

## THE REASONING STATE

Administrative bodies, not legislatures, are the primary lawmakers in our society. *The Reasoning State* develops a theory to explain this fact based on the concept of trust. Drawing upon law, history, and social science, Edward Stiglitz argues that a fundamental problem of trust pervades representative institutions in complex societies. Due to information problems that inhere to complex societies, the public often questions whether the legislature is acting on their behalf – or is instead acting on the behalf of narrow, well-resourced concerns. Administrative bodies, as constrained by administrative law, promise procedural regularity and relief from aspects of these information problems. This book addresses fundamental questions of why our political system takes the form that it does, and why administrative bodies proliferated in the progressive era. Using novel experiments, it empirically supports this theory and demonstrates how this vision of the state clarifies prevailing legal and policy debates.

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CAMBRIDGE  
UNIVERSITY PRESS

Cambridge University Press & Assessment  
978-1-108-72539-2 — The Reasoning State  
Edward H. Stiglitz  
Frontmatter  
[More Information](#)

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Shaftesbury Road, Cambridge CB2 8EA, United Kingdom  
One Liberty Plaza, 20th Floor, New York, NY 10006, USA  
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103 Penang Road, #05–06/07, Visioncrest Commercial, Singapore 238467

Cambridge University Press is part of Cambridge University Press & Assessment,  
a department of the University of Cambridge.

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education, learning and research at the highest international levels of excellence.

[www.cambridge.org](http://www.cambridge.org)  
Information on this title: [www.cambridge.org/9781108725392](http://www.cambridge.org/9781108725392)

DOI: 10.1017/9781108662673

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First published 2022  
First paperback edition 2023

*A catalogue record for this publication is available from the British Library*

ISBN 978-1-108-48596-8 Hardback  
ISBN 978-1-108-72539-2 Paperback

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## ACKNOWLEDGMENTS

This book was long in the making and I am deeply grateful to the community that made it possible. A number of people provided helpful comments and advice, for which I am very appreciative; I also have enduring debts to my family, and my advisors and mentors.

Over the last four years, I presented portions of this project widely, including workshops or conferences at Cornell (many times . . . I hope my colleagues will come to forgive me), Michigan State, Northwestern, New York University, Wisconsin-Madison, Duke, University of Southern California, Boston University, an International Economics Association meeting, and the Stockholm School of Economics. I am grateful for the feedback at those presentations, and in particular for the comments by several discussants, including Jon Michaels and Matthew Stephenson, both of whom read a very early paper that seeded this book and generously helped develop core questions of the project. I am also grateful for comments from many others. At the risk of inadvertently leaving someone off this list and with apologies in advance for likely doing so, I thank Jack Barcelo, Kaushik Basu, Ryan Bubb, Josh Chafetz, Kevin Clermont, Zach Clopton, Hanoah Dagan, Ashley Deeks, Anuj Desai, Mike Dorf, Dan Farber, Cynthia Farina, John Ferejohn, Maggie Gardner, Sandy Gordon, Gillian Hadfield, Valerie Hans, David Hausman, Dan Ho, Tonja Jacobi, Anne Joseph O'Connell, Mary Katzenstein, Dan Klerman, Harold Krent, Daryl Levinson, Zach Liscow, Joe Margulies, Peter Martin, Adam McCall, Mat McCubbins, Andrew McDonough, Gillian Metzger, Jon Michaels, Jennifer Nou, Jens Ohlin, Saule Omarova, Eduardo Penalver, Kevin Quinn, Jeff Rachlinski, Roberta Romano, Anya Schiffrin, Richard Seamon, Dan Simon, Matthew Spitzer, Kevin Stack, Nick Stephanopoulos, Joe Stiglitz, Sid Tarrow, Emerson Tiller, Adrian Vermeule, Wendy Wagner, Dan Walters, Barry Weingast, and David Zaring.

I want to thank a few people for their singular help, far beyond what any author should rightfully expect. I held a book conference in late

2019 and received extensive comments from Mike Dorf, Sandy Gordon, Nick Parillo, Aziz Rana, Abby Wood, and Pengfei Zhang. Their comments led to the rewriting of several chapters and I am deeply grateful for that. I also circulated near-final drafts of several chapters that troubled me to David Bateman, Debbie Dinner, and David Noll, all of whom generously provided extensive and incredibly helpful feedback that saved the chapters from numerous missteps.

My hope is that the book measures up to the exceptional feedback I received, and that I might pay forward and repay these kindnesses in the future.

This project is in essence an extensive elaboration of an article I published in 2018, “Delegating for Trust” (*University of Pennsylvania Law Review*). I sketch there a theory of delegated authority based on trust and information problems that serves as the engine for the project. This book further builds out that theory, draws out implications and connects the ideas to broader debates in law and history, and develops several empirical exercises in support of the theory. Some small parts of that article survive in this book, and where that is the case, I attempt to indicate as much in footnotes. I also published another related article, “Cost-Benefit Analysis and Public Sector Trust” (*Supreme Court Economic Review*), which in effect served as a preliminary pilot study for Chapters 5 and 6.

This project would not exist without Barry Weingast. Substantively, many of my interests in public law and institutions stem from his example and mentorship. Methodologically, I likewise learned much from his example of searching and elegant combination of what would ordinarily be sequestered in separate disciplines and discourses. Like much of his work, this project draws on different traditions, including law, history, and social science, though I can only claim it aspires to his signature integration of these modes of thought.

My ultimate gratitudes, of course, run to my family. My parents, Jane Hannaway and Joe Stiglitz, without whom there would assuredly be no book; my young daughters, sources of brilliant mischief, and wellsprings of joy, insight, and optimism; my wife, Kendra, for her encouragement, love, intelligence, and humor. My love and thanks.