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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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.

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