

Conflict of Visions, A, Thomas Sowell (Wm. Morrow & Co., paper, 1987)

Although coming from a philosophical view that I instinctively reject – or tend to reject – this is a really good book. It definitely challenged a lot of my assumptions.

Professor Sowell begins by explaining that visions differ from theories, which themselves differ from applications. Visions are the underlying assumptions that we all have of how the world works or should work. Professor Sowell quotes the following definition of a vision: a “pre-analytic cognitive act.” He says a vision is

what we sense or feel before we have constructed any systematic reasoning that could be called a theory, much less deduced any specific consequences as hypotheses to be tested against evidence. (p. 14)

That sounds a lot like what Professor Jonathan Haidt in *The Righteous Mind* calls “intuition,” which comes before “strategic reasoning.”

So far, so good. Makes sense to me. Professor Sowell explains that the fundamental difference in opposing visions is based on each vision’s concept of human nature. Those who see human nature as perfectible have what Sowell calls an “unconstrained” vision, whereas those who see human nature as inherently and intractably defective have “constrained” visions. The French revolution was largely based on the unconstrained vision of men like Rousseau (“man “is born free” but “is everywhere in chains”), while the American revolution relied more heavily on Alexander Hamilton and the other writers of *The Federalist Papers*, who saw evil as inherent in man, with institutions as simply ways of trying to cope with man’s evil nature. (p. 32)

I’m with Sowell on this one, too. I understand human nature to be inherently and intractably defective; evil, in fact. Therefore, in my opinion, it needs to be governed, shaped, controlled. It cannot be left to run free, or everyone suffers.

These contradictory, or differing, views of human nature lead to different approaches to social problems. As a generalization, those with a “constrained” vision seek trade-offs, or ways to ameliorate problems, rather than complete solutions. (p. 25 et seq.) “Free enterprise” and “laissez-faire capitalism are based on the constrained vision of Adam Smith and other conservative economists, while much of nineteenth century socialism and twentieth-century liberalism builds on the foundations of unconstrained visions. (p. 29) Interestingly, Sowell says “believers in the unconstrained vision seek the special causes of war, poverty, and crime, believers in the constrained vision seek the special causes of peace, wealth, or a law-abiding society.” (p. 31)

Even “knowledge” and “reason” have different meanings to those with a “constrained vision” and those with an “unconstrained vision.” To the former, knowledge is experience, not just the individual’s experience but the accumulated experience of everyone who has gone before. This experience, often unarticulated, results in knowledge through a Darwinian process of accepting what works and discarding what does not. To those with an unconstrained vision, on the other hand, human knowledge, rather than resulting primarily from experience, is found in the “articulated rationality” of cul-

tivated minds (“thinking people” or “the best and the brightest”) unhampered by notions from the past. This necessarily leads to favoring the views of intellectuals over the common views of the general population. According to Sowell, the standard of judgment is individual comparisons of particular views; e.g., comparing the views of x with those of y, whereas for those with a constrained vision, the standard is the comparison of systemic processes, working through successive generations of individuals a through x, versus the articulated rationality of y in isolation.

This leads to the idea of “wisdom without reflection” by those with a constrained vision (think of Adam Smith’s “invisible hand” regulating the economy), and a focus on individuals just fulfilling their role (like running a business) without worrying about social implications. (p. 46 et seq.) For those whose vision is unconstrained, however, to act without “explicit reason” is to act on “prepossession and prejudice.” (p. 49) Decision-making must proceed on the basis of reasons that can be specified.

In law, this leads to “deliberate lawmaking through judicial activism,” according to Sowell, which is based not on having a democratic majority, but rather having “an intellectually and morally superior process for decision-making.” (p. 55) Sowell is critical of Chief Justice Earl Warren’s interruption of lawyers unfolding complex legal principles to ask: “But is it *right*? Is it *good*?” In other words, just apply the law, don’t worry about justice or righteousness (like police inspector Javert relentlessly pursuing the bread-thief Jean Valjean in *Les Miserables*?). But what if the law is unjust? What if it requires Jews to wear a yellow star? Apply the law anyway?

Similarly, those adhering to a constrained vision reject “social responsibility” for businesses, like hiring the disadvantaged or donating some of their profits to charitable and cultural activities, rather than paying them all out to the stockholders or plowing them back into the business. He quotes Adam Smith as saying that when a businessman “intends only his own gain” he contributes to promote the social good “more effectively than when he really intends to promote it.” (p. 57) However, what about the empirically demonstrable fact that companies practicing social justice may actually be contributing to the bottom line for their investors? Building local schools and playgrounds can improve the quality of the workforce and increase the satisfaction of the workers, leading to greater productivity. Isn’t that a win-win situation, social justice plus increased profits?

These differing concepts of knowledge and reason lead to an emphasis on *sincerity* (to produce social benefits) and on youth (not shackled by the past) for the unconstrained vision and on *fidelity* (to assigned roles) and *age* (for acquired wisdom and experience) for the constrained vision. (pp. 58-64) Advocacy journalism and liberation theology are “anathema” to those with a constrained vision, since they are seen as misuses of entrusted roles. (p. 59)

Wait a minute. Time out. It is very easy to set up “straw men” and then knock them down. Professor Sowell is making unjustified assumptions about both views, in my opinion. As to the “invisible hand” of laissez-faire capitalism, once we get past the simple bartering of buyers and sellers in the

village, there is no such thing as an “invisible hand” in economics. The author seems to think the market is like a simple scale, with nothing to influence the balancing except the weights placed on both sides of the scale. In fact, there are many influences – fingers tipping the scale – on both sides, in every half-way developed economy in the world. “Just leave the market free” is and necessarily must be a fiction today. Is the market free to set the price for water, gas, electricity and other utilities? What is to prevent the private water company from pricing water beyond the means of the poor? Or repairing and upgrading water mains in only the wealthy parts of town? To me this is nonsense.

On the other hand, should “judicial activists” be able to disregard or explain away any provision of law that they see as an impediment to a “just result”? And if, for example, liberal jurists can do this to get around the constraints of “law and order” strictness promulgated by the legislature, why can’t conservative jurists do the same with laws they don’t like? And if both sides adopts activist postures on the bench, what happens to the rule of law? Again, the best answer, in my opinion, is *limited* judicial activism, hemmed in by standards (such as an elevated standard of proof, like “beyond a reasonable doubt” or “clear and convincing evidence”) and formal requirements (like written findings of fact and articulated reasoning).

Professor Sowell says that social processes (including everything from intangibles like love and respect among people to war among nations) also fit within his dichotomy of constrained vs. unconstrained visions. In short, to those with a constrained view of human nature, social processes are best allowed to develop naturally as a result of the experience and knowledge (broadly conceived) of everyone. To those with an unconstrained view, individuals who are superior by education or training can direct or guide social processes. The former view emphasizes fairness or equality in the processes themselves; the latter view emphasizes fairness or equality in the *result* of the processes.

Sowell says the purest example of an evolved social process is language. There have been efforts to create new languages (Esperanto), and of course we have “political correctness” that influences the development of vocabulary if not language itself, but in the main, of course languages have evolved without much planning. In my opinion, language is a unique process – some people think it is innate – and not really comparable to other social processes. So I don’t think this is a helpful illustration.

At the other end of the spectrum of social processes, perhaps, is economics. To those of a constrained vision, the market is king, while those of an unconstrained vision favor central planning. It seems to me, not being an economist, that the best economy – that is, the one that benefits the most people – is one with a large component of free market competition leavened with doses of specific control (e.g., regulations) to minimize harm to those who are the unintended victims of the free market (e.g., workers who are unemployed when the factory owner packs up and moves the business overseas).

The constrained-vision notion that as long as the processes are fair, results don’t matter, is pithily

summed up by one of its strong opponents, Anatole France:

The law, in its majestic equality, forbids the rich as well as the poor to sleep under bridges, to beg in the streets, and to steal bread. (p. 88)

This results-definition of freedom is countered by Sowell in these words,

Equality of results for those who have contributed to production, abstained from production, and hampered production is offensive to an equality of process, in the constrained vision. (p. 89)

This seems like opposing caricatures to me. Neither one should be absolute. The goal should be *relative* equality of process and *relative* equality of results. Is that pragmatism? It makes sense to me.

While I think that much of Sowell's exposition rests on caricatures, or hyperbole, he does concede that "constrained" and "unconstrained" visions are not separated by a straight black line, but by a jagged and porous line with many hybrid and even inconsistent visions having aspects of both constrained and unconstrained visions. He says no theory is 100 percent constrained or 100 percent unconstrained. (p. 96) He also tries to distinguish them by setting forth two key criteria: (1) the locus of discretion and (2) the mode of discretion:

Social decisions are deliberately made by surrogates on explicitly rationalistic grounds, for the common good, in the unconstrained vision. Social decisions evolve systemically from the interactions of individual discretion, exercised for individual benefit, in the constrained vision – serving the common good only as an individually unintended consequence of the characteristics of systemic processes such as a competitive market economy. (pp. 98-99)

*Laissez-faire* economics and "black letter" law (applying the law literally rather than interpreting it by the results of its application) are classic examples of the constrained vision. (p. 101) The individual, self-interested discretion of the constrained vision is to be contrasted with the collective, surrogate decision making of the unconstrained vision. (p. 104)

Sowell says Marxism (pp. 105-108) and utilitarianism (108-112) are both hybrid philosophies not easily classified into his constrained-unconstrained dichotomy. Also, fascism is a hybrid, with characteristics of the constrained vision (obedience to authority, loyalty to one's people, etc.) but under the overriding imperative to follow an unconstrained leader (without obligation to respect laws, traditions, etc.). (p. 114) He also discusses the different kinds of libertarianism (William Godwin's "profound sense of moral obligation" contrasted with Ayn Rand's fundamental focus on self-interest). (pp. 115-116)

As I understand Sowell's summary in this chapter, the basic difference between the constrained and

unconstrained vision is not their social goals but the means of achieving them – primarily through surrogate decision-makers in the latter vision and primarily through the unintentional choices of millions of individuals in the latter. These in turn depend on different assumptions about human nature. But although he repeatedly talks about those with an unconstrained vision believing in “collective, surrogate decision making,” to me it is ironic that Democrats (unconstrained vision party) favor broader voting rights for ordinary people while Republicans (constrained vision party) always seem to be making it more difficult for poor people to vote, as through voter ID requirements and historically through poll taxes and property-ownership requirements for voting.

In a series of chapters dealing with the application of different kinds of visions, Sowell discusses “Visions of Equality,” “Visions of Power,” and “Visions of Justice.” As to the first of these, the main point Sowell makes is that the two competing visions do not agree on what constitutes equality. For those with the unconstrained vision, equality is equality of *results*. No one poor, no one rich, is an oversimplification of this view. For those with a constrained vision, equality means equality of *opportunity*. Success then depends on merit, as it should in the constrained vision. Thus affirmative action is anathema to those with a constrained vision.

Sowell says those with a constrained vision are equally horrified (or at least somewhat horrified) by vast disparities in wealth and poverty, but they believe that any attempts to equalize those at the extremes will lead to greater, and more dangerous, inequality in political power. (p.128) Thus government should not interfere but let the market decide. “The moral justification of the market process rests on the general prosperity and freedom it produces.” (p. 130)

That is certainly questionable, in my opinion. I think the general prosperity of a relatively constrained view of government in the 1920s led to the market crash and vast unemployment and suffering among ordinary working people. Conversely, the general prosperity of most people in the 1950s, when there were no soup kitchens or bread lines, was largely the result of “New Deal” policies, and deficit spending during World War II. I have my own issues with affirmative action, but to me the issue is not whether the concept is appropriate – I think it tends to even up the playing field – but the application of the concept. For example, I would use affirmative action to boost *poor* people into higher education, not necessarily to boost African-Americans, some of whom are well prepared and able to afford college or university.

The chapter entitled “Visions of Power” continues what seems to me to be an analysis of extremes. Power to those with an unconstrained vision, says the author, means the ability to change material well-being of the masses, whether through political, military, or economic force. However, to those with a constrained vision, power is the ability of the individual to choose “among the various rewards and penalties which emerge from systemic social processes.” (pp. 154-155) While I can certainly see the dangers of putting too much power in the government (e.g., communism, fascism), that seems to me the logical outcome of not intervening on behalf of the poor and powerless, which those of an unconstrained vision advocate. As Sowell explains, in the constrained vision individuals

should be left free

to choose among the systemically generated opportunities, rewards, and penalties deriving from other similarly free individuals without being subjected to articulated conclusions imposed by the power of organized entities such as government, labor unions, or cartels. (p. 153)

Historically, of course, conservatives (constrained vision folks) have been opposed to the free choice of individual workers to join labor unions, and have advocated that the government use its power to limit or prohibit union activities. This seems to me to be using governmental power to enforce a particular *result* in a labor dispute, which the constrained vision theoretically opposes. Many other similar examples of theoretical inconsistency could be given.

The way I see it, and (since there are no countries that even approach the limited vision ideal) the way most people see it, some of the examples of the uses of power within the constrained vision are truly frightening. For example, Sowell is impliedly critical of those who disobey military draft laws (conscientious objectors), noting that those of the unconstrained vision would inconsistently “den[y] that racial segregationists have any corresponding rights to violate civil rights laws.” In other words, nobody should disobey any laws, regardless of their justice. It’s not hard to think of egregious examples of what this rule actually can do in practice.

What Sowell seems to miss is that the uses of power do not have to be governed by either extreme. The unconstrained vision’s extreme would be perfect equality of results; everyone has the same size and quality house, car, TV, etc. The constrained vision’s extreme would be no external coercion toward equality: the poor can starve in the streets if the free choice of the town’s factory owners is to move operations to southeast Asia. The rich can exercise their free choice to build the best schools and hospitals they can afford, and of course the poor can exercise their free choice to build the best schools and hospitals they can afford. The fact that this would result in the poor having no schools and hospitals, or only the most primitive and inadequate schools and hospitals, is irrelevant in the constrained vision.

One more comment about this chapter. I do agree, to some extent, with the constrained vision’s concept of human nature and its effect on crime and war. I do not believe that to get rid of crime all we have to do is equalize the economic condition of the rich and the poor, or to prevent wars all we have to do is promote understanding among neighboring states or countries. On the other hand, it seems irrefutable to me that *some* of the causes, or contributing factors, of crime and war are great disparities in wealth and opportunity (in the substantive sense, not opportunity to choose theoretical but unavailable alternatives, like a better job where no jobs are available). Remember *Les Miserables*!

Sowell contrasts the general principles of the “unconstrained vision” with those of the “constrained vision” in talking about visions of justice. The former emphasize *results*; the latter *processes*. The

former focuses on justice for *individuals*; the latter on justice for *society as a whole*, even at the expense of individual injustice. Thus, Oliver Wendell Holmes, a limited-vision justice on the Supreme Court, voted to sustain a law prescribing the forcible sterilization of the mentally incompetent to prevent their breeding more incompetents. (p. 176) (A scary proposition to me. Under this reasoning, why not allow forced abortion, or infanticide, to limit population growth?)

Another example: property rights generally trump free speech rights in the constrained vision; thus, people living in “company towns” or shopping in enormous shopping centers can be denied any right of free speech by the owners of the town or shopping center, although they can find the nearest public property and speak freely. (pp. 188-190) To me this ignores the reality of the quasi-governmental power acquired by those private owners. Suppose a privately-owned walled-off residential enclave in a sizeable city spawns another one right next door, and then another and another, until half or three-fourths of the residents live on contiguous non-public streets with non-public parks and non-public transportation facilities. Although they are citizens of the United States, do they really have the free speech protection (not to mention freedom of assembly and other constitutional rights) of the U.S. Constitution? Isn’t there some point at which substance should prevail over form?

On the other hand, looking first at the result of a judicial decision, as those with an unconstrained vision tend to do, is also problematic to me. How do these jurists know what the “right” result should be? Isn’t that necessarily arbitrary, dependent on the presuppositions and prejudices of the jurist? For example, Laurence Tribe, among those characterized as having an unconstrained vision, would declare illegal laws applying certain physical standards to particular job applicants, regardless of sex (like requiring applicants for fire fighting jobs to be able to carry a certain weight up a ladder). In his view, women as well as men should have a relatively equal shot at getting fire fighter jobs, even though women generally have less upper body strength than men. In other words, the individual right to be free from sex discrimination trumps the need to safeguard the public. (p. 184) Presumably if he were standing on the outside ledge at the 88th floor of a building belching smoke and flames out the windows, he would just as soon see a female firefighter coming up the ladder to save him as a burly male. I’d say, “Hey, if you don’t mind, send Rocky up, will you?”

With regard to “social justice,” those of a constrained vision either ignore it or bitterly criticize the concept. See especially the views of F. A. Hayek. (pp. 194-198) Although I have never read his writings, he seems like a whacko to me. As quoted and interpreted by Sowell, Hayek says the concept of social justice undermines and ultimately destroys the concept of a rule of law, leading to totalitarianisms like Communism and Nazism. (pp. 197-198) Cf. the biblical concept of the Year of Jubilee, when the government essentially redistributes property to help the landless poor. (Lev. 25:8 et seq.)

For this Christian, the haunting question that looms over this book is, “Am I my brother’s keeper?” (Gen. 4:9) And the parable of Jesus that seems most relevant is the Rich Man and Lazarus. (Lk. 16:19-31) I suppose a proponent of the constrained vision (except followers of Ayn Rand) would

say, “That’s a good argument for personal charity, but it’s not the government’s business.” So what exactly is the government’s role in such cases? To haul away the carcasses of those who starve to death? It can’t be to provide hospitals, which private persons or their organizations (e.g., churches) can do if they wish. It can’t be to operate soup kitchens, for the same reason. In fact, I don’t see how the government can do *anything* to help the truly destitute under the constrained vision except say to the beggar at the gate, “You, too, can find a job and work hard,” even though there may be no jobs available – the “equality” of market processes has allowed the factory owners to close up shop and go elsewhere for cheaper labor, or to retire if they can’t sell the business, leaving workers adrift and jobless through no fault of their own.

Yes, big government can be dangerous, chipping away at the God-given freedom of the individual. But ignoring the *results* of full (or relatively full) economic freedom can be equally dangerous to individual freedom. Freedom to choose among available alternatives (part of the restricted vision litany) is no freedom at all if the alternatives have been sliced to the bone by the free exercise of economic freedom by private individuals or corporations who wield enormous power in the marketplace.

We should, of course, have fair processes, but processes that inexorably lead to injustice and hardship are necessarily unfair. As someone has said, “If the ends do not justify the means, what else can possibly justify them?” So I would say, work hard to make the processes fair, but keep one eye on the results. Results are the ultimate test of fairness.