

2015

America the Eusocial, 49 New Eng. L. Rev. On Remand 71 (2015)

Timothy P. O'Neill

John Marshall Law School, 7oneill@jmls.edu

Follow this and additional works at: <http://repository.jmls.edu/facpubs>



Part of the [Courts Commons](#), [Legal History Commons](#), and the [Natural Law Commons](#)

Recommended Citation

America the Eusocial, 49 New Eng. L. Rev. On Remand 71 (2015)

<http://repository.jmls.edu/facpubs/585>

This Article is brought to you for free and open access by The John Marshall Institutional Repository. It has been accepted for inclusion in Faculty Scholarship by an authorized administrator of The John Marshall Institutional Repository.

America the Eusocial

TIMOTHY P. O'NEILL*

Consider the fern. A fern is composed of individual fronds. Each frond is composed of smaller, more intricate designs. What is fascinating is that on whatever scale you view it—a part of a frond, an entire frond, or a fern as a whole—the design is identical. Thus, a small part of the figure when enlarged reproduces the original figure; the figure of the fern is created by repeating the same pattern at smaller and smaller scales. In other words, the part contains the whole.¹

The relative complexity of the fern is thus the same regardless of scale. An object with this quality is referred to as being “scale insensitive.”² The French-American mathematician Benoit Mandelbrot first described this concept.³ Mandelbrot had expanded on the work of Lewis Richardson, a mathematician who had discovered problems in trying to measure the coastline of England.⁴ If you view the coastline from an orbiting satellite, it would generally appear jagged, but you would see some stretches that appear smooth. With a view from an altitude of 5,000 meters, however, you would find that the smooth parts are actually mostly jagged, with some smooth parts. You would obtain the same results at successive levels of magnification—that is, a photo taken from ten centimeters above the

* Edward T. and Noble W. Lee Chair in Constitutional Law, Professor, The John Marshall Law School. Juris Doctor, University of Michigan Law School. A.B., Harvard University.

¹ See MICHAEL BARNSLEY, *FRACTALS EVERYWHERE* (1988), available at www.popmath.org.uk/rpamaths/rpampages/fern.html (showing a picture and description of a fractal fern); THOMAS HOBBS, *LEVIATHAN* (1651) (displaying an early depiction of this art on the front cover). The giant Leviathan appears to be garbed in a suit of armor; on closer inspection, you can see that his arms and torso are composed entirely of small people combined to create the giant Leviathan. See AMIR ALEXANDER, *INFINITESIMAL: HOW A DANGEROUS MATHEMATICAL THEORY SHAPED THE MODERN WORLD* 208 (2014).

² Andrew Morrison Stumpff, *The Law is a Fractal: The Attempt to Anticipate Everything*, 44 *LOY. U. CHI. L.J.* 649, 655 (2013).

³ See generally BENOIT B. MANDELBROT, *THE FRACTAL GEOMETRY OF NATURE* (1977) (introducing the term “fractal”).

⁴ NIGEL LESMOIR-GORDON, WILL ROOD & RALPH EDNEY, *INTRODUCING FRACTALS: A GRAPHIC GUIDE* 32–37 (2009).

coastline will reveal the same relative degree of jaggedness and smoothness as a picture taken from outer space.⁵ Mandelbrot described this phenomenon as a “fractal”: “[A] geometric shape that can be separated into parts, each of which is a reduced-scale version of the whole.”⁶

Can we find similar patterns in human behavior and organization? Michael Shermer, in his recent book *The Believing Brain*, has thrown some cold water on the human ability to find patterns.⁷ He contends that human beings are adept at finding “patterns” where none exist—such as seeing pictures in clouds. For this reason, he refers to the human brain as a “belief engine” and warns against finding correlations that are completely illusory.⁸

Nonetheless, two recent books on very different subjects suggest an underlying similarity that is the subject of this Article. Political commentator E.J. Dionne, in *Our Divided Political Heart*, examines what he views as the paradox that exists at the core of the American experiment. He states: “American history is defined by an irrepressible and ongoing tension between two core values: our love of individualism and our reverence for community. These values do not simply face off against each other. . . . Rather, *both* of these values animate the consciousness and consciences of nearly all Americans.”⁹ He later continues: “[O]ne of our country’s peculiar achievements has been to nurture communitarian individualists—and individualistic communitarians.”¹⁰

On the other hand, world-renowned Harvard biologist Edward O. Wilson recently addressed what he perceives as a paradox in the development of the most successful groups of insects and animals on Earth during the last 4.54 billion years. According to Wilson in *The Social Conquest of Earth*:

[A]n iron rule exists in genetic social evolution. It is that selfish individuals beat altruistic individuals, while groups of altruists beat groups of selfish individuals. The victory can never be complete; the balance of selection pressures cannot move to either extreme. If individual selection were to dominate, societies

⁵ Stumpff, *supra* note 2, at 654–55.

⁶ Benoit B. Mandelbrot, *A Multifractal Walk Down Wall Street*, SCI. AM., 1999, at 70, *reprinted in* Benoit B. Mandelbrot, *How Fractals Can Explain What’s Wrong with Wall Street*, SCI. AM. (Sept. 15, 2008), <http://www.scientificamerican.com/article/multifractals-explain-wall-street/>.

⁷ MICHAEL SHERMER, *THE BELIEVING BRAIN: FROM GHOSTS AND GODS TO POLITICS AND CONSPIRACIES—HOW WE CONSTRUCT BELIEFS AND REINFORCE THEM AS TRUTHS* 60 (2011).

⁸ *Id.* at 59–62.

⁹ E.J. DIONNE, *OUR DIVIDED POLITICAL HEART: THE BATTLE FOR THE AMERICAN IDEA IN AN AGE OF DISCONTENT* 4 (2012).

¹⁰ *Id.* at 69.

would dissolve. If group selection were to dominate, human groups would come to resemble ant colonies.¹¹

These two books combine to make an intriguing suggestion. Perhaps the individualist/communitarian tension Dionne sees as propelling the American experience bears a relation to what Wilson sees as the driving force behind the life forms that have been most successful in propagating this planet.

Perhaps the American experience is a fractal of what has been the general experience in the history of life on this planet.

I. America's "Individualistic Communitarians" and "Communitarian Individualists"

The core of Dionne's thesis is that there is no single national trait or idea that describes America. Instead, American history is defined by the tension between "our love of individualism and our reverence for community."¹² But these are not values that are squarely opposed to each other. Rather, these two values impel Americans to "face not a choice but a quest for balance."¹³ His book shows that for most of American history this balance has been roughly in place, but Dionne's concern is that we are in danger of losing this equilibrium.

Dionne considers it one of America's peculiar achievements to nurture "communitarian individualists—and individualistic communitarians."¹⁴ Alexis de Tocqueville expressed this duality in the American character by noting that Americans "almost always manage to combine their own advantage with that of their fellow citizens."¹⁵ Bill Clinton described it by comparing the two sides of the penny. One side has the word "Liberty"; the other side bears the phrase "*E pluribus unum.*" Clinton would say that the penny shows what America is all about: not only personal freedom but also community obligation.¹⁶

Not all commentators have agreed. For Louis Hartz in the 1950s, America's only authentic political tradition was Lockean individualistic liberalism.¹⁷ Michael Sandel, on the other hand, has emphasized the civic-republican tradition, which demands that Americans not only have a

¹¹ EDWARD O. WILSON, *THE SOCIAL CONQUEST OF EARTH* 243 (2012).

¹² DIONNE, *supra* note 9, at 4.

¹³ *Id.* at 5.

¹⁴ *Id.* at 69.

¹⁵ *Id.* at 70 (citing ALEXIS DE TOCQUEVILLE, *DEMOCRACY IN AMERICA* 525 (Henry Reeve trans., 1900)).

¹⁶ *Id.* at 71 (citing WILLIAM CLINTON, *BETWEEN HOPE AND HISTORY: MEETING AMERICA'S CHALLENGES FOR THE 21ST CENTURY* 117 (1996)).

¹⁷ *Id.* at 72.

knowledge of public affairs but “also a sense of belonging, a concern for the whole, a moral bond with the community.”¹⁸

According to Dionne, each view is partially correct. They express the philosophical dichotomy that “the United States was born with a divided political heart.”¹⁹ This is because the Founders “were seeking a balance between liberty and community (between liberalism and republicanism).”²⁰ James Kloppenberg characterizes America as exhibiting “the continuous presence of rights talk and the continuous presence of competing ideals of the common good.”²¹ Thus, the American story is one in which “arguments for freedom and arguments for community have jostled against each other.”²² To Dionne, “Republican and liberal ideas, communitarian and individualistic inclinations, all interacted with each other to create a national character not easily captured in a sound bite.”²³

Dionne, therefore, takes exception to the Tea Party’s view of post-New Deal government as being a departure from traditional American values of *laissez-faire* individualism. On the contrary, he argues that we have a long-standing American tradition of balancing community and individualism through creating a balance between government and the private sphere. He argues that at the heart of what he calls “the American idea”—a tradition that leads back from both the Roosevelts, to Lincoln, to Clay and Jackson, and even to Hamilton and Jefferson—is a belief that “*in a democracy, government is not the realm of ‘them’ but of ‘us.’*”²⁴ Realistically, the government’s intervention in American life not only pre-dates the New Deal, but goes back to America’s founding.

For example, Alexander Hamilton in *Federalist No. 27* clearly outlined an active role for the new federal government: “[T]he more the operations of the national authority are intermingled in the ordinary exercise of government . . . the greater will be the probability that it will conciliate the respect and attachment of the community.”²⁵ Everyone did not agree. His proposal to create a national bank drew the sharp opposition of both Thomas Jefferson and James Madison. George Washington nonetheless signed the bank bill into law.²⁶ Another example is Hamilton’s famous *Report on Manufactures* that proposed to turn America into an industrial

¹⁸ DIONNE, *supra* note 9, at 73 (citing MICHAEL SANDEL, *DEMOCRACY’S DISCONTENT: AMERICA IN SEARCH OF A PUBLIC PHILOSOPHY* 5 (1996)).

¹⁹ *Id.* at 74.

²⁰ *Id.*

²¹ *Id.*

²² *Id.* (citing JAMES T. KLOPPENBERG, *THE VIRTUES OF LIBERALISM* 200 (1998)).

²³ *Id.* at 80.

²⁴ DIONNE, *supra* note 9, at 6 (emphasis in original).

²⁵ *Id.* at 168 (citing *THE FEDERALIST NO. 27* (Alexander Hamilton)).

²⁶ *Id.* at 170–71.

nation. To accomplish this, he contended that the “aid of . . . [G]overnment [is] indispensable” to fledgling American businesses.²⁷ Thus, Hamilton proposed that the federal government provide protective tariffs, bounties, premiums, and awards to business.

Dionne sees Henry Clay and the Whigs as carrying on this Hamiltonian tradition during the first half of the nineteenth century. Clay’s vision for the country was named the “American System.” It rejected a number of fundamentals of the free market economic system:

It believed that a youthful economy, like the American, required the fostering hand of government; it believed a republican government responsive to the interests of the people ought to promote employment, productivity, and wealth; it believed that national government, in particular, should assume a positive role in opening up promising lines of economic growth in advance of market forces.²⁸

Therefore, the American System supported federally-funded “internal improvements,” such as canals and roads to promote national commerce. It supported a protective tariff. It supported a strong Bank of the United States.

But just as Hamilton was opposed by Jefferson, Clay was likewise opposed by Andrew Jackson. Each of these conflicts is an example of the individualist/communitarian tension in American politics. The Jacksonian Democrats, like the Jeffersonian Democrats, wanted to curb federal power. One historian uses Isaiah Berlin’s terminology to distinguish these two positions. Clay’s Whigs were advocates of a government’s granting “positive liberty,” that is, taking proactive steps to enable individuals to develop themselves. The Jacksonian Democrats, on the other hand, supported a program of “negative liberty,” in which the federal government simply left individuals alone to pursue their own ends.²⁹

In terms of electoral success, the Democrats clearly bested the Whigs; there is a reason Arthur Schlesinger, Jr.’s book is called *The Age of Jackson* rather than *The Age of Clay*.³⁰ But Dionne quotes Daniel Walker Howe’s assessment that the Whigs helped transform America from “a collection of parochial agricultural communities into a cosmopolitan nation.” Howe contends that from a twenty-first century perspective the Whigs were clearly “the party of America’s future.”³¹

²⁷ *Id.* at 172 (citing Alexander Hamilton, *Report on the Subject of Manufactures* (Dec. 5, 1791) (communicated to the House of Representatives)).

²⁸ *Id.* at 175 (citing MERRILL D. PETERSON, *THE GREAT TRIUMVIRATE: WEBSTER, CLAY, AND CALHOUN* 69 (1987)).

²⁹ *Id.* at 182 (citing LEE BENSON, *THE CONCEPT OF JACKSONIAN DEMOCRACY* 102–05 (1961)).

³⁰ See ARTHUR M. SCHLESINGER, JR., *THE AGE OF JACKSON* (1945).

³¹ DIONNE, *supra* note 9, at 178 (citing DANIEL WALKER HOWE, *WHAT HATH GOD WROUGHT*

Dionne uses the examples of Hamilton and Clay to dispute the Tea Party's claim that America has always been solely defined by *laissez-faire* economics and radical individualism. These policies from the eighteenth and nineteenth centuries illustrate that "the lines between the public and private sectors were neither as clear nor as sharp as they are today."³²

Dionne stresses that he does not believe that "government" is the same thing as "community."³³ Yet he contends that there is "an essential and in some ways paradoxical ambiguity about the relationship between community and government" in America.³⁴ On the one hand, "[g]overnment has often been challenged by outside groups rooted in communities and speaking in their name."³⁵ And yet, "because of the democratic character of our system, government also regularly serves as the primary instrument through which the community interest expresses itself."³⁶

In other words, a community can change its perception of government; it can sometimes cease viewing government as "them" and begin seeing it as "us." Dionne quotes Abraham Lincoln's description of the interplay between community and government: "The legitimate object of government is to do for a community of people whatever they need to have done, but cannot do . . . in their separate and individual capacities."³⁷ For Lincoln, it was a proper role for the federal government to strengthen communities by providing free land for would-be farmers, by ceding federal land for state colleges, and by establishing the National Academy of Sciences.³⁸

So where did the Tea Party get the idea that America has always embraced *laissez-faire* economics and rugged individualism? Dionne concedes these were indeed the values during the three decades that closed out the nineteenth century. This is the era that championed both Social Darwinism and the creation of great corporations and trusts. It is the era in which the United States Supreme Court declared that corporations are persons within the meaning of the Fourteenth Amendment. It included the Gilded Age of the 1890s. The era's values are reflected in the Supreme Court's decision in *Lochner v. New York*.³⁹

612 (2007)).

³² *Id.* at 186.

³³ *Id.* at 5.

³⁴ *Id.* at 6.

³⁵ *Id.*

³⁶ *Id.* at 6–7.

³⁷ DIONNE, *supra* note 9, at 160–61 (citing JACOB K. JAVITS, ORDER OF BATTLE: A REPUBLICAN'S CALL TO REASON 93 (1964)).

³⁸ *Id.* at 161.

³⁹ *Id.* at 186–87.

But Dionne complains that the Tea Party conservatives are “trying to convert a 35-year interlude into the norm for 235 years of American history.” The reason he views this period as such an anomaly is that beginning with Theodore Roosevelt’s presidency at the turn of the twentieth century, America rejected the *laissez-faire* values of *Lochner* and once again returned to the tradition of seeking a balance between individualism and community.

The 1890s saw the rise and fall of Populism as exemplified by the failed presidential runs of William Jennings Bryan. Populism was motivated by a demand that government rein in the excesses of big business in order to aid farmers and small businesses. But it was perceived as a rural movement against urban wealth and power, and it ultimately failed to command a majority.

Yet the beginning of the twentieth century saw the emergence of a reform movement that was much more urban and middle class: the Progressives. The Progressives shared the Populist concern that government needed to exercise effective oversight of the new industrial economy, and as Richard Hofstadter noted: “After 1900 . . . Populism and Progressivism merge[d].”⁴⁰

The Populist-Progressives “brokered an informal settlement in the battles between the Jeffersonians and the Hamiltonians, the Jacksonians and the Whigs.”⁴¹ On the one hand, they supported a variety of democratic electoral reforms that empowered people as individuals—initiative, referendum, recall, and direct election of senators.

Yet the Populist-Progressive era was also obsessed with the creation of voluntary community organizations. In fact, Robert Putnam noted: “[A]lmost all of the major civic institutions of the United States today . . . were formed between 1880 and 1910.”⁴² This coincided with the Populist-Progressive drive to use government to curtail social evils caused by unregulated business. Civic organizations were created as a counterweight to large industrial organizations.

Dionne sees this Populist-Progressive era as creating the foundation for twentieth century America. In lieu of Henry Luce’s term “The American Century,” Dionne has named it “The Long Consensus.” Dionne sees an interaction between the Depression, the New Deal, and World War II that has shaped American politics for the entire century. He sees the Long Consensus as having achieved a balance between individualistic and

⁴⁰ *Id.* at 215 (citing RICHARD HOFSTADTER, *THE AGE OF REFORM: FROM BRYAN TO FDR* 133 (1955)).

⁴¹ *Id.* at 217.

⁴² *Id.* at 221 (citing Robert D. Putnam, *The Decline of Civil Society: How Come? So What?*, John L. Marion Lecture at the Canadian Centre for Management Development (Feb. 22, 1996)) (listing organizations).

communitarian impulses; Dionne describes it as “individual liberty rooted in a thriving sense of community and mutual obligation.”⁴³ His concern is that this balance is currently under attack by the radical individualism of the Tea Party, which he believes is “as close to triumph as it has been at any point since the Gilded Age.”⁴⁴

For Dionne, America’s genius has been its capacity to balance communitarian and individualist drives. America is “a nation of private striving *and* public engagement, of rights *and* responsibilities.”⁴⁵

II. Eusociality

Dionne seems to see the “individualist/communitarian” tension as peculiarly American. Yet Edward O. Wilson sees it in a much larger context. The conflict between individual values and group values exists everywhere in the natural world. For Wilson, “an iron rule exists in genetic social evolution. It is that selfish individuals beat altruistic individuals, while groups of altruists beat groups of selfish individuals.”⁴⁶

If this is true, the question becomes why selfish individuals who are “winners” would ever choose to attach themselves to groups. Wilson notes that species rarely create sophisticated communities. Yet the ones that do create such communities have dominated the earth.

The most successful animal communities are what Wilson refers to as “eusocial.”⁴⁷ Wilson defines eusociality as “the condition of multiple generations organized into groups by means of an altruistic division of labor.”⁴⁸ He calls this “one of the major innovations in the history of life.”⁴⁹ This is because eusociality created “superorganisms.”⁵⁰ A superorganism is “the next level of biological complexity above that of organisms.”⁵¹ Wilson considers it as important as the conquest of land by air-breathing animals or the development of flight in insects.⁵²

⁴³ DIONNE, *supra* note 9, at 242.

⁴⁴ *Id.*

⁴⁵ *Id.* at 251.

⁴⁶ WILSON, *supra* note 11.

⁴⁷ The term was originally created by Suzanne Batra in 1966. James T. Costa & Terrence D. Fitzgerald, *Social Terminology Revisited: Where Are We Ten Years Later?*, 42 ANNALES ZOOLOGICI FENNICI 559, 559 (2005), available at <http://www.sekj.org/PDF/anzf42/anzf42-559.pdf>. Its meaning from Greek is “good social condition.” Wilson has expanded on the term, defining it as “true social condition.” WILSON, *supra* note 11, at 109.

⁴⁸ WILSON, *supra* note 11, at 133.

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.*

Eusocial societies are comprised of multiple generations. They divide labor in what appears to be an altruistic way. Some may shorten their own life or refrain from reproduction in order for other members of the group to live longer and increase their reproduction.⁵³

Yet eusociality presents a paradox: species that have adopted it have come to dominate the earth, but at the same time eusociality rarely occurs. For example, eusocial insects—ants, termites, many species of bees and wasps—constitute only about 3% of the known species of animals on earth. However, in most places they constitute upwards of 50% of the biomass.⁵⁴ Wilson observes: “[E]usocial insects are the little things that run the terrestrial world.”⁵⁵ As for larger animals, humans are one of the few that are eusocial.

The point at which a species can become eusocial involves the nest. Wilson notes the example of a solitary wasp that builds a nest and raises her young. In the normal scheme of things, the individual offspring will eventually leave to breed and build their own nests. But if at least some of the offspring stay at the nest, that group has at least reached the beginning of eusociality. That is because no group has ever reached eusociality without first creating a nest guarded by workers and within range of a reliable food source.⁵⁶ A second characteristic Wilson believes is probably universal among eusocial animals is a plan for protection against enemies.⁵⁷ At this point, mutations may perhaps occur that will foster behavior that will aid the group, such as alerting systems and ways of helping nestmates find food.

But Wilson is adamant that the idea that there is a “genetic code prescribing social behavior of modern humans” is nothing more than a “chimera.”⁵⁸ Rather, alleles (i.e. various forms of each gene) that favor the advantage of the individual “are always in conflict with alleles of the same and alleles of other genes favoring altruism.”⁵⁹ Rather than a natural proclivity towards social behavior, Wilson contends that “there is an inherent and irremediable conflict in human societies between natural selection at the individual level and natural selection at the group level.”⁶⁰ This is not an equal fight. Wilson argues that natural selection at the

⁵³ *Id.* at 109.

⁵⁴ Carl Zimmer, *What Does E.O. Wilson Mean by a “Social Conquest of the Earth,”* SMITHSONIAN (Mar. 21, 2012), <http://www.smithsonianmag.com/science-nature/what-does-eo-wilson-mean-by-a-social-conquest-of-the-earth-162888428/>.

⁵⁵ WILSON, *supra* note 11, at 111.

⁵⁶ *Id.* at 148–49.

⁵⁷ *Id.* at 148.

⁵⁸ *Id.* at 54.

⁵⁹ *Id.*

⁶⁰ *Id.*

individual level has been so predominant for so much of human history that it takes an extremely powerful dose of group selection tendencies to counteract it. That is why eusociality is so rarely found.⁶¹ But its rarity does not detract from the fact that those groups that achieve eusociality are the most successful on earth.

III. Eusociality and America's Divided Political Heart

I am not a scientist, and I would not presume to settle the scientific debates concerning whether Wilson's science is completely sound.⁶² I am, however, interested in how his theory of the tension between the individual and the group in evolutionary theory intersects with Dionne's theory of the tension between the individual and the group in American history.

For Wilson, "the human condition is an endemic turmoil rooted in the evolution processes that created us."⁶³ The turmoil is created by "multilevel selection, in which individual selection and group selection act together on the same individual but largely in opposition to each other."⁶⁴ "Individual selection is the result of competition for survival and reproduction among members of the same group."⁶⁵ Group selection, on the other hand, "shapes instincts that tend to make individuals altruistic toward one another" in the same group.⁶⁶ Wilson describes this as "the human dilemma [that] was foreordained in the way our species evolved, and therefore an unchangeable part of human nature."⁶⁷

At this point, Wilson passes the baton to theorists such as Dionne. This is because "[h]ow to think out and deal with the eternal ferment generated by multilevel selection is the role of the social sciences and humanities."⁶⁸ Obviously, the individual/group dilemma has very different meanings for

⁶¹ WILSON, *supra* note 11, at 55.

⁶² In an article about *The Social Conquest of Earth*, the *New York Times* reported that the book had "prompted sharp criticism from his fellow scientists." His critics were "mystified and dismayed" by his rejection of "kin selection" that he had championed in his 1975 award-winning book *Sociobiology*. Kin selection contends that "evolution favors the genes of individuals who sacrifice themselves for the sake of relatives." As discussed in this Article, Wilson now supports "group selection." This theory holds that the "tendency of evolution [is] to favor groups that work together altruistically, beyond what might be predicted by simple genetic relatedness." The article describes group selection as "a highly controversial notion among biologists." Jennifer Schuessler, *Lessons from Ants to Grasp Humanity*, N.Y. TIMES, Apr. 9, 2012, at C1, available at 2012 WLNR 7459325.

⁶³ WILSON, *supra* note 11, at 56.

⁶⁴ *Id.* at 241.

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ *Id.* at 242.

Dionne and Wilson. Wilson is writing about how this tension is worked out for survival and reproduction in a society. Dionne, on the other hand, is looking at how this tension plays out at higher levels of human organization. But when viewed through Wilson's lens, Dionne has not highlighted a peculiarly American dilemma as much as he has focused on an aspect of a fundamental human tension.

And yet, Dionne may be correct in seeing that this tension has had particular resonance in American history. This is because at the founding of the country, individuals—or, more properly, individual white male property-holders—held a place in this country that was quite different from the positions of comparable individuals in European societies in the eighteenth century.

Dionne several times cites Gordon Wood for the proposition that the American Revolution was “as radical and as revolutionary as any in history.”⁶⁹ According to Dionne, Wood asserts that the American Revolution “overthrew old hierarchies and created a far more egalitarian and democratic society.”⁷⁰

Wood reminds us why the idea that “all men [are] created equal” was so extraordinary for its time.⁷¹ He notes that in the eighteenth century the difference between the aristocracy and “ordinary folk” is almost impossible for us to comprehend from a twenty-first century perspective.⁷² They were not two classes of people; rather, they were “two orders of being.”⁷³ Consider, for example, how the first three American presidents referred to “ordinary folk.” George Washington called average farmers “the grazing multitude.”⁷⁴ John Adams referred to them as the “common Herd of Mankind.”⁷⁵ Even Thomas Jefferson said that the common people most often seen by travelers were “the hackneyed rascals” who “must never be considered when we calculate the national character.”⁷⁶

Unlike feudal societies, the American republic was not created “top-down.” Nor does the Constitution even begin with “We the States.” Rather, it is established by “We the People,” language that could not be more “bottom-up” in nature. The fact that it was a republic is crucial. As Wood notes, monarchies assumed a very different group of citizens: “Monarchies could tolerate great degrees of self-interestedness, private gratification, and

⁶⁹ DIONNE, *supra* note 9, at 80 (citing GORDON S. WOOD, *RADICALISM OF THE AMERICAN REVOLUTION* 5 (1991)).

⁷⁰ *Id.*

⁷¹ WOOD, *supra* note 69, at 27.

⁷² *Id.*

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ *Id.* at 28.

corruption among their subjects.”⁷⁷ But in a republic, “each man must somehow be persuaded to sacrifice his personal desires, his luxuries, for the sake of the public good.”⁷⁸ The new American republic may have given “ordinary folk” new-found dignity. But with dignity came responsibility. It was not a cliché when Benjamin Franklin, as he was leaving Independence Hall on the final day of the Constitutional Convention, was said to have responded thusly to the question “Well, Doctor, what have we got—a Republic or a Monarchy?”: “A Republic, if you can keep it.”⁷⁹ Republics require work from their citizens. Republics require “public virtue,” which Wood defines as “the sacrifice of private desires and interests for the public interest.”⁸⁰

A recent academic debate highlights how this tension between personal freedom and the role of government literally can be traced back to the Declaration of Independence.

The first two clauses of the Declaration can be labeled a “rights clause” and a “government clause.” The “rights clause” provides that “all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness.”⁸¹ The next clause provides: “That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed.”⁸²

The new controversy concerns what is the proper relation between these two clauses. Danielle Allen, a professor at the Institute for Advanced Study, found a discrepancy among various versions of the Declaration.⁸³ She noted that the official transcript of the Declaration produced by the National Archives includes a period after the first clause, thus suggesting that the two clauses are discrete ideas. But Allen noted that a period does not appear in a number of other significant versions of the Declaration, including Thomas Jefferson’s so-called original rough draft in the Library of Congress and even the version that was entered into Congress’s official records. Allen also noted that the period does appear in other versions, including the broadside that Congress commissioned in January 1777 for distribution to the states. Unfortunately, the parchment copy displayed at

⁷⁷ WOOD, *supra* note 69, at 105.

⁷⁸ *Id.*

⁷⁹ *Respectfully Quoted: A Dictionary of Quotations*, BARTLEBY.COM, <http://www.bartleby.com/73/1593.html> (last visited Feb. 25, 2015).

⁸⁰ WOOD, *supra* note 69, at 104.

⁸¹ THE DECLARATION OF INDEPENDENCE para. 2 (U.S. 1776).

⁸² *Id.*

⁸³ See Jennifer Schuessler, *If Only Thomas Jefferson Could Settle the Issue*, N.Y. TIMES, July 3, 2014, at A1, available at 2014 WLNR 18022834.

the National Archives has now faded almost to the point of illegibility, so it cannot resolve the controversy.⁸⁴

Jack Rakove finds this dispute significant because it affects an important issue concerning American values: “Are the parts [of the Declaration] about the importance of government part of one cumulative argument, or—as Americans have tended to read the document—subordinate to ‘life, liberty and the pursuit of happiness’?”⁸⁵ Or in Dionne’s terms, do these values exist not as a “choice,” but rather as a “quest for balance”?⁸⁶

Trying to answer this question brings us full circle to the possible impact of Edward O. Wilson’s work in understanding American society.

IV. Conclusion

Can Wilson’s ideas help us understand the organization of American society and government? Does Wilson’s work help support Dionne’s insights? Or would Michael Shermer contend this is merely seeking “patterns where none exist”?⁸⁷

Margaret J. Wheatley, a writer who analyzes business organizations, has noted that:

One of the principles that guides scientific inquiry is that at all levels, nature seems to resemble itself If nature uses certain principles to create her infinite diversity and her well-organized systems, it is highly probable that those principles apply to human life and organizations as well. There is no reason to think that we’d be the exception.⁸⁸

We variously describe America as traditionally “democratic,” “republican,” or “civic republican.” At the very least, we might consider adding “eusocial.”

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ DIONNE, *supra* note 9, at 5.

⁸⁷ SHERMER, *supra* note 7, at 121 (quoting CARL SAGAN, *THE DRAGONS OF EDEN: SPECULATIONS ON THE EVOLUTION OF HUMAN INTELLIGENCE* 189 (1977)).

⁸⁸ MARGARET J. WHEATLEY, *LEADERSHIP AND THE NEW SCIENCE: DISCOVERING ORDER IN A CHAOTIC WORLD* 162 (3d ed. 2006).