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2.

The Individualistic Postulate

A theory of collective choice must be grounded on some assumption concerning the nature of the collective unit. What is the State? Or, to put the question more precisely, how should the State be conceived?

If an organic conception is accepted, the theory of collective choice-making is greatly simplified. The collectivity becomes as an individual, and the analyst need only search for the underlying value pattern or scale which motivates independent State action. Operationally meaningful propositions about such action may be exceedingly difficult to construct, but useful discussion may, nevertheless, proceed without much attention being paid to the manner of constructing the “bridge” between individual values and social values. The organic State has an existence, a value pattern, and a motivation independent of those of the individual human beings claiming membership. Indeed, the very term “individual” has little place in the genuinely organic conception; the single human being becomes an integral part of a larger, and more meaningful, organism.

This approach or theory of the collectivity has been of some usefulness, both as a positive interpretation of certain qualities of actual collective units and as a normative political philosophy. The conception is, however, essentially opposed to the Western philosophical tradition in which the human individual is the primary philosophical entity. Moreover, since we propose to construct a theory of collective choice that has relevance to modern Western democracy, we shall reject at the outset any organic interpretation of collective activity.[24](#)

This rejection involves something more than the mere denial that the State exists as some *überindividuell* entity. For our purposes, the contribution of the German political philosophers lies in their extension of the organic conception to its logical extremities. A meaningful rejection of the conception must go beyond a refusal to accept the extreme versions of the theory. It must extend to the more controversial issues involving the idea of the “general will.” Only some organic conception of society can postulate the emergence of a mystical general will that is derived independently of the decision-making process in which the political choices made by the separate individuals are controlling. Thus, many versions of idealist democracy are, at base, but variants on the organic conception. The grail-like search for some “public interest” apart from, and independent of, the separate interests of the individual participants in social choice is a familiar activity to be found among both the theorists and the practitioners of modern democracy.[25](#)

In quite similar fashion, we shall also reject any theory or conception of the collectivity which embodies the exploitation of a ruled by a ruling class. This includes the Marxist vision, which incorporates the polity as one means through which the

economically dominant group imposes its will on the downtrodden. Other theories of class domination are equally foreign to our purposes. Any conception of State activity that divides the social group into the ruling class and the oppressed class, and that regards the political process as simply a means through which this class dominance is established and then preserved, must be rejected as irrelevant for the discussion which follows, quite independently of the question as to whether or not such conceptions may or may not have been useful for other purposes at other times and places. This conclusion holds whether the ruling class is supposed to consist of the Marxist owners of productive factors, the party aristocracy, or the like-minded majority.

The class-dominance approach to political activity is acutely related to our own in an unfortunate terminological sense. By historical accident, the class-dominance conception, in its Marxian variant, has come to be known as the “economic” conception or interpretation of State activity. The Marxian dialectic, with its emphasis on economic position as the fundamental source of class conflict, has caused the perfectly good word “economic” to be used in a wholly misleading manner. So much has this word been misused and abused here, that we have found it expedient to modify the original subtitle of this book from “An Economic Theory of Political Constitutions” to that currently used.

It seems futile to talk seriously of a “theory” of constitutions in a society other than that which is composed of free individuals—at least free in the sense that deliberate political exploitation is absent. This point will require further elaboration as we proceed, because (as later chapters will demonstrate) our analysis of decision processes reveals that certain rules will allow certain members of the group to use the structure to obtain differential advantage. However, it is precisely the recognition that the State may be used for such purposes which should prompt rational individuals to place constitutional restrictions on the use of the political process. Were it not for the properly grounded fear that political processes may be used for exploitative purposes, there would be little meaning and less purpose to constitutional restrictions.

Having rejected the organic conception of the State and also the idea of class domination, we are left with a purely individualist conception of the collectivity. Collective action is viewed as the action of individuals when they choose to accomplish purposes collectively rather than individually, and the government is seen as nothing more than the set of processes, the machine, which allows such collective action to take place. This approach makes the State into something that is constructed by men, an artifact. Therefore, it is, by nature, subject to change, perfectible. This being so, it should be possible to make meaningful statements about whether or not particular modifications in the set of constraints called government will make things “better” or “worse.” To this extent, the approach taken in this book is rationalist.

Again we stand in danger of slipping into a logical trap. Since we have explicitly rejected the idea of an independent “public interest” as meaningful, how can criteria for “betterness” or “worseness” be chosen? Are we reduced so early to purely subjective evaluation?

We do not propose to introduce such subjective reference, and we do not employ any “social-welfare function” to bring some organic conception in by the back door. Analysis should enable us to determine under what conditions a particular individual in the group will judge a constitutional change to be an improvement; and, when all individuals are similarly affected, the rule of unanimity provides us with an extremely weak ethical criterion for “betterness,” a criterion that is implicit in the individualist conception of the State itself. We do not propose to go beyond welfare judgments deducible from a rigorous application of the unanimity rule. Only if a specific constitutional change can be shown to be in the interest of all parties shall we judge such a change to be an “improvement.” On all other possible changes in the constraints on human behavior, nothing can be said without the introduction of much stronger, and more questionable, ethical precepts.

What kinds of individuals inhabit our model society? As we emphasized in the preceding chapter, the separate individuals are assumed to have separate goals both in their private and in their social action. These goals may or may not be narrowly hedonistic. To what extent must the individuals be equal? The simplest model would be one which postulates that most of the individuals are, in fact, essentially equivalent in all external characteristics. A nation of small freeholders, perhaps roughly similar to the United States of 1787, would fit the model well.²⁶ Such a requirement, however, would be overly restrictive for our purposes. We need make no specific assumptions concerning the extent of equality or inequality in the external characteristics of individuals in the social group. We specify only that individuals are members of a social group in which collective action is guided by a set of rules, or one in which no such rules exist. In the latter case, unlikely as it may be in the real world, the rational choice of a set of rules would seem to take on high priority. Since this case is also simpler theoretically, a large part of our discussion will be devoted to it. The more normal situation in which there exists a set of collective decision rules, but in which the question of possible improvements in these rules remains an open one, will be discussed less frequently in any specific sense. Fortunately, however, the process involved in choosing an “optimal” set of decision rules, starting *de novo*, can be extended without difficulty to the discussion of improvements in existing rules.

In discussing an original constitution or improvements in an existing constitution, we shall adopt conceptual unanimity as a criterion. That is to say, we are concerned with examining proposals that will benefit each member of the social group. There are two reasons for adopting this criterion. First, only by this procedure can we avoid making interpersonal comparisons among separate individuals. Secondly, in discussing decision rules, we get into the familiar infinite regress if we adopt particular rules for adopting rules. To avoid this, we turn to the unanimity rule, since it is clear that if all members of a social group desire something done that is within their power, action will be taken regardless of the decision rule in operation.

It seems futile to discuss a “theory” of constitutions for free societies on any other assumptions than these. Unless the parties agree to participate in this way in the ultimate constitutional debate and to search for the required compromises needed to attain general agreement, no real constitution can be made. An imposed constitution

that embodies the coerced agreement of some members of the social group is a wholly different institution from that which we propose to examine in this book.