



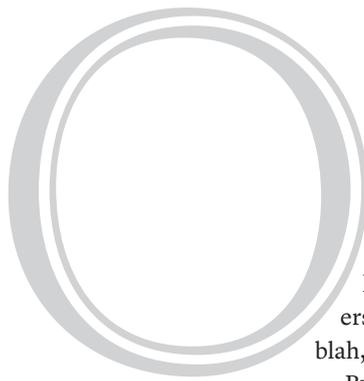
REVISITING

HUMILITY

BRETT G.

SCHARFFS¹

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f all virtues, none needs a public relations consultant more than humility. The virtue of wimps and doormats, humility is a sop we throw to life's losers: "Blessed are the poor in spirit, blah, blah, blah," declares the conquering horde.

But hang on. Being humble is, for Christians, a categorical imperative—but not only for them. Humility is for everyone the key to understanding the human condition.²

Many virtues can stand on their own two feet. As Aristotle, the godfather of virtue ethics, defined them, moral virtues, which he distinguished from intellectual virtues, lie in a mean between extremes of excess and deficiency.³ For example, courage lies in a mean between an excessive state of rashness and a defective state of cowardice or timidity. Much the same can be said of other virtues recognized by Aristotle, including temperance, which lies midway between profligacy and insensibility; generosity, which lies in a mean between prodigality or wastefulness and meanness or stinginess; and magnanimity, which Aristotle describes as "greatness of soul" and which lies in a mean state between excessive vanity and a defect of parsimoniousness or "smallness of soul." With regard to honor and dishonor, Aristotle said, "[T]he mean is proper pride,

the excess is known as a sort of empty vanity, and the deficiency is undue humility."⁴

Thus we see that Aristotle viewed humility as a defective state with respect to the virtue of honor or self-respect. Indeed, he viewed it as a character trait of inferior classes, such as slaves, tradesmen, women, and children.⁵ It is not a virtue of free men. To Aristotle, humility was a mark of inferiority and subservience—the congenital cousin of humiliation.

The closest Aristotle came to appreciating humility is in recognizing the virtue of friendship as lying between two types of excess—obsequiousness on the one hand and flattery on the other—and a defective state of being quarrelsome or surly. On a related note, Aristotle conceptualized truthfulness as a virtue lying between boastfulness or pretense and exaggeration, which we might view as a kind of pride, and a defective state of self-deprecation. Friendship has an element of equality and truthfulness a component of honesty—ideas that are structurally related to humility. But when we think of humility, equality and truth are not the concepts that seem most closely linked, although I will argue that these ideas actually get us closer than we might think to the essence of humility.

But while it is easy to see how other moral virtues lie in a mean between excessive and defective states, it is not so obvious in the case of humility. Perhaps this is why Aristotle, along with the ancient Greeks in general, did not even think of humility as a virtue worthy of a citizen. For Aristotle, humility was a relational concept but not a virtue; rather, it was a sad reality of biological and social inferiority.

While we have every reason to reject Aristotle's biological elitism, his account of moral virtues as lying in a mean between extremes of excess and defect has survived more than two millennia of scrutiny and experience.⁶ Aristotle was also right that humility can only be understood relationally, but he was wrong in discounting it as a virtue worth cultivating.

In my earlier article I argued that, like justice and mercy, humility too should be understood as a virtue susceptible to both

excess and defective states. When humility is underdone, the defective state—pride, arrogance, or vanity—is easy enough to recognize. We are used to thinking of pride as standing in opposition to humility. The excess state, however, is harder to recognize. What might it mean to have too much humility? I suggest that an attitude of inferiority, subservience, and servility is the excess state of humility. When humility is overdone, the result is an attitude of insecurity, worthlessness, or subjugation.

We could easily make the mistake of not realizing that one can have too much as well as too little of the feelings or attitudes underlying humility. While pride (too little humility) is often understood to lie in opposition to humility, it is less common to recognize that feelings of inferiority, worthlessness, subservience, or subordination (too much humility) also lie in opposition to humility.

Indeed, one might even mistakenly think that humility requires one to be accepting of subjugation and subordination. But humility does not demand timidity, self-effacement, passiveness, or quietness, although it does urge circumspection, patience, respectfulness, and considered attention to others. Humility is manifest when we treat other things—and especially other people—as if they really matter. Humility does not imply weakness, although those who are humble will be mindful of the nature and hazards of personal weaknesses.

Humility also denotes an attitude of open-mindedness and curiosity, a willingness to learn, reassess, and change. One who is humble can be persuaded that his conclusions are wrong, that his perspectives are limited and should be broadened, and that his settled opinions merit reconsideration. One who is humble will possess

A DIVINE LAWSUIT

In the first article I wrote as a law school professor, I argued that humility, along with justice and mercy, is the forgotten key to understanding and exercising practical wisdom, which for Aristotle lies atop the pinnacle of practical virtues.¹ A shorter version of that article, "Centering on Humility," appeared in the winter 1998 issue of the *Clark Memorandum*.²

In developing this argument, I took my cue from the Hebrew prophet Micah and his account of a divine lawsuit between God and the children of Israel. After a summons (see Micah 6:1), empaneling the mountains and foundations of the earth as jury (see verse 2), the Lord indicts the children of Israel for forgetting God and their covenants (see verses 3–5). Israel responds with strident self-justification:

Wherewith shall I come before the Lord, and bow myself before the high God? shall I come before him with burnt offerings, with calves of a year old?

Will the Lord be pleased with thousands of rams, or with ten thousands of rivers of oil? shall I give my firstborn for my transgression, the fruit of my body for the sin of my soul? [verses 6–7]

In verse 6 Israel demands to know just what it is that God wants. Does the Lord wish them to bow low before Him? Does He require burnt offerings? In verse 7, one detects a sharper edge of self-justification, even sarcasm, on the part of the defendants. Would the Lord be satisfied with "thousands of rams" or with "ten thousands of rivers of oil?" The defendants' tone of self-justification finally "rises to a hysterical and ghastly crescendo"³ when they demand, "Shall I

give my firstborn for my transgression, the fruit of my body for the sin of my soul?"

Given the defensive and strident tone of the defendants' response, we might expect God to answer with a voice of anger. Instead, through a rhetorical question God issues a beautiful, tender, and poignant injunction. Micah states simply and majestically:

He hath shewed thee, O man, what is good; and what doth the Lord require of thee, but to do justly, and to love mercy, and to walk humbly with thy God? [verse 8]

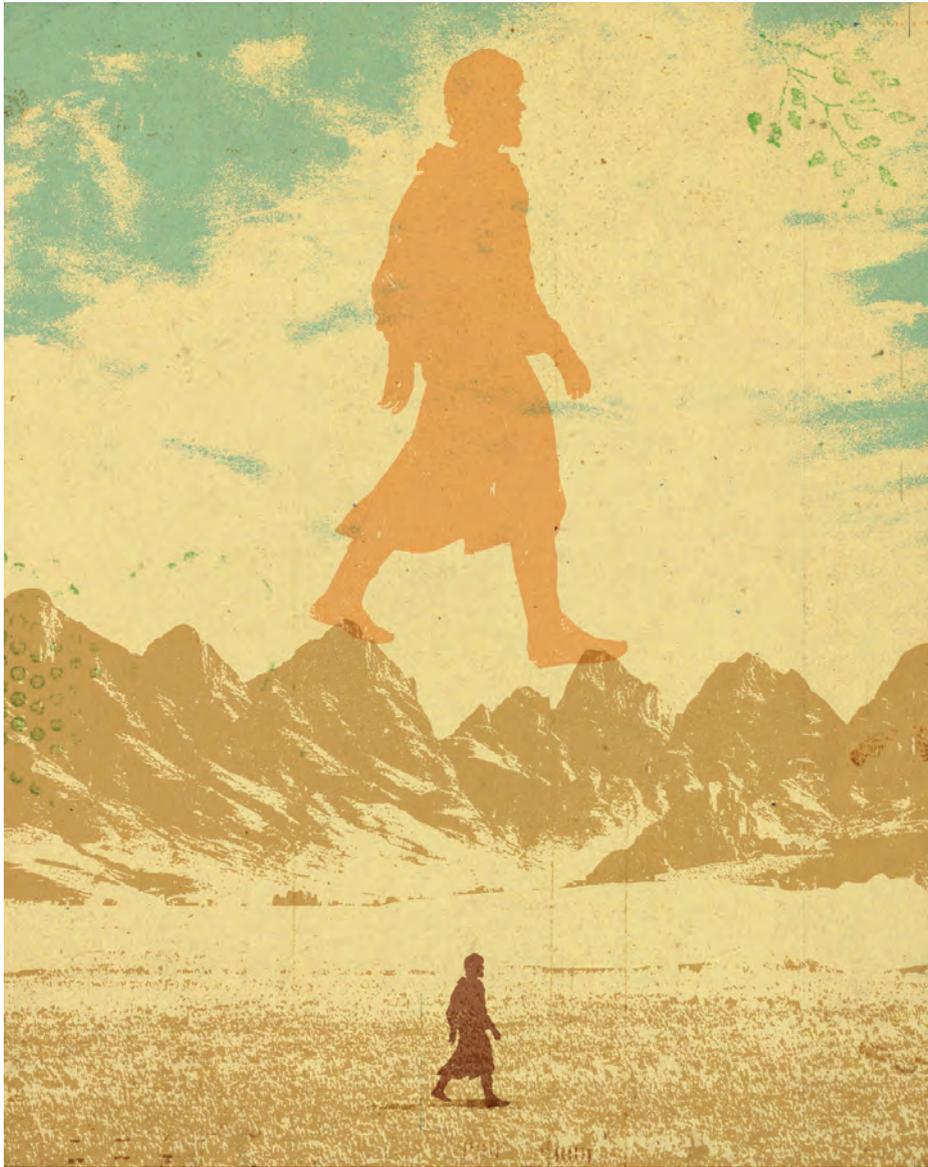
What does God require? With elegant clarity, God summons His people to be just, merciful, and humble. More precisely, He employs a series of action verbs, imploring them to *do*, *love*, and *walk* with justice, mercy, and humility. Humility, I argued, is important in helping us mediate the competing claims of justice and mercy.

Fifteen years later, I remain convinced that humility is a virtue that plays an important role in reconciling and harmonizing the competing claims of justice and mercy. But in a deeper sense I have come to believe that I completely overlooked—or perhaps only glanced at in passing—the most important characteristic of humility: its relational character.

1 Brett G. Scharffs, *The Role of Humility in Exercising Practical Wisdom*, 32 UC DAVIS L. REV. 127 (1998).

2 Brett G. Scharffs, *Centering on Humility*, CLARK MEMORANDUM 2 (winter 1998).

3 Scharffs, *supra* note 1, at 150, quoting LESLIE C. ALLEN, *THE BOOKS OF JOEL, OBADIAH, JONAH AND MICAH* 370 (1976).



a quiet confidence that makes him capable of learning and reassessment, because he is not defensive or insecure. What is more, one who is humble will seek the insights and viewpoints of others because he will not have unwarranted confidence in the power of his own intellect or the rightness of his every conclusion. One who is humble will have the capacity to be surprised by an argument or insight that causes him to rethink long-held opinions or favorite theories. Humility does not imply softheadedness or intellectual weakness, although the learned and mentally acute are particularly susceptible to being prideful.

In my earlier article I also argued that justice and mercy, which are recognized as the central virtues related to practical wisdom, often conflict with each other and that humility helps us synthesize or mediate the competing demands of justice and mercy.

WALK HUMBLY WITH THY GOD

In revisiting the Micah story 15 years later, I think I previously passed too quickly by one of the central lessons of the account. The final verse of the divine lawsuit reads: “He hath shewed thee, O man, what is good; and what doth the Lord require of thee, but to do

justly, and to love mercy, and to walk humbly with thy God” (Micah 6:8). God instructs His people not just to walk with humility but to “walk humbly *with thy God*.”

Humility is not an abstract concept. It is found in our walk with God—*walking* invoking the idea of movement forward, *with* implying the idea of being side by side, and *God* being our Maker and Father. Humility is found in our walk with God our Father.

Thus I have come to believe that the key to understanding—and, more important, valuing and cultivating—humility lies in what must be regarded as the central doctrine of Abrahamic religion (Judaism, Christianity, and Islam): the fatherhood of God and the brotherhood of humankind. This idea is to my mind the most powerful and important concept in revealed religion, and it can be found in the first chapter of Genesis.

In the creation story, in Genesis 1:26, God says, “Let us make man in our image, after our likeness.” The following verse says, “So God created man in his *own* image, in the image of God created he him; male and female created he them” (Genesis 1:27; emphasis added).

The concept that human beings are created in the image of God is of course susceptible to many different conceptions. I suggest that the more literally we take the idea of the fatherhood of God and the brotherhood of man, the more likely we are to strike the right chord with respect to humility.

Fathers have a vertical relationship with their children, and even as we grow and progress, in an important sense we never surpass our fathers; we remain in a parent-child relationship in which we owe them certain duties. Nevertheless, there is a deep equality between fathers and children, because children have within them the capacity to grow and develop into the same sort of being as their father. This is not to say that children ever surpass or take the place of their parents. This is all the more so in our relationship with God: to aspire to replace God is blasphemy and dangerous (as Icarus learned), but to aspire to become more like God is the essence of filial piety and is another categorical imperative of Biblical religion.⁷

Brothers are fundamentally equal as well—not in the superficial sense of being identical but in the deep moral sense of moral worth. Thus Dylan Thomas was not making a witty aside but stating a profound truth when he prefaced his collected poems with this observation: “These poems, with all their crudities, doubts and confusions are written for the love of man and in praise of God. And I’d be a damn fool if they weren’t.”⁸ Coming to appreciate the relationship between God and man, and between human beings, transforms the meaning of everything we do, including writing poems—and we’d be damn fools if it didn’t.

THE BROTHERHOOD OF MANKIND:
“I LIKE PIGS”

Winston Churchill, bombastic and rude as he was, may have come closer than anyone in identifying the sine qua non of humility with his frequent—and varied—expression of his fondness for pigs. “I like pigs,” Churchill would say. “A cat will think himself your superior and look down upon you. A dog will think himself your inferior and look up at you. But a pig will look you in the eye and treat you as an equal.”⁹ Churchill was so fond of this idea that he often sketched a picture of a pig when signing his name, even in important official correspondence. Churchill may not leap to mind as exhibit A when we think of humility, but he captured its essence with this homely example.

The brotherhood of man is an often-cited and seldom-followed principle. But the very heart of humility lies in viewing the other neither as a superior nor an inferior but as an equal.

Gordon B. Hinckley, 15th president of The Church of Jesus Christ of Latter-day Saints, often recounted a story he heard from a former Israeli prime minister. It is a variation of a story that appears in the Talmud. The prime minister “had seen much of conflict and trouble in his time.”

He told a very interesting story . . . of a Jewish rabbi who was conversing with two of his friends. The rabbi asked one of the men, “How do you know when the night is over and a new day has begun?”

His friend replied, “When you look into the east and can distinguish a sheep from a goat, then you know the night is over and the day has begun.”

The second was asked the same question. He replied, “When you look into the distance and can distinguish an olive tree from a fig tree, then you know morning has come.”

They then asked the rabbi how he could tell when the night is over and the day has begun. He thought for a time and then said, “When you look into the east and see the face of a woman and you can say, ‘She is my sister,’ and when you look into the east and see the face of a man and can say, ‘He is my brother.’ Then you know the light of a new day has come.”

This story, said President Hinckley, “speaks of the true meaning of brotherhood.”¹⁰

The distinctive feature of humility is that it is a relational virtue. Humility can only be experienced in the context of relationships. The essence of humility in human relationships is to understand the irreducible inherent equality of human beings. Knowing that I am no more worthwhile than you and you are no more worthwhile than I is the heart of humility. But this is only half of the equation. The essence of humility in divine relationships is to understand the fatherhood of God and our essence as His children created in His image.

CREATED IN GOD’S IMAGE:
THE ISRAELI ENEMY COMBATANT CASE

Consider a case decided by the Israeli Supreme Court in 2005, sitting as the High Court of Justice.¹¹ The case involved the Israeli government’s policy of preventative strikes aimed at killing members of terrorist organizations in the West Bank and the Gaza Strip, even when they were not actively or immediately engaged in terrorist activities. The petitioners argued that this preemptive strike policy against enemy combatants violated international law, Israeli law, and basic principles of morality and human rights. The petitioner argued that the targets of these strikes had to be treated as ordinary criminals and must be dealt with by the ordinary mechanisms of criminal law, including arrest and trial.

President (emeritus) Aharon Barak of the Israeli Supreme Court rejected the absolutism of the petitioner’s claim. In a thoughtful article reflecting upon this case, Oxford philosopher Jeremy Waldron noted that Justice Barak’s opinion contained the following statement:

Needless to say, unlawful combatants are not beyond the law. They are not “outlaws.” God created them as well in his image; their human dignity as well is to be honored; they as well enjoy and are entitled to protection . . . by customary international law.

As Waldron noted, the reference to the idea that all men are created in the image of God found in Genesis 1:26–27 is clear enough. The question, urged by Waldron, is, what on earth is this doing in the judicial opinion of a secular court? After all, in a concurring judgment Vice President Eliezer Rivlin made the same point in exclusively secular terms. Said Rivlin:

The duty to honor the lives of innocent civilians is thus the point of departure . . . but it is not the endpoint. It cannot negate the human dignity of the unlawful combatants themselves. . . . Human dignity is a principle which applies to every person, even during combat and conflict.

Why did Justice Barak appeal to the religious idea that all men are created in the image of God when the secular idea of human dignity, invoked by Rivlin, was readily available?

The answer is not immediately apparent. The opinion’s author, Aharon Barak, lost his parents in World War II and came to Israel as a teenager, where he was a brilliant student, a brilliant professor, and eventually a brilliant judge. But he is not himself a believer; he is a Jew but a secular Jew, deeply mistrusted by religious conservatives within his own country. Throughout his career he has been viewed as a liberal who has pushed the envelope in protecting individual and human rights. As a judge he was protected by a bodyguard, not so much due to threats from Palestinians who live in Israel but due to threats from conservative Jews. Yet we have every reason to believe Justice Barak knew exactly what he was doing.

In Professor Waldron's judgment, Justice Barak's reference

is intended to pull us up short. It is intended to remind us that although we are dealing with an outsider and an evil person, an enemy of the state of Israel and the Jewish people, a threat to our lives and those of our loved ones, one who will kill and maim scores of innocent people if he gets the opportunity—although we are talking about someone who may be justly liable through his actions and intentions to deadly force—we are nevertheless not just talking about a wild beast, or an outsider to our species, or something that may be manipulated or battered or exploited as a mere tool for our own purposes (the purpose of saving the lives of members of our community). The unlawful combatant may be a threat and an outsider and an evil and dangerous man, but he is also man-created-in-the-image-of-God and the status associated with that characterization imposes radical limits on what may be done with him and radical constraints on how lightly we may treat the question of what may be done with him.

Judge Clifford Wallace, emeritus chief judge of the Ninth Circuit Court of Appeals, who knows Justice Barak personally, agrees and believes there is something else important going on as well. Although the petitioners in the case lost, Wallace notes that Justice Barak is communicating a powerful message to one of the primary audiences, specifically religious Jews who are deeply conservative. He uses their scripture to reinforce the boundaries that exist in the treatment of enemy combatants, and while he does not grant the petitioners the broad protection they were seeking, he sends a cautionary message to the government and its conservative supporters: we are watching, and we expect you to be faithful to your own professed beliefs. To conservative Jews, Justice Barak says, in effect, I expect you to be mindful of and constrained by your own deepest commitments, including the bedrock belief that all men are created in the image of God.

Waldron speculates, correctly I think, that an American court would not cite scripture the way Justice Barak did in the enemy combatant case, although, as he notes, there was a time in American history when judges



did speak in these terms, “a time when Justice McLean could say (in his dissent) of the petitioner in *Dred Scot v. Sanford* that “[h]e bears the impress of his Maker, . . . and he is destined to an endless existence.”

Waldron observes, “Israeli courts are not afflicted with the Rawlsian doctrines of public reason that our philosophers put about, which are intended to limit the citation of religious considerations in public life, and which indeed take the federal courts as an exemplar of this sort of restraint.”

At various times in American history, the concept enshrined in the preamble of the Declaration of Independence, that all men are endowed by their creator with

certain inalienable rights, has been very influential. According to Oxford historian Richard Carwardine's masterful biography of Abraham Lincoln, this idea lay at the heart of Abraham Lincoln's political thinking. According to Carwardine, “The Declaration of Independence, in which he rooted his arguments during the 1850s, was for Lincoln more than a time-bound expression of political grievance. It was a near-sanctified statement of universal principles, and one that squared with essential elements of his personal faith: a belief in a God who had created all men equal and whose relations with humankind were based on the principles of justice.”¹²

A PIG WILL LOOK YOU IN THE EYE AND TREAT YOU AS AN EQUAL

As Lincoln said in a speech in Lewistown, Illinois, on August 17, 1858, the Founding Fathers declared that “nothing stamped with the Divine image and likeness was sent into the world to be trodden on, and degraded, and imbruted by its fellows.”

CONCLUSION

I have to come to believe that the brotherhood of man and the fatherhood of God are the essence of humility—brotherhood understood in its old-fashioned, ungendered incarnation and fatherhood understood as bodily incarnate, in the person of our Father in Heaven, the Perfect Man. Humility is cultivated in our peaceable walk with God as we strive for justice and seek to become merciful. It is found in understanding that all are children of God, created in His image, each of equal and eternal moral worth. For His part, the God who invites humility is not a distant, unapproachable, and unknowable abstract entity but a father, the person we are designed to grow and become like unto—not to become equal to or to replace but to become His heirs, joint-heirs with Christ.¹³

NOTES

1 Francis R. Kirkham Professor of Law and associate director of the International Center for Law and Religion Studies, J. Reuben Clark Law School, Brigham Young University. BS, BA, MA, Georgetown University; BPhil, Oxford University; JD, Yale Law School. This article is an adaptation of *Relational Humility*, 30.1 INTERDISCIPLINARY HUMANITIES 30–41 (spring 2013). Thanks to Shawn Tucker, professor at Elon University, for his invitation to contribute to a special edition on pride and humility. Thanks also to my research assistant Blake Richards for his help with footnotes and editing and to Scott Cameron and Jane Wise of the *Clark Memorandum* for the editorial deftness.

2 The first half of this claim is scriptural, the second half the gravamen of this article. For example, Matthew 18:4 reads, “Whosoever therefore shall humble himself as this little child, the same is greatest in the kingdom of heaven.” All biblical quotations are from the King James Version, which I use here for its historical significance and magnificence of language. In a similar vein, Matthew 23:12 says, “And whosoever shall exalt himself shall be abased; and he that shall humble himself shall be exalted” (see also Luke 14:11; 18:14).

3 Quotations from Aristotle are from A NEW ARISTOTLE READER (J. L. Ackrill ed., Oxford 1987). For example, in book II, chapter 6, of the *Nicomachean Ethics*, Aristotle writes, “Excellence, then, is a state concerned with choice, lying in a mean relative to us, this being determined by reason and in the way in which the man of practical wisdom would determine it” (1106b35–1107a2).

4 1107b22–25.

5 See, e.g., W. D. ROSS, ARISTOTLE 202–208 (1923). See also 8 THEOLOGICAL DICTIONARY OF THE NEW TESTAMENT 11–12 (Gerhard Friedrich ed., Geoffrey W. Bromiley trans., Wm. B. Eerdmans Publishing Co. 1972). Elsewhere, in contrasting the inexperience of youth with the experience of age, Aristotle spoke somewhat more sympathetically about humility:

And youth trust others readily because they have not yet often been cheated; and they are optimistic . . . for they have as of yet met with few disappointments. And they live their lives for the most part in hope; for hope looks to the future and memory to the past, and for youth the future is great, the past brief. . . . And they are great-souled, for they have not yet been humbled by life or learned its necessary limitations. [NANCY SHERMAN, THE FABRIC OF CHARACTER: ARISTOTLE’S THEORY OF VIRTUE 197 (1989) (citing ARISTOTLE, RHETORIC, II, 1389a16–31)]

(Sherman concludes that, for youth, Aristotle views the experience of disappointment or failure as necessary “to knock them out of their naïve trust of others and over-confidence in their abilities.”)

6 See ANTHONY KRONMAN, THE LOST LAWYER: FAILING IDEALS OF THE LEGAL PROFESSION 42 (The Belknap Press of Harvard University: Cambridge, Massachusetts 1993).

7 TERREL GIVENS AND FIONA GIVENS, THE GOD WHO WEEPS: HOW MORMONISM MAKES SENSE OF LIFE 109–110 (Ensign Peak 2012). See also Deuteronomy 18:13 (“Thou shalt be perfect with the Lord thy God.”) and Matthew 5:48 (“Be ye therefore perfect, even as your Father which is in heaven is perfect.”).

8 DYLAN THOMAS, THE COLLECTED POEMS OF DYLAN note xiv (James Laughlin 1953).

9 *Winston Churchill Biography*, National Churchill Museum, available at <http://www.nationalchurchillmuseum.org/winston-churchill-biography.html>, accessed January 12, 2013.

10 Gordon B. Hinckley, *Experiences Worth Remembering*, from an address given at Brigham Young University on October 31, 2006.

11 See The Public Committee Against Torture in Israel and Palestinian Society for the Protection of Human Rights and the Environment v. The Government of Israel and Others (2005) HCJ 769/02 (Isr.). My discussion of the Israeli enemy combatant case is based upon Jeremy Waldron, *The War on Terror and the Image of God*, remarks at the Emory University Center for the Study of Law and Religion Conference “From Silver to Gold: The Next 25 Years of Law and Religion” (October 24–26, 2007), as excerpted in W. COLE DURHAM AND BRETT G. SCHARFFS, LAW AND RELIGION: NATIONAL, INTERNATIONAL AND COMPARATIVE PERSPECTIVES (Wolters Kluwer 2010), at 556–562. A revised version of this article is included in CHRISTIANITY AND HUMAN RIGHTS: AN INTRODUCTION (John Witte Jr. and Frank S. Alexander eds., Cambridge University Press 2010).

12 RICHARD CARWARDINE, LINCOLN: A LIFE OF PURPOSE AND POWER 40 (Alfred A. Knopf 2006).

13 This is a reference to Romans 8:16–17, which says, “The Spirit itself beareth witness with our spirit, that we are the children of God: And if children, then heirs; heirs of God, and joint-heirs with Christ; if so be that we suffer with him, that we may be also glorified together.”