

## *Buchanan and Tullock's* The Calculus of Consent

I am so out of sympathy with James M. Buchanan and Gordon Tullock's *The Calculus of Consent* that I don't think a particularly detailed critique to send to them would be worthwhile. I recognize that there are some merits to the piece: a searching for methodological individualism in political science, an emphasis upon unanimity rather than majority rule, and a harking back to the constitutional system of 1900 as better than the situation today. But these merits are, I believe, more *ad hoc* than integral to the main body of work. In considering the work as a whole, they are far overshadowed by the numerous flaws and fallacies.

In the first place, their repeated references to "unanimity" are, at first, appealing, but they are highly misleading. A "social contract" theory of government, as you know, can be used in two different ways, and this difference is extremely important: it can be used to set up an *ideal* toward which the government should be transformed (essentially the view of John Locke), or it can be used to place a stamp of approval on all, or most, of the actions of the *existing* government (for example, Rousseau). Thus, the theory of the divine right of kings began as a *check* on government, as an order to the King to stay within divinely-commanded laws; it was transformed, by the State, into a divine stamp of approval for anything the King

[Excerpted from a letter to Dr. Ivan R. Biely of the William Volker Fund, August 17, 1960; James M. Buchanan and Gordon Tullock, *The Calculus of Consent* (Ann Arbor: University of Michigan Press, 1962). Comments refer to a manuscript version of the book.]

might decide to do. While there are elements of both in Buchanan and Tullock, the major emphasis of the "unanimity rule" is *not* so much to set up a unanimity ideal, as to put a stamp of approval on existing government actions as being "really" backed by unanimous consent. I have noted this before in Buchanan's writings.

How is this done? In many ways, some of which are so involved in their transparent rationalizations as to be almost absurd. The basic way is to set up a dichotomy between "constitutional decisions" and concrete decisions of government policy. Buchanan and Tullock admit that concrete decisions might represent conflict: A and B winning out over, and even at the expense of, C. But "constitutionally," which is a term that they use quite vaguely but which apparently means the rules for government decision-making, they assume that these rules are somehow "unanimously" agreed to, and therefore that, in a sense, the concrete political decisions are also unanimous. Thus, the unanimity rule, seemingly libertarian, actually turns out to be more of a fallacious support for the *status quo*—whatever the *status quo* happens to be—than a plea for libertarian principle.

Why all of us are supposed to be behind the constitutional decisions, Buchanan and Tullock do not really support. They say (as Buchanan did in his journal article last year) that a thief is *really* for a law against stealing so as to keep his own property, so that it can be said that even a thief in a way approves of his own punishment. I think this is absurd; a professional thief is clearly *opposed* to laws against stealing (it is a rule of honor among professional criminals not to run to the police for help—and also a wise precaution for them). How did Buchanan and Tullock manage to get into this trap? By blithely assuming that when the "constitution" is being considered, no one knows whether or not he will be able to benefit by the various rules in specific situations, so it is to everyone's self-interest to have rules, as it were, in the general interest. Now this appears to me to be completely insupportable; people do have certain interests, and they will be able to gauge to what extent a rule will benefit or not benefit them. (This is especially true because Buchanan and Tullock think of the "constitution" as continuing, rather than as the original writing.) The professional thief knows he is a professional thief, and therefore that the weakening of laws

against stealing, or constitutional provisions against stealing, will benefit him, and so on.

Further, by unanimity Buchanan and Tullock by no means always refer to real unanimity; instead, they speak of "relative unanimity" or "80 percent unanimity," and so on. In short, when the chips are down, they are willing to waive unanimity in order that the "costs of decision" for the group or society be minimized. "Relative unanimity" is obviously a misleading use of semantics.

In short, despite a lot of talk about unanimity being called for, the upshot of the discussion is that (a) unanimity is weakened by numerous qualifications and circumlocutions—and that (b) much of the existing structure of government is endorsed as being "really" unanimity! This, of course, is worse than simply adhering to majority rule, and comes perilously close to the "we owe it to ourselves," "we are the government" position of the Left.

The worst example of this, including the definite tendency to rationalize the existing situation as reflecting unanimity, is the concept of "income insurance" to justify actions of government that "redistribute" income. Now it is obvious that when government takes from A and deliberately gives to B, this can hardly be called a gesture of unanimity, or people voluntarily banding together to purchase a service from government. But Buchanan and Tullock try to say this, by asserting that the wealthy *really* favor being taxed more than the poor, because they are taking out "income insurance," knowing that when they will be poor, the government, like an insurance company, will help them. And, in another place, they say that people really want to be coerced so long as they are *all* coerced, so that, everybody is really *not* being coerced. Not only do I consider all this nonsense, but it is dangerous nonsense as well, because it provides new support for the idea that anything that the State does, no matter how blatantly coercive, is "really" backed by everyone.

The placing of the stamp of approval on the State as being really unanimous, furthermore, permeates the entire analysis of this book. For the whole point of the book, the "new contribution," is that Buchanan and Tullock treat the State as just another service

agency, basically voluntary, supplying "collective goods" to everyone, minimizing "external costs" when it can do so, and so on. The State is assimilated into the rubric of just another voluntary agency (albeit with complications), and each individual therefore decides on his value scale how much to allocate to private agencies and how much to government. This, I say, is the nub of the entire analysis of the book, and I think it is utterly and absolutely wrong. A significant quote from Buchanan and Tullock will point this up:

We view collective decisionmaking, collective action, as a form of human activity through which mutual gains are made possible. Thus, in our conception, collective activity, like market activity, is a genuinely cooperative gain. By contrast, much of orthodox political thought seems to be based on the view that the collective choice process reflects a partisan struggle in which the beneficiaries secure gains solely at the expense of the losers.

I think it quite evident that "orthodox political theory" is infinitely superior to the construction of Buchanan and Tullock, and that even though on concrete questions, Buchanan and Tullock will want to reduce to some extent the current level of government operations, the impact of their analysis—of the book itself—will be much more to place a stamp of approval on State action which even "orthodox theory" hadn't placed upon it.

The nub of the distinction between State and market is that, on the market, all parties gain and benefit from market actions, whereas, in State action, the gains of one group can only be *at the expense* of others. Buchanan and Tullock's concept would obliterate the most vital distinction between State and market activity.

Furthermore, Buchanan and Tullock are considerably inferior to the "orthodox" New Welfare Economists, who at least formally recognize, even though they try to get around it, that there has to be unanimity for them to make "scientific" statements of whether society is better off, without introducing their own ethical judgments. (The New Welfare Economists, following Pareto, have in this sense always paid formal obeisance to the unanimity principle.) But Buchanan and Tullock, believing that State action is, on the whole, "really unanimous," believe that they can go much further in making

"scientific" pronouncements without bringing in their own value-judgments, and thus they sin more than the usual "welfare economists" in smuggling in their own ethical judgments as scientific statements. This is particularly true in their grandiose conception of "social costs," where they proclaim that individuals all decide on the exact proportion of government activity in regard to which they can minimize "social costs"; but how can "social costs" be even discussed when some people are gaining *at the expense* of others? To say, for example, that it will lower "social costs" (and therefore, for some reason, it will be good) if the few holdouts in a community who don't want to build a road be forced to pay in taxes for the road, is a fallacious conception—although this is involved in the whole analytic structure of Buchanan and Tullock. For it will undoubtedly minimize the costs of the impatient people who want to get on with the job without "obstruction"; on the other hand, it will greatly *raise* the "costs" of those who staunchly oppose the road and do not wish to be forced to pay for it. Why is the former, and not the latter, "society"? The upshot is, that despite much talk by Buchanan and Tullock of their staunch individualism, especially methodological individualism, they are not consistent individualists at all. They smuggle in, through the back door, societarian and organicist conceptions, namely, in their discussions of social costs.

There are also certain grave epistemological flaws in the book. For one thing, Buchanan and Tullock are, methodologically, confirmed positivists—which is one reason why their theoretical structure is so slipshod. It is bound to be slipshod when their methodological doctrine is that assumptions don't have to be true in order to work, that theory is arrived at by "testing hypotheses" against empirical fact, and all the rest of the positivist trappings which apply the methodology of physics to the sciences of human action.

And second—what is really a corollary—is their misapprehension of what political theory is all about. In modern times, political theory has abandoned *political philosophy*: that discipline that deals with the problem of the nature of the State, what the State should and should not do, and so on. (It has abandoned political philosophy because it has given up the idea that there is a rational discipline of ethics, of which political philosophy is, in a sense, a subdivision.)

Hence, they want to construct a value-free political theory. But while such a theory is important and meaningful in economics, where the theory is based on the fact that people use means to achieve ends—it is empty and sterile in political theory. For, after all, politics is a matter of concrete decisions, which in contrast to everyday decisions of consumers and business firms, should be based on general principles. Give up the idea that there *are* such principles—that is, give up political philosophy—and you are left adrift with no rudder, and no genuine political theory. This is what has happened; and we have been left with “political science,” with all the positivist trappings, the value-free “models,” the quasi-mathematics, the jargon, and so on. Buchanan and Tullock are in this sterile “political science” tradition. But in a sense they carry this unfortunate modern tendency much further. For by blithely assuming that there is no real difference between the State and private institutions and actions, by assimilating government to private actions, they have really become “political philosophers”—and very bad ones. And from this stems their treatment of *political* action as if it were just another good or service like beans and apples, and which is simply valued, like beans and apples, on our value-scales. This “economic” approach to politics, far from the great new advance they think it is, as far as I am concerned, is the death knell of all genuine political philosophy.