

THE QUEST FOR COSMIC JUSTICE

by Thomas Sowell

When you try to condense a book representing years of thought and research into a half-hour talk, a certain amount of over-simplification is inevitable. With that understood, let me try to summarize the message of The Quest for Cosmic Justice in three propositions which may seem to be axiomatic, but whose implications are in fact politically controversial:

1. The impossible is not going to be achieved.
2. It is a waste of precious resources to try to achieve it.
3. The devastating costs and social dangers which go with these attempts to achieve the impossible should be taken into account.

Cosmic justice is one of the impossible dreams which has a very high cost and very dangerous potentialities.

What is cosmic justice and how does it differ from more traditional conceptions of justice-- and from the more recent and more fervently sought "social justice"?

Traditional concepts of justice or fairness, at least within the American tradition, boil down to applying the same rules and standards to everyone. This is what is meant by a "level playing field"-- at least within that tradition, though the very same words mean something radically different within a framework that calls itself "social justice." Words like "fairness," "advantage" and "disadvantage" likewise have radically different meanings within the very different frameworks of traditional justice and "social justice."

John Rawls perhaps best summarized the differences when he distinguished "fair" equality of opportunity from merely "formal" equality of opportunity. Traditional justice, fairness, or equality of opportunity are merely formal in Professor Rawls' view and in the view of his many followers and comrades. For those with this view, "genuine equality of opportunity" cannot be achieved by the application of the same rules and standards to all, but requires specific

interventions to equalize either prospects or results. As Rawls puts it, "undeserved inequalities call for redress."

A fight in which both boxers observe the Marquis of Queensberry rules would be a fair fight, according to traditional standards of fairness, irrespective of whether the contestants were of equal skill, strength, experience or other factors likely to affect the outcome-- and irrespective of whether that outcome was a hard-fought draw or a completely one-sided beating.

This would not, however, be a fair fight within the framework of those seeking "social justice," if the competing fighters came into the ring with very different prospects of success-- especially if these differences were due to factors beyond their control.

Presumably, the vast ranges of undeserved inequalities found everywhere are the fault of "society" and so the redressing of those inequalities is called social justice, going beyond the traditional justice of presenting each individual with the same rules and standards. However, even those who argue this way often recognize that some undeserved inequalities may arise from cultural differences, family genes, or from historical confluences of events not controlled by anybody or by any given society at any given time. For example, there was no way that Pee Wee Reese was going to hit as many home runs as Mark McGwire, or Shirley Temple run as fast as Jesse Owens. There was no way that Scandinavians or Polynesians were going to know as much about camels as the Bedouins of the Sahara-- and no way that these Bedouins were going to know as much about fishing as the Scandinavians or Polynesians.

In a sense, proponents of "social justice" are unduly modest. What they are seeking to correct are not merely the deficiencies of society, but of the cosmos. What they call social justice encompasses far more than any given society is causally responsible for. Crusaders for social justice seek to correct not merely the sins of man but the oversights of God or the accidents of history. What they are really seeking is a universe tailor-made to their vision of equality. They are seeking cosmic justice.

This perspective on justice can be found in a wide range of activities and places, from the street-corner community activist to the august judicial chambers of the Supreme Court. For example, a former dean of admissions at Stanford University said that she had never required applicants to submit Achievement Test scores because "requiring such tests could unfairly penalize disadvantaged students in the college admissions process," because such students, "through no fault of their own, often find themselves in high schools that provide inadequate preparation for the Achievement Tests."¹ Through no fault of their own-- one of the recurrent phrases in this kind of argument-- seems to imply that it is the fault of "society" but remedies are sought independently of any empirical evidence that it is.

Let me try to illustrate some of the problems with this approach by a mundane personal example. Whenever I hear discussions of fairness in education, my automatic response is: "Thank God my teachers were unfair to me when I was a kid growing up in Harlem." One of these teachers was a lady named Miss Simon, who was from what might be called the General Patton school of education. Every word that we misspelled in class had to be written 50 times-- not in class, but in our homework that was due the next morning, on top of all the other homework that she and other teachers loaded onto us. Misspell four or five words and you had quite an evening ahead of you.

Was this fair? Of course not. Like many of the children in Harlem at that time, I came from a family where no one had been educated beyond elementary school. We could not afford to buy books and magazines, like children in more affluent neighborhood schools, so we were far less likely to be familiar with these words that we were required to write 50 times.

But fairness in this cosmic sense was never an option. As noted at the outset, the impossible is not going to be achieved. Nothing that the schools could do would make things fair in this sense. It would have been an irresponsible self-indulgence for them to have pretended to make things fair. Far worse than unfairness is make-believe fairness. Instead, they forced us to meet standards that were harder for us to meet-- but far more necessary for us to meet, as these were the main avenues for our escape from poverty.

Many years later, I happened to run into one of my Harlem schoolmates on the streets of San Francisco. He was now a psychiatrist and owned a home and property out in the Napa valley. As we reminisced about the past and caught up on things that had happened to us in between, he mentioned that his various secretaries over the years had commented on the fact that he seldom misspelled a word. My secretaries have made the same comment-- but, if they knew Miss Simon, it would be no mystery why we seldom misspelled words.

It so happens that I was a high school dropout. But what I was taught before I dropped out was enough for me to score higher on the verbal SAT than the average Harvard student. That may well have had something to do with my being admitted to Harvard in an era before the concept of "affirmative action" was conceived.

What if our teachers had been imbued with the present-day conception of "fairness"? Clearly we would not have been tested with the same tests and held to standards as other kids in higher-income neighborhoods, whose parents had at least twice as many years of schooling as ours and probably much more than twice as much money. And where would my schoolmate and I have ended up? Perhaps in some half-way house, if we were lucky.

And would that not have been an injustice-- to take individuals capable of being independent, self-supporting, and self-directed men and women, with pride in their own achievements, and turn them into dependents, clients, supplicants, mascots? Currently, the Educational Testing Service is adopting minority students as mascots by turning the SAT exams into race-normed instruments to circumvent the growing number of prohibitions against group preferences. The primary purpose of mascots is to symbolize something that makes others feel good. The well-being of the mascot himself is seldom a major consideration.

The argument here is not against real justice or real equality. Both of these things are desirable in themselves, just as immortality may be considered desirable in itself. The only arguments against any of these things is that they are impossible-- and the cost of pursuing impossible dreams are not negligible.

Socially counterproductive policies are just one of the many costs of the quest for cosmic justice. The rule of law, on which a free society depends, is inherently incompatible with cosmic justice. Laws exist in all kinds of societies, from the freest to the most totalitarian. But the rule of law-- a government of laws and not of men, as it used to be called-- is rare and vulnerable. You cannot redress the myriad inequalities which pervade human life by applying the same rules to all or by applying any rules other than the arbitrary dispensations of those in power. The final chapter of The Quest for Cosmic Justice is titled "The Quiet Repeal of the American Revolution"-- because that is what is happening piecemeal by zealots devoted to their own particular applications of cosmic justice.

They are not trying to destroy the rule of law. They are not trying to undermine the American republic. They are simply trying to produce "gender equity," institutions that "look like America" or a thousand other goals that are incompatible with the rule of law, but corollaries of cosmic justice.

Because ordinary Americans have not yet abandoned traditional justice, those who seek cosmic justice must try to justify it politically as meeting traditional concepts of justice. A failure to achieve the new vision of justice must be represented to the public and to the courts as "discrimination." Tests that register the results of innumerable inequalities must be represented as being the cause of those inequalities or as deliberate efforts to perpetuate those inequalities by erecting arbitrary barriers to the advancement of the less fortunate.

In short, to promote cosmic justice, they must misrepresent what is happening as violations of traditional justice-- as understood by others who do not share their vision. Nor do those who make such claims necessarily believe them themselves. As Joseph Schumpeter once said: "The first thing a man will do for his ideals is lie."

The next thing the idealist will do is character assassination. All those who disagree with the great vision must be shown to have malign intentions, if not deep-seated character flaws. They must be "Borked," to use a verb coined in our times. They must be depicted as "A Strange Justice" if somehow they survive the Borking process. They must be depicted as having some personal "obsessions" if they carry out the duties they swore to carry out as a special prosecutor. In short, demonization is one of the costs of the quest for cosmic justice.

The victims of this process are not limited to those targeted. The society as a whole loses when its decisions are made by character assassination, rather than by rational discussion, and when its pool of those eligible for leadership is drained by the exodus of those who are not prepared to sacrifice their good name or subject their family to humiliations for the sake of grasping the levers of power. This loss is not merely quantitative, for those who are willing to endure any personal or family humiliations for the sake of power are the most dangerous people to trust with power.

In a sense, those caught up in the vision of cosmic justice are also among its victims. Having committed themselves to a vision and demonized all who oppose it, how are they to turn around and subject that vision to searching empirical scrutiny, much less repudiate it as evidence of its counterproductive results mount up?

Ironically, the quest for greater economic and social equality is promoted through a far greater inequality of political power. If rules cannot produce cosmic justice, only raw power is left as the way to produce the kinds of results being sought. In a democracy, where power must gain public acquiescence, not only must the rule of law be violated or circumvented, so must the rule of truth. However noble the vision of cosmic justice, arbitrary power and shameless lies are the only paths that even seem to lead in its direction. As noted at the outset, the devastating costs and social dangers which go with these attempts to achieve the impossible should be taken into account.

NOTES

1. Jean H. Fetter, Questions and Admissions: Reflections on 100,000 Admissions Decisions at Stanford (Stanford: Stanford University Press, 1995), p. 45. This way of looking at the fairness of the college admissions process is by no means peculiar to Ms. Fetter. See, for example, John Kronholz, "As States End Racial Preferences, Pressure Rises To Drop SAT to Maintain Minority Enrollment," Wall Street Journal, February 12, 1998, p. A24; Nancy S. Cole, Educational Testing Service, "Merit and Opportunity: Testing and Higher education at the Vortex," speech at the conference, New Direction in Assessment for Higher Education: Fairness, Access, Multiculturalism, and Equity (F.A.M.E.), New Orleans, Louisiana, March 6-7, 1997; Thomas Sowell, Inside American Education: The Decline, the Deception, the Dogmas (New York: The Free Press, 1993), pp. 122-126. [back](#)