed exception to the preceding being Liangchengzhen of the Longshan culture, mentioned below). In the Americas nomadism and semi-nomadism were virtually universal throughout the Archaic Period (8000-1000 BC) and into the Classic Period (500-1200 AD) except for ritual centers. The latter could have commercial functions, generally an appendage in which the common people resided in small peripheral villages.¹²

Thus, despite the immigration from the east that ultimately dominated Europe, the population remained dispersed.¹³ Until the subsequent Bronze Age (*ca.* 2000 BC) the British Isles and northern and eastern Europe contained virtually no villages, just hamlets of small clusters of several houses. The same applied to Japan where the largest congregation of the Jomon people, who populated the islands from 14000 BC to as recently as the 1st millennium, was no more than five hundred, almost all other sites being composed of four or five dwellings. In eastern Europe

¹⁰ The subtitle of vol. 3 of *The Natural State of Medical Practice* is: *Escape from Egalitarianism*, the theme of the entire volume.

¹¹ Population estimates available from Statista Research Department, 2007.

¹² Prominent ritual centers, probably with political authority, were found in the Western hemisphere, including Norte Chico (Peru), Cahokia (North America) and San Lorenzo (Mexico), the latter being considered a city that in *ca.* 1000 BC, had a central population of 5500. The first two are discussed in *The Natural State of Medical Practice*, vol. 3, p. 143f and p. 151f.

¹³ *The Natural State of Medical Practice*, vol. 3, p. 246ff.

(now the Ukraine and Romanian region) the people of the Cucuteni-Trypillia culture of the 6th-3rd millennia lived for the most part in small hamlets separated from each other by a few miles. But when they did form large “cities” (some with populations of 10,000-30,000) the individual dwellings or small groupings of dwellings were sufficiently separated from their neighbors that each dwelling unit was able to support itself by farming immediately adjacent land. Furthermore, these large population centers did not have commercial centers or monumental structures, thus being more like an amalgam of hamlets.

The seemingly inherent disinclination to crowd together was powerful. Discounting the attraction, usually intermittent, of regional religious or ritual centers, how was it finally overcome? There are two plausible explanations for ancient urbanization. One, more fully treated in *The Natural State of Medical Practice*, provides evidence that commercialization, beginning at the village level and then expanding as local commerce increased, provided an avenue for escape from the egalitarian ethos of the clan or tribe. In this instance the local population involved in commercial ventures increased because people *desired to join* in urbanization.

The other explanation is a need for defense against some external force or threat. In this situation the people felt they had *no choice but to join*, as it was but logical to seek safety in numbers. And this is what was usually done. As a result, groups were larger and regimentation extensive. Bronze Age and Iron Age Hill Forts in the British Isles and throughout Europe are examples of defensive settlements, and few of these became prospering towns or cities. They quartered perhaps a few hundred people, whereas most of the population lived in small and scattered hamlets of about fifty persons. This is the situation that persisted down to within a few centuries BCE when later cultures developed larger defensive settlements such as the *oppida* of the Celts.

In considering the two options cited in the preceding paragraph, the primary civilizations of ancient Sumer, Egypt, India and China began as commercially active settlements, although the Longshan culture cities of ancient China have limited circumstantial evidence to support this claim. But from this we can propose that it was commercialization that led to early urbanization and that its initial success prompted others to join in urban life as a matter of free choice. The result was the city-states of Uruk (Mesopotamia) with an estimated population of 40,000 by 3100 BC, Hierakonpolis (Egypt) with an estimated 10,000 population about 3200 BC, (Mohenjo-Daro India) with an estimated population of 40,000 in 2500 BC, and Liangchengzhen (China) with a population of 50,000 also about 2500 BC.

Considering all the evidence, the conclusion seems inescapable. Humans do not prefer close and integrated contact with other humans if this involves restrictions on their freedom.¹⁴ They are “social” only to a point. In their close-to-natural state in Europe they preferred to live in small consanguineous, or family, groupings near others but not so near that they could easily be pestered, threatened or caught up in the troubles of others. This would have allowed them to visit, befriend and assist others according to family priorities. When Roman Legions threatened they were able to come together and rally thousands of warriors and their families. And since there is no reason to think that we are any smarter or kinder than humans of thirty thousand years ago, the same pattern of thinking is with us today. Thus, cities are an aberrancy, which is not to say whether they are good or bad. In fact, it can be considered that modern cities, despite their countless regulations and social threats, contain some unintended good above and beyond commercial

¹⁴ Parenthetically, it is assumed that leaders of bands and heads of households that determined the course and placement of their respective groups were men, and it is further assumed that women agreed with those decisions. This, however, merits further study. And see footnote reference (15).

convenience. That good can be considered a consequence of spontaneous order, defined as “order which emerges as a result of the voluntary activities of individuals but is neither a product of the execution of human design nor a creation of government.” The flourishing of the arts and institutions in cities, therefore, has been an unintended product of commerce-induced population aggregation. But it does not escape our attention that a great number of people employed in a modern, safe, and intellectually exciting city prefer to reside outside it.

Does all this relate to natural law which, as explained in Excursus 6, is based on ethical laws that require that we not disrupt the lives of others? We are to respect the right of others to live free; “live and let live.” What better way to do this than to live a bit apart from others, thus avoiding uninvited intrusions and making collective action difficult. That this was thought to be the preferred and effective plan of habitation is suggested in the broad application of this plan over vast regions encompassing a variety of cultures for thousands of years. If safety and sufficiency permitted, people lived in small groups where, as pointed out in modern studies of group psychology, there is a greater opportunity for expression of personal opinion.¹⁵ It was only when population continued to increase that circumstances prevailed that increased the likelihood of transgression and violence, thus leading to tribal organization and other defensive arrangements such as Hill Forts and walled enclaves.¹⁶

On the other hand, the social distancing of small groups, whether by circumstance or by preference, interfered with the opportunity for individuals to share their ingenuity, the basis of human progress.¹⁷ By limiting that interaction Neolithic populations were guaranteed not to prosper or progress. It required a sizeable and stable concentration of people to initiate and sustain progress. What better way to proceed along this path than to embrace a positive incentive for people to congregate and work together. That incentive was a mutually beneficial commercial enterprise. The remuneration for commercial success was not physical victory over another people, instead being a better lifestyle for its members than that existing in kinships. In contrast, Hill Forts or their equivalent were enforced crowding with motivation being safety in numbers. Remuneration was survival, not progress. Freedom was exchanged for security. In contrast, in escaping from the repressive kinship of the tribe the security of social bonding was exchanged for a degree of intellectual freedom.¹⁸

¹⁵ For a comprehensive review of the significance of smaller group size see *Communication in the Real World: An Introduction to Communication Studies*, chapter 13 – Small Group Communication, 2013. This is available from the University of Minnesota Libraries under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International License.

¹⁶ Prof. T. W. Luke, in *Social Theory and Modernity* (Newbury Park (CA), 1990) considers this an aberrant response, primarily by males, to “social artifice” associated with crowding (p. 107).

¹⁷ The critical role of the “group” to progress, as opposed to the “individual,” is maintained throughout the three volumes of *The Natural State of Medical Practice* and can be summarized as “two heads are better than one.”

¹⁸ The definition of kinship, originally based on the concept of kin and representing a common ancestry, has become so diffuse that it is now almost meaningless. Historically, however, it is the ancestral relation, whether consanguineal or affinal, that has guided the major part of humanity over millennia with its rights, responsibilities, loyalties, and protections. But in a democracy where the individual is the source of power and the focus of rights and protections, there is an inherent rejection of a formal kinship, especially in the field of politics. It is for this reason that “social kinships,” such as a labor union, a religious faction, a single political party or any type of traditional kinship cannot be allowed to contend for control of our government. Our guarantor in America is our Constitution. Were this not the case, tribal conflict would destroy the political stability of the nation unless a totalitarian government towered overall. Such is the case with China, which for thousands of years has known only kinship-based monarchical or totalitarian rule, and the individual remains, except for the present brief toleration of superficial capitalistic freedoms, a mere cipher dependent on government whims.

Viewed in this way, the social environment that permitted progress also permitted personal benefits to benefit others. The concentration of people was no longer a potentially bad thing where proximity bred temptation. Instead, self-interest recognized that peaceful collaboration made it preferable to reside in closer quarters because self-betterment made compromise not only possible but desirable. The importance of compromise is briefly discussed in the opening pages of *The Natural State of Medical Practice*.¹⁹ But it was these interactions of people pursuing self-betterment that would lead to progress, with the accumulation of new medical knowledge that would result from the appearance of a small network of medical practitioners being but one example.

It is reasonable, therefore, to view progress, attributable to a collaboration of persons in which each was working for self-betterment, as an example of spontaneous order, an unintended but beneficial consequence of being in close contact and avoiding violations of natural law (e.g., killing or robbing) in their interactions with each other. And spontaneous order can be viewed as a corollary of natural law.²⁰ Thus, peaceful dispersion of early human migration and small settlements around the globe avoided higher levels of social repression. When larger and more impersonal kinships developed, peaceful commercial interactions of local assemblages of people (in towns and cities) became attractive, limited social regulation was bearable, and these interactions were the source of human progress. This is not to say that those populations consciously recognized how conducive their choices were with the ethics of natural law.

As for our own time, Western progress also emerged when released from a kinship, this time an embattled pan-European doctrinal kinship embedded into a feudal system. Although no peaceful interlude for collaboration equivalent to a settlement hierarchy ensued, protection provided by a number of northern European principalities and dukedoms permitted initial European steps in religious and later entrepreneurial self-interest. That entrepreneurial initiative has so far survived the political gambits of authoritarianism in the West.

It seems that governments are incapable of refraining from appropriating the products or means resulting from personal attempts at self-betterment for their own purposes, usually claiming they are doing so in the best interests of the unprivileged. This is probably the same argument made by an early Pharaoh who might have said to local medical practitioners, “Come join with us and we will make you priests and offer you excellent remuneration, perpetual public acclaim, a temple to live in and access to all the people of the land.” Stability was then chosen over personal freedom, and the consequences were terrible.²¹

To summarize the preceding, commercial success invited collaborative efforts that led to population centers and a period of freedom of choice during the settlement hierarchy stage of early urbanization. There was an opportunity to compromise with neighbors on matters of self-interest, provide previously unavailable goods and services, and thereby peaceably improve one’s life. That collaboration was possible because compromises necessary for living in close proximity with others were considered a fair exchange for the benefits derived from commercial ventures. Common needs were met with cooperation, not combat. Personal decisions were no longer within the domain of kinships that had denied their members freedom to pursue self-interest since the earliest societies.

¹⁹ See *The Natural State of Medical Practice*, vol. 1, pp. 29, 539f, 214.

²⁰ See *The Natural State of Medical Practice*, vol. 3, pp. 273ff. Also: Skoble, A. J., *Natural Law and Spontaneous Order in the Work of Gary Chartier*, in *Studies in Emergent Order*, 7:307-313, 2014.

²¹ See *The Natural State of Medical Practice*, vol. 1, pp. 71ff.

What is the lesson to be learned? Dispersion and modest separation in small (usually family) units in ancient times suggest a lifestyle especially compatible with ethical orientation of natural law, a way to avoid transgression on the rights of others and a way to avoid restrictions (positive laws antithetical to natural law) imposed by larger kinships. By stating it is compatible with or sympathetic to does not imply it was purposeful, and Excursus 4 has made the extraordinary proposal that virtue and progress can exist even in the absence of motive if consistent with natural law.

But the larger the kinship, the greater its power and ability to protect its own. It does so by appropriating the time, effort, and fidelity of its individual members to benefit the kinship as a whole, and, as a kinship grows from an extended family to a clan and to a tribe, likelihood becomes certainty that a chief will emerge and distribute kinship rewards to personal advantage; a primordial politician is born.

Today the government is steadily being given, or is appropriating, more and more authority in directing our personal decisions by declaring it to be in our best interest. It is usurping the role of natural law as it becomes our “chief” and redefines our nation based on social kinships instead of a nation of distinct individuals with personal responsibilities and rights. In doing so, all the failings of the kinship associated with tribalism and tribal rivalries are being evoked as intrusion into our lives is justified by government-defined ethics rather than by natural law ethics. This is because a kinship is, at its core, a defensive unit rather than a progressive unit, a protection against outside threats, and a social Hill Fort appropriate for a pagan and authoritarian world of conflict rather than an opportunity for free individuals to collaborate and compromise in a way that ultimately benefits everyone and leads to progress. Thankfully, a few people from ancient populations left their tribes to join in commercial urbanization, of which we are the beneficiaries. Sadly, in contrast to the clan or tribe, from a government kinship there is no way out. While things may turn out satisfactorily for leaders of the winning tribe, this will not end well for the rest for us. The nation will be easy prey for the authoritarian and the common man and woman will lose again.²² Would that it were possible for us to safely disperse from our crowded cities, yet retain social safeguards, essential services and our preferred autonomous affiliations.

²² And once again reference is made to the abridgement of *The Natural State of Medical Practice* that is entitled *Medical Science and the Common Man and Woman: A History*, published by Xulon Press in 2020. An eBook version became available in January 2021.