The Spirit of Humility

Stanley Kober

The American Experiment

When the American Constitution was being signed at the conclusion of the Constitutional Convention, Benjamin Franklin remarked that he had often wondered whether the rays of the sun painted in the chair of the president of the convention signified a sunrise or sunset for the new country. According to James Madison, Franklin expressed his satisfaction that "now at length I have the happiness to know that it is a rising and not a setting Sun."[1]

The Constitutional Convention was an extraordinary experiment, an attempt to determine, as Alexander Hamilton put it in *Federalist* No. 1, "whether societies of men are really capable or not of establishing good government from reflection and choice, or whether they are forever destined to depend for their political constitutions on accident and force." This is the challenge that today confronts the newly emerging democracies.

If the American experiment may be regarded as successful, if it is a model to be emulated, the reason must be found in the causes of the American Revolution. "The Revolution was effected before the war commenced," John Adams observed. "The Revolution was in the minds and hearts of the people; a change in their religious sentiments, their duties and obligations. This radical change in the principles, opinions, sentiments and affections of the people, was the real American Revolution."[2]

Of all these changes, perhaps the most important was what historian Daniel Boorstin has called "the courage to doubt," which was exemplified by Benjamin Franklin. Near death, Franklin was asked his opinion

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Cato Journal, Vol. 17, No. 2 (Fall 1997). Copyright © Cato Institute. All rights reserved.

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[1]Quoted in Farrand (1966, vol. 2: 648).

[2]Letter to Hazekiah Niles, 15 February 1818, quoted in Seldes (1985: 7).

about a religious question. He expressed an opinion, but added that "it is a question that I do not dogmatize upon, having never studied it, and think it needless to busy myself with it now, when I expect soon an opportunity of knowing the truth with less trouble."[3] Franklin was not troubled by living in a state of uncertainty regarding a question for which he had no good evidence one way or the other. Since a decision was not required, he was content to wait until better evidence became available.

The United States was built on this foundation of healthy doubt, which is expressed in American institutions. Indeed, the peaceful transfer of power depends on it. In a democracy, the minority cedes power to the majority on the assumption that the majority has a better claim to be in the right. The minority does not conclude that it must be wrong; rather, it acknowledges, in effect, that it might be wrong. Just as important, the majority makes the same assumption, for otherwise it would not allow itself to be turned out of power merely for losing an election.

Civil Society and the Limits of Knowledge

This system of government, which is the political expression of civil society, is therefore grounded in a spirit of humility that recognizes the limits of our knowledge. That spirit is also the spirit of modern science, but it was not always this way. In the *Novum Organum*, written in 1620, Francis Bacon defined empirical inquiry as an effort "to seek, not pretty and probable conjectures, but certain and demonstrable knowledge."[4] It was this definition of science as a superior way to certain truth that led Karl Marx to call his version of socialism an improvement on prior interpretations, and which led to the tragedy that followed when his ideas were put into practice.

Modern science takes a different view. In the words of Karl Popper (1969: 115), "Scientific theories . . . are genuine conjectures—highly informative guesses about the world which although not verifiable (i.e., capable of being shown to be true) can be submitted to severe critical tests." This more humble approach to the possibilities of science is also enshrined in Heisenberg's principle of uncertainty, which Jacob Bronowski renamed the principle of tolerance. "Science has progressed," he explained, "because it has understood that the exchange of information . . . can only take place with a certain toler-

[3]Quoted in Boorstin (1987: 179).

[4]Excerpted in Commins and Linscott (1947: 77).

ance" (Bronowski 1973: 365). And what holds true for science is equally true for all other fields of human endeavor.

This recognition of the limits of our knowledge has two implications for civil society. First, it means that government must also be limited. According to the American Founders, democracy did not mean the election of a government that had total power. On the contrary, they were very conscious of the dangers of the tyranny of the majority. In particular, they were hostile to the idea of concentrating power in a single individual, even if elected. As James Madison warned the Constitutional Convention, the United States had to avoid "the Evils of elective Monarchies."[5]

Second, it signifies that if the majority will is determined by anything other than a public opinion capable of changing, civil society is in trouble. This was the principle for which the United States fought its civil war. As Abraham Lincoln explained in his first inaugural address:

> A majority, held in restraint by constitutional checks, and limitations, and always changing easily, with deliberate changes of popular opinions and sentiments, is the only true sovereign of a free people. Whoever rejects it, does, of necessity, fly to anarchy or to despotism.[6]

This principle was also identified by Thomas Masaryk as an indispensable characteristic of civil society. "Freedom of opinion is a form of political freedom, and a condition of it," he wrote. "Criticism is at once a postulate and a method of democratic policy just as it is a postulate and method of science and of the scientific spirit." And such criticism must lead to change in public opinion and public policy. "Life is change, constant change, constant growth," Masaryk celebrated. "An active people will make living organizations, new and ever new in the State and in society" (Masaryk 1927: 400, 401, 415).

Change, however, can also be unsettling, and people unaccustomed to it frequently look for something certain to cling to. "A person who was accustomed for many years to living under rigorous rules that prevented him from making his own decisions suffers from a kind of shock," President Václav Havel has explained. "They find themselves in a state of uncertainty, in which they tend to look for pseudo-certainties. One of those might be submerging themselves in a crowd, a community, and defining themselves in contrast to other communities."[7]

Individual Sovereignty and the State

Havel has put his finger on the central question confronting us. We are all in favor of self-determination, which means that we all

[5]Quoted in Farrand (1966, vol. 1: 70).

[6]*Abraham Lincoln: Speeches and Writings* (1989: 220).

[7]Quoted in Kamm (1993: A11).

want the right to participate equally in the affairs of government and to enjoy the equal protection of the laws. Unfortunately, self-determination has come to mean the self-determination of a group, typically the nation, which leads, as Havel has warned, to the subordination of the individual within the group. "I am in favor of a political system based on the citizen, and recognizing all his fundamental civil and human rights in their universal validity, and equally applied," he has written. "The sovereignty of the community, the region, the nation, the state—any higher sovereignty, in fact—makes sense only if it is derived from the one genuine sovereignty, that is, from human sovereignty, which finds its political expression in civic sovereignty" (Havel 1991: 49).

Havel has expressed one of the great principles of the American Constitution, which begins: "We the People of the United States . . . do ordain and establish this Constitution." Those famous words, as Alexander Hamilton emphasized in *Federalist* No. 15, were not accidental, but an intentional departure from the earlier Articles of Confederation. "The great radical vice in the construction of the existing Confederation is in the principle of LEGISLATION for STATES or GOVERNMENTS, in their CORPORATE or COLLECTIVE CAPACITIES, and as contradistinguished from the INDIVIDUALS of whom they consist." In contrast to the Articles, in which the sovereign states formed the United States, it was the sovereign people who created the United States under the Constitution. And the people were sovereign in their individual, not collective, capacities. "Legislation for communities, as contradistinguished from individuals," Hamilton wrote with Madison in *Federalist* No. 20, "is subversive of the order and ends of civil polity."[8]

The danger, of course, is that if a state is based on any other principle, its majority will be determined not by the freely changing flow of public opinion, but by a permanent characteristic, such as nationality or religion. This relationship of permanent majority and permanent minority is an unstable foundation for a democracy. In the first place, as the history of Lebanon has demonstrated, these relationships may not be as permanent as people believe. Lebanon suffered through a bloody civil war because a framework of government that assumed a permanent Christian majority could not peacefully adjust to the shift in the population.

Second, the relationship of permanent majority to permanent minority suggests that the minority enjoys its rights at the sufferance of the majority, and consequently never feels truly secure or an integral

[8]For more on this theme, see Kober (1993: 70–73).

part of the state. The breakup of Yugoslavia is an illustration of the outcome of such sentiments. Reassurances by the majority of respect for minority rights were simply not believed. As the Yugoslav academic Vladimir Gligorov has asked rhetorically, "Why should we be a minority in your state, when you can be a minority in our state?" When enough people ask this question, "the ultimate consequence is . . . not to have a state at all" (Gligorov 1994: 158).

Universal Human Rights

For democratic government to endure, therefore, it must be based on a universal conception of human rights. This was the spirit of the American Declaration of Independence, as Lincoln observed in his response to the Supreme Court's decision in the *Dred Scott* case, in which the Court decided that slaves could not be considered equal to other human beings. Lincoln replied that the words of the Declaration could not be confined to the white inhabitants of the United States, but had a universal application. The Declaration, he insisted,

> meant to set up a standard maxim for free society, which should be familiar to all, and revered by all; constantly looked to, constantly labored for, and even though never perfectly attained, constantly approximated, and thereby constantly spreading and deepening its influence, and augmenting the happiness and value of life to all people of all colors everywhere.[9]

Or as George Washington put it in his extraordinary letter to the Hebrew Congregation in Newport, Rhode Island:

> The Citizens of the United States of America have a right to applaud themselves for having given to mankind examples of an enlarged and liberal policy: a policy worthy of imitation. All possess alike liberty of conscience and immunities of citizenship. It is now no more that toleration is spoken of, as if it was by the indulgence of one class of people, that another enjoyed the exercise of their inherent natural rights.[10]

Washington's words signify the transformation of the focus of government from the divine right of kings to the divine rights of the people. And those rights are universal. Although Washington's patriotism as an American was unimpeachable, he did not identify himself in contradiction to other peoples, but considered himself "a Citizen of the great republic of humanity at large." As he explained in a letter to Lafayette:

[9]*Abraham Lincoln: Speeches and Writings* (1989: 398).
[10]Reprinted in Padover (1973: 159).

> I cannot avoid reflecting with pleasure on the probable influence that commerce may hereafter have on human manners and society in general. On these occasions I consider how mankind may be connected like one great family in fraternal ties. I indulge a fond, perhaps an enthusiastic idea . . . that the period is not very remote, when the benefits of a liberal and free commerce will, pretty generally, succeed to the devastations and horrors of war.[11]

Free Trade: A Foundation of Civil Society

Washington's words remind us that free trade was one of the original foundations for civil society. As David A.J. Richards (1989: 56–7) has noted, Adam Ferguson, in *An Essay on the History of Civil Society* (1767),

> observed that "to the ancient Greek, or the Roman, the individual was nothing, and the public everything," an attitude expressed by disdain for commerce and by devotion to classical republican civic virtue and to war as the main business of public life; in contrast to such "rude" societies, "civilized" or "polished" societies were marked by commerce and the division of labor and the inequalities that arose from differential rewards for different talents and occupations.

Civil society, in other words, is a commercial society, which is another way of saying it is a trading society, in which people earn their living by providing goods and services that other people want, both in their own country and abroad. The money they earn is theirs to do with as they see fit, and any taxation must be approved by them through their elected representatives. This fundamental principle of the American Revolution reflects Ferguson's insight, for societies based on the principle that the money people earn belongs to the state, can be taken from them without their consent or even knowledge, are states biased toward excessive military spending and war. If there was any doubt about this proposition, the collapse of the Soviet economy should have put an end to it.

But as Ferguson also pointed out, war has been one of the forces behind the creation of civil society. "Without the rivalship of nations, and the practice of war, civil society itself could scarcely have found an object, or a form," he observed. "It is vain to expect that we can give to the multitude of a people a sense of union among themselves, without admitting hostility to those who oppose them."[12]

[11]In Allen (1988: 326).

[12]Excerpted in Gay (1973: 562–3).

Europe's Challenge

Can a people have a sense of union without identifying an enemy? That is the challenge facing Europe as it attempts to unite its eastern and western halves in the aftermath of wars both hot and cold. "The greatness of the idea of European integration on democratic foundations consists in its capacity to overcome the old Herderian idea of the nation state as the highest expression of national life," President Havel has explained. "The greatness of this idea lies in its power to smother the demons of nationalism, the instigators of modern wars" (Havel 1993: 3).

If civil society is to be placed on a new basis, on a foundation that is truly civil, it must be grounded in the spirit of humility that grows out of the recognition of the unavoidable limitations on our knowledge. In the words of one of America's greatest jurists, Learned Hand (1960: 190), "The spirit of liberty is the spirit which is not too sure that it is right." When that spirit is abandoned, tragedy results. "When people believe that they have absolute knowledge, with no test in reality, this is how they behave," Bronowski emphasized in describing Auschwitz. "This is what men do when they aspire to the knowledge of gods" (Bronowski 1973: 374). And what they have done before, they can do again. As the tragedy of Yugoslavia demonstrates, the sun has not set on evil in this new dawn for Europe.

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