

# Reply to Gus diZerega



TIMOTHY SANDEFUR

**T**he thesis of “Some Problems with Spontaneous Order” is that there is no principled distinction between spontaneous and constructed orders—indeed, that spontaneous orders incorporate constructed orders and vice versa so that whatever import spontaneous order may have as a descriptive matter, it can provide no foundation for a normative critique of constructivism. Although the most obvious basis for such a critique would be to draw a line between the two at the level of coercion, doing so would make Hayek’s approach a critique of coercion, and then that critique would have to be made on the basis of philosophical values exogenous to the spontaneous order itself, which would smack of constructivism. Hayek was more interested in employing values that allegedly bubble up from the order itself, but this effort is unconvincing because it forces one either into the Panglossian fallacy or into asserting ethical commitments with no basis at all.

I did not intend to deny that there are spontaneous orders, but to contend that, put simply, if you scratch a spontaneous order, you find constructivism, and vice versa. Consider the Constitution example. Gus diZerega writes that the Constitution “established goal-neutral procedures by which anyone may seek a political goal.” But this claim is not true—the Constitution is anything but “goal neutral.” It is infused with norms, from its assertion that liberty is a “blessing” to its prohibition on ex post facto laws, and it places severe restrictions on the goals that may be pursued and how they may be pursued. Although the Constitution may set up a framework for various spontaneous processes, it is not itself, as Donald Boudreaux has claimed, the result of a spontaneous order unless we define that term so broadly that everything in the world qualifies. The Constitution was written by a group of experts consciously

---

Timothy Sandefur is a principal attorney at the Pacific Legal Foundation.

*The Independent Review*, v. 15, n. 2, Fall 2010, ISSN 1086-1653, Copyright © 2010, pp. 305-306.

designing it as the plan for a political order. True, it incorporated many preexisting features, but nothing in the world is truly *ex nihilo*.

To sum up, my point is that criticizing efforts at constructivist rationalism simply on the grounds that they interfere with the spontaneous generation of social institutions is like telling a lion not to eat an antelope because doing so would be “bad for evolution.” Nonsense! Evolution goes forward regardless of whether the lion eats the antelope or not. No matter what the outcome is, it can be called a spontaneous order. Likewise for human actions. No matter how intentional they may be, they can be described as merely one element in the ongoing spontaneous order. Such is the meaning, in practical terms, of saying that a spontaneous order cannot be described teleologically. If so, then spontaneous order can provide no guidance for our actions, which we undertake as means to some end. Hayek’s observations regarding spontaneous order are interesting and helpful as a descriptive matter, but without something more they provide an insufficient ground for a critique of intentional planning.

# SUBSCRIBE NOW AND RECEIVE A FREE BOOK!



“*The Independent Review* does not accept pronouncements of government officials nor the conventional wisdom at face value.”

—**JOHN R. MACARTHUR**, Publisher, *Harper’s*

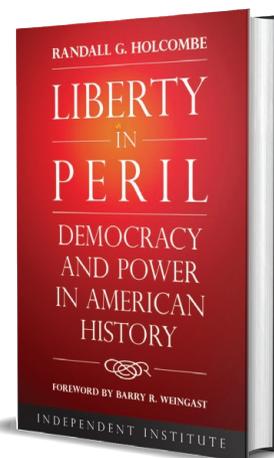
“*The Independent Review* is excellent.”

—**GARY BECKER**, Nobel Laureate in Economic Sciences

Subscribe to [\*The Independent Review\*](#) and receive a free book of your choice such as *Liberty in Peril: Democracy and Power in American History*, by Randall G. Holcombe.

Thought-provoking and educational, [\*The Independent Review\*](#) is blazing the way toward informed debate. This quarterly journal offers leading-edge insights on today’s most critical issues in economics, healthcare, education, the environment, energy, defense, law, history, political science, philosophy, and sociology.

Student? Educator? Journalist? Business or civic leader? Engaged citizen? This journal is for YOU!



Order today for more **FREE** book options

**SUBSCRIBE**

*The Independent Review* is now available digitally on mobile devices and tablets via the Apple/Android App Stores and Magzter. Subscriptions and single issues start at \$2.99. [Learn More.](#)

