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Author(s): Roger D. Congleton

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The political economy of Gordon Tullock *

ROGER D. CONGLETON

Center for Study of Public Choice, George Mason University, Fairfax, VA 22030, U.S.A.;
e-mail: congleto@gmu.edu

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“Leaving aside the problem of the correctness of my answers, the fact remains that I have been unable to find any indications that scientists have asked the questions to which I address myself. The unwary might take this as proof that the problems are unimportant, but scientists, fully conscious of the importance of asking new questions, will not make this mistake.” (Gordon Tullock, *The Organization of Inquiry* (1966: 3.)

1. Introduction

It is fair to say that few public choice scholars have contributed to so many areas of public choice research as frequently or with as much insight as Gordon Tullock. Professor Tullock’s work considers not only political and contractual relationships within a well-established legal order, but also extraordinary political behavior within rent-seeking societies, within firms, at court, within communities at war, among those considering revolution, and among those emerging from or falling into anarchy. The result is an unusually complete political economy that includes theories of the origin of the state; theories of decision making within bureaucracy, dictatorship, democracy, and the courts; and within science itself.

It is also fair to say that Professor Tullock uses relatively simple tools to analyze these far-reaching topics. Indeed, it is the use of relatively simple tools that makes the broad scope of his work possible. All the principal actors in Tullock’s analysis maximize expected net benefits in circumstances where

* The perspective on Tullock’s work presented here is based partly on his prolific writings and partly on numerous conversations with him over the course of several decades. He was kind enough to read through a previous draft, and the version presented here reflects his comments and suggestions. Comments and suggestions received at the 2002 meeting of the Public Choice Society, and from James Buchanan, Charles Rowley, Robert Tollison, and an anonymous referee were also very helpful.

benefits, costs, and probabilities are assumed to be known by the relevant decision makers with some accuracy. This is the core hypothesis of the rational choice approach to social science, and it is the rationale for the title of Brady and Tollison's (1994) very interesting collection of Tullock papers.

For the social scientist who uses the rational choice methodology, the research problem at hand is not to understand the complex chain of events that gave rise to unique personalities and historical moments, but rather to more fully appreciate the general features of the choice problems facing more or less similar actors at times when more or less routine decisions are made. By focusing on the general rather than the particular, a good deal of human behavior can be predicted within broad limits, without requiring intimate knowledge of the individuals or institutional settings of interest. Such an approach is commonplace within economics, where it has been very successfully applied to understand general features of decisions made by firms and consumers, and is becoming more common within other social sciences where the rational choice methodology remains somewhat controversial.

Tullock's work is largely written for economists and the subset of political scientists who routinely use rational-choice models, and his analysis naturally uses that mode of reasoning and argument. What distinguishes Tullock's work from that of most other social scientists who use the rational choice approach is that, in spite of his use of reductionist tools, Tullock's work tends to be anti-reductionist rather than reductionist in nature.¹ A good deal of Tullock's work uses simple models to demonstrate that the world is more complex than may have previously been appreciated.

It is partly the critical nature of his work that makes Tullock's world view difficult to summarize, as might also be said of much of Frank Knight's work. Tullock's more conventional work suggests that some arguments are more general than they appear and others less general than might be appreciated. To make these points, Tullock, like Knight, tends to focus sharply on neglected implications and discomfiting facts. Unlike Knight, his arguments are usually very direct, and often simple appearing. Indeed, critics sometime suggest that Tullock's direct and informal prose implies superficiality rather than a clear vision. However, a more sympathetic reading of Tullock's work as a whole discovers *irreducible* complexity, rather than simplicity.

This complexity arises partly because his approach to political economy bears a closer relationship to work in law, history, or biology than it does to physics or astronomy, and much work within economics. Tullock was trained as a lawyer and reads widely in history. Both lawyers and historians are inclined to regard every case as somewhat unique and every argument as somewhat flawed. Both these propensities are evident in his work. It is also true that Professor Tullock enjoys pointing "the way," and "the way" seems

to be a bit different in every paper and book. His published work, especially his books, often leaps from one innovative idea to the next without providing readers with a clear sense of the general lay of the intellectual landscape. Although many of Tullock's pieces can be accurately summarized in a few sentences (as tends to be true of much that is written by academic scholars) the world revealed by Professor Tullock's work as a whole is not nearly so easily condensed.

Complexity also arises because the aim of Tullock's work is often to *stimulate* new research on issues and evidence largely neglected by the scholarly literature, rather than to *complete or finalize* existing lines of research through careful integration and testing. To the extent that he succeeds with his enterprise – and he often has – his efforts to blaze new trails stimulate further exploration by other scholars. For example, his work with James Buchanan on constitutional design (1962) has generated a substantial field of rational choice-based research on the positive and normative properties of alternative constitutional designs. His path-breaking paper on rent seeking (1967) was so original that it passed largely unnoticed for a decade, although it and subsequent work have since become widely praised for opening important new areas of research. His work on dictatorship (1974, 1987), which was almost a forbidden topic at the time that he first began working on it, has helped to launch important new research on non-democratic governance (Olson, 1993, Wintrobe, 1994). His editorial essays, “Efficient Rent-Seeking” and “Back to the Bog,” have also encouraged a large body of new work on the equilibrium size of the rent-seeking industry and helped establish the new field of contest theory. The institutionally induced equilibrium literature pioneered by Weingast and Shepsle (1981) was developed partly in response to Tullock's “Why so Much Stability?” essay. His early work on vote trading (1959), the courts (1971, 1980), and bureaucracy (1965) also helped to establish new literatures.

The breadth of Tullock's political economy and the simplicity of its component arguments also reflects his working style and interests. Professor Tullock is very quick, reads widely, and works rapidly. He dictates the majority of his papers. And although his papers are revised before sending them off, he lacks the patience to polish them to the high gloss evident in the work of most prominent scholars. In Tullock's mind, it is the originality of the ideas and analysis that determines the value of a particular piece of research, rather than the elegance of the prose or the mathematical models used to communicate its ideas. (To paraphrase McLuhan, “the message is the message,” rather than the “medium.”) The result is a very large body of very creative and stimulating work, but also a body of work that could benefit from just a bit more care at its various margins.²

If a major fault exists in that substantial body of research, it is that Tullock has not provided fellow travelers with a road map to his intellectual enterprise, as for example James Buchanan, Mancur Olson, and William Riker have. None of Tullock's hundreds of papers explains his overarching world view in detail, nor is there a single piece that attempts to integrate his many contributions into a coherent framework. The purpose of this essay is to provide such an intellectual road map. It directs attention to the easily neglected general themes, conclusions, and connections between Professor Tullock's many contributions to public choice. The aim of the essay is, thus, in a sense "non-Tullockian" insofar as it attempts to explain Tullock's complex and multifaceted world view with a few fundamental principles, rather than to probe for weaknesses or suggest new problems or interpretations of existing work. The present road map is organized as follows. Section 2 focuses on the methodological foundations of Tullock's work, Section 3 surveys his broad research on political economy, and Section 4 summarizes the main argument and briefly discusses some of Tullock's major contributions. Numerous quotes from Tullock's work are included in endnotes.

2. Tullock's world view

A. *Methodology: Positivism without statistics*

"We must be skeptical about each theory, but this does not mean that we must be skeptical about the existence of truth. In fact our skepticism is an illustration of our belief in truth. We doubt that our present theories are in fact true, and look for other theories which approach that goal more closely. Only if one believes in an objective truth will experimental evidence contrary to the predictions 'disprove' the theory." (*The Organization of Inquiry*: 48)

Tullock's perspective on science and methodology, although implicit in much of his work, is most clearly developed in *The Organization of Inquiry* (1966). *The Organization of Inquiry* applies the tools of rational choice-based social science to science, itself, in order to better understand how the scientific community operates and why scientific discourse has been an engine of progress for the past two centuries. Such questions cannot be addressed without characterizing the aims and methods of science and scientists, and, thus, Tullock could not analyze the organization of inquiry without revealing his own vision of science, scientific progress, and proper methodology. The preface of *The Organization of Inquiry* acknowledges the influence of Karl Popper, Michael

Polanyi, and Thomas Kuhn, and these influences are clearly evident in his work.³

Although Tullock's work is largely theoretical, he remains very interested in empirical evidence. A logical explanation that fails to explain key facts can be overturned by those facts even if the line of reasoning is completely self-consistent. That is to say, both the assumptions and predictions of a model should account for facts that are widely recognized by intelligent persons who read reputable newspapers and are familiar with world history. The world can "say" something about a theory, and a proper scientist should be prepared to hear what is said. He or she does this by remaining a bit skeptical about the merits of existing theories, no matter how well-stated or long-standing.⁴

His simultaneous skepticism and belief in the possibility of truth is clearly evident in his wide range of articles and comments critiquing the theories and mistaken conclusions of other social scientists. For example, in a series of essays on "the bog" Tullock asks and re-asks those working in the rent-seeking literature to explain why the rent-seeking industry is so *small*? And, moreover, why is the rate of return on rent seeking evidently so much greater than the rate of return from other investments? It bears noting that Tullock invented or at least helped to invent the rent-seeking model of conflict (1967/1974). A social scientist who was more interested in maximizing fame than in understanding the world would never have raised a question that reduces the importance of one of his own major contributions, even were such doubts to arise. Fame and fortune tend to go to those whose ideas are "bigger" than initially thought, not "smaller." However, a proper scientist is a truth seeker (*The Organization of Inquiry*, 1966: 49), and Tullock is in this sense, if not in the conventional sense, a very proper social scientist.

In contrast to most academic scholars, Tullock argues that the scientific enterprise is not elitist. Science is accessible to non-experts. The facts do not respect titles, pedigrees, or even a history of scientific achievement. He suggests that essentially any area of science can be understood by intelligent outsiders who take the time to investigate them. Thus, every theory is open to examination by newcomers with a fresh eye as well as those with established reputations in particular fields of research.⁵

Together Tullock's truth-oriented skepticism and nonelitism sheds considerable light on the broad domain in which Professor Tullock has read and written. A strong sense that "the truth" can be known by anyone who invests time and attention induces Tullock to read more widely and more critically than those inclined to defer to well-credentialed "experts." His positivism induces him to focus on modern scientific theories and historical facts rather than philosophical controversies. Because his extensive reading covers areas that are unfamiliar to his less widely read or more philosophical colleagues,

he is able to use a wide range of historical facts and scientific theories to criticize existing theories and also as a source of puzzles and dilemmas to be addressed in new research. Together with his non-elitist view of science, his broad interest in the world induces him to think and write without regard to the disciplinary boundaries that constrain the thoughts of his more convention-bound colleagues.

B. Social science: How narrow and how rational is human nature?

“Every man is an individual with his own private ends and ambitions. He will only carry out assigned tasks if this proves the best way of attaining his own ends, and will make every effort to change the tasks so as to make them more in keeping with these objectives. A machine will carry out instructions given to it. A man is not so confined.” (*The Politics of Bureaucracy*, 1966: 32)

Economists tend to view man as “a rational animal,” by which various economists mean various things not uniformly agreed to, but nonetheless clearly distinct from the customary usage of the word “rational” by non-economists. For example, microeconomics texts normally introduce the notion of “rationality” at the same time that they discuss preference orderings. Rational decision makers have transitive preference orderings. Game theorists and macroeconomists who model individual decision making through time consider a decision maker to have “rational expectations.” A rational decision maker anticipates the consequences of his or her actions, and does so in a manner free of systematic mistakes of bias. (In this amended concept of rationality, economists are returning to the use of the term “rational” in ordinary language.) The preference and informational meanings of the term rational are often commingled by modern economists so that rational individuals become characterized as persons having consistent and durable preferences and unbiased expectations. This very demanding definition of rationality is occasionally found in Tullock’s work.⁶

However, in most cases, Tullock is unwilling to adopt the full rationality hypothesis. He argues, for example, that information problems exist that lead to systematic errors, especially within politics (1967, chs. 6–9). The existence of such information problems is grounded in his personal experience. If human beliefs were always unbiased, it would be impossible to find instances in which large groups of people, especially professionals, have systematically mistaken views about anything. For those who have more than occasionally been persuaded by Professor Tullock to change their own views, or seen him launch a well-reasoned barrage on the views of thoughtful but confused colleagues, it sometimes appears that the only economist whose expectations are

untainted by wishful thinking is Gordon Tullock, himself.⁷ Tullock's value as a critic and curmudgeon is, itself, largely incompatible with the "rational expectations" usage of the term "rational."

Yet, it is partly because economists have failed to broadly apply the rational choice paradigm that Tullock has achieved some notoriety among economists by reminding the profession of the limits of other motivational theories; however, this is not because he believes that humans have one-dimensional objective functions.⁸

Tullock's view of man also incorporates a richer model of self interest than is included in most economic models. Although man is self-interested, his interests are often complex and context dependent.⁹ Consequently, Tullock rarely uses the simplest characterization of *homo economicus* as a narrow self-interested "wealth maximizer." For example, Tullock allows the possibility that a person's self-interest may be partly dependent on the welfare of others. Modest altruism and envy are at least weakly supported by evolution and therefore are likely to be present in human behavior.¹⁰ The evidence, however, leads Tullock to conclude that such "broader" interests are less important than many believe. In the end, it is narrow self-interest-based analyses that provide the surest model of human behavior and, therefore, for institutional reform.¹¹

If Buchanan's views may be said to be similar to those of James Madison, it might be said that Tullock's view of man parallels those of George Washington.¹² Washington once said that to expect "ordinary people to be influenced by any other principle but those of interest is to look for what never did and I fear never will happen," (Johnson, 1997: 186) and also that "few men have virtue to withstand the highest bidder." The paradox in both cases is that neither men were themselves entirely motivated by narrow self-interest.

C. Conflict and prosperity: On the cost and generality of rent seeking

"Conflict" is to be expected in all situations in which transfers or redistribution occur, and in all situations in which problems of distribution arise. In general, it is rational for individuals to invest resources to either increase the transfers that they will receive or prevent redistributions away from them. Thus, any transactions involving distribution will lead to directly opposing resource investments and so to conflict by our definition." (*The Social Dilemma*, 1974: 6)

Take a rational individual and place him in a setting that includes other individuals in possession of scarce resources, and most economists will predict the emergence of trade. Economists are all familiar with the Edgeworth box,

which provides a convincing illustration of mutual gains from exchange. Tullock would be inclined to predict conflict. Scarcity implies that individuals cannot achieve all of their objectives and that essentially all individuals would be better off with additional resources; however, it does not imply that voluntary exchange is the only method of accomplishing this. Unfortunately, the economist's prediction that unrealized gains will be realized through voluntary exchange follows only in settings where changes in the distribution of resources can be accomplished *only* through voluntary means. In the absence of well-enforced rights, the strong may simply take the "initial endowments" of the weak.¹³

Few modern political economists would disagree with such claims about conflict in a setting of anarchy, once reminded of the importance of well-enforced property rights. However, *Tullock also argues that wasteful conflict also tends to emerge in settings where rights are initially well understood and enforced.* For example, lawful means are routinely used to change existing property rights assignments and the extent to which they are enforced – within legislatures and court proceedings. In ordinary markets, there is conflict over the division of gains to trade and also in the efforts of firms to increase market share through advertising and product innovation. In settled polities, conflict is evident in the efforts of opposing special interest groups to persuade legislatures to enact particular rules and regulations, and in the efforts of opposing candidates to win elective office. In less lawful or settled settings, political and economic conflict may imply theft and fraud, or bombs exploding and battles fought. Tullock often reminds us that conflict is endemic to human existence.

Conflict implies that resources are devoted to activities that reduce rather than increase the output of final goods and services. These "rent-seeking" losses cannot be entirely avoided, although the cost of conflict can be reduced by intelligent institutional design. For example, the cost of conflict is reduced by institutional arrangements that encourage the accumulation of productive capital rather than investments in redistribution.¹⁴ It bears noting that Tullock's conclusion regarding the feasibility of institutional solutions is empirical rather than analytical. Modern game theory suggests that perfect institutions cannot be ruled out a priori – indeed for essentially any well-defined game of conflict, it can be shown analytically that a suitable bond or punishment scheme can completely eliminate the losses from conflict. As far as Tullock knows, however, there are no real world institutional arrangements that completely solve the problem of conflict. What changes with institutions is the magnitude and type of conflict that takes place. That is to say, conflict appears to be the normal state of human affairs whether bound by institu-

tions or not. Theoretical solutions evidently underrepresent the strategy sets available to persons in real historical settings.

3. Tullock's political economy

A. *From the Hobbesian jungle to authoritarian government*

“Let us make the simplest assumption of transition conditions from the jungle to one where there is an enforcement apparatus. Assume, then, a jungle in which there are some bands – like prides of lions – and that one of these bands succeeds in destroying or enslaving all of the others, and establishes firm control. This control would, firstly, lead to a considerable change in the income distribution in the jungle in that the members of the winning band would have much larger incomes and the losers would have lower incomes. It would be rational for the stronger members of the winning band to permit sizable improvements in the incomes of the weaker members at the expense of nonmembers of the band, simply in order to retain the support of these weak members. The cohesion of the new government would depend on suitable reward for all members.” (Gordon Tullock, “The Edge of the Jungle,” in *Explorations in the Theory of Anarchy*, 1972: 70)

Tullock argues that government, itself, often emerges from conflict. For example, Tullock suggests that autocracy is the most likely form of governance to emerge in real political settings. In this one might suppose that Tullock agrees with Hobbes rather than with Buchanan, but neither turns out to be the case. Tullock's theory of the origin of government is based on conquest and domination rather than social contract.

The theoretical and empirical importance of authoritarian regimes has led Tullock to devote substantial time and energy to analyzing the properties of this very common political institution. His analysis of autocracy implies that the rule of particular dictators tends to be short-lived, although autocratic institutions themselves tend to be very durable. Autocratic regimes have an inherent “stability problem” analogous to that associated with coalition politics in democracies. Escape from anarchy does not imply the end of conflict, as indirectly suggested by Hobbes.¹⁵

This is not to say that every dictatorship is overthrown. Tullock discusses a variety of methods by which dictators can decrease the probability of coup d'état by in-house rivals, most of which, by increasing the costs of conspiracy, also reduce the probability of a coup attempt being organized. For example, laws against treason should be aggressively enforced, rewards for providing

the ruler(s) with credible evidence of conspiracies should be high, commissions rather than individuals should be given responsibility for as much as possible, and potential rivals should be exiled in a manner that reduces opportunities for acquiring support among elites (*Autocracy*, 1987: Ch. 1 and *The Social Dilemma*, 1974: Ch. 7). Nonetheless, the large personal advantage that successful conspirators expect to realize make conspiracies difficult to eliminate completely; consequently, coups do occur on a fairly regular basis.

The dictator's coalition problem implies that a particular autocrat's "term of office" is likely to be ended by an internal overthrow, or coup d'état (*Autocracy*, 1987: 9), and this is widely observed (Biennen and van de Walle (1989).

However, the coalition problem does not apply to the institution of autocratic governance, itself. Centralized political power will not be given up easily, because political elites often share an interest in retaining autocratic forms of governance, even when they disagree about who should rule.

Moreover, a well-informed autocrat can more easily subvert a popular revolt than a coup d'état. The same methods used to discourage palace coups also discourage popular revolts. Tullock argues that popular uprisings are far more difficult to organize than are palace coups, because the public-good problems that must be overcome are much larger. The individual advantages of participating in a popular uprising are very small relative to those obtained by members of a palace coup, although the aggregate benefits may be much larger. Being larger enterprises, revolutionary movements are also much easier to discover (*Autocracy*, 1987: Ch. 3 and *The Politics of Bureaucracy*, 1966: 54). Together these imply that autocratic governmental institutions are more easily protected than is the tenure of a particular dictator.¹⁶

Tullock's analysis implies that democracy is a very unlikely form of government, although not an impossible one. For example, Tullock notes that an internal overthrow engineered by elites may lead to democracy, as when an elected parliament or state assembly deposes a king or appointed governor, and it may well be the case that such transformations are broadly supported in the population as a whole (*Autocracy*, 1987: 53–68). The evidence supports Tullock's authoritarian prediction, insofar as autocracies have been far more common than democracies throughout recorded history.

B. Constitutional design

Given the historical rarity of democracy and Tullock's assessment of the likelihood of democratic reform, it is somewhat surprising that Professor Tullock has devoted so much of his intellectual life to understanding how modern democracy operates and how it can be improved. The most likely explanation is that knowledge of one's local political circumstances tends to be valuable

for scholars and non-scholars alike. Tullock, like most other public choice scholars, resides in a democratic polity. And this, in combination with the wider freedom available within democracies to engage in political research, has led him and most other public choice scholars to focus largely on the properties of democratic governance.¹⁷

When government policies are to be selected by a group, rather than imposed by a dictator, the first collective choice that must be made is the method of collective choice itself. How should such constitutional decisions be made? Buchanan and Tullock point out in the *Calculus of Consent* (1962) that the design and selection of collective decision rules is a complex problem, but one that is amenable to analysis using rational choice models.¹⁸ For example, Buchanan and Tullock note that a wide variety of voting rules can be employed by a group to make collective decisions and, moreover, that decision rules other than majority rule can be in the interest of essentially all citizens. The best decision rule depends on the problems being addressed collectively and also on the diversity of group interests.

Buchanan and Tullock also point out that, even in cases where majority rule is explicitly used and median voter outcomes emerge in the relevant elections, other institutional arrangements, such as bicameralism or single member districts, may imply that “majoritarian” legislative outcomes require substantially more or less than majority support from the electorate (*Calculus of Consent*: Chs. 15 and 16). In general, the menu of political constitutions includes a wide range of choices, and even majoritarian decisions are affected by the institutional setting in which voting takes place. In subsequent work, Tullock argues that a far better method of choice, the “Demand Revealing Procedure” (Tideman and Tullock, 1976), would not rely on counting votes at all.¹⁹

C. Interest groups, vote trading, and coalition politics

On those occasions when collective decisions are made by majority rule, most economists assume that median voter interests tend to be advanced, partly because the median voter model is so tractable.²⁰ However, as Tullock has long argued, most voting models assume that voters make independent decisions about how to cast their votes.

Tullock (1959, 1970) points out that if vote trading (log rolling) is possible, mutual gains from trade can sometimes be realized by coordinating votes – mutual gains that would otherwise be infeasible. For example, suppose there are three equal-sized groups of voters who care intensely about three separate large-scale projects that can only be financed by the central government, for example, building a dam, dredging a river, or constructing a bridge. Tullock demonstrates that it may be Pareto efficient to undertake

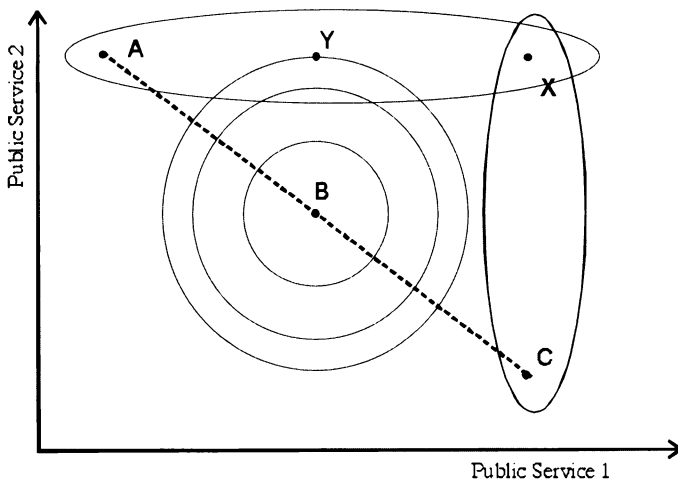


Figure 1. Implicit log rolling

all three projects, but the concentration of benefits within minorities can cause ordinary majority rule to reject all three projects. Vote trading in such instances potentially allows some or all of the unrealized gains from government service to be realized.²¹ In such cases, rather than appealing to the median voter, Tullock notes that candidates may take positions that appeal to several distinct “special interest” minorities that together add up to a majority.

Direct vote trades are most feasible in relatively small number settings, as in legislatures, where continuous dealings allow informal exchanges of “favors” to be enforced. In large-scale elections, explicit vote trading is not likely to be a major factor influencing electoral outcomes, although what Tullock refers to as implicit log rolling may be. Figure 1 illustrates the case in which extremist groups A and B join forces to obtain policy X over the wishes of moderate voters who prefer policy B.

Such implicit vote trading, unfortunately, tends to be associated with majoritarian decision cycles. That is to say, if implicit vote trading can make a difference, there tends not to be a median voter. For example, in Figure 1, note that pairwise votes among policies X, B, and Y would be as follows: $X > B$, but $Y > X$ and $B > Y$.

D. Bureaucracy

Once legislative decisions are reached, they are normally implemented by large government organizations referred to as bureaucracies. In some cases, implementation is simply a matter of executing directives from elected representatives. Activity A is to be officially opposed or encouraged, and the bureaucracy implements the policy by imposing penalty P or subsidy S on

persons engaging in activity A. In other cases, the bureaucracy has discretion to develop the policies themselves or the methods by which services will be produced, as when police and fire departments organize the production of crime- and fire-controlling services. In still others, the agency may be able to develop the law itself – as within regulatory agencies. In all such cases, it is clear that the final disposition of public policy depends in part on the incentives of individuals who work in government agencies as well as those of elected representatives.

In Tullock's view, the incentives within large public and private organizations are broadly similar, although they differ somewhat at the margin (*Politics of Bureaucracy*, 1966). Both public and private bureaucracies have their own internal incentive structures that encourage various kinds of productive and unproductive activities by the individuals who work within them. These incentives influence both the performance of individuals within organizations and the array of outputs produced by their organizations.

Tullock argues that the importance of a particular organization's internal incentives relative to the external incentives of labor markets is determined by the ability of individual bureaucrats to move between organizations. If every individual within a bureaucracy can costlessly change jobs, intra-organizational reward structures would be relatively unimportant for career advancement, and reputation in the wider community would largely determine salaries. Alternatively, when it is difficult for persons to move between organizations, the internal structure of internal rewards and punishments becomes an important determinant of individual salaries and perquisites, and, therefore, behavior (*Politics of Bureaucracy*, 1966: 10).

In such cases, large organizations will have some monopsony power with respect to their employees and internal incentives will largely determine employee performance on the job.

Economics predicts that monopsony power will affect salaries and other economic aspects of job contracts. However, the intrafirm relationships of interest in Tullock's analysis are political, rather than economic. The politicization of an organization's hierarchy creates a nonprice mechanism by which hierarchical organizations can solve their coordination and principal-agent problems. He argues that political aspects of relationships within large organizations can be readily observed and, to some extent, measured by "deference." The "deference" observed is predicted to vary with the extent of monopsony power that a given organization possesses.²² For example, insofar as mobility decreases with seniority, Tullock's analysis predicts that deference would increase as individuals approach the top of an organization's hierarchy.

The specific behavior that successfully curries favor or signals loyalty clearly varies according to the “wishes” induced on a given agent’s boss by the boss’s boss and so on. In principle, both public and private organizations can be organized in an efficient manner, in the sense that the organizational goals are advanced at least cost.²³ However, incentives to assure efficiency within the public bureaucracy tend to be smaller than within large firms. Wage differentials tend to be larger at the top levels of private-sector organizations than in comparable public-sector organizations; consequently, Tullock predicts that more deference occurs in private than in comparable governmental organizations.²⁴

Moreover, a public bureau’s efficiency is generally more difficult to assess, and there is substantially less motivation for improving the performance of public bureaus than of comparable private bureaus within large firms.²⁵ For these reasons, Tullock concludes that the public bureaucracy tends to be less efficient than comparable organizations in the private sector. What this means as a practical matter is that organizational interests, as understood by senior bureaucrats and the legislature, are advanced less in public bureaus than within comparable organizations in the private sector.

Tullock’s analysis implies that the efficiency of the public bureaucracy can be improved if incentives to monitor public sector performance are increased, or if external competitive pressures on bureaus are intensified. For example, Tullock argues that federalism can address both problems by reducing the complexity (size and scope) of the government agencies to be monitored (as local agencies replace national agencies) and by increasing competition between public agencies – both directly through efforts of localities to attract new residents and, indirectly, by comparison of the outputs of neighboring bureaus – as with local school districts and highway service departments.

E. Enforcing the law: The courts, crime, and criminals

“My readers are no doubt convinced by now that this book is different from other books on legal procedure. They may be convinced that it is superior, but, then again, they may not. I am proposing a radically different way of looking at procedural problems, and anyone making radical proposals must recognize the possibility that he could be wrong. But, although I concede the possibility that I could be wrong, I do not think that I am.” (*Trials on Trial*, 1980: 233)

Of course, the executive bureaucracy is not the only governmental institution that affects legislative outcomes. Even within well-functioning democracies, many policy-relevant decisions are made by “independent” agencies. One crucial agency that is much neglected in the public choice literature is the

courts. Economics implies that *essentially all the incentive effects* of public policy are generated by enforcement – that is to say, by the probabilities of punishment and the penalties associated with various kinds of private and public behavior.²⁶ It is, thus, surprising that public choice scholars have invested so little effort analyzing the law enforcement system. Efficient and equitable enforcement of the law cannot be taken for granted.

Professor Tullock was a pioneer in the rational choice-based analysis of the legal system, his *Logic of the Law* (1971) being published a year before Posner's *Economic Analysis of the Law* (1972). Tullock's research on the legal system reflects his interest in political economy. His work focuses largely on the problem of law enforcement, although the *Logic of the Law* also analyzes both civil and criminal law. On the former subject, largely neglected by Posner's treatise, Tullock reminds us that errors will always be made in the enforcement of law.²⁷ Not all criminals are caught, not all who are caught are criminals, and not all of the guilty parties caught are punished, nor all innocent parties released. Mistakes can be made at every stage of the judicial process.²⁸

With such errors in mind, Tullock explores the accuracy of institutions that determine fault or guilt, and attempts to assess the overall performance of the existing U. S. system of justice relative to alternative procedures for identifying criminals and persons at fault.²⁹ Tullock argues that the available evidence implies that the U.S. courts make errors (wrongly determine guilt or innocence) in between 10% and 50% of the cases that they decide (*Trials on Trial*, 1980: 33). Of course, a perfectly accurate justice system is impossible. The institutional or constitutional question is not whether mistakes are made, but whether too many (or too few) mistakes are being made. Improving the accuracy of court proceedings can reduce the social cost of illegal activities by better targeting sanctions at transgressors, which tends to reduce crime, and encourage greater efforts to settle out of court, which tends to reduce court costs (*Trials on Trial*, 1980: 73–74).

Tullock argues that the system of justice presently used in the United States can be improved at relatively low cost. He argues, for example, that the continental judicial system widely employed in Europe produces more accurate verdicts at a lower cost (*Trials on Trial*, 1980, ch. 6). In the continental system, panels of judges assess guilt or innocence and mete out penalties in trials that are organized directly by the judges rather than produced by conflict between legal teams for the votes of jury members. Accuracy could be further increased if the training of judges included a “good background in statistics, economics, ideas of administrative efficiency, etc.” (*Trials on Trial*, 1980: 204)

4. Conclusion and overview: Political economy in the van

Tullock's work demonstrates that the rational choice paradigm sheds light on a wide variety of political choice settings, but the world revealed is fundamentally complex, varied, and irreducible. Each political setting has its own unique constellation of incentives and constraints. Political decisions at the constitutional level include voting rules, legislative structure, the institutional structures of the bureaucracy, and the courts. The public policies adopted within a given constitutional setting must address issues of redistribution and revolution as well as ordinary externality and coordination problems. Decisions reached within all these settings can be understood as consequences of rational choice, but each choice setting differs from the others and the differences have to be taken into account if human behavior and policy outcomes are to be understood. Individuals are rational and largely self-interested, but on many issues will be rationally ignorant and, consequently, make systematic mistakes.

This is not to say that there is nothing that can be said in general. Both individual choices and political outcomes are the result of the same fundamental considerations: self-interest, scarcity, and conflict. And if the particulars always differ, and are more than occasionally breathtaking, the basic "lay of the Tullock landscape" is always vaguely familiar.³⁰

What is universal in Tullock's political economy is human nature. Tullock believes that (fairly) narrow self-interest can account for a wide range of human behavior, once individual interests are identified for the institutional settings of interest. It is his characterization of human nature that provides Tullock's research in political economy with its unified and coherent core.

What is unique about Tullock's approach to political economy is his willingness to identify costs and benefits in essentially all choice settings, including many where more orthodox economists and political scientists fear to tread. Tullock's work suggests that a proper understanding of institutional settings allows relatively straightforward net-benefit maximizing models to account for a rich and complex range of policy outcomes. A good deal of human behavior, perhaps most, can be understood using the rational choice model of behavior, once the particular costs and benefits of actions for a given institutional setting are recognized.

A. Normative research

Although Tullock's work is motivated, in large part, by his efforts to make sense of a broad range of historic and contemporary puzzles that have come to his attention over the course of a lifetime of rapid and extensive reading, his research has never aimed exclusively at understanding the world. His books

and many of his papers address normative as well as positive issues.³¹ His normative approach is utilitarian and comparative, and, for the most part, his normative conclusions follow closely from his positive analyses. If he can show that the *average* person is better off under institution X than under institution Y, he concludes that Y is a better institution than X. In such cases, Y is approximately Pareto superior to X.

Thus, a society with a stable criminal and civil law is better off than one lacking them (*Logic of the Law*, 1971, ch. 2). A society with a more accurate judiciary is better off than one with a less accurate judicial process (*Trials on Trial*, 1980: Ch. 6). A society with an efficient collective decision rule is better off than one that fails to minimize decision costs (*Calculus of Consent*, 1962: Ch. 6). A society that uses the demand-revealing process to make collective decisions would be better off than one relying on majority rule (Tideman and Tullock, 1976). A society that reduces rent-seeking losses is better off than one that fails to address this problem (*Efficient Rent Seeking*, 2000: Ch. 1). Intelligent institutional design can improve the efficiency of the judicial system, reduce the losses from conflict, and produce better public policies, although it cannot eliminate all losses or mistakes.

Although many normative arguments are found throughout Tullock's work, his analysis is never utopian. He never claims that institutional arrangement Y is the best possible arrangement, only that existing arrangements can be improved. Indeed, he argues that utopian approaches may impede useful reforms (*Social Dilemma*, 1974, p. 140).

B. Breadth of Tullock's research

Most economists study the behavior of rational self-interested individuals interacting within a stable pattern of laws and regulations governing ownership and exchange. Most political scientists study individual and group behavior within a stable pattern of constitutional laws and rules governing political procedures and constraints. The public choice literature as a whole analyzes how economic and political interests give rise to public policies. The public policies studied by public choice scholars include both the routine legislative outcomes of ordinary day-to-day politics and administration decisions, and also changes in the fundamental laws that determine the procedures and constraints under which future political and economic decision making will be made. The political and economic processes studied by public choice scholars, thus, can be said to generate the "settings" and many of the "facts" studied by the more established fields of economics and political science.

In this respect, public choice can be regarded as *broader* in scope than either of its parent disciplines, and, consequently, a scholar who contributes to all the research programs within public choice necessarily has a very broad

program of research. Gordon Tullock is one of a handful of scholars who has contributed to all the various subfields in that area of research known as public choice.

Of course, the public choice research program includes many men and women of insight who have addressed deep and broad issues along the same intellectual frontiers. Professor Tullock's intellectual enterprise has long been shared by his colleagues at the Thomas Jefferson Center and the Center for Study of Public Choice – especially James Buchanan and Robert Tollison – and by many in the extensive intellectual network in which those centers participated. However, Tullock's work is nearly unique among the well-known pioneers of public choice for its originality, breadth, comparative approach, and historical foundations.

C. Tullock's intellectual impact

In constructing a “road map” for the intellectual landscape traversed by Professor Tullock's political economy, the focus of this paper has been the underlying themes in his work, and, in some cases, it has attempted to bridge gaps in his work that are essentially implied by the totality of his political economy research.

Other gaps have been ignored, and some of his work outside public choice has been neglected. For example, his work on dictatorship does not examine why some autocrats have better track records than others. The relative performance of American and European judicial systems is developed without addressing the empirical questions of whether crime rates or lawsuits are systematically different as a consequence of different judicial procedures. Hints are provided in *Autocracy* and *Logic of the Law* but there is no systematic analysis. Moreover, some of his work has been neglected because it is not an essential part of his political economy research program. There is, for example, his work on biology and sociobiology, *The Economics of Nonhuman Societies* (1994), and his work on monetary economics (1954, 1979).

The survey undertaken has not devoted significant space to assessing the quality and impact of Tullock's work. That most readers of this piece are already familiar with many of his scholarly articles is itself evidence of this. A “tour guide” of Tullock's work would have tried to assess the magnitude of his major contributions with the benefit of hindsight or from the perspective of the times at which his ideas were developed. It is clear, for example, that *The Calculus of Consent* (1962), written with James Buchanan, was not only very original, but influential from the moment it was published. The *Calculus* has been cited in scientific articles well over a thousand times since its publication. Moreover, it continues to be highly regarded and continues to spur

new research; the *Calculus* has already been cited more than 100 times since January 2000.

Not all of Professor Tullock's contributions have been immediately recognized. Several of his ideas awaited reinvention by other scholars before coming to prominence. His original work on rent seeking (1967, 1974) was well-regarded, but not widely appreciated until 10 or 20 years after its publication.³² The term "rent seeking" was actually coined by Anne Krueger in 1974. His contributions to principal-agent, efficiency wage, and organization theory worked out in the *Politics of Bureaucracy* (1966) have been largely neglected by the new literatures on those subjects. His work on the law, especially with respect to judicial proceedings, errors, and criminal sanctions, are noted, but not as widely as appears justified. His theory of autocrats as service-providing income maximizers was worked out in the first anarchy volume (1972) and further developed in *The Social Dilemma* (1974), but awaited rediscovery by Mancur Olson (1993) and Ronald Wintrobe (1990) nearly two decades later. The invention of what now is called a contest-success function in *The Logic of the Law* (1971) and subsequently applied in his work on efficient rent seeking (1980) also seems underrecognized, although it is noted by Jack Hirshliefer (2001). His work on the enterprise of science, *The Organization of Inquiry* (1966) is a gold mine awaiting rediscovery. Sometimes, Tullock blazes a trail that is too far ahead of the mainstream to be fully appreciated. And, one can be too far in front of "the parade" to be readily associated with it.

That Tullock's observations have contributed much to our understanding of the political landscape is, nonetheless, well recognized. His research continues to be among the most highly cited in the social sciences. His willingness to chart new grounds and point out the "dead ends," "ruts," "potholes," and "slippery slopes" of other scholars – largely to our benefit, if often at his pleasure – continues to make his work provocative and entertaining. His books and papers address new issues and associated problems at the same time that general principles are being worked out. His long editorship of *Public Choice* helped to define and establish the field.

The huge range of original explanations and conclusions that Tullock develops in his books and papers can easily lead a casual reader or listener to conclude that there is little systematic in his research, or perhaps in public choice generally. His brisk discussions of issues risk losing the reader in a forest of special cases and ingenious insights, rather than illuminating the main pathways followed. Clearly, a mere list of possible explanations is not social science. Social *science* does not simply provide an unconnected *logic* of specific instances of collective action, but attempts to determine what is general about the behavior that we observe.

The present essay attempts to remedy this potential misapprehension by providing a more concise and integrated vision of the territory charted by Tullock's unusually extensive political economy than a casual reader may have obtained from a small sample of Professor Tullock's published work. The aim of Tullock's social science is not just to explain the main details of social life, but as much as possibly can be understood. His social science attempts to systematically explain and predict *all of human behavior*. His work demonstrates that self-interest, conflict, and institutions account for a good deal of human behavior in both ordinary and extraordinary political circumstances – and, in Tullock's view, far more than is generally acknowledged.

Notes

1. The work of many social scientists attempts to show that complex real world phenomena can be understood with a few fundamental principles that others have failed to recognize. This reductionist approach attempts to demonstrate that the world is essentially simpler than it appears. The reductionist research agenda is clearly of great esthetic interest for academics who appreciate the intellectual craftsmanship required to devise lean, penetrating, encompassing theories. It is also an important practical enterprise insofar as reductionist theories allow knowledge accumulated over many lifetimes to be passed on from one generation to the next with relatively modest investments of time and effort by teachers and students.
2. As many who have argued with Professor Tullock over the years will attest, the rough edges of his work somehow make his analyses all the more interesting. His provocative theoretical and historical assertions challenge his interlocutors to think more carefully about issues that they would not have imagined and/or mistakenly taken for granted. The fact that Tullock is occasionally incorrect somehow helps stimulate his fans and foes to greater effort.
3. "A scientific theory consists of a logical structure proceeding from certain assumptions to certain conclusions. We hope that both the assumptions and the conclusions may be checked by comparing them with the real world; the more highly testable the theory, the better. Normally, however, certain parts of the theory are difficult to test. We are not unduly concerned by this, since if parts of it survive tests, we may assume that the untestable remainder is also true." (Gordon Tullock, *Logic of the Law*, 1971: 10.)
4. "The theory of the lever may, of course, be disproved tomorrow, but the fact that it has withstood two thousand years of critical examination, much of it using tools which the Greeks could not even dream of, does raise some presumption that here we have a bit of theory which is absolutely true. It seems likely that somewhere in our present vast collection of theories there are others which are, in fact, true, that is which will not be disproved at any time in the future. It is, of course, impossible to say which they are." (Gordon Tullock, *Organization of Inquiry*, 1966: 48.)
5. "An intelligent outsider who has the time and interest in a problem should investigate, himself, since only in this way can he reach the level of certainty of the experts themselves. Personal knowledge is always superior to hearsay, ..." (Gordon Tullock, *The Organization of Inquiry*, 1966: 53.)

6. "I prefer to use the world 'rational' for those acts that might well achieve the goals to which the actor aims, regardless of whether they are humanitarian, violent, etc." (Gordon Tullock, *The Social Dilemma*, 1974: 4.)
7. Tullock often acknowledges his own fallibility although he does not tout it. This is evident in the lead quote and several others included in the text. Another appears in the first chapter of *Towards a Mathematics of Politics*. There he relates a story about failing to purchase glasses made out of a new material when it was first suggested to him by his optometrist. Gordon, evidently misunderstood what was said regarding an innovation in lens design, and fully appreciated it only a week or so later, at which point he purchased the glasses with the recommended lenses.
8. "My main point is simply that we stop fooling ourselves about redistribution. We have a minor desire to help the poor. This leads to certain government policies. We also have some desire for income insurance. And we also, to some extent, envy the rich. ... [However,] the largest single source of income redistribution is simply the desire of the recipients to receive the money." (Gordon Tullock, "The Rhetoric and Reality of Redistribution," *Southern Economic Journal*, 1981: 906.)
9. "Man is a complicated animal and his motives are many and varied". (Gordon Tullock, *The Organization of Inquiry*, 1966: 39.)
10. "We argue below that it (altruism) is a relatively minor motive and the major motives tend to lead to inefficiency and distortion. This motive (altruism), insofar as it is implemented, actually improves the efficiency of the economy." (Gordon Tullock, "The Rhetoric and Reality of Redistribution," *Southern Economic Journal*, 1981: 896.)
Of course, if envy is strong enough, then taking a dollar away from me might give other people a total satisfaction which was larger than the loss of the dollar to me. Thus plundering the Rockefeller family might be socially desirable if we had some way of measuring innate utilities." (Gordon Tullock, "The Rhetoric and Reality of Redistribution," *Southern Economic Journal*, 1981: 902.)
11. "The primacy of private interest is not inconsistent with the observation that most people, in addition to pursuing their private interests have some charitable instincts, some tendency to help others and to engage in various morally correct activities. However the evidence seems fairly strong that these motives other than the pursuit of private interests are not the ones on which we can depend for the achievement of long-continued efficient performance." (Gordon Tullock, *Government Whose Obedient Servant?*, 2000: 11.)
12. A collection of Washington quotes are available on the internet at <http://www.dropbears.com/b/broughsbooks/qwashington.htm>.
13. "Economics has traditionally studied the benefits of cooperation. Political science is beginning to move in that direction. Although I would not quarrel with the desirability of such studies, the fact remains that conflict is also important. In general conflict uses resources, hence it is socially inefficient, but entering into the conflict may be individually rational for one or both parties. ... The social dilemma, then, is that we would always be better off collectively if we could avoid playing this kind of negative sum game, but individuals may make gains by *forcing such a game* on the rest of us." (Gordon Tullock, *The Social Dilemma*, 1974: 2.)
14. "Obviously, as a good social policy, we should try to avoid having games that are likely to lead to this kind of waste. Again, we should try to arrange that the payoff to further investment in resources is comparatively low, or, in other words, that the cost curve [of rent seeking] points sharply upward." (Gordon Tullock, *Efficient Rent Seeking*, 2000: 13.)
"There are institutions that will reduce the likelihood of being forced into such a game, but these institutions cost resources, too. ... [However] the problem is unavoidable – at least

- in the present state of knowledge. Pretending that it does not exist is likely to make us worse off than conceding its existence and taking rational precautions.” (Gordon Tullock, *The Social Dilemma*, 1974: 2.)
15. “The problem of maintaining power in a dictatorship is really similar to that of maintaining a majority for redistributive purposes in a voting body. It is easily demonstrated, of course, that it is always possible to build a majority against any particular program of redistribution by offering something to the “outs” on the original program and fairly high payments to a few of the “ins.” The situation in a dictatorship is similar. It is always possible at least in theory to collect together a group of people which is more powerful than the group supporting the status quo. This group will be composed of important officials of the regime who could benefit from its overthrow and their concomitant promotion.” (Gordon Tullock, *Autocracy*, 1987: 19.)
 16. “Preventing overthrow by the common people is, in general, quite easy if the ruler is only willing to repress vigorously and to offer large rewards for information about conspiracies against him.” (Gordon Tullock, *Autocracy*, 1987: 68.)
 17. Tullock may disagree with this location-based explanation. “Most of my work in Public Choice has dealt with democratic governments. This is not because I thought that democratic governments were the dominant form of government, either currently or historically. That more people are ruled by autocracy than democracies today, and that the same can be said of earlier periods, is obvious. I did think that democratic governments were better than the various alternatives which have been tried from time to time, but the basic reason that most things that I have published have dealt with democracies is simply that I’ve found dictatorship to be a very, very difficult problem.” (Gordon Tullock, *Autocracy*, 1987: x.)
 18. “For a given activity, the fully rational individual at the time of constitutional choice will try to choose that decision-making rule which will minimize the present value of the expected costs that he must suffer. He will do so by minimizing the sum of the expected external costs and the expected decision-making costs ... [In this manner,] the individual will choose the rule which requires that K/N of the group agree when collective decisions are made.” (Gordon Tullock and James M. Buchanan, *Calculus of Consent*, 1962: 70.) “This broad ... classification does not, of course, suggest that all collective action should rationally be placed under one of two decision making rules. The number of categories, and the number of decision-making rules chosen, will depend on the situation which the individual expects to prevail and the “returns to scale” expected to result from using the same rule over many activities.” (Gordon Tullock and James M. Buchanan, *Calculus of Consent*, 1962: 76.)
 19. In their words, the demand-revealing process “is a new process for making social choices, one that is superior to other processes that have been suggested. The method is immune to strategic maneuvering on the part of individual voters. It avoids the conditions of the Arrow theorem by using more information than the rank orders of preferences and selects a unique point on or ‘almost on’ the Pareto-optimal frontier, one that maximizes or ‘almost maximizes’ the consumer surplus of society. Subject to any given distributions of wealth, the process may be used to approximate the Lindahl equilibrium for all public goods.” (Tideman and Tullock, *Journal of Political Economy*, 84: 1145.)
 20. An interesting property of the median voter hypothesis is that decisions tend to be largely independent of the particulars of the interests of voters away from the median (Black, 1948). All that matters is that which is necessary to identify the median voter. How much more or less than the median voter’s interest is demanded by other voters and how

intensively those demands are held is irrelevant. A wide range of voter distributions can have the same median.

However, not every distribution of voter preferences has a median. In the absence of a median, McKelvy (1979) demonstrates that literally “anything” can happen under a sequence of majority decisions. The properties of democratic governance are by no means obvious, and the more detailed the institutional structures and preferences that are taken account of, the more complex political decision making becomes.

21. Vote trading can also lead to the funding of regional boon-doggles, as in the pork barrel dilemma (Tullock, 1959). Again the world is more complex than one might have hoped.
22. “Insofar as the alternatives for employment are limited, and the shifting of either jobs or employees involves costs, the secondary, or ‘political’ relationship enters even here. . . . The most obvious empirical verification of this difference is the degree of deference shown to superiors.” (Gordon Tullock, *The Politics of Bureaucracy*, 1966: 11.)
23. “In the ideally efficient organization, then, the man dominated by ambition would find himself taking the same courses of action as an idealist simply because such procedure would be the most effective for him in achieving the personal goals that he seeks. At the other extreme, an organization may be so badly designed that an idealist may find it necessary to take an almost completely opportunistic position because only in this manner can his ideals be served.” (Gordon Tullock, *The Politics of Bureaucracy*, 1965, p. 21.)
24. “In the United States civil service, the individual career employee is generally not expected to put up with quite as much ‘pushing around’ as he might endure in the higher ranks of some large corporations. To balance this, he will be receiving less salary and will probably find that the orders which he is expected to implement are less rational than those he could expect to receive in private industry.” (Gordon Tullock, *The Politics of Bureaucracy*, 1966: 12.)
25. “Improving the efficiency of a large corporation by, let us say, 2 percent may well mean that some individual’s wealth goes up by \$50 million and a very large number of individuals will have increases in wealth on the order of a hundred to a million dollars. Maximizing the public interest, however, would always be a public good, and improvement by 2 percent in the functioning efficiency of some bureau would characteristically increase the well-being of average citizens, or, indeed, any citizen by amounts which would be almost invisible.” (Gordon Tullock, *Government: Whose Obedient Servant?*, 2000: 58.)
26. It bears noting that many of the demands for public policy within a given society are independent of the type of political regime in place. For example, criminal and civil laws would be adopted by nearly unanimous agreement by all free men and women at a constitutional convention (*Calculus of Consent*, 1962: Ch. 5, and *Logic of the Law*, 1971: Ch. 2). Alternatively, an autocrat may establish criminal and civil law as a means of maximizing the resources potentially available to the state (*Explorations in the Theory of Anarchy*, 1972: 72, and *The Social Dilemma*, 1974: 19). Murder and theft will ordinarily be punished, and most contracts will be enforced under both democratic and autocratic regimes. Some other rules may vary somewhat according to regime type, as with rules concerning payments to government officials, freedom of assembly, and the publication of news critical of the government, but regime type will not always directly affect public policy outcomes or economic performance.
27. Of course, procedural questions are more important for a political economist than for a scholar whose work focuses on a single society. This probably explains why procedural aspects of law enforcement are given relatively little attention in the law and economics literature, see, for example, Becker (1968) or Posner (1972).

28. "Most crimes are not simply the preliminary to punishment for the criminals, most people who are in prison have not had anything that we would recognize as a trial, and administrative decisions keep people in prison and (in effect) extend their sentence." (Gordon Tullock, *Logic of the Law*, 1971: 169.)
29. "The problem of determining what actually happened is one of the court's duties and the only one we are discussing now. A historic reconstruction, which is what we are now talking about, is a difficult task for a variety of reasons. One is that witnesses lie and in lawsuits, there usually are at least some witnesses who have a strong motive to lie. They may also simply be mistaken. Another reason is that many things which happen that are of interest to the court leave no physical traces and, indeed, may leave no traces on the minds of the parties. . . different cases have different amounts of evidence of varying quality available, and . . . this evidence leads us to varying probabilities of reaching the correct decision." (Gordon Tullock, *Trials on Trial*, 1980: 25–26.)
30. This is especially true for those working in the tradition of the public choice approach to politics. However, the latter is partly a consequence of Tullock's many contributions to public choice, but, perhaps even more so, a consequence of his two decades as editor of the journal *Public Choice*. Those years largely defined the discipline as we know it now, and Tullock's editorial decisions helped determine those boundaries – such as they are – and his responses to contributors made his world view both familiar and important to aspiring public choice scholars of that period.
31. "We undertake investigations because we are curious, or because we hope to use the information obtained for some practical purpose." (Gordon Tullock, 1966, *Organization of Inquiry*, 1966: 12.)
32. In fact, his first paper on the costly nature of efforts to secure rents (1967) was roundly rejected by the major economics journals (Brady and Tollison, 1994: 9–10).

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