

Buchanan's Theory of Emancipation: Artifactual Man in Perspective

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From the perspective of a narrow, but basic, definition of emancipation as freedom from oppression, James Buchanan would seem to qualify as an emancipatory thinker since he retained Frank Knight's definition of "freedom as the absence of coercion" (Buchanan, 1954: 340). On the other hand, however, Buchanan also defended free markets, in general and, more specifically, as means of promoting freedom and, by extension, as an important guarantee of the emancipation of individuals.¹ For the many critics of free markets and liberalism, who view markets as means of oppression, rather than emancipation, this suggests Buchanan's work is hardly the place to find a genuine account of emancipation. Its disqualification might be settled once and for all by recalling, in case it has been forgotten, that Buchanan was one of the economists who invented the economic analysis of politics (public choice) and pioneered economic imperialism: to think of democracy, political participation, and elections in terms of self-interested utility-maximization does not seem obviously compatible with emancipation.

Yet, we aim to demonstrate in this chapter that one can find a real defence of emancipation in Buchanan's work. Our argument is that Buchanan cannot be said to defend emancipation merely because of his definition of freedom. His view on emancipation does not rest on a narrow definition of the concept. Hence, his contribution to the theory of freedom is not linguistic or semantic, but rather an expansive one that is perfectly captured by the distinction he made in an article published in 1979 between what he termed "artifactual" and "natural" man.

Buchanan claimed that individuals can adopt two distinct types of behaviours, or alternatively, that "man's behaviour" can be divided into two parts. First, what Buchanan called "natural" man. The behaviours he attributed to "natural man" are consistent with the

behaviour an animal—a “dog” or a “squirrel” Buchanan wrote in his 1979 article— or perhaps a robot exhibits. More precisely, a natural individual or an individual behaving naturally does not consciously reject or accept the biological, genetic and also cultural constraints that weigh on his behaviour; he simply endures them and behaves within the frame they impose. Therefore, these constraints “rigidly” prevent natural man from becoming anything other than what he or she currently is, natural man cannot transcend what or who they are. Buchanan contends that an individual whose choices are set by their biological inheritance and cultural environment cannot be free, nor emancipated. He or she is an alienated human being—natural man is detached from their true nature as a human person.

There are circumstances, situations, that cannot be avoided, in which people must behave naturally. Therefore, some of the behaviours that human beings adopt are natural. They take place within constraints that are not or cannot be removed, such as the physical limits of the human body. This does not mean, however, that individuals must be completely alienated. If natural man thus “exist[s] in the human psyche,” it is “along with many other men” (Buchanan, [1976b] 1979: 207). Natural man “need not reign supreme over other men” (ibid.). Emancipation is indeed possible, according to Buchanan. Human beings can behave as “artifactual man”, which is Buchanan’s account of the emancipated individual. For Buchanan, emancipation involved transcending one’s biological and cultural inheritance.

“Artifactual man”, on other hand, is a man who wants to become a “different” or “better” person than the person he is (Buchanan, 1979: 96–97). He has a “sense of becoming”, and a willingness of “becoming different from what he is” (ibid.: 94). He is thus capable of imagining himself beyond what he is presently, and then to act in order to become what he imagines he could be. This explains the term artifact that Buchanan uses to characterize this

type of individual: artifactual man “constructs himself through his own choices” (ibid.: 110). Therefore, in this perspective, artifactual man does not take all constraints as given or inescapable, constraints may be part of a process of construction; artifactual man may accept or reject constraints, but always in an active way. In other words, artifactual man is capable of choosing—and freeing himself from—the constraints that frame his life.

If we take natural man to be the alienated version of man, and artifactual man to be the emancipated one, then an understanding of Buchanan’s theory of emancipation requires two steps. First, we need to understand what it takes for an individual to be an artifactual man, to escape the determinism of natural and cultural constraints. These conditions have already been briefly sketched out in the previous para-graph—the willingness and capacity to construct oneself and the capacity to escape constraints, freedom or “liberty to become the man he wants to become” (ibid.: 112; *italics in original*), but also responsibility towards oneself and towards others. Then, in a second step, we need to know how these conditions are implemented. Indeed, if emancipation is partly based on what the individuals want, the institutions that allow an individual to behave artifactually are particularly important. Hence, Buchanan’s theory of emancipation has an institutional dimension.

By emphasizing both cultural and biological constraints, and the ability to free oneself from both, Buchanan’s theory of emancipation stands squarely in the classical liberal tradition of John Stuart Mill (1859) who saw the opinions, values and judgements of others (what we might call “culture”) as an important source of unfreedom. But Buchanan’s emphasis on freedom from our biological inheritance pushes his theory beyond this and may refer to his ambiguous conception of human nature in which people are neither irredeemably bad nor entirely good (Buchanan, 1975b: 82–83). The natural-artifactual distinction suggests

emancipation involves choosing to act on one's better nature, for example by writing a constitution that protects the liberty of all, rather than using politics to pursue one's own distributional advantage at the expense of others.

In the rest of this chapter, we discuss Buchanan's characterization of what it takes for a person to become an artifactual being in more detail, enriching Buchanan's views of the emancipated version of man, and then we discuss the institutional dimension in the second part of the chapter.

Behaviour Versus (Genuine) Choice

The first aspect of Buchanan's theory of emancipation, the first dimension that makes it possible to distinguish between natural and artifactual man, is the way in which each acts: natural man adopts behaviours from his biological or cultural inheritance; artifactual man is capable of making choices as to the life he lives. This theory is scattered in the various methodological works Buchanan wrote in the 1960s and early 1970s (Buchanan, 1964, 1966, 1969a, 1969b, 1976a, 1976b). These texts were mainly concerned with defining economics and delineating its subject matter. In the course of this analysis, Buchanan reached a point where he realized that economists need a theory of human behaviour. He therefore started to discuss how the different definitions of economics he identified rested on a specific theory of human behaviour. Buchanan (1964), as is well known, argued that economics was the science of exchange, rather than the science of choice, and that it should not be reduced to "an abstract science of human behaviour" (Buchanan, 1969a, 1969b). The individual of Buchanan's science of exchange is not the individual of the science of choice, the former being emancipated and the latter alienated (Marciano, 2009; Meadowcroft, 2023).

The individual that inhabits the models and theories of Buchanan's exchange paradigm is the individual who behaves as homo oeconomicus or whose "psyche" is dominated by homo oeconomicus (Buchanan, [1976b] 1979: 207). Buchanan was clear that in the economic-abstract-science-of-human-behaviour, "[w]hat we now confront is behavior, not choice" (Buchanan, [1969a] 1979: 44).

In economics as a science of choice, Buchanan explained, behaviour "implies acting but there is no reference to conscious selection from among alternatives" (ibid.: 40). This is consistent with the idea that "[b]ehavior can be predetermined" (ibid.), and therefore, obviously, "purely mechanical" (Buchanan, 1964: 218). A behaviour, i.e. the way of acting of natural man and homo oeconomicus, is "programmed". It therefore consists of "direct response to stimuli" (ibid.: 44)—one therefore understands why Buchanan claims that this kind of behaviour is similar to that of an animal (or a robot). Or, another possible and significant illustration of the behaviour of natural man is the behaviour of a "consumer in a supermarket": an individual who is confined to a particular place, with a limited number of goods to choose from, and has therefore a problem to solve: select the best possible set of goods given his constraints (Buchanan, 1964: 216, 217). It is also, another of Buchanan's examples, the behaviour of a poker player who "choos[es] and implement[s] strategies within the rules that define the game" (Buchanan, 1991a: 154). Or it is the behaviour of any individual playing a game according to existing rules who chooses from the strategies to him. Natural man, or homo oeconomicus, is the one "who must, when confronted with alternatives, select that which stands highest on his preference ranking, as evaluated in terms of a numeraire" (Buchanan, 1969a: 44).

Even if this behaviour gives the individual his or her highest possible level of utility, it is not emancipatory. Natural man, *homo oeconomicus*, tries to solve a problem in which everything is given. First, the preferences—or the utility function—“known in advance”, or the cost function to minimize, are given. This obviously implies that individuals cannot become something other than what they are; they cannot imagine themselves as being different from what or who they currently are. Second, the set of alternatives within which choice is made is also given, which means that individuals can (and have to) choose within this set. Typically, natural man cannot imagine a solution that is outside the set of given alternatives, like a non-human animal—“Given his constraints, and his utility function, the squirrel is not, and cannot be concerned with the size of his ‘choice’ set, with the existence or nonexistence of his rejected alternatives” (Buchanan, 1979: 111).

Therefore, the solution to the (economic) problem that this type of individual tries to solve is given, and it exists independently of the actual choice itself—even if the individual does not choose the best possible basket of goods, the unchosen goods remain the best possible basket of goods. But, if natural man wants to choose it, he must accept it. He cannot even imagine a different solution, that is a solution not given by the problem. He cannot imagine choosing from another supermarket, or playing poker with different rules that demand a different strategy. Even if the solution were “within the limits imposed by purely physical or natural constraints”, natural man would not be able to envisage it; it would be “beyond the boundaries of behavioral feasibility” (Buchanan, 1995: 145). An individual facing this kind of problem is obviously alienated by the conditions of the choice—he must choose from a given set of alternatives that are outside his control. Hence, everything natural man does is perfectly predictable—the “acting unit responds to environmental stimuli in predictably unique fashion” (Buchanan, [1969a]: 45)—predictable by any external observer who has the tools

and means to observe individuals, so “behavior ... is subject to conceptually predictable laws” (ibid.: 44).

Artifactual man, Buchanan’s emancipated version of man, differs from natural man in that he or she makes “genuine choice[s]” (Buchanan, [1969a] 1979: 44).² Buchanan is not particularly forthcoming about the nature of these choices. We mainly derive their content from what Buchanan said about the behaviour of natural man. Genuine choices, then, are those choices that are not obviously predetermined or predictable: “Choice, by its nature, cannot be predetermined and remain choice” (ibid.: 40). Or, in other words, a “genuine choice is confronted only in world of uncertainty” (Buchanan, 1969: 89). Uncertainty because the elements that make up the choice—the set of alternatives and the preferences or utility function—are not given in advance. Artifactual man does not only respond to stimuli. Or, to use similar words as above, artifactual man is not trying to solve an economic problem of the allocation of scarce resources.

Utility functions, for one thing, are not given because they do not “exist independently from the acting-choosing process” (Buchanan, [1976a] 1979: 88). Similarly, values and costs cannot be estimated independently of the act of choice itself (Buchanan, 1969). Therefore, making genuine choices cannot consist in maximizing a given utility function; it does not mean “act[ing] as if... maximizing a utility function subject to constraints” ([1976a] 1979: 87). Making genuine choices means escaping “the automatic routine that utility maximization, as normally presented, seems to embody” (Buchanan, 1979: 100). But this does not imply that artifactual man behaves irrationally. Rather, rationality assumes a different form. Natural man, as seen above, is rational because he maximizes a utility function under various constraints. Artifactual man is rational because he is purposive. He is

“making ordinary choices for more rather than less” (Buchanan, [1966] 1979: 120). He is guided by the ends and goals that he is striving to achieve,³ ends and goals that are however not given. Artifactual man is therefore capable of imagining having different preferences from those he has now. It is significant that one of Buchanan’s original examples of the actions of an artifactual man was the decision of a smoker to stop smoking and become a different person—to imagine adopting the identity of and then acting to become a non-smoker (Buchanan, 1979: 253).

Indeed, if artifactual man is the individual who constructs himself— i.e. in other words, an individual capable of self-construction—then he has to be “autonomous”—capable of choosing his own ends and goals—and therefore capable of “self-governance” (Buchanan, 2006: 12–14). The point is important: self-governance also means the capacity to choose the constraints in which choices are made. The absence of a given objective function to maximize, therefore the capacity to change one’s preferences, would not be emancipatory if artifactual man still chose from a set of given alternatives, that is if the constraints were given. Buchanan insisted on this aspect of human agency. To Buchanan, an individual who makes choices “has a clear interest in seeing that the choice set ... remains as open as is naturally possible, and, if constrained, then the constraints be also of his own choosing” (Buchanan, 1979: 111). Making genuine choices implies a capacity and willingness to “choose their own constraints” including a capacity and willingness “to impose constraints or limits on their own behavior” (Buchanan, 1990:3).⁴

Obviously, making genuine choices—and therefore to be or behave as an artifactual man—does not and cannot imply escaping all constraints, only some. Buchanan described choosing one’s own constraints “at least to a degree and within some limits” (Buchanan, 1990: 3).

Buchanan mentioned this aspect in particular in reference to some “social states” that could “be imagined by people” but that “cannot be brought into existence as emergent outcomes under any possible assignment of rights” (ibid.). But one must think of Shackle, who influenced Buchanan when he wrote “Natural and Artifactual Man” and for whom choice depends on imagination (Buchanan, 1979: 101; also Lewis & Dold, 2020: 1164). This means what is imagined has to be possible. Choices, in Shackle’s mind, though creative/non-deterministic, are nevertheless bounded by constraints, what Shackle called “the imagined, deemed possible” (Lewis, 2017: 5, 19).⁵ This view of the capacity of artifactual men to make choices that lead to new alternatives from which future choices will be made logically leads to Buchanan’s dynamic conceptualization of economics and politics as mediums of exchange from which emerge hitherto unforeseen outcomes that become new bases for future exchanges. Two unequal individuals may agree an “exchange” of rights that enables the stronger to capture most of the product of the weaker, for example, but it also offers the basis for a new agreement that may enable the weaker to keep more of his produce if the stronger also benefits from increased future productivity. Hence, exchange was a dynamic process in which both parties tried to change the alternatives available in the future (Buchanan, 1975b, 1975c, 1977; Congleton, 2014; Meadowcroft, 2023).

This is particularly important in Buchanan’s analysis of individual behaviour and how it relates to constitutional agreement: emancipated individuals make choices, but they do not so much choose the goods and objects they will consume than choose the means to select these goods. Individuals are therefore emancipated when their choice bears on the availability of alternatives rather than on the alternatives themselves. In the constitutional context, Buchanan is clear: “each of us, as a citizen, has an ethical obligation to enter directly and/or indirectly into an ongoing and continuing constitutional dialogue” (Buchanan, 1991a: 154).

When individuals make constitutional choices that relate to the available alternatives and the rules of the game, they behave as artifactual men and are therefore emancipated.⁶

Independence Versus Interdependence

Emancipation necessarily has a social or collective dimension. Whether or not individuals can choose the available alternatives, that is being alienation and emancipation, has consequences for the way individuals relate to and interact with each other. Related to the distinction between choice of and between alternatives is the distinction between two modes of interaction with others.

The first mode, which is alienating, is the consequence of how natural man behaves. An individual with given preferences, which he seeks to satisfy by choosing items (goods or objects) from a given set of alternatives, is himself a tool that produces satisfaction. This individual-tool treats others as tools, too. Natural man, thus, treats others as suppliers of goods and therefore as part of the environment, of nature. He relates to them in an “instrumental way” (Khalil & Marciano, 2021), in the sense that he treats them as tools to achieve an end. They are external to him. In this sense, it can be said that natural man needs others, he is interested in others but not as persons, only because of the goods or objects they have that enable him to reach his ends. Other people do not really exist as other human beings but as suppliers of goods and objects. It might be interesting here to frame the discussion in the terms and concepts used by Martin Buber (1937) in his dialogic philosophy of human relationships. We could say that an individual—the “I”—engages with others as “it” (Khalil & Marciano, 2021).⁷

It is precisely because of this externality that natural man does not (and cannot) recognize the existence of interdependencies that bind him to others. He, natural man does not or cannot understand why he should adapt his behaviour to what others do, any more than he adapts his behaviour to the presence of others. He just uses them. In Buchanan's words, natural man behaves in a "non-strategic" way. In that case, each individual becomes a part of the others' maximization problem and, one might add, not part of the solution. This leads each natural man to treat others as means that can be used to achieve his ends (see Marciano & Meadowcroft, 2024). Natural man can be said to be social, in that he ignores others as human beings. The consumer in a supermarket, the poker player, the individual playing a game, do not care about others; they are instances of the typical natural man, the typical non-emancipated man: Robinson Crusoe. The latter, Buchanan explained:

... reacts to his natural habitat in a strictly scientific manner; he tries to maximize his own well-being, or utility, by bending nature to his will where possible. When Friday is present, we may model Crusoe's behavior to be motivationally unchanged. Crusoe might treat Friday as a new factor in his natural environment, a new subject to be utilized with the objective of enhancing Crusoe's well-being (Buchanan, 2006: 14).

As Brough and Simmons (2023: 403) explain, the I-it relationship is fragmented, and therefore the "I can never relate to the It with the wholeness of his or her being". Therefore, they add, "there is no room for growth or development", and the I-it relationship is "static" (ibid.). In our terms, this kind of relationship is alienating. The I remains a natural man, a prisoner of the constraints within which he is born. By contrast, and as described above, emancipation results from making genuine choices, which includes, as also mentioned, being able to choose one's preferences (one's ends), the constraints that limit our set of choices, and

the rules of the game (which are the constitutional constraints). In this perspective, others are not external to the individual (to artifactual man). Individuals are no longer independent of others but, on the contrary, become interdependent. Individuals “cannot treat other individuals as they can the physical environment” (Buchanan [1966] 1979: 120). The I, when he is an artifactual man, no longer relates to others as an it, as an external object, or in an instrumental way. He relates to others as what Buber called a “thou”. Thus, to go back to Buchanan, when two individuals, Robinson Crusoe and Friday for instance, engage in a I-thou relationship, they recognize that they are “economically” and “ethically” interdependent (Buchanan, 1991b: 181). Being economically interdependent means that each individual understands that “[n]either person, acting on his or her own and independently, can do as well as he or she could do by engaging the other in exchange or trade” (ibid.). And being ethically interdependent implies that “[t]he separate behavior of one person... affects the utility of the other person unilaterally” (ibid.). This I-thou relationship is emancipatory because it is complete, rather than fragmented, in the sense that the I and the thou, the two individuals, treat each other as subjects. Their relationship is “existential” (Khalil & Marciano, 2021); they build their ends and how to reach them together. As Brough and Simmons (2023: 403) write, “[i]t is through a process of encounter in which individuals meet each other in mutuality that our full humanity is made manifest”.

Robinson Crusoe and Friday, when they are caught in this “catallactic” emancipatory relationship necessarily change their behaviour. They begin to behave “strategically”, that is, to take other people into account and adapt their behaviour to what others do. They no longer behave as if they have to solve an optimization problem in which the solution is actually given. They no longer treat others as means; the other individual becomes part of the solution. Each individual understands that the set of possible alternatives has increased

because they can now both exchange with the other to improve their situation. The “artifactual” man is therefore a profoundly social being who constructs the set of alternatives with others via a process of exchange, and from this process he will choose what to consume.

Ethics and Ethical Behaviour

An important aspect of interacting with others is that individuals have the opportunity to trade and they are also connected to others. The presence of others implies interdependencies between their respective utility or production functions. The way individuals deal with these interdependencies is potentially alienating, or liberating, emancipatory. Buchanan distinguished between two types of behaviour that individuals can adopt, strategic (emancipatory) and non-strategic (alienating).

Non-strategic behaviour is alienating because it means that the individual follows his self-interest in the “narrow” (narrowest) or “pure” sense of the word. He follows, as Buchanan put it, “the private maxim” or “the expediency criterion” (Buchanan, 1965: 2). This meant “retain[ing] full freedom to act on the basis of expedient considerations in each particular instance that arises” (ibid.). This is exactly how Robinson Crusoe treats Friday, as part of his environment, as described above. Buchanan explicitly states that this kind of behaviour was anti-or non-Kantian, because Robinson Crusoe treats Friday as a means—“In Kantian terms, Crusoe might treat Friday strictly as a means toward furtherance of his own ends” (Buchanan, 2006: 15). Thus, when Robinson Crusoe, or any individual for that matter, behaves independently from others, he behaves non-ethically. It can thus be said that natural man, homo oeconomicus, the alienated man, behaves non-ethically.

By contrast, artifactual man behaves ethically. Artifactual man recognizes the interdependencies that exist and link each individual to others and therefore she takes others into account; as explained above, she adapts her behaviour to what others do—she behaves strategically. This means, to Buchanan, following “moral or ethical principles” (Buchanan, 1961: 340), or what Buchanan calls “the moral law” (Buchanan, 1965:2). He described such behaviour in this way:

... By selecting the first, the individual commits himself to act in subsequent situations on the basis of something like the generalization principle. That is, he will not act in ways other than those which allow his particular action to be universalized, regardless of the specific consequences (ibid.).

An emancipated individual follows, in Buchanan’s parlance, a Kantian rule of action.

Responsibility

Buchanan’s views on human nature, on the natural and artifactual man, are closely related to freedom and liberty. The natural man is not and cannot be free, his behaviour is determined by genetic and social constraints—“To rationalize or to explain choices in terms of either genetic endowments or social environment removes the elements of freedom and of responsibility” (Buchanan, 1979: 109). By contrast, the “artifactual” man needs and also “wants liberty to become the man he wants to become” (Buchanan, 1979: 112; italics in original). Buchanan always defended individual freedom as a normative imperative. Freedom is crucial to guarantee the emancipation of human beings; in the absence of freedom, it is

impossible to become an artifactual, emancipated man. But being free also implies responsibility.

This responsibility is, to start with, a responsibility towards oneself. This is the consequence of artifactual man's capacity to make genuine choices. Being autonomous and capable of self-governance, as discussed above, means having responsibility for oneself.

Individual responsibility necessarily extends to the choice of constitutions and constitutional rules at the social or collective level. For, if "we do not consciously choose... among structures or rules, how can we be responsible?" (Buchanan, 1991a: 153). And if we are not responsible, then "we acquiesce in the regime under which we live and simply do our best to behave rationally as we confront the pragmatically generated choices that emerge" (ibid.: 154). That is, put in the terms of the argument in this chapter, individuals who do not choose constitutional rules, the collective constraints that frame their lives, simply react to these constraints and therefore behave as natural men. An individual living in a political system who passively accepts the given rules and makes no attempt to engage in constitution-making is alienated.

This constitutional responsibility—what Buchanan called the "ethic of constitutional citizenship" (Buchanan, 1991a: 156)—obviously has a collective dimension but must not be confused with the responsibility towards others and the adoption of an "ethical behavior in interactions with other persons within the constraints imposed by the rules of an existing regime" (ibid.). Rules, to Buchanan, are no substitute for behaving ethically and following the Kantian principle of treating others as ends not means.⁸ Rules, to be more precise, replace ethical principles when the latter no longer exist. The importance of responsibility towards

others, and its role in emancipation, can be illustrated by Buchanan's (1975a) analysis in "The Samaritan's Dilemma". In this essay, Buchanan explained that individuals, in the 1970s, have become weak and "soft"—"modern man has 'gone soft'" (ibid.: 75). This meant, Buchanan argued, that people had become weak in wanting to help people in need as soon as such a need was observed. The Samaritan, having identified a person in need, decides mechanically to help that person. He adopts a "pragmatic or independent behavioural response to the choice situation he faces" (ibid.: 72; emphasis added). It was a response because the Samaritan reacts to a stimulus; he follows the strategies of the game, choosing a strategy within the given rules of the game without trying to change the rules.

Thus, if one accepts the idea that mechanical choices are those of an alienated natural man, then the pragmatic, non-strategic behaviour of "modern man" is clearly the behaviour of an alienated individual. The Samaritan cannot be an "artifactual man" when and/or because he refuses to assume the responsibility that goes with being a Samaritan, that is the courage of not giving in to the "gratification of immediate desires" (ibid.: 83). To a certain extent, the Samaritan is afraid to be responsible. Complementarily, the Samaritan's help also alienates the recipient of his assistance because the person in need does not try to change his behaviour to bring about a change in his situation. Rather, the Samaritan's actions trap both individuals in an equilibrium of mutual dependence. The short-term benefits of the Samaritan's behaviour are outweighed by the long-term costs to both. The recipient becomes dependent on the Samaritan—the "softness" of the Samaritan creates a culture of dependency (Marciano & Meadowcroft, 2024: 831–839).

Both the Samaritan and the recipient are examples of individuals who are "afraid to be free" (Buchanan, 2005), and thus are afraid to be emancipated. They prefer to "escape, evade and

even deny personal responsibilities” (ibid.: 19). Buchanan (ibid.) was indeed conscious that people were often reluctant to act on this personal responsibility, to incur short-term costs to ensure long-term benefits for themselves and others. Buchanan predicted that socialism would endure into the twenty-first century, not because people believed in the socialist project of material equality, but because socialism offered protection against the sometimes painful consequences of individual responsibility for others.

Emancipatory behaviour therefore consists in following an “ethics of responsibility ... akin to the Kantian generalization principle” (ibid.: 80). Emancipatory, indeed, because the responsibility ethic precisely implies “fully recogniz[ing] the interdependence among behavior patterns” (ibid.). Such an ethic precisely means not succumbing to the gratification of instant desires—even the desire to help those in need. It is very similar to what Buchanan called a “Puritan ethic” (ibid.: 83). An ethic that allows the emancipation of the natural man and enables the shift towards the artifactual man because it implies making efforts to become a better person.

Institutions, Alienation and Emancipation

There is no doubt that, for Buchanan, the most obvious example of an alienated society was the USA of the early 1970s. Buchanan viewed it as an example of generalized Samaritan’s dilemma that manifested itself both at the constitutional and at the post-constitutional level. No one, he thought, assumed the responsibilities that went with being what he would come to call artifactual man. The pathologies of American society were the consequence of a “loss of constitutional wisdom”, of the “erosion of the ethical principal of constitutional responsibility” that then characterized his country (Buchanan, 1991b: 156).

Buchanan referred to this situation as a form of “anarchy”, either “constitutional” (Buchanan, 1973, 1975c, 1991b) or “moral” (Buchanan, 1981). In those years, Buchanan did not use the term “anarchy” to characterize a peaceful situation, but rather the Hobbesian sense of the word (Buchanan 1973, 1975b, 1975c). To him, American society had become a “jungle” (Buchanan, 1975a: 45; 1975b: 19; 1978b: 31; 2006: 96). This did not mean a situation without rules, for rules did exist in the USA at this time, but a place where there was little respect for the existing rules. Buchanan linked “the emergence of anarchy in civil society” (Buchanan, 1986: 12) to a “mounting behavioral disorder” (ibid.). Anarchy was the consequence of how individuals were observed—Buchanan used the term several times—to behave without regard to the existence of others as ends in their own right. A few years later, he made this clear: “In moral anarchy, each person treats other persons exclusively as means to further his own ends or objectives” (Buchanan, 1981: 190).

The connection with the earlier discussion should be clear: this kind of behaviour means that individuals treat others as a means to satisfy their own ends because they focus on themselves, ignore the interdependencies that link them with others, and maximize their narrowly defined self-interest. They limit themselves to selecting what is “best” for themselves individually—“either in the terms of the individual’s own interest or in terms of the individual’s own version of some general interest” (Buchanan, 1991a: 156). In other words, they behave as natural man would. The implication is immediate. As natural men, American citizens were not (no longer) capable of reasoning in terms of constitutional rules—they act “without understanding, or even of consideration, of the rules that define the constitutional order” (ibid.: 157)—were thinking only in pragmatic terms—“restrict[ing] their attention to policy options within rules” (ibid.: 156). The moral anarchy, and then the constitutional

anarchy, that Buchanan observed in America in the early 1970s, was therefore characteristic of a society of alienated men and women.

The first to behave as natural men were the elected officials, politicians and judges, who devised public policies without taking into account the effects on the political and constitutional structure. Public policies were instead based on the “accidental preferences of politicians in judicial, legislative and executive positions of power” (Buchanan, 1973:6; 1975b: 19; italics added). “Accidental” meant that individuals, and their “rights”, were “subject to the whims of politicians” (Buchanan, 1975b: 206). The term was also used to designate the fact that politicians were now responding to citizens’ “demands for more public goods and services” (Buchanan, 1973: 7) without thinking of the constitutional aspects of the demands and the answers provided. It evidenced, Buchanan argued, a “pragmatic drift” (Buchanan, 1977: 287)—“the piecemeal adjustments made to situations as they are confronted without attention to the design of the structure as a whole, either in a backward looking or a forward-looking direction” (ibid.: 296). Politicians, as decision-makers, were now all utility maximizers (Buchanan, 1978a).

This led to an increase in government spending, a growth in the size of the government, of the Leviathan. This state expansion was supported both by the elites, those who were wealthy enough to pay for redistribution, and by the citizens who benefited from it. The former, “the scions of the rich ... of the wealthy” (Buchanan, 1975b: 25) were less confident, “less secure in their roles of custodians of wealth than were their forebears” (ibid.), and therefore they easily gave in to the redistributive demands of the less rich and less wealthy without displaying any strategic courage. And the beneficiaries of these redistributive measures also behaved without strategic courage, asking for changes in the constitutional rules without

understanding the long-term consequences of these demands. The result was that American society had ended up on one of the “off-diagonals” of the social game in which many individuals were subject to repeated, routine predation without prospect of amelioration (Lehto & Meadowcroft, 2021; Marciano & Meadowcroft, 2024). Individuals were not capable, or willing, to envisage leaving this diagonal.

Buchanan interpreted the situation as the result of an increase in population and a concentration of the population in urban areas (Buchanan, 1965: 8). In other words, it came about because the size of the group in which individuals lived had increased and, as a consequence, the number of individuals interacting with each other had also increased. Thus, alienation (and, therefore, emancipation) depended on the size of groups in which people made collective decisions.

Large groups are problematic because they prevent individuals from behaving as ethical citizens. Indeed, in large groups or “large-number settings” (Buchanan, 1965, 1991a, for instance), individuals understand that they will not be able to influence “the ultimate selection among sets of rules” (Buchanan, 1991a: 155). As a result, in this kind of environment, “there may exist little or no incentive for any single player to participate actively in any serious evaluation of the rules” (ibid.). Indeed, Buchanan insisted, “if the individual cannot ultimately influence the choice among regimes, it is not rational to participate actively in any discussion of constitutional change” (ibid.). Similarly, in large groups, and with respect to post-constitutional interpersonal relationships, individuals “react or adjust to the behaviour of ‘others’ in a manner similar to his reaction to the natural environment” (Buchanan, 1967: 113). Individuals maximize their utility in order to satisfy their self-interest in the narrow sense of the word. Or, as Buchanan put it, they follow “the private maxim” or “the

expediency criterion” (Buchanan, 1965: 2). Choosing in large groups necessarily implies alienation because individuals treat others as part of their environment who cannot be influenced by strategic decision-making.

By contrast, Buchanan argued, individuals who find themselves in small groups tend to realize the interdependencies that link them to others and therefore do not follow their “narrowly defined self-interest” (Buchanan, 1978a: 366). Rather, they adopt “moral or ethical principles” (Buchanan, 1961: 340). More precisely, individuals in small groups adopt a Kantian rule of behaviour (see Buchanan, 1965, in particular). In small groups, therefore, individuals behave as artifactual man and therefore such groups are emancipatory. Buchanan envisaged two forms of small groups. First, the “moral communities”, that exist when individuals view themselves as members of “a collective unit... rather than conceive themselves to be independent, isolated individuals”, characteristic of the commitment people might feel towards “the nuclear family, the extended family, the clan or tribe... ethnic, racial or religious cohorts, the trade union, the business firm, or, finally, with the nation-state”. A moral community is therefore an example of an emancipated society. But a large-scale emancipated society might not be based on moral communities. Indeed, competing moral communities could give birth to an unstable society characterized by conflict that would require government intervention and limit emancipation.

Another example of such an emancipatory society is what Buchanan called a “moral order”, which is a more impersonal set of social inter-actions among people who do not identify as a moral community but conceive of themselves and others as autonomous individuals worthy of mutual respect. Buchanan (1981: 189) wrote: “In a moral order, it is possible for a person to deal with other persons who are not members of his own community if both persons have

agreed, explicitly or implicitly, to abide by the behavioral precepts required for reciprocal trust and confidence”.

Therefore, to make our point more explicitly, we argue that Buchanan saw emancipation as flowing from non-economic institutions, in terms of moral communities or a moral order of individuals capable of writing a liberal constitution. Emancipation is not primarily a matter of economic exchange. Certainly, a free market economy may complement an emancipatory moral order; but it is not the cause of emancipation.

Conclusion

Unlike many liberal thinkers, Buchanan did not define or view emancipation simply as “freedom from coercion”. Or, put differently, he was not a thinker of emancipation who sought to defend a negative view of freedom. Rather, Buchanan contributed to a theory (and defence) of emancipation in a more expansive and complete way. To Buchanan, emancipation means the realization of one’s capabilities, leading to the achievement of a free life. It meant becoming an artifactual man, an individual making genuine choices, responsible and ethical. It meant pursuing one’s ends, in a rather self-interested way, but by taking others into account. Buchanan’s emancipated individual is far from the image of the neoliberal homo oeconomicus that some have caricatured. Buchanan’s vision of emancipation spoke to both the personal and the constitutional—it was an account of how individuals could realize freedom in their daily interactions with others and as political actors framing the rules of the game that governed their collective lives.

Notes

¹ Buchanan for instance wrote: “If consistency in individual behavior and individual freedom are highly regarded relative to other values, the market will tend to be favored” (1954: 342).

Or, “[f]or those who place strong positive value on individual freedom of expression, on individual and personal liberty in their conception of the ‘good society’, the market offers major advantages over its collectivist counterpart” (1971: 234).

² Buchanan also distinguished between “creative” and “reactive” choices, the former being those that create “a sequence of events... that did not exist prior to the choice and that was brought into being, literally, by the choice itself” ([1989] 1991: 218). This kind of choice gives birth of sequences of events that are “indeterminate”: “[i]n creative choice, the behavior of the individual is not probabilistically predictable because such choice, it itself, creates alternatives from which the other individual choose” (ibid.: 219) By contrast, a reactive choice is “always predictable, at least within probabilistic limits” (ibid.). One form of such reactive choices is when “the individual actor is genetically programmed to respond uniquely and predictably to the alternatives that are confronted; in this limit, ‘choice’ in any meaningful sense disappears” (ibid.).

³ Striving could be distinguished from reaching goals, which would correspond to the actions of natural man. See Boettke (2022: 791) on Menger, for whom “[e]conomizing individuals strive to better their economic positions as much as possible”.

⁴ One way a smoker may achieve this personal transformation is to “throw out all of his cigarette inventory and impose upon himself a strict rule against further purchases”

(Buchanan, 1979: 253). Hence, one way to stop smoking is via a personal constitution that forces a change in behaviour. As Paul Lewis and Malte Dold (2020: 1172) note, “Buchanan believe[d] in the capability of self-constitution”.

⁵ We thank Paul Lewis for reminding us of this crucial point. Let us add that a tension might exist here, that Lewis and Dold (2020: 1172–1173) stress, between the capacity of emancipated individuals to choose their constraints and choices that are “shaped by pre-existing social structures” (ibid.: 1173).

⁶ The behaviours natural man adopt are not too different from how a slave behaves (Buchanan, 1995). Slaves, in Buchanan’s description, do not “retain personal control over actions along at least some minimal set of dimensions of behavioral adjustment” (ibid.: 142).

⁷ Although Elias Khalil and Alain Marciano discuss Buber’s philosophy, they do not try to connect it with Buchanan. This possible connection was studied by Tyler Brough and Randy Simmons (2023). Our purpose here is not to enter into the details of this connection, but rather to suggest that the I-it-instrumental relationship is alienating, while the I-thou-existential is emancipatory.

⁸ Buchanan stressed that this was a difference that existed between him and Gordon Tullock, who believed in “the substitutability between legal and ethical constraints” (Buchanan, 2006: 15). Buchanan thus wrote: “I can scarcely imagine an interaction setting in which persons refrain from cheating, stealing and keeping promises only because of some fear of punishment. There is surely a minimal level of voluntary adherence to the whole set of norms implied by the Kantian precept” (ibid.: 16).

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