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UNIVERSALS, KNOWLEDGE CLAIMS, AND METHODS

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ABSTRACT:

Claims of universality, of the identity of 'principles' in political, moral, and ethical questions have been made over the millennia but never without contention. How one goes about justifying such claims makes quite a difference to the quality of the claims. With due deference to Descartes, given the diversity of claims within the well reasoned philosophical traditions, reason is clearly insufficient grounds for establishment, or for that matter, disestablishment of claims that something is a principle. We have learned a lot about how best to establish, or falsify, the claim of universality. This had helped us understand what are to count as principles. This is so whether principles of politics are to be understood as similar in kind to principles of physics, or biology or whether they are to be understood as moral principles. Empirical methods, in conjunction with reason, have, helped our understanding of such principles as those of motion, energy, mass, and the like. Recently such methods have also been useful in improving our understanding of concepts such as altruism, other-regardingness, distributive justice, moral points of view, and the like. Empirical methods can also help us understand what is universal in the way of political principles. This essay discusses all this with an eye to the following questions: What difference does it make if we consider our subject to be normative principles, such as principles of distributive justice or to be positive principles of political behavior? What are candidates for principles in both categories, and why? And finally, how is one to deal with the claims by scholars that they are putting forward 'principles'?

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UNIVERSALS, KNOWLEDGE CLAIMS, AND METHODS

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Claims of universality in the empirical and normative questions of politics have been made over the millennia, but never without contention. So how can we establish their status and distinguish the wheat from the chaff? How *does* one establish or falsify a claim of universality? And what are the relationships between the methods of such inquiry, and both the survival and quality of the resultant claims? Lest one consider this an idle concern, this is being written when the fruits of science have cured diseases, wired every home, recorded all entertainment, and made remote control warfare a thing of joysticks forever. And also a time when the idiocy of the American populace has revealed itself in wholesale attempts to reject evolution in order to embrace intelligent design. Such attacks make the task of reasserting and following justified methods to insure the quality of rendered judgements of universality a matter that is related to the actual survival of civilization as we know it.[1]

Let us start with the obvious: With but passing deference to Descartes, given the diversity of claims within the well reasoned philosophical traditions, we can conclude that reason alone is clearly insufficient grounds for narrowing the disputes regarding claims of universal (other than mathematical and logical) truth. Reason alone, is insufficient for establishment of claims, and except in demonstrating logical error, disestablishment. Of course, for quite some eons, philosophers felt that they could use reason to understand and identify the truth of both normative and empirical claims. So Aristotle was sure that women had fewer teeth than men, and he and others argued that it could be shown that slavery was just. Universal claims have been made in these ways, and are still studied by weary students trying to master material for their final exams. But the disutility and lack of viability of such claims usually insure that they are museum pieces: not useful bits of knowledge. Empirical methods, in conjunction with reason, have, on the other hand, helped us understand such principles as those of motion, energy, mass, and the like.

To begin, we must ask what, indeed, is meant by universal political principles? Are they principles of politics, much as in the principles of physics, or biology; or are we to consider principles as in ethics? The empirical methods of science, alluded to above, have also been useful in understanding concepts such as altruism, other-regardingness, trust, justice, moral points of view, and the like.[2]

As such, I will argue, empirical methods help us understand claims of universality for candidates for both the positive and the normative principles of politics. But this may lead you the reader to wonder, "Does it make any difference if we consider our subject to be normative principles (such as what constitutes distributive justice or when war is justified) or the universal characteristics of political behavior? Is there a difference between the utility of the methods regarding normative and positive (factual) claims in this regard, and if so how and why? Are there candidates for principles in both categories, and why? And finally, how is one to deal with the claims of such candidates?"

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1. I do not claim that we can establish a 'method' of science and theory corroboration, nor that to do so would gain us a victory over the ignorance of the masses. But it would at least give us a method for judging the pontifications of the professionals who make bad arguments and erroneous claims. Still, a method of science or theory corroboration is beyond us, and at best we can accept some aspects of methods and reject others. After all, the search for such a method is the holy grail of the philosophy of science: see the volume edited by Nola and Sankey (2000) for an illustrative overview.

2. And this need not be built on conceptions of moral realism (Sayre-McCord, 1988; Boyd, 1988).

UNIVERSALITY

Universality is in itself often misunderstood by many social scientists and political theorists. This is certainly helped by two distinct meanings of universal. The first meaning is as a social observation such as in "done by all people in the world" or even "affecting all in a particular group." The second is about knowledge claims as in "applicable to all cases." Logically it is via this second meaning, which can subsume the first, that often ties the structure of universal claims to scientific progress. For when one says something is applicable to all cases, then the criteria for the falsification of the claim is clearly set out: the claim is false if there is a case where it is not applicable. For example, all crows are black is falsified by the existence of a non-black crow (Popper, 1959). Simple characterizations of what science is about are often tied to the establishment of 'universal laws' (Hempel, 1965). Their ease of correction (in principle) generates a potential continual development of sub-classes to take care of the more varied classes of 'exceptional' events that one might find. So "all crows are black" might then be changed, after considerable observations, to "all non-albino crows are black." Albino exceptions may not prove to be the only ones: i.e. this universal statement might also prove false, but the universal continues to develop sub-classes until a 'better' or more powerful encompassing universalization arises.

The complexity of the world is captured in statements that are universal but with clauses that permit the development of more nuanced arguments, so that they do not show up to be obviously false. Indeed, what we want are law-like statements: correctable, presumably true universal claims of knowledge.

Universal laws in the physical world are usually quite complex, and full of conditionals. Take, for example, the common sense notion that water boils when it reaches a specific temperature. What does it take to change the common sense notion to a 'universal law' of some value? Impurities may be found to matter: well water and tap water and salt water are different substances and will behave differently. So adding substances can impede or facilitate boiling when heating takes place. And altitude matters: at higher altitudes water boils 'more quickly.' But altitude and impurities aren't sufficiently powerful theoretical concepts[3] to give us a lot of leverage.

When altitude was related to the theoretical concept "pressure," we are enabled to combine a number of relations to generate a more general theory of liquids, gases and state changes. Pressure matters: under lower pressure (and this normally occurs at higher altitudes) water (and liquids more generally) boils at lower temperatures. So under some circumstances we could imagine observing water boiling when cooled if the cooling was accompanied by a sufficient lowering of pressure. And water held under sufficiently increasing pressure may not boil when normally heated. Indeed, boiling has to do with the pressure exerted by the vapor of the liquid becoming greater than the pressure exerted on the liquid's surface. The pressure of the vapor in the liquid is increased by the addition of heat.[4] The utility of the 'law like statement' becomes apparent once we have the universal relationship. For example, we can make inferences that

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3. There is some dispute as to what constitutes a useful theoretical concept. But certainly it has to do with its utility in other accepted generalizations. Altitude was related to boiling in cooking, but not to many other empirical problems being studied.

4. The relations are captured more precisely in what is known as "the ideal gas law." That law can be checked out at http://hyperphysics.phy-astr.gsu.edu/HBASE/hframe.html and its relation to boiling can be seen at http://hyperphysics.phy-astr.gsu.edu/HBASE/kinetic/vappre.html. In any case, the law expresses more generally the relation between pressure, temperature, and the state change of a liquid to a gas.

were not apparent without it, and construct new realities through technology. We became able to manipulate pressure and temperature so as to boil water at a higher temperature in steam engines, espresso machines and pressure cookers.

So conditional clauses, theoretical concepts, and restrictions of precision are needed to tranform even the simplest common sense notions into the laws of the physical sciences. The same will certainly be so in social and moral inquiry. Take for example the strong universal statement at the base of some economic reasoning: "people are self-interested." What does it take to change this to a law-like statement: a universal claim that is presumably true, and empirically testable? Just as in the case of water, we may want to be careful regarding what is the subject or the domain of the claim; 'what is water' here gives way to 'what are people.' Is the claim to include those people who are deranged? Perhaps we would want to be careful to exclude such cases. But also, somewhere, as we needed to clarify boiling, we need to clarify self-interest. And as we need to relate our clarified notion of boiling to theoretical concepts, so must we tie self-interest to broader theoretical concepts. Some might argue all behavior that appears altruistic is actually motivated by self-interest - after all, didn't the person *choose* to behave that way for a reason that they valued? So to parse the question further, we need a careful delineation of self-interest. Further, circumstances matter. What do we mean to say when we claim, that someone is self-interested? Is it that all decisions she makes are self-interested or that she is sometimes self-interested but at other times not?

So we might wish to specify some circumstances but once we do that, there could well be problems of universality. Suppose we note that mothers are less self-interested with regard to their children than with regard to their grocers. Probably true, but to bring grocers into it we seem to give up some generalizable qualities. Our statement is still universal but it is now suspect: grocer is a suggestive category but it appears too restrictive. Not only do we start claiming differences rather than universality but grocers are part of a modern culture: for example, they didn't exist in small agricultural societies. What are we saying about other times and places? And as in boiling and heat and pressure, how would we tie children and grocers into a category that allows us to derive interesting propositions? What then do we want from these universals?

INTERESTING UNIVERSALS

For universals to be useful, they need to be interesting – they must get us beyond our starting point, add to our knowledge. The quickest way for them to 'add to our knowledge' is to be able to link up to other known facts in our reasoning process, allowing us to arrive at new generalizations. Of course, it is also useful for them to be correctable, which requires that they are at least possibly false. But possibly false is too little: for they must be presumably true, *and* possibly false and they must add new bridges to the theoretical fabric we are weaving.

So universal claims are problematic. They can't be too general because they need to be interestingly and presumably true, while possibly false; further, to be interesting they must allow for inferences to be drawn, or logically inferred, that allow us to get beyond the common sensical understanding we have of our environment.

To illustrate, let's go back to self-interest. The notion that anything one chooses to do is somehow in one's self-interest is linguistically plausible, but epistemologically not useful: it doesn't generate interesting knowledge claims. Using such a definition would only allow us to say that all choice behavior should then be categorized as self-interested. A useful definition would be to stipulate that what we mean by a self-interested individual is one who will not absorb costs to help someone else, unless helping this other person will lead to some direct benefit for herself. Perhaps such a definition is too restrictive, but it has some positive features:

1) its falsification *is* operationalizable: it divides all behavior into two non-empty classes; 2) it ties nicely to choice about which we already have some theoretical leverage. We can imagine, and perhaps observe and study and theorize about behavior that violates it.[5] And doing so is likely to lead us to consider and identify the sorts of behavior that humans exhibit in a manner that goes beyond the common sensical claim, that we are all self-interested.

RE THE POLITICAL

Now you, the reader, might wonder why the discussion of self-interest has been put so front and center. Let us see how it figures in some of the more fruitful arguments that have been put forward about politics. One might argue that government's job is to accomplish what we need but can't do without organized collective action. Politics is about getting a *group* of persons beyond the limitations of human *individuals*. To understand the limitations of individuals requires knowledge of the conflict between behavior oriented toward self-gratification and the behavior useful for furthering shared or group objectives. This line of analysis, often referred to as the analysis of collective action, is central to the modern theoretical understanding of political behavior and has been formalized in numerous lines of political analysis.

The analysis of collective action problems in the form of social dilemma games, such as the prisoner and assurance dilemmas, has been central to the development of modern political science. The centrality of these dilemmas to politics comes from a working out of the implications of rationality[6] and self-interest in generalized contexts that have a good fit (are even at times isomorphic) to politically interesting situations. Such games allow us to juxtapose the potential welfare of the group to the welfare of individuals with either cooperative or self-interested behavior. Combine this with an assumption that humans are (at least often) self-interested when left to their own devices, and dealing with other members of less related groups of individuals (as in modern societies) and we get one possibility for the "proper" realm of government. Governments ought to handle those situations where the self-interested behavior of members of the group lead to outcomes for the group that all can agree could have been improved.[7] But after considering the theory of collective action I will note another generalized role for governments: the protection of the weak and this raises other possibly interesting universal principles.

THE LOGIC OF COLLECTIVE ACTION

As Olson (1965, p. 2) put it, "The notion that groups of individuals will act to achieve their common or group interests, far from being a logical implication of their individual interests, is in fact inconsistent with that assumption." Each individual, maximizing her own payoffs, creates problems for the achievement of shared goals within groups. This famous discovery, even if somewhat overstated by Olson, has led to a classical understanding of the role of politics and governments as helping to attain shared interests such as public goods. The standard analysis of this situation is as a typical n-prisoner dilemma game (Hardin, 1971). To see this, consider the

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5. Indeed, nuanced experimental tests of self-interest have long been available. See, for example Frohlich and Oppenheimer, 1984 and ensuing dictator game experiments as reviewed in Roth, 1995. Also see Frohlich, Oppenheimer and Kurki, 2004.

6. Rationality here means that faced with a choice between a number of alternatives, the rational individual will choose the one that is preferred.

7. The technical term for such situations is Pareto sub-optimal. Suboptimal describes a situation where there is a way to make some people better off without hurting anyone.

case of a single individual, call her *Iris*, in a group of some size (say *10* persons) made up of like-minded individuals. Let them share a costly goal and assume the 'institutional' structure of the group is rudimentary: individuals must voluntarily contribute to the obtaining of the goal. Consider then the following simple case.

Iris, as the typical member of the 10 person group in Table 1, contemplates giving $1 or nothing toward the achievement of the goal. That is, Iris chooses between the two rows of the table. In keeping with our substantive understanding of the premises of rationality theory Iris will examine her options and choose the one which she prefers. Assuming that the financial calculations properly capture her values, how ought she to choose what to do? Iris can't select the column with which she "is faced." Rather, this is determined by the choices of others. But she can note that regardless of the situation she is facing (i.e. in which 'column she is'), the second row yields preferred outcomes to the first row (it is 75 cents better). Assume Iris, and others, each have some endowment: say $10. In a case where the goal can be partially achieved and as it is achieved the value for each member goes up proportionately. To illustrate, say any $1 spent on the attainment of the goal generates $.25 of value to each individual. Then Iris, like each of the others, notes that for her, it is not worth investing in the group goal. For every $1 she spends out of her endowment, she loses $.75. Table 1 specifies the relative value of these options explicitly as the difference in the values associated with the choice she makes (depicted in the two rows) for each contingency (i.e. within each column).[8]

Table 1: Value of Donating, Given Behaviors of Others:
Illustrating the Problem of Collective Action

Iris' (Typical Person's) Strategy	Number of Others Who Donate					
	9	8	...	2	1	0
Contribute	$11.50	$11.25	...	$9.75	$9.50	$9.25
Don't	$12.25	$12.00	...	$10.50	$10.25	$10.00

While each dollar's partial achievement of the group's goal generates only a return of a quarter of a dollar; it does so for every member of the group as they all share the partial achievement of the goal of the group. Thus, each dollar given generates $2.50 worth of benefit (if we add up the difference it makes for each person) in total (10 persons at $.25 each). Indeed, the larger the group, the bigger the benefit each individual's contribution makes. And hence, the larger the group, the bigger the cost to the group of any individual *shirking*. In other words, each individual following their own incentives, leads to a situation which is not very good: certainly not '*optimal*.' Specifically, if all follow their incentives, the group could agree *unanimously* that it would have been better had they all contributed.

Consider the implications of this: Iris would be substantially better off were she and everyone else forced to contribute. Then each of them would have an outcome worth $11.50, rather than $10. In other words:

1. Iris, and all others find that it pays them not to contribute.
2. Everyone in the group would prefer that they did contribute.
3. The group is saddled with a suboptimal outcome.

8. This model reflects the perspective taken in Hardin (1971). Other ways of modeling the problem involve either no game theory (e.g. Olson, 1965), or other forms of games (see Frohlich and Oppenheimer, 1970).

4. The larger the group the further from optimal the group ends up without some method to overcome the self-interested behavior we would expect to see displayed.

Some would argue that the situation sketched here underlies many of the dilemmas of politics. To understand the links between individual choice and more general notions of collective action and group patterns of behavior, I might begin with a simple observation: individuals will usually not find it worth while to help achieve shared interests: they will find it useful to shirk their responsibilities.[9] Why does this happen?

One of the major contributions of the theory of rational choice is that it gives a relatively simple account of this: each contribution to a group or collective project yields benefits for all members of the group, but costs accrue only to the individual who makes the effort. For the group and all its members, it is not difficult to see that it would be best if all contributed.

Thus, the group goal would not be easily achieved until the members of the group worked out a more complex institution. With this depiction, the general situation can often be analyzed as an *N persons prisoner's dilemma game*. In such a game, the group optimum is not achieved because each individual is in *equilibrium* (i.e. can't do better by unilaterally changing her choice) when she decides to not contribute or to shirk her responsibilities. Indeed, we can now derive a few succinct law-like universals about politics. All of them are relatively uncontroversial (in the public choice literature), and yet are rarely discussed, or taught as 'laws of politics.' Proofs aren't developed here:

THE FIRST LAW OF POLITICS:[10]

> **Without a means of sharing the marginal cost, the amount of the public good which will be provided will be suboptimal.** (Baumol, 1967)

COROLLARY:

Since a means of sharing the marginal cost of a change in a public good is organizationally difficult, an important corollary can be developed:

> **For groups of people to meet their needs over time they must have the freedom to organize themselves politically.**

If nothing else, this gives a solid justification for liberal political orders. Of course there is no 'ought' derived without a normative presumption. In this case the normative presumption is that it is a good thing for people to get their needs met: a weak form of consequentialist political philosophy. *If* we subscribe to such values (and most do) then it follows that people ought to have these freedoms. Without such freedoms, even the identity of the shared interests will often likely remain unknown.

THE SECOND LAW OF POLITICS:

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9. Of course, it does not follow that we will observe only confirmatory evidence: such is the stuff of science. For a fine, if somewhat dated, overview of the experimental data, warts and all, see Ledyard (1995) who reviews the experimental studies of the subject.

10. The specification of these laws of politics as 'first,' 'second' etc. is not to give them hierarchical status but only to be provocative. I wish to force the well meaning reader to ask herself why she hasn't thought of these as 'laws of politics.' The fact that there are problems or anomalies in the research paradigm is clearly an inadequate justification, as argued below.

The larger the group, the further from optimal will be the amount of a public good which an unorganized group will supply itself (Olson, 1965; Frohlich and Oppenheimer, 1970, Frohlich, Oppenheimer, and Young 1971).[11]

THE THIRD LAW OF POLITICS:

The further from optimal the group is without organization the greater is the profit in organizing the group for the satisfying their 'common interests' or supplying them with public goods (Frohlich, Oppenheimer and Young, 1971).

This also leads to corollaries:

COROLLARIES:

'Profit' in politics must be derivable by the 'value-added' to group outcomes by political processes. That being so:

FIRST: 'Politics is more profitable in large groups.'

Hence, one has an explanation why larger groups are more likely to have successful political efforts to supply basic collective needs. But it also follows that politics can get nasty in larger groups. For if there is 'more to be had' in larger groups, then:

SECOND: Political competition will be stiffer in large groups.

But far more important in our modern world is an observation that follows directly from the above argument.

THIRD: If, without incentives, the politicians will not do what's good for the general citizenry affected, then governments (even democratic ones) with large externalities[12] on other countries (i.e. on non citizens) will create big international problems.

The major practical implications of the earlier arguments have to do with constitutional design, and the importance of rights of assembly, etc. But this latter argument underscores the importance of, and difficulty in establishing international political structures for preventing the inadequate handling of *both* externalities and public good or collective action problems. In pure public good cases the largest actor is supportive of getting an organization to help share the costs of public good provision (see Hardin, 1982). In problems of international externalities, where the larger the producer of the externality, the less it will want to solve the ensuing problems.

From the difficulty of having self-interested individuals voluntarily support public goods, we can develop numerous other inferences.[13] Some of these have been supportive of collective

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11. Olson saw that there was a relationship to size, but misspecified it.

12. An externality can be thought of as a consequence of an actor's behavior on a receiving party when there is no compensation for this consequence being transmitted to the actor. Externalities can be both positive (good) or negative (bad).

13. Formal logic is not part of the tool kit of many political scientists and hence words such as inferences are often not properly understood. Inferences are statements justified by reason or data: the former follow logically, and hence must be true if the premise is true. Inferences are the major vehicle for scientific progress in knowledge claims. They allow one to develop indirect tests of the premises of an argument. This is easy to see. A (logical) inference is a statement that follows logically (or is deduced) from other statements (premises). Deduction means that if the premises are true, the inference must be. So if an inference is found to be false, there is necessarily something wrong with at least one of the premises.

action theory, and others have been problematic. Here I look at two: the first having to do with information, and the second having to do with voting.

Rational Ignorance:

Given our understanding of public goods as being given to a group of individuals, the outcomes of political (as opposed to personal) decisions can be viewed as public goods. We can draw implications from the above collective action analysis regarding how people will inform themselves regarding political decisions, such as voting. Information, and information processing is costly. Consider Heather, a newspaper reader. She notices the variety of things to read, and chooses, within the constraints that she has perhaps a ½ hour at breakfast. Twenty or more minutes were spent on page 1 and now she skims; the headlines suggest to her many items of interest. On page 4, something looks negative and important concerning a candidate she was going to vote for in the next election. And there also, an item catches her eye on pollution at the beach Iris was planning to go to for vacation. Of course she is torn, wants to read both, but must run. How to decide?

Let's consider why Iris is so likely to read about the beach and not the candidate. Getting information about the candidate can lead her to avoid the error of voting for the wrong candidate, someone she would rather not see win. Getting information about the beach can lead her to avoid the error of going to the wrong beach, someplace she would rather not swim. If it is an important office, probably the election could have a bigger impact (higher taxes, loss of programs that matter to her, perhaps a war, etc.) than a somewhat less nice vacation, *but* . . . Gathering all the information in the world about the candidate isn't likely to do more than prevent her from making a mistake in her voting. It is very unlikely to change the outcome of the election.

Similar to the logic of collective action, the rational voter decides not to invest in the information about the public good: not so clearly because of self-interest, but because of lack of efficacy (Downs, 1957).

Reviewing one experimental design is revealing; running it in a class is eye opening. John Pisciotta, an economist at Baylor University designed a simple in - class experiment[14] about rational ignorance that is also a learning exercise for the participants. They are given a budget to spend on gathering information about a private purchase and a voting in a referendum decision. The values are similar for the outcomes in the two classes, and the students can choose what information to invest in. Round one leads to a split investment pattern. But quickly the pattern of investment in information shifts to the private decision as the students become aware that there is less to be gained in gathering information on what to vote for than what to buy. The argument in this section leads to another law of politics:

THE FOURTH LAW OF POLITICS:

> **In general, individuals have a radically discounted interest in acquiring information about political affairs. Citizens will, in general, remain rationally ignorant.** (Downs, 1957).

But of course, not all individuals have the same lack of interest in staying politically informed. Individuals' wealth, profession, and so on will help determine the utility they have for political information: that is the information might be useful for strictly private decision making. So, for example, a 'producer' needs to make investment decisions informed by tax laws, import

14. All the materials are available at http://business.baylor.edu/John_Pisciotta//

information regarding substitutes, etc. A worker may not need that sort of information in his private decision making. A wealthy person may wish to know about international opportunities for investment, while a poorer person may have little use for such knowledge. The mobility of capital means that those with it will want information about the 'exit' strategies they can employ to save tax monies, gain higher returns, etc. Those without Capital will be less interested in acquiring such information.[15]

COROLLARIES:

Even if you can't affect the political outcome, it can be that the political world affects what is best for you to decide. The wider the purview of one's concerns, the more likely one's decisions will be impacted by politics. And wealth brings one opportunities for investment and travel, and often is related to having wider responsibilities in decision making at work. These and other incresases in one's private concerns lead directly to increased private interests to acquire political news, which leads to a corollary to Down's observation:

> FIRST: The wealthy will be far more politically informed than the poor. Therefore, without mass organizations such as unions, class based parties, the poor, more often than the wealthy, will not correctly identify their political interests.

But we can develop another corollary from this argument regarding the performance of democracies: If, again, we assume that 'better' policies are those that in some way have more positive consequences for the welfare of the individuals involved, we can now develop the second corollary:

> SECOND: Democracies are not likely to have much 'better' foreign policies than non-democracies; the benefits from democracy will mainly be in their improved domestic policies.

This follows since, as mentioned above, voters and citizens are more liable to observe the direct effects of acts of governments than seek out political information on their own. And because citizens are far more likely to observe directly the domestic acts of governments than their acts abroad (unless the foreign policy involves the country in a costly war) there is little in even very bad foreign policies to create a cheap stream of information for the voters. But domestic policy is another matter. So for example in the fall of 2005, all the citizens of New Orleans, and the gulf coast region of the United States, directly observed the effects of Hurricane Katrina. Many of them also directly experienced the failures of the response of the government in giving aid. In Louisiana, people could not avoid knowing that the levees gave way, that rescue efforts were dismal, that poor blacks were virtually left to die, and that FEMA failed in delivering help. Voters who felt that they too could have been abandoned need not have more information than that to know they want the government to be changed.[16]

Voting and Challenging the Theoretical Foundations:

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15. Two asides here are useful. The first is that Hirschman (1970) develops a very interesting discussion of 'exit' as a 'private' strategic response to 'public good' problems. The second is the very useful model developed by Boix (2003) based on the notion of capital flight as a restraint on political policy.

16. Indeed, I should note the empirical finding of Amartya Sen (1981) that famines have never happened in a democracy. His theoretical discussion of this (in chapter 7, "Famines and Other Crises" 1999) is in the spirit of this essay. But we might want to note the great variability of democracies in the quality of their response to natural disasters. The details of how such information leads to a 'bandwagon' of individual (voter, or protestor) decisions that can topple a regime is well developed by Lohmann (1994, 2000).

If the theory of collective action were to consist of universal, presumably true and hence law-like statements, we could infer that whenever there is an election, people wouldn't vote (unless, of course, we can identify incentives). But they do vote. So, of course, the inference that most people won't vote most of the time, being false, doesn't have a serious claim as a law-like statement.[17] Indeed, it is a falsification of an inference from the set of premises that were used to 'explain' collective action. And this falsification of a simple inference raises serious questions regarding the status of those premises (see footnote 13).

Of course, many voters would argue they vote 'because they ought to' (Downs, 1957). Adding notions of obligation to the set of premises complicates theoretical arguments considerably[18] and has been resisted by public choice theorists (Barry, 1970). Like the 'grocer' complication it raises all sorts of difficulties: when are there obligations that outweigh the self-interested motivations of the individual? If we introduce social obligation, is it a function of legitimacy? These would be the sorts of elemental questions that would grow out of taking seriously the search for universal statements.

More important than voting per-se is the general question: how to deal with flawed premises from which other fruitful, law-like, statements have been inferred. After all, one of the strong arguments for scientific method is its ability to generate great numbers of indirect tests of propositions (as this does regarding the rational, self-interested choice propositions). But then how are we to adjust universal claims (our premises) when inferences from them are found to be false? On this there is controversy. Popper (1959), of course, argued that indirect falsification[19] meant rejection of the premises. But many have found this to be too severe (Lakatos, 1970; Maxwell, 1972), and have argued that the need is for some 'theory maintenance' until new formulations of the premises can be found to perform better. Naturally, the sort of difficulty that we are referring to has led to serious reformulations of the foundational assumptions behind the theory.

Two (strongly intertwined) branches of theory have developed in response to such falsifying challenges. The first has been developed primarily in psychology, and is referred to as cognitive choice theory and may be thought of as a theory of 'framing.'[20] Here the thrust has been to relativize preferences to the context of choice, thereby noting that the informational and social contexts will determine the preferences that are utilized by the individual in her choice making. This sort of theory argues that there are 'cues' in the framing of a choice that evoke one sort of preference structure or another. Some cues, such as those that are presented in market

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17. This anomaly was, I believe, first noticed and addressed by Downs (1957) and has remained a continual topic of research in rational choice literature. But critics of rational choice modeling have continued to use it to point to the weakness of the theories (for example see Green and Shapiro, 1994).

18. This is because it will now be harder to make inferences.

19. Indirect falsification comes about when an implication derived from the premise proves false.

20. The literature here is vast. One might begin with Kahneman and Tversky, 1982, 1979; Kahneman, Knetsch, and Thaler, 1986; Knetsch, Thaler, and Kahneman, 1987; Tversky, and Kahneman, 1981; Tversky and Kahneman, 1986; Tversky, and Kahneman, 1992; Tversky, and Kahneman, 1973.

institutions, elicit self-interested preferences. Other institutions, such as elections, often elicit a less self-interested point of view (Mackie, 2003).[21]

The second branch of theorizing that has developed in response to this and other problematic findings is usually referred to as 'behavioral game theory'.[22] The idea here is to take a more relaxed attitude toward the form of self-interested and, more generally, goal oriented behavior to better capture what we observe.[23] Like the work in cognitive theory, much of this work is developed in response to results in laboratory experiments that have tried to understand when people adopt other-regarding and when self-interested preferences.[24]

In any case, it should be clear that only rarely can one form universal law - like claims out of whole cloth. Even the most solid candidates are too often tested and found wanting, requiring further work: careful reformulation that can occur, at best, only over decades.[25]

SOCIAL JUSTICE AND PROTECTING THE WEAK

The above argument was developed on the presumption that collective action lies at the heart of the function of government. It may, however, be quite simplistic and simply false, to assume that government's *sole* or even *main* function is to solve political or social dilemmas of the sort described. DeWaal (1982) has observed that a major function of politics among other primates is the delivery of a modicum of social justice. DeWaal examined the politics of chimpanzees and found that the protection of the weak (the young, the elderly, the pregnant) appeared to play a central role in the formation of coalitions of support of the band members for the leaders. When the level of safety and welfare of the weakest weren't maintained by the leadership, the females would coalesce to change the leadership.

The plausible centrality of justice and welfare in politics doesn't really threaten the above analysis, however. The attainment of a fair and just social order can also be considered a public good if the individuals have an agreement as to what constitutes justice. That being said, this can be thought of as a special case of the previous analysis. As such, social justice involves social dilemmas much as do all the other public goods that are traditionally considered, such as public safety, economic development and so on (Thurow, 1971). It has come to be received wisdom that notions of social justice are culturally determined, and as such, each society has to be evaluated regarding its achievement of its own conception of justice. But if justice is to be

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21. Mackie also argues that the politicians have a lot to do with the orientation of the voters. He reports how the self-interested appeals of the Reagan campaign in 1984 ('you should ask yourself if you are better off today than you were 4 years ago') increased the correlation of self-interest and vote choice.

22. Here a useful place to start is with Camerer (2003). The field uses experimental games, and uses psychological principles to develop theories of fairness, reciprocity, limited strategizing, and learning to help predict how people people behave in strategic situations

23. Amartya Sen argued for this for many years (1970, 1977). His chapter 2* (1970a) formalizing the properties (he called them α and β) of 'maximizing behavior' pointed out that more relaxed notions of goal orientation could be formalized and might lead to fewer problems, although he was primarily applying this to group choice, rather than individual psychology. In 1977 he discussed ways to think around the obvious falsity of strict self-interest in rational choice theory. Bendor (1995) presented a full blown understanding of how to model goal oriented behavior in a less fragile fashion.

24. Some of this is reviewed in some detail in Frohlich and Oppenheimer (2006).

25. An example of the sort of testing that allows us to determine what contextual cues generate changes in behavior can be seen in Frohlich, Oppenheimer and Kurki (2004).

understood as fairness, without undue weighting of self-interest in that judgement[26] then it appears that human beings everywhere have a similar understanding of social justice. By now, this can be seen in the experimental results of numerous authors (see Frohlich and Oppenheimer, 1992; Konow, 2000, among others).[27] It appears that humans perceive justice as requiring a balance of concern for need, efficiency, and just deserts, and that when given the chance (i.e. the liberty to express common needs) they universally opt to put in place a 'welfare' floor, to be supported out of taxes.

Social justice and framing are related. Framing can affect decisions in a manner to alter the justice of outcomes, by constraining the affects of self-interest. Many factors seem to affect the outcomes of the standard experiments to measure motivations such as self-interest. In most of these experiments (many of the sort called dictator games) an individual (the dictator) decides the payoff to herself and an (anonymous) other person (see footnote 5). The status of the other person, the relationship between the individuals, and the status of the claim the other might have on the payoff determines the extent of self-interested behavior that develops, and the ensuing split of the payoffs. For example, in Frohlich, Oppenheimer and Kurki (2004), if the size of the 'pot' the dictator divides is determined by work done by an anonymous other as well as herself, there is far less self-interest displayed.

RE THE DEMOCRATIC

So we continue then with the central notion that governments in general share at least two fundamental functions: the solving of dilemmas to achieve shared goals and the maintenance of some level of justice or protection of the weak. Looking at the landscape of political history one is stuck by the ability of humans to prosper under a variety of regimes. Civilization did not require democracy. But it did require an element of decent government. Indeed, in most situations, the fates of governments are tied to the interests of the citizenry at least to some extent.[28] The Stalins and Caligulas of the world maybe rare, but under severe conditions, even they must consider the welfare of their citizens.[29] In modern times the attempt to tether governments to the interests of the citizens has been intimately related to the establishment and design of democratic government. Let us review some of the interesting law-like generalizations concerning such governments.

To the lay observer with common sense there would seem to be a direct connection between democracy and what we might call social welfare. Democracy seems to insure better outcomes. But one of the more interesting generalizations, or universal principles that has been discovered is the theorem by Kenneth Arrow (1963): there is no method for going from simple preferences or welfare of individuals (as they might be revealed, for example, in a market or in a voting

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26. Rawls (1971) and Harsanyi (1953) have used such an interpretation of fairness based on impartial reasoning to develop theories of social justice.

27. Some might wonder at my casual use of experimental (v field) data in support of propositions. The relationship between theory and experiment is an interesting one, and one which is only recently of interest to mainstream political science and one which goes beyond the subject of this essay (see Kagel and Roth, 1995).

28. The observations of DeWaal (1982) regarding power and governance among chimpanzees is instructive. Certainly, chimps have no form of democracy, but when the basic functions of government are not properly performed, protesting behavior leads to coalitions that overthrow the alpha male and his 'gang.'

29. If as Napoleon observed "An army marches on its stomach," (c.f. http://www.brainyquote.com) then welfare must be attended to, at least enough so that the soldiers can fight (see Frohlich and Oppenheimer 1974).

process) to aggregate social welfare or sensible choice unless one makes some rather bold presumptions about the interpersonal value of the welfare states of the individuals.[30] Without interpersonal comparisons of welfare, sensible choice is made more difficult by preference cycles, which bedevil virtually all majoritarian choice procedures.[31]

NO WAY TO GO FROM SIMPLE PREFERENCES TO SOCIAL CHOICE AND SOCIAL WELFARE

Specifically, we can imagine a group of people who, using majority rule develop what might be referred to as a potential cyclic group choice. For example, consider a group of 3 voters (A, B, C) considering four options (x, y, w, z) with preferences as shown in Table 2. They might have a decision system that requires they consider their options in a pair-wise tournament. The winner of each contest (the one that gets a majority) survives to 'go against' the next undefeated option until only one option is left: the winner. Note immediately that with the preferences in the table, each of the options can lose: there is a majority that prefers some specific other outcome to each of the options: two voters prefer *x* to *y* (A and C); two prefer *y* to *z* (A and B); another pair (B and C) prefers *z* to *x*; and finally two prefer *y* to *w* (A and B). So if one uses such a pair-wise majority system, where defeated motions can not be reintroduced, the winning motion could be anything. What is chosen will be determined by something beyond preference, perhaps the order of the vote, or the structure of the agenda: in a legislature this is usually a strategic choice controlled in part by a committee chairperson, or a party leader. Indeed, even though all of the voters prefer *w* to *z*, *z* could win if the order of consideration led with *y* vs *w*: thus eliminating *w*.[32] If the next pair-wise contest were *x* vs *y*, The first round would have *w* eliminated, and the second would eliminate *y*, leaving *x* to do battle with *z*, and *z* could win. In any case, it ought to be clear, in such a case:

Table 2: Voter Preferences Supporting a Cycle

Rank\Voter	A	B	C
1	x	y	z
2	y	w	x
3	w	z	y
4	z	x	w

1. There is no 'stable' outcome, and (or because)
2. The outcomes could cycle.

Of course, not all combined preference patterns lead to cycles. Immediately it becomes clear that sets of preferences can be examined to see if they support a cycle, or not. One can ask what is the likelihood of such a preference set? There have been many attempts to answer this second question and the results could be read ambiguously, but I believe the real message is not ambiguous. If we assume all preferences are held 'randomly' and then ask what is the probability of a cycle, with 3 persons, and 3 issues, it isn't very big. Only 12 of 216 (5.5%) possible 'strong'

30. This, of course, was the step taken by classical Utilitarians such as Priestly, Mill and Bentham when they advocated the greatest good to the greatest number, and presumed that this could be discovered by addition.

31. Condorcet was the first to note the potential of majoritarian choice cycles, see part II of Black, 1958. Other voting systems get around the problem of cycles by introducing other elements of arbitrariness. Mackie (2003) has a good discussion of these alternatives.

32. In other words, even a Pareto dominated (or Pareto suboptimal) outcome can be in a cycle.

preference[33] combinations support a cycle. So if preferences for three outcomes are randomly distributed among three voters, there is only a 5.5% chance of a cyclic outcome. But random mixes of preferences is a bizarre starting point.

If instead, we start with more specific preference patterns the story supports the notion that cycles are lurking in many places. For example, as we could easily show, distributive issues cycle when the judgements are based on simple self-interest. To illustrate, in the majority rule game, divide the dollar, there is no equilibrium outcome.[34] Similarly, when (vote) trades (could) occur to create or change the winner (Schwartz, 1981) there are also underlying cycles. Given that most of politics reflects distributional problems and involves vote trading, or in non democracies, an equivalent swapping of support, preference cycles underlie many political decisions.

ARROW'S THEOREM: Arrow then goes on to show that if we try to develop *any* rule (not just majority rule) so that a group choice reflects the unrestricted preferences of the members, there will be difficulties in insuring that the group choice will be normatively rational: i.e. such as to choose the 'best' outcome for the group, and have 'no cycles.'[35] Technically, he established a contradiction between the desirable properties of a mechanistic group choice system and a guarantee of good and sensible outcomes. At first many attacked the specific conditions used in his proof of the contradiction, but this led to new discoveries of similar theorems. Since his discovery in the late 1940's there is a vast literature showing that the findings are quite robust.

Proving the theorem assumes that all individuals are 'rational' and choose what is 'best' according to their preferences. The properties used in the proof to show there is a contradiction include: **U** (all variety of preferences must be handled by the rule), the outcome must be well ordered (**O**) (i.e. non-cyclic); and **P**: generate results that are Pareto optimal (could be thought of as positively responsive and requiring that the citizens, if sufficiently united, are capable of getting their way); and **I** (independence of irrelevant alternatives) that requires the outcome of a contest between x and y only depend upon the preferences of the individuals for x and y; and finally **D** - that no one person is a dictator (i.e. capable of deciding all the outcomes when all others oppose him).

What then is shown is that there is a contradiction between these conditions **P**, **I**, **U**, and **D**. To see the flavor of the argument, note that cycles violate **O** and that if we hold to **I**, and **U** we have already shown in Table 2 how a contradiction with such rules and **O** can exist. And sets of preferences that support potential cycles can be thought of as meaning that something other than the 'voting rule' and the preferences determine the outcome. Other details of the political institutions, how the agenda is controlled, etc. must come into play in determining the outcome. And although we could flag the Arrow theorem as a law of politics, let us take a slightly different tack and state:

THE FIFTH LAW OF POLITICS:

Political outcomes are explained by the interaction of the preferences of the actors, the strategies they select, and the details of the political institutions.

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33. A strong preference is one where without ties.

34. This is strongly related to (i.e. can also be proved from) the theorem that there is no 'core' in an essential zero sum game (see Luce and Raiffa, 1957).

35. To prove the difficulties, the group must consist of at least 3 persons, and there need to be at least 3 options being considered.

In other words: if we try to design mechanisms to insure that aggregating preferences or voting choices has nice properties, we will fail. A simple reading of the *voting* rules and knowledge of the preferences will be insufficient to determine the winner. Other institutional details such as specific powers of a chairperson of a committee, to set an agenda can determine the victor. Of course, we will want to consider these other institutional details further aspects of the "rules" but the average citizen is not going to have any sense of what these details are. Democratic outcomes are a direct result of the interaction of these expanded 'rules' and the choices of the voters. This can give us quite a different perspective on an aspect of the earlier discussion regarding self-interest and 'behavioral game theory' (see above, pp. 10 and 11). Now rather than looking at the psychological properties of the individuals, we focus more on the details of the institutions. We will see matter greatly, and that any behavioral story has to be explained only after the details of the institutions are properly accounted for.

Median Voter Result, Structure Induced Equilibria, Pivotal Voting

Rather than immediately turn to a traditional discussion of models designed to get one around cycles, it is rather useful to think of how the other institutional details of procedure can be shown to change the 'equilibrium outcome.'[36] Political institutions don't grow by themselves. They are generated by the choice of politicians to aid them go about their jobs and get reelected. Of course, the insitutions often have a life that extends beyond their original purpose, but it is useful to think of how the institutions empower the politicians.

Consider the example of a particular institution, such as a rule to end debate in a legislature. We note how they create veto points and pivotal voters. Specifically, consider the rule in the US Senate that enable what are called filibusters. The rule stipulates that 60% of the members have to agree to end debate. Hence, a disgruntled 40% can prevent voting on a proposal on the floor of the Senate. Preventing a vote prevents the status quo from being changed. Consider then how the institution works. Assume, for simplicity, that the issue is one dimensional and to be decided by majority vote. Then the median voter's position (m in Figure 1) is the majority rule equilibrium and expected outcome. But the 40th (and 60th) percentile voting members of the legislature are able to prevent the debate from stopping: they can veto the consideration of the legislation to move the status quo. There are two cases to consider, defined by the position of the status quo relative to the position of the 40th percentile and 60th percentile voters along the line (see Figure 1).

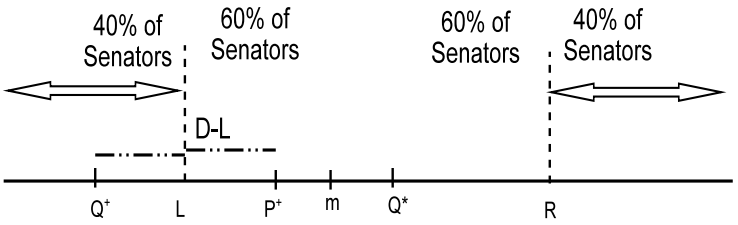

Figure 1: The filibuster rule empowering 40% to prevent the end of debate on a bill.

The first case has the status quo (Q*) between these two members' ideal points (L, R) (Q* in the figure). In this case, moving the status quo from a position already between the two 'veto players.' Note that no movement is possible toward m. For if someone proposed legislation that moved from Q* to the right, the left 40% of the members would constitute a filibuster bloc and could be counted on blocking the move. Similarly if Q* were to the right of m.

36. Such a discussion focuses on the structure of preferences that equilibrate an outcome. See also Eavey and Miller (1984), Miller and Oppenheimer (1982), Miller and Hammond, (1990), Morris (2000), Romer and Rosenthal (1978), Shepsle and Weingast (1981), Shepsle(1979).

On the other hand, the status quo could be at Q^+, beyond the space defined by the distance between the ideal points of the veto players: L and R. To beat Q^+ a proposal, P^+, would have to be crafted so that less than 40% on the left block would be against the proposal. Assuming that L cares equally about the distance to his ideal point on either side, then to garner her support, the proposal would have to be closer to L than Q^+. After all, she would only vote for a proposal that was closer than P^+ to L. In other words, the focus would be completely on fashioning proposals to attract L (or R); these are the 'pivotal voters,' or 'play makers.' People with interests about legislation will pay special attention to such play makers, and we would expect that financial benefactors would also.

An institutional structure that creates many veto players ensures that legislation will be relatively costly to enact, and that the outcome will not be particularly responsive to the median voter's interests and positions. It will make more difficult a government that responds to the needs of the citizenry. Again, it is only if we believe governments *ought* to be responsive to the needs of the citizens that we would be concerned about too many veto points.

The powerful framework and negative findings of Arrow's theorem has led to considerable work on how to structure democratic institutions to improve responsiveness. Shepsle and Bonchek (1997) develop a rather traditional overview of these findings and conjecture that the problems of preference cycles manifest itself more in legislatures than in elections. A more radical view has been taken recently by Mackie (2003) who has written that the threat from cycles is overemphasized. He notes the role that alternative democratic choice rules can make in generating responsive governments. He also has emphasized the role that the framing of issues can make in the orientation that voters have to the act of voting (see footnote 21). By evaluating the performance of institutions from these perspectives one can use the findings of these theories to improve our political institutions.

There is no ought from an is. But as democrats we are interested in responsiveness of governments. The lesson is clear: The normative world of political principles must harness the empirical and theoretical understandings of behavioral political science to generate 'universal principles' that are correctable, and hence not likely to be mere museum pieces in a great books program. And we can do more than concern ourselves with institutional design.

Framing and Choice

If preferences that are evoked in people are generated by the framing of the alternatives and the cues given to decision makers (see Frohlich and Oppenheimer, 1996), then it matters which of the different preferences held by individuals are aggregated. So not only is it the case that institutional details and individual preferences must be thought of together to get leverage on what outcomes to expect: but we now have an interesting further connection. If some institutions (say markets, or political institutions such as lobbying) encourage the expression of pure self-interested preferences in collective choice environments, then the outcomes from these environments will reflect those self-interested preferences. If other institutions (recall the discussion of the dictator games on p. 12), such as face to face discussion or collective deliberation, encourage more other-regarding preferences to be evoked, then those outcomes will reflect these less self-interested preferences that are evoked.

Given that we are interested in the quality of outcomes for those affected by governmental decisions, we must notice that it is not only the quality of the aggregation of preferences that matters. Which preferences are evoked may determine the quality of the outcome just as certainly as the aggregation procedures do. Rawls (1971), Harsanyi (1953), and others, conjectured, and we found in our experiments on justice (Frohlich and Oppenheimer, 1992),

that impartial reasoning helps to evoke preferences that take into account the welfare of others. Notions of impartiality have long been intertwined with notions of justice and fairness and thus it should not be totally surprising that collective decisions tend to be more just when they are done in contexts that encourage impartial reasoning. Given that fairness toward the needy is an inherent characteristic in our evaluation of governmental quality,[37] which preferences are aggregated also should be a concern in our evaluation of democratic institutions.

Rather than to continue to list and discuss laws, implications, and generalizations, we now turn to those other questions I posed at the beginning of this essay: Can we now begin to understand what are universal political principles? Does it make any difference if we consider our subject to be normative principles (such as what constitutes distributive justice or when war is justified) or the universal characteristics of political behavior? Is there a difference between normative and positive (factual) claims in this regard, and if so how and why? Are there candidates for principles in both categories, and why? And finally, how is one to deal with the claims of such candidates?

BEYOND UNIVERSALS - AND ON TO KNOWLEDGE

Claims of universal principle are not to be accepted unless they are justified. Justification comes through evidence, the logical sinews of argument, and the proper handling of inevitable anomalies. Knowledge, usually understood as justified true beliefs, is never secure. So at best, at any point, we have knowledge *claims*. And the problem for those who do research to expand knowledge claims is, how to proceed so as to have a decent chance for success.[38] The response is clear: one must insure the testability of one's claims and keep transparent their justificatory structure (i.e. the premises and the logic).

At this time, in political science the biggest barriers to continued accrual of substantial knowledge claims appears to be two-fold. First, an improperly high barrier has been erected between normative and empirical inquiry. Stemming perhaps from the narrow-mindedness of Straussians and others, too many political philosophers have tried to isolate their study from our improving tapestry of understanding of political behavior. Isolating political philosophy from empirical findings has meant that one has not honored the analytic traditions that have proved fruitful in philosophy, such as the careful use of logic and the purchase of Occam's razor. After all, much of what can be gleaned from political philosophy can be developed in terms of just a few rather well developed normative premises plus related behavioral findings: thereby obtaining a firmer grounding for one's knowledge claims.

Second, there is a general unwillingness in the discipline of political science to 'bite the quantitative bullet' - at least when quantitative implies more than statistical tests. Even after thousands of rich theoretical findings and experimental results have been published, much of the discipline has wrong headedly continued an ostrich like defense of ignoring positive results in

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37. Certainly the importance of fairness could not have been more starkly portrayed than by the thousands of poor abandoned by their governments in the aftermath of Katrina in the Southern United States in the fall of 2005.

38. It is a common sense notion that although human progress (a.k.a. knowledge) has increased in factual (or scientific) terms, the same can not be said regarding moral terms. But in the light of progress against slavery, despotism, racism, sexism, increased sensitivity to the environment, and improved understanding of the universal brotherhood of humanity this is hard to sustain. Note that a proper history of moral progress would highlight the interplay of scientific and knowledge claims. Certainly, for example, DNA analysis helps us understand the commonalities of members of our species; improved technology of birth control had a lot to do with the improved status of women, etc.

establishing viable knowledge claims. Indeed, many departments still avoid teaching formal theory and rational choice modeling even at the graduate level.

This second barrier is surely reflected in the bizarre need for this chapter: enumerating a few of the basic laws of politics: laws that ought to be in all elementary texts, along with a synopsis of their justification, tests and vulnerabilities.

The first barrier, of non-productive isolation of normative and empirical analysis is illustrated by consideration of distributive justice questions. To appreciate this lack of cross over between findings regarding political behavior and political theory let us briefly consider studies regarding distributive justice. Certainly progress has been made in this field by taking seriously the old saw alluded to above: impartiality is requisite to just decisions (see above, p. 16). Indeed, the insights from impartial reasoning have been developed into a workable body of theory (see footnote 26). Experimental work has shown that such impartial reasoning leads strongly toward the establishment of a minimal welfare floor for all members of a society. This should give us a basis to move on to additional normative questions. So for example, in the U.S., what are the institutional and other barriers to the development of public policies that insure a floor rather than what passes as our social policies? The arguments developed above tell us to look at barriers to turnout, reliance on private cash for election financing, and the number of veto points in the system. And if, on top of this, we can establish through empirical methods that impartial reasoning implies a floor then we have a strong normative platform to evaluate democratic systems in terms of the adequacy and porosity of the floor they have generated.[39]

AN INTERESTING STOCK OF UNIVERSALS MAKES FOR AN INTERESTING POLITICAL SCIENCE

Human nature's consistent failure at handling elementary collective needs leads one to nasty conclusions. Indeed, politics is so much more dismal than economics that I can't understand how economics could have been tagged 'the dismal science.' Yet it is also true that humans possess a more positive side: one which can turn dilemmas into social victories. The trick is to design institutions that can be expected to deliver good results not only when humans are at their most heroic and other-regarding. Probably no system can deliver good results when humans are at their worst, but a good political system ought to deliver decent results on an every day basis, and also not discourage the best intentions of the citizenry. With this in mind, I have reported on some generalizations that I believe are interesting and useful regarding the design of political institutions. Assuming that we can agree that the objective of political activity ought to be to improve social welfare,[40] we can embrace the corollary to the First Law of Politics as a justification for liberal democracy.[41]

But what of the differences between normative and empirical universal statements? There is no 'method' to guarantee success in the positing of generalized universal law like statements.

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39. The interplay between empirical findings and the status of normative claims is, of course, complex. I have dealt with this at some length in Frohlich and Oppenheimer, 1997).

40. Too often political scientists presume that the objective of political activity *is* to promote social welfare rather than to presume that it *ought* to have such an objective.

41. Note that although I have not included Sen's observation regarding famines and democracy as a law, as it has been developed primarily as an empirical generalization. One could include it, and this would further enhance the democracy argument. My exclusion of this, and also Michels' "Iron Law of Oligarchy," stems from the centrality I am giving to reasoned inference in this essay.

Were such a method available, scientific (and philosophical) ideas would not need correction.[42] Indeed, justification of any universal is conditional on the truth of the premises: always an open question. And how much more so is this in ethical theory! There, the testability of claims is narrower, more fragile than in empirical matters. Hence, the soundness[43] of any knowledge claim is more suspect. But testability of all the premises is rarely impossible. As indicated above, virtually all 'reasoned' ethical arguments are built on 'contextual constraints' that lead to the 'justification' of the reasoned belief that "X" is good, bad, right, just, or wrong.[44] The contextual constraints are related to empirical cases, and then reason is applied. For 'reason' to be more than subjective, it is imperative that something like Rawls' reflective equilibrium hold: that in general, under the constraints dictated for derivation of the normative conclusions, good reasoning leads people to the conclusion of the ethicist. Now the empirical constraints may not be realizable, but the conditions can be approached and the soundness of the reasoning tested (for a fuller account, see Frohlich and Oppenheimer, 1997) with such additional assumptions as 'continuity.'[45]

ON METHODS AND CLAIMS OF UNIVERSAL PRINCIPLES

Principles, indeed, all serious knowledge claims, are best understood as inferences and as such require a connection to some premises. This connection usually referred to as 'justification' takes two forms: deductive and inductive. Deductive justification requires more than a valid argument it requires soundness. Of course, if soundness requires true premises, we ask more than we can deliver. We need premises that are presumably true: not only powerful in argument, but correctable. By sound, we mean that the premises have been subject to serious test, and not found unduly wanting. The exploration of philosophers is over terrain that is particularly hazardous in these matters, since often it is not explicitly subject to interpersonally observable 'testing.'

Because of this normative and empirical generalizations may be thought to differ substantially in the sorts of justification they have. And certainly, in one sense this is so. As Hume pointed out, one can not derive an ought from an is. Hence, normative generalizations require a normative element in their premises. But this is not as big a difference as one might assume. For, if the argument above is correct, the normative generalization is often derived from a set of premises including an interrelating of normative ideas and contextual conditions and conjectures as to how these interrelated. Hence, we have a combination of normative and empirical conjectures. The combination, as in purely empirical matters, can be tested. When testing is not explicitly called for, when it is assumed that the empirical world is not to be weighed against the normative claims, the logical calculus becomes a mathematical exercise, rather than one of conjectured relevance to the real world.

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42. Of course, the history of the philosophy of science has been written on the back of efforts to write such a method. And many lessons have been learned in that effort. For an overview, see Nola, 2000.

43. Soundness of an argument is generated by two attributes: logical validity and truth of premises.

44. To illustrate, Rawls (1970) conjectures that from a veil of ignorance impartial reasoning is achieved and this will lead to a specific set of normative conclusions that one can agree to about justice. The real work here is done by the contextual imposition of a veil of ignorance which has normative force because of its relationship to fairness. It is not surprising that Rawls thinks of his theory as a theory of justice as fairness.

45. An example of a continuity assumption would be that the closer one approaches an ideal condition posited in a theory, the more likely the reasoned result would be to be manifest or realized in people's ethical reasoning.

Moving beyond an embrace of democracy to the concern of justice and fairness as well as the findings of Arrow and others, as discussed above, we can make further judgements regarding democratic institutional design and public policy. Having established that pure self-interest is not a basis for deriving sound behavioral conjectures, we also must note that the conditions that we are only beginning to theorize properly about non self-interested behavior.

The pursuit of knowledge claims with a justifiable methodology is sure to advance both normative, and positive political analysis. And given that we have a decent initial stock of sufficiently robust and carefully identified universal findings that permit evaluation and testing, it would appear to be an historically interesting time to begin again the study of democratic institutions.[46] After all, we now have a starting point: a platform to develop conjectures, and to leap beyond the classical but in many ways lifeless musings of the intellectual giants who contributed what has become 'the great books' curriculum.

BIBLIOGRAPHY

Arrow, Kenneth J. (1963). Social Choice and Individual Values, 2nd ed. New Haven: Yale.

Barry, Brian M. Sociologists, Economists, and Democracy. London: Collier-McMillan Lmtd., 1970

Baumol, William (1967) Welfare Economics and the Theory of the State: 2nd ed.. Harvard: Cambridge.

Bendor, Jonathan (1995). "A Model of Muddling Through." American Political Science Review, vol. 89 (#4, December): 819 - 840.

Black, Duncan (1958) The Theory Of Committees And Elections, Cambridge: Cambridge University Press.

Boix, Carles (2003). Democracy and Redistribution, New York: Cambridge.

Camerer, Colin F. (2003). Behavioral Game Theory : Experiments in Strategic Interaction (The Roundtable Series in Behavioral Economics. Princeton, N.J.: Princeton University Press.

de Waal, Frans (1982). Chimpanzee Politics: Power and Sex among Apes. New York: Harper & Row.

Downs, Anthony (1957) An Economic Theory Of Democracy. New York: Harper and Row.

Eavey, C. & G. Miller, (1984) "Bureaucratic Agenda Control: Imposition or Bargaining?" American Political Science Review, 78, September: 719-733.

Frohlich, Norman and Joe A. Oppenheimer (2006). "Skating on Thin Ice: Cracks in the Public Choice Foundation." Journal of Theoretical Politics 18(3): 235-266.

Frohlich, Norman and Joe A. Oppenheimer (1970), "I Get By with a Little Help from My Friends," World Politics, XXIII (October): 104-121.

46. I do not here mean to insinuate that this has not already begun. Certainly the works by Hardin (1999 and 2004), Goodin (1999), Rawls (1971), Harsanyi (1953), Mackie (2003), Barry (1970) and Sen (1999), just to name a few have already begun this building of democratic theory on the behavioral foundations of modern political science. But the continual drive to search out universals in such diverse and honestly methodologically wrong headed locations as "Catholic/Thomist; Jewish; Islamic; [and] classical . . . natural law" as is being pursued in this volume appears to reflect the turn from science toward fundamentalism reflected in the worst aspects of our current American zeitgeist.

Frohlich, Norman, Joe Oppenheimer, and Anja Kurki (2004). "Problems in Modeling Social Preferences: Insights from Modified Dictator Experiments." Public Choice 119, Nos 1-2, 91-117.

Frohlich, Norman and Joe A. Oppenheimer (1997) A Role for Structured Observation in Ethics. Social Justice Research. v. 10 (1, March): 1-21.

Frohlich, Norman and Joe A. Oppenheimer (1978) Modern Political Economy Prentice Hall: Englewood Cliffs, N.J.

Frohlich, Norman and Joe A. Oppenheimer (1974) "The Carrot and the Stick," Public Choice. XIX Fall. pp. 43-61.

Goodin, Robert E., Bruce Headey, Ruud Muffels, Henk-Jan Dirven (1999). The Real Worlds of Welfare Capitalism. Cambridge University Press: Cambridge.

Green, Donald P. and Ian Shapiro (1994) Pathologies of Rational Choice Theory: A Critique of Applications in Political Science. New Haven, Conn: Yale University Press.

Hardin, R. (1971) "Collective Action as an Agreeable N-Prisoners' Dilemma" Behavioral Science 16 (no. 5): 472 - 479.

Hardin, R. (1982) Collective Action. Johns Hopkins Univ Press: Baltimore, Md. (RFF)

Hardin, Russell (1999) Liberalism, Constitutionalism, and Democracy. Oxford: Oxford University Press

Hardin, Russell (2004) "Rational Choice Political Philosophy." In From Anarchy to Democracy. Irwin Morris, Joe Oppenheimer, Karol Soltan, eds. Palo Alto: Stanford University Press: 95-109.

Harsanyi, John C. (1953). Cardinal Utility in Welfare Economics and in the Theory of Risk - Taking. Journal of Political Economy, 61: 434 - 435.

Hempel, Carl G. (1965) Aspects of Scientific Explanation. NY: Macmillan Free Press.

Hirschman, A.O. (1970) Exit Voice and Loyalty, Harvard: Cambridge, Mass.

Kahneman D. and A. Tversky (1982), "The Psychology of Preference," Scientific American, 246 (January): 160-173.

Kahneman, Daniel and Amos Tversky (1979), "Prospect Theory: an Analysis of Decision Making Under Risk." Econometrica 47 (March): 263-291.

Kahneman, Daniel, Jack L. Knetsch, and Richard H. Thaler (1986). Fairness and the Assumptions of Economics. in a specially edited volume (by Robin M. Hogarth and Melvin W. Reder) of The Journal of Business, 59 (No. 4, Part 2: October): S285- S301.

Kagel, John H. and Alvin E. Roth, eds. (1995) The Handbook of Experimental Economics. Princeton, Princeton University Press

Knetsch, Jack, Richard Thaler, and Daniel Kahneman (1987) Reluctance to Trade: An Experimental Refutation of the Coase Theorem. Public Choice, Tucson, Ariz. 3/27-30.

Lakatos, I. (1970). "Falsification and the Methodology of Scientific Research Programmes." In Criticism and the Growth of Knowledge. I. Lakatos and A. Musgrave (eds.), pp. 91-97. Cambridge: Cambridge University Press.

Ledyard, John O. (1995). "Public Goods: A Survey of Experimental Research," in The Handbook of Experimental Economics, John H. Kagel and Alvin E. Roth, eds. Princeton University Press: Princeton. pp. 111 - 194.

Lohmann, Susanne (1994). "The Dynamics of Informational Cascades: The Monday Demonstrations in Leipzig, East Germany, 1989-91." World Politics, V47, #1 (Oct): 42-101.

Lohmann, Susanne (2000). "Collective Action Cascades: An Informational Rationale for the Power in Numbers." Journal of Economic Surveys. v. 14(5) 655-84.

Luce, Duncan and Howard Raiffa, (1957) Games and Decisions. NY: Wiley. (reprinted: NY: Dover, 1985)

Mackie, Gerry (2003). Democracy Defended. Cambridge University Press: Cambridge, England.

Maxwell, Nicholas. (1972) "A Critique of Popper's Views on Scientific Method," Philosophy of Science, June, l3l-l52.

Miller, Gary J. and Joe A. Oppenheimer (1982),"Universalism in Experimental Committees." American Political Science Review, 76 (2, June): 561 - 574.

Miller, Gary J. and T. H. Hammond, (1990) "Committees and the Core of the Constitution," Public Choice. Vol 66, No. 3, 201 - 228.

Morris, Irwin (2000). Congress, the President, and the Federal Reserve: The Politics of American Monetary Policymaking. Ann Arbor: Univ. of Michigan Press.

Nola, Robert and Howard Sankey 2000. "A selective survey of theories of scientific method." In Robert Nola and Howard Sankey, (eds.) After Popper, Kuhn and Feyerabend. London: Kluwer Academic Press: 1-65.

Olson, Mancur (1965) The Logic of Collective Action. Cambridge: Harvard University Press.

Popper, Karl (1959) The Logic of Scientific Discovery. New York: Harper and Row. [First Edition, 1934.]

Rawls, John (1971) A Theory Of Justice, Cambridge: Harvard University Press.

Romer, Thomas and Howard Rosenthal (1978) "Political Resource Allocation, Controlled Agendas and the Status Quo," Public Choice 33 (4): 27 - 43.

Roth, Alvin, E. (1995) "Bargaining Experiments," in Kagel, John H. and Alvin E. Roth, Eds. (1995) the Handbook of Experimental Economics. Princeton, Princeton University Press: 253-342.

Schwartz, T. (1981) "The Universal Instability Theorem," Public Choice, 37, No. 3, 487 - 502.

Sen, A.K. (1970). Collective Choice and Social Welfare. North Holland: New York.

Sen, A.K. (1977). "Rational Fools: A Critique of the Behavioral Foundations of Economic Theory," Philosophy and Public Affairs v. 6, #4 (Summer): 317-344. Reprinted in Jane J. Mansbridge, ed. Beyond Self-interest. Chicago U.

Sen, A.K. (1981) Poverty and Famines: An Essay on Entitlement and Deprivation. Oxford, Clarendon Press.

Sen, Amartya (1999). Development as Freedom. New York: Random House.

Shepsle, Kenneth A. and Mark S. Bonchek, (1997) Analyzing Politics: Rationality, Behavior, and Institutions. W.W. Norton Publishers: New York.

Shepsle K. & Barry Weingast (1981), "Structure Induced Equilibrium and Legislative Choice," Public Choice, 37, No. 3, 503-520.

Shepsle K. (1979), "Institutional Arrangements and Equilibrium in Multidimensional Voting Models," American Journal of Political Science, (February, No.1) 23: 27 - 59.

Thaler, Richard H. (1986). "The Psychology and Economics Conference Handbook: Comments on Simon, on Einhorn and Hogarth, and on Tversky and Kahneman." Journal of Business, V. 59, No. 4 Pt. 2, Pp. S279 - S284.

Thurow, Lester (1971). "The Income Distribution as a Pure Public Good," Quarterly Journal of Economics. 85 (May): 327 -336.

Tversky, A. and D. Kahneman (1981) "The Framing of Decisions and the Psychology of Choice," Science 221 (Jan. 30): 453-458.

Tversky, Amos and Daniel Kahneman (1986), "Rational Choice and the Framing of Decisions," Journal of Business, v. 59, no. 4 pt. 2, pp. s251-s278. Reprinted in Karen Schweers Cook and Margaret Levi, eds. The Limits of Rationality. Chicago:

Tversky, Amos, and Daniel Kahneman (1992), "Advances in Prospect Theory: Cumulative Representation of Uncertainty," Journal of Risk and Uncertainty, 5(4), October, 297-323.

Tversky, Amos, and Daniel Kahneman, (1973). "Availability: A Heuristic for Judging Frequency and Probability," Cognitive Psychology, 5 (2): 207-232.

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