

The calculus of consent after thirty years*

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Abstract. It is shown that the basic normative argument of the *calculus* is moored to a collectivistic unanimity norm. As most scholars working in the field of public choice, including the authors of the seminal *calculus*, would otherwise reject collectivistic normative premises, a re-interpretation of the status of the unanimity principle of the *calculus* seems unavoidable. The paper argues that this can be done if the basic formation of a society is not characterized as starting from a given set of individuals but rather in terms of the formation of clubs. This amounts to the same thing as substituting universalistic ethical premises by particularistic ones which are more in line with standard economic methodology.

1. Introduction

After thirty years or one generation there cannot be any doubt that *The calculus of consent* is a if not “the” modern classic of public choice theory. Its central views form part of the common sense of the field and public choice theorists in general will have to offer considered and well-founded judgments on them. Thus, if I as a political philosopher dare to discuss *The calculus of consent*, this may be taken as confirming the general suspicion that philosophers lack common sense. On the other hand, the book raises fundamental methodological questions of great significance for political philosophy in general and for the basic philosophy of public choice theory in particular. Some of them will be addressed subsequently.

Some essential methodological views of the *calculus* which I fully endorse are sketched first (Section 2). It is then argued that methodological individualism and subjectivism as expressed in these views clash with the collectivistic and universalistic character of the unanimity principle which forms the basis of the justificatory argument of the *calculus* (Section 3). In the next step an alternative strictly particularistic re-interpretation of the *calculus* is proposed (Section 4). Finally I shall argue that the particularistic and the universalistic interpretations of the basic justificatory argument of the *calculus* can be seen as be-

* I have benefited greatly from Charles Rowley’s excellent oral comments at the Public Choice Society Meetings.

longing to two distinct approaches to normative political economy which should both be pursued within public choice theory but at the same time should be carefully distinguished in order to avoid confusion (Section 5).

2. Methodological aspects

Buchanan and Tullock (1962/1990) state that their approach to politics is methodologically individualistic. The basic entities of analysis are individuals and their preferences. This holds good along both explanatory as well as normative dimensions of fundamental political theory. In an adequate descriptive theory of society predictions and explanations should be based on assumptions about individual behavior while within an adequate normative theory of the good society the basic standard of evaluation are the values or preferences of the individuals concerned.

From my skeptical philosopher's point of view, I have no quarrels with these two elements of methodological individualism. I also fully subscribe to the important and valuable distinction between theories of political obligation and what may be called "theories of political evaluation" as it is made in the *calculus* (it is made throughout and explicitly and lucidly discussed on pages 308–312 of *The Calculus of Consent*; henceforth cited as "COC"). Buchanan and Tullock are rightly insisting that basic normative political theory should not primarily deal with the problem of whether and when individuals have a personal moral obligation to play by certain systems of rules. Within their perspective it is much more important to "invent" systems of rules which under plausible assumptions about rational human behavior may be expected to bring about an acceptable general pattern of results. In pursuing this task they insist that "the political scientist . . . must take men as they are, not as he would like them to be" (COC, 311) and that he should use the same model of rational individual choice throughout. It is the same rational individual who chooses between rules and makes "within-rule-choices" as well. This rational decision maker is the one who gets the advice of Buchanan and Tullock. It is she – rather than some external benevolent despot – who has to invent rules and has to choose rationally among alternative systems of rules which will form "self-imposed" restrictions on her and other players' behavior in the game of social interaction.

Systematically elaborating a suggestion of Rutledge Vining, Buchanan and Tullock maintain that the main task of economic theory is to form models of choosing between rules while such a discipline like game theory can be used to predict the outcomes produced by rational behavior under given sets of rules (cf. on this in particular COC, 326 above and Buchanan, 1987: 309). They are "concerned primarily with demonstrating the calculus through which constitu-

tional decisions might be made, not with the precise configurations of the political institutions that might result from the calculus" (COC, 312). What is on offer is not a constitutional proposal but rather a fundamental model of how a rank or grade alternative constitutions according to individual standards of evaluation. In other words, Buchanan and Tullock do not propose specific "rules of the game" but a model of how suitable rules might in general be chosen by rational individuals given their own ends, aims or values and the external constraints that they face.

This way of framing a fundamental justificatory argument of political theory is in itself a highly original and important methodological contribution of *The calculus of consent*. Focusing on evaluation and ranking rather than on political obligation, many of the pitfalls of classical contractarianism can be avoided. For instance, the notorious problem of whether or not a fictitious contract between fictitious individuals in a fictitious situation can oblige real individuals who were not party to the agreement is not among the problems of such a theory – and thus, the theory is immune against the more obvious criticisms of contractarianism.

As should be obvious I accept all the methodological views of the *calculus* sketched so far. In their efforts to formulate a model that individuals can conceivably apply to the task of evaluating alternative sets of basic institutions of a constitutional democracy Buchanan and Tullock go one step further, however, in that they employ a notion of unanimous consent. I shall first look at three paradigmatic settings in which consensus generally may be expressed (3.1) and then criticize the Paretian apparatus of the *calculus* as incompatible with methodological individualism (3.2).

3. Consensus and unanimity

3.1. Settings and types of consent

Imagine Robinson Crusoe, Friday and Saturday who have reached a Bush-Buchanan natural equilibrium on their island (cf. Kant, *The metaphysics of right* §§ 15, 16 for a related notion of natural equilibrium). There are no rules of promise giving or contract yet. There are no standards telling illegitimate from legitimate acts. There are no rights and no obligations in the proper (public) sense of these terms, yet there are individually controlled stable spheres or – as Kant called them – "provisional rights" (cf. again *The metaphysics of right* §§ 9, 16). Assuming that this status quo emerged from purely individual action, there may and probably will be some chances for mutually advantageous agreements between some individuals or within subgroups of the population. It is obvious that from a purely individualistic point of view, say, Crusoe

could not object to any agreements and concerted actions of Friday and Saturday even if these actions would be disadvantageous for him. If we accept the normative side of subjectivist methodological individualism we cannot criticize any kind of concerted action taken in natural equilibrium provided it serves the preferences of the individuals taking that action.

The explicit or implicit agreements underlying concerted action in natural equilibrium may be called *individual consensus*. It should be noted that individual consensus is neither constrained nor authorized by any prior normative standard. As right and wrong have to be invented or created “yet” from individual values the concept of individual consensus is used in a non-normative manner. It refers to a “non-moral” and “non-legal”, and in that sense purely “natural” kind of co-ordination.

Now, let us assume that what Buchanan and Tullock aptly call “minimal collectivization” (cf. COC, 46f.) has taken place and Crusoe, Friday and Saturday command well-defined property rights which are somehow collectively enforced as the publicly provided “minimum content of a legal order” (I am alluding here to Hart, 1961: 189ff.). According to the standards implied in minimal collectivization whatever any number of the three agree on is regarded as *legitimate*. For instance, assume that two of them, say Friday and Saturday, agree to drain a meadow. If, according to the standards of minimal collectivization, they are entitled to drain the meadow Crusoe is not entitled to object even though he may regard that kind of concerted action as exerting externalities on him. The whole point about the other two having the right to proceed as seems fit to them is that externalities on Crusoe – if there are any – are held to be normatively irrelevant. Friday and Saturday are “entitled” to go ahead even if Crusoe does not give his consent.

The public or collective creation of spheres that are regarded as private is in itself a fundamental public good. If according to the *publicly enforced* rules of privateness some consensus between any two individuals falls entirely into their spheres it may be called a *private consensus*.

Let us finally assume that Crusoe, Friday and Saturday adopt the collective choice rule that no action (of a certain kind or type of actions) of any number of individuals may be taken unless all or some number agree *under* a collective rule. This may be called *collective consensus*. According to the notion of collective consensus, no action (of a certain type or kind) may legitimately be taken unless the required number of individuals have agreed.

The consent of “autonomous individuals” has great appeal to the modern mind. But in normative argument it is often unclear to which kind of consensus the notion of consent refers: individual consensus, which is not based on a prior normative standard and the two forms of consensus which derive their legitimacy power, if any, from a prior normative characterization of spheres of legitimate private or collective decision making.

3.2. *Unanimity as collective consensus*

It is obvious that *The calculus of consent* assumes that the individual constitutional choice is performed under a collective rule of unanimity. The authors clearly start from unanimous *collective consensus* as their basic justificatory principle. For instance, they state that “(t)he selection of a decision-making rule is itself a group choice” (COC, 5) and “the ‘constitutional’ decisions themselves . . . are necessarily collective” (COC, 6; cf. also COC, 77). Though Buchanan and Tullock presumably would feel that characterizing their notion of consent as “collective consensus” is not justified, I shall soon try to defend the claim that it nevertheless is. Let me therefore proceed using the term in the way defined before and let me first ask what kinds of argument might be offered in defense of collective consensus as *basic* premise of the justificatory calculus of consent offered in the *calculus*.

The following line of argument seems tempting: Every human action may at least potentially and conceivably exert externalities. To profit from positive externalities brought about by other individuals or to exert negative externalities on others without their prior consent is – at least *prima facie* – illegitimate. Nobody should be allowed to take advantage of or to exert externalities without the consent of everybody concerned. As any action – at least conceivably – can involve externalities on somebody else it seems to follow that nobody should be allowed to perform any action unless everybody expresses his consent. This is indeed Buchanan’s and Tullock’s bench mark. In their own words: “Instead of using as our bench mark the situation in which no collective action is undertaken at all, we shall use that situation in which no external costs are imposed on the individual because of the actions of others. Positive costs are, in this way, associated with the situation characterized by the absence of collective action in many cases, and collective action is viewed as a possible means of reducing these costs” (COC, 44f.).

This starting point of the justificatory argument implicitly presupposes a monopoly on taking action. For, in Buchanan’s and Tullock’s bench mark situation, nobody is entitled to *impose* externalities on others. This presupposes that nobody may act without prior “authorization”. If nobody is normatively entitled to act unless everybody agreed, the (or more precisely “all”) autonomy of decision making must rest with the collectivity which authorizes individual action through collective consensus. It is only because of this collective monopoly that individuals can have a “veto”, properly so called. For, without a collective monopoly to take certain (or all) actions, no individual could use his or her veto in the collective decision making procedure as a means to block other individuals’ actions.

As nobody has seen more clearly than Buchanan and Tullock this restriction cuts both ways: any individual can veto what others want and others can veto

what the individual wants. Therefore I do not object to Buchanan's and Tullock's claim that *within the realm of the political* the individual veto will make individuals more secure against external costs. *After* it has been decided that some kind of action be put under public authority – and thus into the realm of the genuinely political – unanimity and veto will serve as a defense against intrusions brought about by others' "abuse" of the monopoly power of political action. Buchanan and Tullock are also fully justified in claiming that unanimity as a rule of *political* decision making can – at least conceivably – secure that unanimously agreed *political* choices will be to everybody's advantage and that it thus is the political analogue to the public enforcement of private property rights (as starting positions for mutually advantageous exchanges).

Still, the phenomena described before emerge only *after* the domain of the political with its monopoly claim has been constituted. Buchanan and Tullock themselves address the problem that "the group must make willy-nilly a decision" (COC, 5) about what will be decided privately – possibly according to private consensus – and what will be decided collectively under some collective decision rule. This most fundamental decision will be made according to predictions about the workings of private arrangements vs. collective arrangements. As they rightly insist against much of political theory, this, rather than the question of choosing the specific rules of collective decision making, is the most fundamental decision to be made. However, again, does this decision take place under a collective rule like the unanimity rule and is it thus a political decision or not? If it is a political decision like Buchanan and Tullock suggest, then their theory is *not* a fundamentally individualistic theory of constituting the political. Neither does their theory reconstruct political from non-political decision making. They start from what is fundamentally political; namely, a collective monopoly to make certain classes of decision.

One might feel that the problem can be avoided if *ultimate* collective authority is assumed only for certain types of action. The ultimate or original entitlement to act in a certain way rests with the collectivity while in other cases the primary authority rests with the individuals. However, given this proposal, it is not entirely frivolous to ask who has the authority to define the two classes. We again face the fundamental problem with which Buchanan and Tullock seem to struggle. The decision must either be a collective one or not. We must start somewhere. And, at that point we have to define what is put into the realm of politics and thus under a collective monopoly of decision making and what shall be external to that monopoly. If the starting point is characterized as a collective decision, then the original definition of the operationally political and non-political will itself be made *within the realm of the political* and we again end up with Buchanan's and Tullock's approach. (As a *descriptive* statement this view would be close to the truth in any case. It is disturbing only within a *methodologically individualistic model of justification*.)

Buchanan and Tullock offer good reasons why rational individuals who minimize interdependence costs under the collective rule of unanimous decision making would give up unanimity requirements for operational or institutionalized norms of collective decision making. Further, and more importantly, individuals also may be expected to reach consensus under the collective rule of unanimity that it is desirable to restrict the scope of collective decision making. For operational purposes they collectively and unanimously authorize individuals to make certain decisions on their own behalf. They unanimously give up their veto or “blocking power”. Thus, following upon a unanimous collective agreement, private spheres could be introduced or defined and subsequently be collectively enforced in a process of public provision of private rights. *We get a collectivistic argument in favor of individualistic institutions.*

This is exactly what happens in the *calculus*. The basic approach of the *calculus* describes the deliberations of an individual who *participates* in an act of *collective* decision making in which legitimate spheres of private and collective consensus are characterized. According to unanimous collective consensus the individual actors are entitled to act on behalf of the collectivity. (For instance, from this point of view the decision to sleep on one’s belly or on one’s back is regarded as legitimately private because the collectivity in an act of collective consensus has *delegated* its primary authority to make that decision.)

To sum up my reconstruction of the most fundamental justificatory argument of *The calculus of consent*: Buchanan and Tullock suggest to rational constitutional decision makers that they better choose rules that defend individuals against certain forms of political intrusion. On its most fundamental level the justificatory method for making these rule choices is not individualistic. The calculus of the consenting individual is strictly framed as taking place within a situation of collective decision making and collective unanimity under a collective monopoly of taking action. Thus, in their efforts to defend individuals against any collectively or individually imposed external costs, Buchanan and Tullock somehow seem to end up with the ultimate form of collectivism: in their model all norms are in the last resort derived from a collective authority vested in a collective rule rather than in individual values.

The fact that the individuals can express their preferences and values within the collectively defined domain of choice *under* the collective rule of unanimity should not distract from the fact that the unanimity rule itself is not justified with respect to individual values and preferences. The starting point of the argument is genuinely collective authority. A theory based on such a starting point is truly and radically democratic – even though not majoritarian democratic – but, in the justificatory sense of that term, hardly methodologically individualistic.

4. A strictly individualistic calculus of constitutional choice

Even an otherwise extreme collectivist like Rousseau chose a less collectivistic starting point in his contractarian justification of government than Buchanan and Tullock. Though he stated that “(t)here is one law only which, by its very nature, demands unanimous consent, and that is the social pact” Rousseau also said that, “when the social pact is made, voices are raised in opposition, such opposition does not invalidate the contract, but merely excludes from it those who voice it, so that they become foreigners among the general body of the citizens” (Rousseau, 1971: 272). Thus, according to Rousseau’s view, those who do not agree with the basic contract simply stay out. Voicing their dissent is treated as tantamount to their refusal to become members of the political group which is formed in the contract.

In Rousseau’s approach, the dissenters do *not* have a veto nor is their consent required in order that the other individuals can go ahead in their actions of voluntary group formation. Insofar, Rousseau starts from individual consensus.

If as a matter of fact some or most individuals do want to go ahead only after all are agreed – for instance, because they want to respect all other individuals’ “provisional rights” or spheres as defined by some natural equilibrium or status quo – their calculus would look like the one proposed by Buchanan and Tullock. But this is only a contingent fact entering a calculus that is ultimately not subject to the unanimity requirement, and rightly so. For, a methodologically individualistic approach which faithfully sticks to the means-ends-perspective of economics should be neutral with respect to individual aims, ends or values and therefore be in a position to take account as well of the aims, ends or values of those individuals who as a matter of fact are not willing to impose the restrictions of prior unanimity and universal agreement on their own “pursuit of happiness”.

From this a fairly straightforward particularistic interpretation of the basic justificatory model or calculus of *the calculus* can be developed.

4.1. *The club analogy*

The possibility to “opt out” to which Rousseau alludes in the remark cited before amounts almost to the same thing as conceiving of the basic formation of society in terms of forming a club. This suggests that in modeling the individual calculus of constitutional choice we might start from Buchanan’s own theory of clubs.

In some natural equilibrium individuals must choose between several clubs. In this natural equilibrium agreements have the status of purely individual acts

of consensus. At the highest level of the model there is no assumption of predefined collectivities with a monopoly to certain classes of action, nor is there any presumption of publicly binding predefined natural rights like in Rober Nozick's theory of club formation (cf. 1974: Part I). As far as this moral variant of minimal collectivization is concerned, Nozick as well as his imagined anarchist adversaries start from a kind of "political" state of affairs too.

We must carefully distinguish here between, on the one hand, collective and private consensus and, on the other hand, individual consensus. The collective and private consensus are taking place within the realm of the political. They presuppose a monopoly on the enforcement and definition of restrictions on consensus whereas individual consensus is not itself under normative restrictions of that kind. Individual consensus is clearly more in line with the non-universalistic approach of subjectivist economics which strictly confines itself to recommendations of means to given individual ends, aims or values. Within such an approach, models of individually rational constitutional choice can and should be formulated without the restriction that the agreement of *all* individuals of some *predefined* group is reached. No implicit claim to a monopoly of defining legitimate action need be involved. Nor is it necessary that all individuals accept the theoretical argument before any individual may be justified to follow the theoretical prescriptions. The theoretical model of constitutional choice simply addresses those to whom it concerns because they as a matter of fact share suitable ends, aims or values.

Within such a non-collectivist fundamental model, no individual is conceived as having a veto if any number of other individuals somehow manage to form a club of which the individual happens to be no member. The bylaws of the clubs among which the individual is conceived to choose in her individualistic constitutional calculus can be viewed as constitutions while the decision to join some club amounts to choosing among alternative constitutions. As any constitution the bylaws specify what club members may decide privately and what will be decided collectively.

Though, according to this model, the decision to join a club is *not* a collective political decision, some of the emerging clubs will conceivably be political clubs in the narrow sense of that term. Such clubs claim a monopoly to decide collectively about all actions to be taken by club members and perhaps even by non-members. They claim a Weberian collective monopoly to the legitimate use of fundamental coercive power.

In raising this claim they may as a matter of fact be successful or unsuccessful and they may or may not conform with Buchanan's and Tullock's premise that unanimity is to prevail as the fundamental justificatory principle within the club. These are purely factual issues which I shall not address here. But there is also the normative problem of whether rational choosers would ever have good reason to join a political club or to acquiesce voluntarily with its monopoly claim.

4.2. *Advantages of interpreting the calculus of consent in terms of individual consensus in a process of club formation*

The calculus of consent does not offer an argument why individuals from the point of view of their own ends, aims or values should accept the unanimity principle as basic political norm. In terms of the club analogy it seems quite plausible, however, to offer an argument in favor of an *individual preference* for unanimity as basic constitutional principle of *political* clubs. Joining a political club which claims to decide collectively about the “legitimacy” of all actions to be taken by club members amounts to a kind of voluntary enslavement. Making this observation it seems overwhelmingly plausible that a rational individual in her individual calculus would find it advantageous to voluntarily enslave herself by joining a political club *only* if she can trust that unanimity – or, for that matter, conceivable unanimity – is the most fundamental and guiding principle of the “democratic” decision process within the polity.

According to the view proposed here, the decision of joining a political or other clubs is itself not modeled as a collective but rather as an individual decision. The decision to join a club which is governed by unanimity is framed as an act of purely individual consensus between the new member and the club (or its agents). Demonstrating that a rational chooser has good reason to join only clubs which are governed by ideals and rules of (approximate) unanimity, we have a methodologically individualistic argument in favor of unanimity. Further, there is no such problem as the infinite regressus to which Buchanan and Tullock several times allude in the *calculus*. For, on the ultimate level of analysis the model starts from individual preferences from which – through the conceptual exercise of the model-calculus – the rational individual may be expected to derive an ordering of constitutions in which political constitutions built on unanimity rank higher than other political constitutions.

If all individuals in their several calculi come to the same conclusion, this is a kind of unanimity but certainly not one under a collective rule of unanimity. “Voluntary action may emerge which will include all members of the social group. Here the action may institutionally be indistinguishable from political action. Governmental institutions may be employed to effect purely voluntary co-operative action. The characteristic feature would be the absence of any of the coercive or compulsive powers of government” (COC, 49). There is no normative claim to a collectively binding public decision involved. Even if it so happens that the basic model of constitutional choice would predict that all individuals voluntarily and separately have good reason to join a single club, the fundamental justificatory argument of the model is completely different from a justificatory argument which like the one presented in *The calculus of consent* is based on a monopoly of action under unanimity in a predefined collectivity.

5. Summary and conclusions

It has been argued that *the calculus of consent* is based on a universalistic rather than particularistic normative premise which requires that *every* individual has to give his or her consent. Unanimity in a *predefined collectivity* is the fundamental justificatory norm of the *calculus*. The Paretian apparatus of the *calculus* incorporates a Kantian premise of respect for other individuals or, to use Rutledge Vining's words, it requires "of each individual that he takes no action which impairs the freedom of any other individual" and which amounts to "the moral principle that no individual should treat another simply as means to an end" (Vining, 1956: 18, cited after Dorn, 1987: 286).

Imposing this moral principle on normative economic analysis is not in line with economic subjectivism. Therefore it is no surprise that on occasion of the 25th anniversary of the publication of the *calculus*, "hard-nosed" economist Gordon Tullock himself observed: "I have always been unhappy with the Paretian apparatus" (Tullock, 1987: 313). Though it seems obvious that without the "Paretian apparatus" the *calculus* could never have won such widespread acceptance among economists and philosophers as it in fact did, it is also true that simultaneously employing the principle of unanimity and a subjectivistic concept of purely individual evaluation and justification leads to a kind of incoherence. If we do not want to give up methodological individualism and the value subjectivism which is its essential part, the incoherence can be eliminated only if we give up the premise of unanimous collective choice in a predefined group and re-interpret the basic normative argument of the *calculus*.

In accomplishing this task we may follow a suggestion of Buchanan and Tullock themselves and conceive of the fundamental calculus of the *calculus* as a model which is applied within a constitutional discussion process. Then "(t)he 'economic' theory that may be constructed out of an analysis of individual choice provides an explanation for the emergence of a political constitution from the discussion process conducted by free individuals attempting to formulate generally acceptable rules in their own long-term interest" (COC, 7).

There is no doubt that the analysis proposed in *The calculus of consent* is among the most valuable information that rational individuals could make use of in their constitutional discussion. Going through the mental exercise of the *calculus* may be so persuasive that all might come to the same conclusion and perhaps might even voluntarily acquiesce with the basic institutions of a given polity. If not so, not. According to the view proposed here, individuals can make up their minds from a normatively particularistic point of view which acknowledges that in the last resort it is not inter-individual respect and unanimity granting a veto to everyone but simply power which will decide what will happen in the real world and neither is it per se illegitimate to use one's power in the pursuit of one's ends, aims or values even against the expressed dissent

of other individuals. (It may be noted in passing that this view is of course equally critical of libertarian anarchism starting from spheres of legitimate private consensus which are never justified in terms of the economic means-ends-perspective.)

This interpretation of the *calculus* leaves the basic thrust of the book untouched because the most important insights into the actual workings of political rules remain intact and relevant under the particularistic interpretation. Buchanan's and Tullock's effort to push abstraction beyond the conventional limits of political argument and to confine themselves to a model which can be used in constitutional choice rather than to propose specific constitutional choices makes their argument – discounting of the unanimity part – easily adaptable to the new interpretation.

The answer to the obvious question why we should then bother to address these fundamental justificatory issues at all seems to be a fairly simple one.

On the one hand, it is philosophically quite significant whether or not in our fundamental economic theory of politics we have to start from a collectivist assumption like unanimous group choice. It would be unfortunate from the point of view of the genuine individualist if there would be a logical need to do so – for instance because of the regressus ad infinitum argument. To show that there is no such necessity may seem to be not without philosophical interest.

On the other hand, the point that has been made is methodologically significant for economic theory too. For, it demonstrates how *The calculus of consent* can be incorporated into a framework of means-ends-relationships.

By way of a final remark it may be worth noting that what has been said before describes a kind of central juncture at which two completely different fields of normative economic enquiry in general and of public choice theory in particular part company. On the one hand, we get a field based on universalistic premises. We enter a domain of public or collective political economy which is strictly adverse to externalities. This field may be of interest in its own right and it is perfectly acceptable to engage in such studies provided that the normative assumptions are made explicit and that it is well understood that they have been made. These values are certainly at root of what may be called the Buchanan enterprise. All individuals who as a matter of fact share the same ideals will join this enterprise because it is here that they can learn more about the best constitutional means to reach their own ends which happen to be based on universalistic values.

On the other hand, we get studies which are not based on the presumption that externalities – in particular those of the negative kind – are fundamentally problematic. Within such studies it is perfectly appropriate to deal with the efficient exertion of externalities. If it is helpful for the individual addressee of the suggestions derivable from such studies to exert certain externalities in order to get her or his way then their exertion is instrumentally justified from

his or her point of view even though those on whom the externalities are exerted have not been asked for their consent. It seems that this point of view is at root of what may be called the Tullock enterprise. Both enterprises are important, and both types of normative inquiry should definitely be pursued within public choice theory not only in the next thirty years but in times to come.

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