

Experiments in Living: Moral versus Epistemic Polycentricity

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Abstract: A number of liberal and libertarian philosophers make the moral case for laissez-faire polycentricity—a political order centered around voluntary association. Some of these philosophers further present epistemic arguments in favor of polycentric forms of organization. Initially, one might think that the epistemic arguments reinforce the moral ones, resulting in a philosophically robust case for laissez-faire polycentricity. This paper argues against this conclusion. Through examining the intersection between epistemic considerations and institutional arrangements, I show that the epistemic arguments point away from laissez-faire polycentricity and toward alternative forms of polycentric order.

Keywords: polycentricity, Ostrom, experiments in living, Nozick, Mill, social epistemology.

I. Introduction

The idea of a political order structured around voluntary association has long been appealing to liberal and libertarian thinkers. A number of philosophers within these traditions take this idea to the limit by proposing an institutional arrangement aimed at maximizing individuals' opportunities to create, join, and leave political communities. In defense of this arrangement—what I call *laissez-faire polycentricity*—they offer a diverse set of moral arguments. Several of these same philosophers, and a few others, further defend the idea of polycentric organization from an epistemic perspective.

It is tempting, from the standpoint of those sympathetic to laissez-faire polycentricity, to think that this second set of epistemic arguments reinforces the moral case for laissez-faire polycentricity. To borrow Rawlsian terminology, it seems like the two sets of arguments converge around one way of organizing society—laissez-faire polycentricity—in a kind of *overlapping consensus*.¹ Alas, as I shall argue in this paper, this cheerful conclusion is not well founded. For, on closer inspection, we shall see that the epistemic arguments support what I call *planned polycentricity*, a polycentric arrangement quite different from laissez-faire polycentricity.

The paper will proceed as follows. In section 2, I unpack the notion of polycentricity, noting its key institutional characteristics. In section 3, I point out the range of institutional arrangements that qualify as polycentric and highlight laissez-faire polycentricity as an important limit case of voluntarist polycentricity. In section 4, I review the moral arguments that have been offered in defense of laissez-faire polycentricity. In section 5, I review a set of epistemic arguments defending polycentricity. The hope is that these epistemic arguments reinforce the moral ones. In section 6, I consider the institutional implications of the epistemic arguments reviewed in the previous section. I argue that, contrary to initial appearances, the epistemic arguments point not toward laissez-faire polycentricity, but rather toward planned forms of

¹ The goal of Rawls (1993) is to articulate a conception of justice and subsequent institutional arrangement acceptable to all the different comprehensive doctrines held by the citizenry. Analogously, this paper examines the hypothesis that a single institutional arrangement (laissez-faire polycentricity) can be justified from different normative perspectives (moral and epistemic).

polycentricity. I conclude in section 7 by restating the paper's conceptual and substantive contributions to ongoing discussions about the prospects and properties of polycentricity.

II. Polycentricity

Three broad institutional visions can be identified within modern political thought. The first, most associated with the work of Thomas Hobbes, defends the idea of a fully centralized political order, where one body—the sovereign—has sole authority over the entire territorial jurisdiction.²

A second vision departs from Hobbes in defending a decentralized order involving a separation of powers between different centers of authority. The most familiar instance of this vision is that of Baron de Montesquieu.³ Montesquieu argues for a tripartite system composed of a legislature, an executive, and a judiciary. The idea is that, by independently performing their functions in the constitutional order, the three branches will give rise to an equilibrium of checks and balances, where no one body gains dominance over the polity.

A third vision goes beyond the idea of separation of powers by envisioning a political order composed of a multiplicity of governance units, where governmental functions are duplicated among, as opposed to divided between, the different units. 'Polycentricity' is one label that has been used to denote institutional arrangements of this kind. This polycentric vision will be the focus of this paper.

The concept of polycentricity figures centrally in the framework for institutional analysis and development (IAD) advanced by Vincent and Elinor Ostrom in their “workshop” at the University of Indiana.⁴ Paul Aligica and Vlad Tarko, two leading researchers within the Bloomington tradition, characterize polycentricity as consisting of three elements⁵:

(1) *Multiplicity of Decision Centers*: distinct and overlapping units of governance with some degree of decision-making autonomy that duplicate certain functions and goals.

(2) *Institutional Framework/Overarching System of Rules*: a set of rules that designate the jurisdiction of different governance units, set limits on their authority, and specify the terms of their interaction.

(3) *Spontaneous Order and Evolutionary Competition*: Governance units compete with one another for citizens (within the overarching system of rules) by providing different public goods, or by providing public goods more efficiently. The resulting outcome is not one that can be predicted ex ante.

To see the novelty surrounding polycentric governance arrangements, consider again Montesquieu's division of powers. It involves a multiplicity of decision centers with limited authority that operate according to a set of overarching rules, typically laid out in a constitutional document. However, the tripartite system is structured on a *division* of functions whereas a

² Hobbes (1996).

³ Montesquieu (1989).

⁴ For useful collections of this line of research see McGinnis (1999a), (1999b), (2000).

⁵ Aligica and Tarko (2013: 737) or (2012: 257). See also Aligica (2014: ch.2), and Tarko (2017: ch.3).

polycentric system exhibits a *duplication* of functions.⁶ The distinction between division and duplication bears importantly on the third element of Aligica and Tarko's definition: competition and spontaneous order.

Consider first the notion of competition. There is a clear sense in which a Hobbesian order, formally speaking, involves no competition insofar as the sovereign enjoys a complete monopoly on all political decision-making.⁷ There is then a sense in which Montesquieu's tripartite system exhibits some degree of competition insofar as no branch of government controls the full scope of political authority. Yet, there is another sense in which the three branches of Montesquieu's system are not subject to the competitive pressures typically exhibited in a market economy. After all, in terms of their political role, each branch is the sole proprietor of the public good in question.⁸ It is only in a polycentric system where the notion of market competition is fully applicable. The reason for this is rooted in the duplication of functions. Such duplication means political units face direct competition from units performing similar or identical functions, i.e., they are not the sole proprietor of some public good or service.

Consider next the notion of spontaneous order. In a Hobbesian monarchy, social order is directed by a central planner who alone determines the nature and content of law, administration, policy, and even religion.⁹ In a tripartite system, social order is determined, in large part, by the decisions taken within each branch of government. In a polycentric order, social order is determined, in large part, by the result of competition and collaboration between different units of governance. The titles of 'spontaneous' or 'emergent' order are therefore more applicable to polycentric than to alternative institutional arrangements.

The distinction between polycentricity and the separation of powers illuminates the substance of debates that took place in the 1960's and 70's concerning the organization of metropolitan governance. In a seminal paper, Vincent Ostrom, Charles Tibeout, and Robert Warren (Ostrom et al. 1961) identify two contrasting viewpoints about how best to organize metropolitan governance. The prevailing view, according to the authors, identified disorganization and lack of hierarchical order as the primary problems of metropolitan governance. Ostrom and his coauthors offered an alternative perspective according to which polycentric organization, rather than chaotic and pathological, is an economically rational way to organize public production and provision at scale given the heterogeneity of needs and preferences among metropolitan residents.¹⁰

Ostrom et al. frame their interlocutors as proponents of monocentricity (what the authors call 'Gargantua'). Yet, it is important to observe that the standard view on metropolitan governance was not a Hobbesian one hostile to any division of functions between governmental units. The problem, according to this view, is a lack of clear jurisdictions and wasteful

⁶ The distinction I draw here echoes Richard Wagner's (2005: 184-186) discussion about Vincent Ostrom's conception of federalism. Wagner observes that while "Most work on federalism treats it as a matter of decentralization", as "an assignment problem" solved through "hierarchical ordering", for Ostrom "federalism is a principle of association in a context where people participate in many forms and types of association".

⁷ There may, of course, be forms of informal competition. For example, certain authors may write anonymous philosophical essays arguing against a centralized monarchy, as John Locke famously did.

⁸ Though broadly true, there are important caveats to this general point. For example, one might reasonably characterize judicial activism and executive orders as forms of competition between the legislature and the executive and judiciary in the provision of laws and regulations. Though important, these subtleties are not enough to undermine the general distinction between decentralization and polycentricity vis-à-vis competition.

⁹ Of course, this does not imply that the sovereign can accurately predict all of the consequences of these decisions.

¹⁰ For more about the history and theoretical implications of this and other seminal papers see Tarko (2017: ch.1).

redundancy in the form of duplication of public goods and services. The above drawn taxonomy thus helps locate the main point of disagreement between Ostrom et al. and the standard view. The key disagreement is not about whether a division of functions is desirable, but rather about whether a *duplication* of functions is publicly rational/efficient.

Another way to get at the key aspect of polycentricity is through Elinor Ostrom's opening claim in her Nobel prize lecture (Ostrom 2009). Ostrom characterizes polycentric systems as neither "the state" nor "the market", instead exhibiting properties of both categories. Yet, the category of "the state", in contemporary terms, certainly is not limited to a Hobbesian fully centralized order. Montesquieu's separation of powers is consistent with contemporary notions of the state. Polycentricity is different from "the state" because it involves not only division but also duplication. This is where "the market" comes in, as noted vis-à-vis the notions of competition and spontaneous order.

III. Degrees of polycentricity

Equipped with an understanding of the formal conditions of polycentricity, we are now in a position to make an important observation about polycentricity. Namely, there is a wide set of institutional arrangements that satisfy the formal conditions and thus qualify as polycentric. Put differently, polycentricity comes in degrees. To demonstrate this point, we can reflect on the second element of Aligica and Tarko's definition of polycentricity: the overarching rules.

The overarching rules governing a polycentric order serve three functions: (1) they constrain the authoritative reach of governance units; (2) they designate their geographical jurisdictions; and (3) they regulate the ways in which they are formed and interact with one another. Key to our analysis is to observe the many ways in which the overarching rules can be specified. More specifically, we can distinguish between more and less demanding overarching rules. As we move further toward the demanding end of the polycentricity continuum, partaking in the polycentric order involves meeting more specific requirements. Conversely, as we approach the less demanding end, relatively little is required to be a member of the polycentric order.¹¹

An important point on the polycentricity continuum, for normative analysis, is the limit point of the "less demanding" end. I call this point: *laissez-faire polycentricity*. The basic idea of laissez-faire polycentricity is to enable individuals to determine their own projects and associations without instruction from a centralized unit of authority. The overarching rules are put in place to secure these freedoms. The term 'laissez-faire' seems appropriate given the natural analogy to be drawn between such polycentric arrangements and minimally regulated markets.

I will understand laissez-faire polycentricity as a system of social organization that upholds the following two overarching rules: (1) Individuals are free to set up units so long as those partaking in and subject to that unit consent to its formation; (2) Individuals are free to enter into and exit from any unit so long as they are not under contractual obligations preventing them from doing so.

A notable example of laissez-faire polycentricity is the scientific community. In a collection of essays entitled *The Logic of Liberty*, Michael Polanyi, a British polymath and the

¹¹ For a more sophisticated analysis of the varieties of polycentric arrangements see Aligica (2014: 61-64). Aligica concludes this impressive analytical exercise by noting that, "in the end, if this approach is correct, one can identify not one but many multifaceted forms of polycentricity" (ibid: 64).

originator of the term ‘polycentricity’, attributes the epistemic efficiency of science to its organizational features.¹² Science, according to Polanyi, succeeds by virtue of the fact that individual scientists (and groups of them) are free to determine their own projects; to pursue them in the manner they deem most effective; to set up any research team they choose; and to enter and exit these teams at will (given the consent of other participating members). No single unit has authority over the practice of scientists, nor over the veracity of their findings. Instead, there is an interconnected network of units with some limited authority that overlap in scientific jurisdictions and functions. The coordination and epistemically productive cooperation between units of science is a form of spontaneous order as envisioned by Hayek and others.¹³

Another, more specific, example of laissez-faire polycentricity is Wikipedia.¹⁴ Using our conceptual framework, we can contrast Wikipedia to the traditional encyclopedia. In the latter, the product or good is produced by a single unit with complete authority over the content of the text; in the former, the text emerges as a result of a dynamic coordinating process involving individual participants who hold limited authority and who provide similar or identical functions within the system. Wikipedia is one instance of the more general ‘open-source’ phenomenon, a trend in information technologies and services toward polycentric arrangements.¹⁵

Applied to the political case, laissez-faire polycentricity is a system under which individuals and groups are free to form, associate with, and dissociate from units of governance. The relation between the different political units which emerges from these freedoms is one of mutual independence. No unit has authority over the affairs of other units, apart from the shared enforcement of the norms of exit and association. The next section reviews the moral case for such an arrangement.

IV. The Moral Case for Laissez-Faire Polycentricity

This section reviews the moral arguments that have been offered in defense of laissez-faire polycentricity. Roughly speaking, what all of these arguments have in common is the claim that to best achieve or uphold certain moral desiderata, we ought to organize our political institutions to uphold the two overarching rules that characterize laissez-faire polycentricity. I should note that most of the authors of the arguments to follow do not use the term ‘polycentricity’. Nonetheless, the institutional implications of their arguments point toward laissez-faire polycentricity.

In *The Liberal Archipelago* (2003), Chandran Kukathas argues for laissez-faire polycentricity by claiming it best realizes the moral ideals of freedom of conscience, mutual toleration, and freedom of association. These three moral precepts are, according to Kukathas, the normative bedrock of a free and open society marked by diversity. He summarizes his main as follows:

[I]n a free society—which is to say, a liberal society—there will be a multiplicity of authorities, each independent of the others, and sustained by the acquiescence of its

¹² Polanyi (1951). See also Polanyi (1962) and Tarko (2015).

¹³ For an intellectual history of Hayek centered around the notion of spontaneous order see Boettke (1990).

¹⁴ Jimmy Wales, the founder of Wikipedia, is reported to have been inspired by Hayek’s “The Use of Knowledge in Society” (1945). See Mangu-Ward (2007: 21).

¹⁵ For political applications of the “Wiki-model” and other organizational technologies see Noveck (2009, 2015) and Manor (2020).

subjects. A liberal society is marked by respect for the independence of other authorities, and a reluctance to intervene in their affairs. (Kukathas 2003: 7-8).

Kukathas' conception of a liberal society corresponds to the notion of *laissez-faire* polycentricity. It includes a multiplicity of authorities or decision centers (freedom of association). It includes an overarching set of rules that dictates non-intervention in the affairs of other authorities (toleration). And it includes a requirement on authorities to operate based on the acquiescence of those subject to them (freedom of conscience).

Kukathas' view is similar to that proposed by Robert Nozick in part III of his *Anarchy, State, and Utopia* (1974). Nozick begins his investigation of utopia in highly abstract terms. He considers the question: what worlds would exist stably if each individual (both actual and subsequently imagined) could imagine a world (and the people who live there) in which she would most prefer living and to which she could emigrate (cost free)?

Resulting worlds, Nozick concludes, are ones where "none of the inhabitants of the world can imagine an alternative world they would rather live in, which (they believe) would continue to exist if all of its rational inhabitants had the same rights of imagining and emigrating." (p. 299). Nozick then applies the model to our actual circumstances:

In our actual world, what corresponds to the model of possible worlds is a wide and diverse range of communities which people can enter if they are admitted, leave if they wish to, shape according to their wishes; a society in which utopian experimentation can be tried, different styles of life can be lived, alternative visions of the good can be individually or jointly pursued. (Nozick 1974: 307).

Nozick's vision, like Kukathas', includes a multiplicity of communities, each of which is at liberty to decide its own affairs. Individuals are free to join and leave existing associations and to found new ones based on their own ideals. The evolutionary nature of this societal framework is observed by Nozick, who notes the relevant analogy to the economists' notion of a competitive market. Associations compete for your membership in a way similar to firms competing for your labor. In both cases, competition drives them to compensate you in the amount of your marginal contribution (p. 302).

Nozick presents several moral reasons in favor of *laissez-faire* polycentricity. The first, having to do with the *just* or the *right*, plays a central role throughout the book. Nozick famously begins the book by stating: "Individuals have rights, and there are things no person or group may do to them (without violating their rights)" (p. xix). *Laissez-faire* polycentricity is morally preferable because, due to its emphasis on voluntary association, it best respects the inviolable rights of individuals.

The second reason Nozick offers, having to do with the *good*, is that "there is no reason to think that there is *one* community which is ideal for all people and much reason to think that there is not" (p. 310). The innate differences between people imply that the best community for each of them to live in is different. *Laissez-faire* polycentricity, by offering a large variety of communities, increases the likelihood that individuals will live under associations that better approach the one that is ideal for them.

The third moral reason has to do with tradeoffs between competing values (p. 312). Nozick points out that "not all goods can be realized simultaneously," and that different communities will make different compromises. *Laissez-faire* polycentricity thus enables

individuals to choose the community that best approximates their preferred way of striking some balance between competing goods.

A different source of justification for laissez-faire polycentricity comes from work in the tradition of Nozick's colleague at Harvard, John Rawls. In *Political Liberalism* (1993), Rawls notes the problem moral diversity poses to the goal of finding just institutions to underwrite and govern a well-ordered society. Rawls's solution is to ground liberal institutions in principles embedded in the shared political culture. His hope is that these public reasons can be deemed acceptable from all reasonable points of view, thus forming an overlapping consensus among the citizenry.

Kevin Vallier (2018) and Brian Kogelmann (2017), two leading theorists in the public reason tradition, argue that polycentric institutions can best realize the Rawlsian goal of political legitimacy via public justification. Motivating their views is the thought that Rawls did not go far enough in confronting moral diversity. Vallier observes that, "In many cases, there is simply too much diversity at the national level to solve political problems, or to hope that deliberation will yield agreement." (Vallier 2018: 1123). Kogelmann observes that diversity extends beyond conceptions of the good; it exists also with regard to conceptions of the right. Pluralism about justice undermines the hope of achieving a *unitary* well-ordered society. (Kogelmann 2017: 664).

Vallier's discussion focuses on the idea of allowing individuals to *exit* political arrangements they dislike or disagree with. A right to exit, Vallier argues, is instrumental to the achievement of public justification. Vallier explores the institutional implications of this right via the notion of federalism. It is important to observe that *existing* instances of federalism may depart significantly from laissez-faire polycentricity. Nevertheless, the normative logic of Vallier's argument points toward more extreme versions of federalism that approximate laissez-faire polycentricity.

More voluntary versions of federalism are morally attractive, according to Vallier, for two reasons. First, by reducing the scope of those affected by a decision, the diversity of reasonable viewpoints that need to be accommodated (if we are to meet the Rawlsian ideal of public justification) is reduced. Polycentric units of governance, by lowering the justificatory bar for legitimacy, will be better at meeting or at least approaching it. Secondly, Vallier theorizes that voluntary forms of polycentricity incentivize better public deliberation in virtue of the fact that people retain the option of exit and have greater prospects of reaching adequate resolutions to problems facing their community.

Kogelmann (2017) begins by noting the problem justice pluralism poses for achieving the Rawlsian goal of a well-ordered society. Such societies are normatively attractive, according to Kogelmann's reading of Rawls, for three reasons. First, by having a shared conception of justice, citizens can come to justify their institutions to one another, a process Kogelmann calls *public scrutiny*. Second, well-ordered societies promote *social unity* through citizens engaging in a joint project of institutionally realizing a conception of justice shared by all. Third, well-ordered societies promote the autonomy of their citizens. Understood in Kantian terms, *full autonomy* requires that persons act in accordance with rules they would rationally give themselves. In a well-ordered-society, citizens both know and endorse the conception of justice underwriting their rules and institutions. They can thus be said to be fully autonomous given that they live under rules they would rationally legislate on themselves.

Kogelmann's insight is in showing how these three normatively attractive features, while not to be had in a monocentric system (given enough underlying diversity), can be attained (or

approximated) in a polycentric one. The reduction of moral diversity, particularly justice pluralism, within each political community, enables these normative desiderata to be better approached. Each community enables its citizens to find common ground on matters of justice, allowing them to more effectively legitimate their institutions via public scrutiny. Citizens can achieve greater social unity and further approach their full autonomy.

The final moral justification for laissez-faire polycentricity I will discuss is to be found in the third chapter of J.S. Mill's *On Liberty*.¹⁶ Mill is concerned, in this work, with the intersection between social norms and institutions and an individual's moral and intellectual development. Mill's viewpoint is typically characterized as in line with liberal perfectionism.¹⁷ He believes that robust autonomy is a necessary component of human flourishing and excellence. He argues for the utility of what he calls 'experiments in living', claiming them to be indispensable in the exercise of individual autonomy. For Mill, one who unreflectively follows customs fails to develop and improve their mental and moral powers.

A plausible extrapolation of Mills' moral principles supports laissez-faire polycentricity via the logic of experiments in living. A given political community with a given set of rules and institutions will be hospitable to a range of experiments. Some communities will be hospitable to a broader range than others. There will, however, with regard to each community, be experiments that cannot be conducted in virtue of the way the community is set up. To enable the broadest range of experiments to be conducted, differently governed communities must be allowed to form. Hence, the logic of experiments in living leads naturally to laissez-faire polycentricity. Additionally, and much more directly, forming new communities as well as emigrating and immigrating might themselves be considered experiments in living, again supporting the link between experiments and laissez-faire polycentricity.

A brief summary of the arguments just reviewed. Kukathas envisions a social order made up of many units structured around voluntary association. Nozick imagines a political arrangement that allows individuals to freely migrate between the variety of communities that compose it. Kogelmann and Vallier conceive of a society with a multiplicity of units embodying different conceptions of justice and the good, where citizens are able to exit arrangements that fail to align with their values. Mill, with some extrapolation, endorses an arrangement where people are free to experiment by living in different social and political environments. All of the arguments just summarized support organizing the political order around the two overarching rules characterizing laissez-faire polycentricity which secure maximal freedom in the formation and population of political communities.

V. The Epistemic Case for Polycentricity

The previous section presented the *moral* case for laissez-faire polycentricity. Yet, one can also evaluate different institutional arrangements from an *epistemic* perspective, by asking what mode of political organization is most conducive to epistemic progress at the societal level.¹⁸ Indeed, several of the philosophers reviewed in the previous section (and some others) take up such a perspective in presenting epistemic arguments in favor of polycentricity. This section reviews these arguments. Following this review, we will be in a position to inquire as to whether the

¹⁶ Mill (2015).

¹⁷ For a different reading of Mill see Gaus (2009).

¹⁸ This area of research is what Elizabeth Anderson terms 'Institutional Epistemology', see Anderson (2006).

epistemic considerations converge with the moral ones in support of laissez-faire polycentricity, or whether they point toward a different understanding of polycentricity.

Mill, who I interpreted to be presenting moral considerations for laissez-faire polycentricity, also offers an epistemic justification for polycentricity. He argues for the utility of experiments in living in the process of moral discovery, building on an analogy he draws between the utility of freedom of speech for intellectual progress and the utility of freedom of experimentation for moral progress.¹⁹

In the intellectual case, permitting all viewpoints to be expressed and argued is conducive to three beneficial ends: (1) it aids individuals and societies to cultivate their intellect; (2) given our fallibility, it prevents truths that are unpopular from being suppressed; and (3) it enables individuals to hold their views justifiably as a result of having them confront and respond to opposing viewpoints.

In the practical case, permitting different practices to be carried out is instrumental to the process of discovering more about the human good. The basic epistemic motivation for experiments in living is the thought that knowledge of the good is not fully attainable from the armchair. This is especially the case given the inherent uniqueness of each individual and the enormous complexity of practical life. As is the case of intellectual orthodoxies, practical orthodoxies—customs—pose a problem for progress if they are institutionalized in a way that prevents alternatives from being tested and explored. Fostering institutional diversity through political experimentation, argues Mill, furthers our knowledge of the good.²⁰

Echoing Mill's remarks on the logic of moral discovery, Nozick presents an epistemic case for polycentricity. Nozick (1974) distinguishes between two ways of trying to come up with ideal institutions which he calls *design devices* and *filter devices*. The former involves "people (or a person) sitting down and thinking about what the best society is. After deciding, they set about to pattern everything on this one model" (p. 312). The latter involves setting up a filtering process that selects against institutions that have certain features.

The polycentric framework Nozick envisions is a filter device. It does not involve a-priori theorizing followed by institutionalization of the one ideal model; rather, it involves incorporating Millian experimentation at the political level where certain associations are selected against by virtue of the voluntary choices of individuals who exit them. Such an arrangement is, according to Nozick, "especially appropriate for designers having limited knowledge who do not know precisely the nature of a desired end product" (p. 314). Given the complexity of individuals and human affairs in general, it is epistemically presumptuous to assume we know enough to construct a model of the ideal society. Epistemically speaking, our situation calls for modesty, better met by an institutionally diverse filtering process. Epistemically, claims Nozick, we are closer to cavemen than gods (ibid.).

In aiming to address the problems moral diversity poses, Ryan Muldoon (2015, 2016) arrives at a position similar to that of Nozick and Mill. Muldoon argues that political legitimacy ought to be assessed from the context of *discovery* rather than that of *justification*. This distinction, originating with the work of Reichenbach (1938) in the philosophy of science, points, according to Muldoon, to the problem with conceptions of legitimacy that evaluate institutions

¹⁹ "As it is useful that while mankind are imperfect there should be different opinions, so is it that there should be different experiments of living; that free scope should be given to varieties of character, short of injury to others; and that the worth of different modes of life should be proved practically, when any one thinks fit to try them." (Mill 2015: 56).

²⁰ For more about Mill's moral epistemology and his notion of experiments in living see Anderson (1991).

by comparing them to static, obtained via a-priori reasoning, conceptions of justice. A better criterion, argues Muldoon, is one that evaluates institutions according to their continued dynamic contribution to the epistemic effort of discovering good and just ways to live given changing circumstances.²¹ Polycentric organization is thus preferable in virtue of its dynamic potential and epistemic utility resulting from the empirical testing of different social arrangements.

Echoing Muldoon, Julian Müller (2019) argues against the common tendency in political philosophy to propose institutional arrangements that “tame” the underlying diversity of society.²² Instead, claims Müller, diversity can be used as a resource allowing society to improve on mere *modus vivendi* arrangements. Such arrangements, explains Müller, are deemed as acceptable tradeoffs due to certain moral or prudential considerations (typically both). As a result, “modus vivendi arrangements entail both mutual benefit and an overlapping dissatisfaction”. (p. 12).

Polycentric democracy, the arrangement Müller argues in favor of, centers on the ideas of political innovation, competition, and experimentation.²³ Political experiments in living are, according to Müller, valuable for three main reasons (pp. 3-4): (i) they enable “discovering new heights”, i.e., better ways of living together, better *modus vivendi* arrangements; (ii) they reduce “shallow disagreement”: experimental evidence can reduce disagreement about non-normative facts: and (iii) they defuse “deep disagreement”: achievable by allowing those who reasonably disagree about the right and the good to live in communities that better approximate their conception of justice and the good life.

Epistemic considerations supporting polycentricity come also from the value of *public entrepreneurship*. In an essay reviewing work on the epistemic properties of democracy and markets, Kogelmann (2018) argues that polycentricity—being neither “the state”, nor “the market”—is preferable from a social choice perspective. Key to his argument is the role of the public entrepreneur. Building on the work of economists in the Austrian tradition (Hayek, Kirzner), Kogelmann draws an analogy between the epistemic contribution of entrepreneurs in a market system and that of innovators in a polycentric institutional framework. As is the case in markets, a public framework that incentivizes innovative solutions via competition is best situated to coordinate between social problems and inefficiencies and solution providers.

Another proponent of polycentricity who draws heavily on the Austrian School is Mark Pennington (2011). Pennington frames his discussion in terms of comparing institutions for their robustness.²⁴ The two main problems institutional frameworks face are the ‘incentive problem’, theorized by the Virginia school of public choice²⁵; and the ‘knowledge problem’, explicated by Hayek (1945) and further precisified by Kirzner (2015, 2018).

Pennington contends that polycentric arrangements do better in the face of these two problems. A central theme in his argument is the epistemic advantages of polycentricity. He

²¹ Muldoon’s position echoes in certain respects Hayek’s view about the correct criterion by which we should evaluate the state of economic sectors. After substantiating his claim that competition is a discovery procedure, Hayek writes: “we should worry much less about whether competition in a given case is perfect and worry much more about whether there is competition at all.” (Hayek 1948, p.105).

²² See also Müller (2018).

²³ “I define polycentric democracy as an institutional arrangement involving a multiplicity of polities acting independently, but under the constraints of a democratically supervised framework for institutional competition.” (Müller 2019, p. 3).

²⁴ My presentation of Pennington’s argument follows a useful reconstruction of his book by Michael Bennet (2016).

²⁵ The classic text here is Buchanan and Tullock (1962).

contends with communitarians, such as Charles Taylor, Jürgen Habermas, and Michael Sandel, who argue in favor of deliberative democratic processes as a way of shaping the (unitary) community's common ends.²⁶ Pennington's response appeals to what he considers as epistemic shortcomings of democratic processes, such as rational ignorance on the part of voters²⁷, and to the epistemic utility of market-like arrangements which include an exit option.

Pennington replies similarly to egalitarian conceptions of distributive justice that seem to require a monocentric mode of organization able to equalize citizens across the relevant set of opportunities and goods.²⁸ Pennington believes that such conceptions of distributive justice, by appealing to theoretical devices such as the original position, overstep our epistemic limitations. These universal conceptions, according to Pennington, assume that we are able to significantly abstract from our particular circumstances and context. They further assume that we have a sufficient grasp of what Rawls calls 'general facts' studied in the human sciences. Pennington argues that polycentricity is epistemically preferable given our embedded selves, bounded rationality, and relative ignorance with respect to distributive justice. A polycentric system, claims Pennington, is better situated to handle the realities of reasonable moral diversity and the complexity of the social world.

VI. The Epistemic Perspective: Institutional Implications

It is time to consider the institutional implications of the set of arguments reviewed in the previous section. First a brief summary of them. Mill appeals to an analogy between intellectual and moral knowledge to justify practical experimentation through institutional diversity. Nozick, Muldoon, and Müller contend that polycentric organization can serve as a social technology to accumulate and filter information for normative purposes. Kogelmann and Pennington argue that polycentricity is epistemically potent by virtue of the incentives it creates for public entrepreneurship.

The question before us is: what kind of polycentric arrangement do the above summarized arguments support? At first blush, it may seem that the arguments support *laissez-faire* polycentricity. After all, if we think about Polanyi's conception of scientific progress, *laissez-faire* polycentricity seems to fit the bill. Even beyond any direct analogy to science, it may seem intuitive that to maximize what we learn about the social world, we should maximize the set of options open to the agents that populate it. And that is precisely what *laissez-faire* polycentricity does.

If the epistemic arguments do indeed support *laissez-faire* polycentricity, we have a strong case for that arrangement that is justified on both moral and epistemic grounds; we have a kind of Rawlsian overlapping consensus around *laissez-faire* polycentricity. Alas, as I shall now proceed to argue, this cheerful consensus between philosophical perspectives and institutional arrangements is illusory. For, on closer inspection, the epistemic arguments turn out to support a different form of polycentricity.

Before I present my argument, I need to sketch the contours of polycentric arrangements that depart significantly from *laissez-faire* polycentricity. I use the title 'planned polycentricity' to refer to this group of institutional arrangements.

²⁶ For more about deliberative democracy see Gutman and Thompson (2009).

²⁷ For more on this issue see Caplan (2011), Somin (2013), and Brennan (2017).

²⁸ Rawls (1971) and Dworkin (2003) are the primary targets here.

6.1 *Planned Polycentricity*

The basic idea of planned polycentricity is to design the polycentric order in a manner that accords with certain principles or goals that the designer/s of the polycentric system seek/s to advance or pursue. Using our analogy to markets, we might think of planned polycentric systems as regulated political markets in which the political liberties of individuals are restricted in certain ways on the basis of some conception of the good for the public and/or for individual members.

In institutional terms, planned polycentricity involves substantial deviation from the two overarching rules that define *laissez-faire* polycentricity. As a reminder, the two rules concern the two liberties of creating political communities and of entering and exiting existing ones. In a planned polycentric system, restrictions are placed on one or both of these liberties. Some versions of planned polycentricity restrict the formation of new communities either in terms of their content or in terms of structural features (example: a minimum requirement of members). Other versions of planned polycentricity restrict entrance and exit according to some set of rules. Finally, some versions of planned polycentricity include restrictions of both of the above kinds.

Good examples of one type of planned polycentricity are found in the sphere of religion. For example, in the case of Judaism, religious codes have often been determined by Rabbis at a local level. These authority figures, though formally independent of one another, view themselves as engaged in a shared project of arriving at or upholding certain values. For Jewish Rabbis, the values might include consistency with foundational texts, conservation of certain norms and customs, and continual discovery of, and adjustment to the intersection between a religious worldview and changing material and social circumstances.²⁹

Judaism is therefore a case of *planned* polycentricity insofar as fairly significant restrictions are applied to the content of different units. Formally independent units can be created, but to be part of the polycentric order, they must adhere to certain broadly and ambiguously defined doctrines or customs, to a certain way of life. Notably, this religious arrangement includes no restrictions on entrance or exit.

An example of a different kind of planned polycentric arrangement are the agricultural settlements of the Hutterites.³⁰ These communities are designed to realize a particular theory of the good. Their governing norms include the following: communal dining, worship and sharing of assets, prohibition on the use of television, radio and other forms of communication technologies with the outside world; a ban on birth control; and, of particular interest to us, a population cap of one hundred and twenty people per community.

The Hutterites are clearly a case of planned social arrangements as evidenced by the strict norms governing the content of their communities. But they are also a case of polycentric arrangements because they are designed in a way that creates separate units of governance with formal independence. Putting all of this together, we can accurately characterize the Hutterites as arrangements of planned polycentricity where the content of units as well as the freedom of individuals to enter and exit are restricted.

²⁹ For a broad review of the religion's history see Goodman (2019). For an interesting discussion about the developmental applications of polycentricity in the case of Sunni Islam see Malik (2017).

³⁰ My description of the Hutterites follows the discussion of Schmidt (1994) which is based on the work of Ellickson (1993).

Finally, we may think of federal systems, as in the US or Switzerland, as exhibiting features of planned polycentricity.³¹ There are two ways in which these arrangements are planned. Firstly, in terms of content, units are constrained by the federal government and constitution as to their internal political structures. Secondly, the polycentric order in the US and Switzerland do not allow for the formation of new states or cantons. In the US, for example, individuals have complete liberty to enter and exit existing states, but they do not have the liberty to create new units in the federal arrangement, nor are they allowed to remove units via secession.

6.2 The Epistemic Perspective: *Laissez-Faire* or Planned?

To determine which form of polycentricity (*laissez-faire* or planned) best advances our epistemic interests, we need to settle two issues. First, we need to give an account of where we are currently situated relative to our epistemic goals. Second, we need to ascertain how well different arrangements perform given our situation and goals.

The epistemic goal of society, in our context, is to know more about ways of living together that are conducive to human flourishing and to justice. Part of this epistemic project is pursued via armchair theorizing, where philosophers and philosophically minded social theorists generate theories about the intersection between flourishing, justice, and social arrangements. Another part of this project is pursued empirically, where institutions are implemented, thereby providing theorists with data relevant to the criticism and amendment of the theories being tested.

The decision of how to arrange society affects both parts of the epistemic project. It affects the latter empirical aspect directly insofar as it allocates society's resources toward the testing of some theories and not of others. It affects the former theoretical aspect indirectly insofar as the scope of reasonable theorizing is arguably constrained by the distance between theoretical constructs and current institutions.

The last point is worth unpacking a little. Here we can usefully draw on the theoretical framework of Gerald Gaus's *The Tyranny of the Ideal* (2016). Gaus frames the theorizing about justice as the attempt to map out the landscape of different social arrangements, where each such arrangement is given a 'justice score' (p. 43). An epistemically significant factor is that of distance between social arrangements. As we attempt to map out more distant regions (relative to ours) of the justice landscape, our projections become less reliable (p. 78). The idea of distance underlies another useful notion Gaus introduces, namely that of neighborhoods of social arrangements (pp. 74-80). Neighborhoods are populated by arrangements that, while different, share some important features, making each of them more epistemically accessible to those within the neighborhood than to those outside of it.

The question we are asking, therefore, is what form of polycentricity will allow us to make the most progress in terms of mapping Gaus's justice landscape. Polycentricity, both *laissez-faire* and planned, has the ability to generate a diverse set of social arrangements, a feature which may serve as a means to explore different theoretical avenues. The core feature of polycentricity that is epistemically attractive, compared to alternative arrangements, is thus the capacity to allocate our resources more efficiently (from an epistemic perspective).³²

³¹ See Ostrom (1991, 1987) and Wagner (2005).

³² Questions about the epistemic efficiency at the organizational level play an important role in model-based philosophy of science. See, for example Weisberg and Muldoon (2009), Zollman (2010), and Thoma (2015).

In assessing the epistemic merits of different arrangements, there are two parameters to keep in sight. The first is our conception of the state of our awareness of possible theories and our understanding of the dynamics of different possible arrangements. The second is the distribution of credences we have over the theories of which we are aware. I shall now say a bit more about each of the two parameters.

A way of visualizing the state of our awareness of possible theories is to think about Gaus’s justice landscape. Plausibly, our map of the terrain is partial. There are areas, i.e., possible ways of organizing our societies, which we have not thus far considered. In addition, there are regions which have been considered in theory, but which have not been tried in practice. Due to their distance from the present arrangements, we have relatively little understanding of such regions. Thus, one reasonable epistemic goal we might set for ourselves is to discover new arrangements and to better understand the nature and normative properties of more distant arrangements.

The second parameter which we wish to consider is the credence we have in different theories of how the good and the right intersect with different social arrangements. Other things being equal, it is epistemically rational for us to allocate our resources toward more promising theories, in the same way that we should when pursuing a scientific question.

The two parameters allow us to draw two distinctions we can use to situate our epistemic status. We can distinguish between states in which we consider ourselves unaware and ignorant of much of the landscape of possible arrangements versus ones in which we think we have a good grasp of the landscape. We can also distinguish between states in which we are able to assign credences to our theories versus ones in which we are unable to do so. The two distinctions can be combined to form the following table:

Table 1

	Credences	No Credences
Awareness	i	ii
Unawareness	iii	iv

The four quadrants represented in table 1 cover the ways in which we can conceive of our epistemic situation vis-a-vis a Gaussian landscape of social arrangements. I will now proceed to examine the relation between each of the four quadrants and the laissez-faire versus planned polycentricity distinction.

I begin with (i), in which we feel secure in our map and understanding of the landscape *and* in which we are able to assign credences to the different theories on offer. The epistemically rational way to organize our efforts would be to direct our resources toward theories with higher credences. This implies the placing of restrictions on the pursuit of low-credence theories, to the extent that they would divert valuable resources from more promising theories.³³ For instance, if we have a .8 credence that theory T_1 is the correct theory of the good, and .1 credence that theory

³³ In principle, it is possible for higher credence theories to have higher rates of diminishing returns, such that more resources ought to be directed to lower credence theories. Regardless of such possible complications, the epistemic requirement to align resources to credences and rates of epistemic return persists.

T_2 is correct, then we should allocate more resources to exploring T_1 over T_2 .³⁴ Moreover, since we are content with our map of the landscape of possibilities, we might also place restrictions on the pursuit of novel theories, again to the extent that such endeavors would occupy valuable resources that are better placed elsewhere. The general idea behind these restrictions would be to avoid imbalances and discrepancies between our credences and the resources deployed among theories. These restrictions indicate that, if we conceive of our epistemic situation along the lines of (i), we should epistemically favor planned polycentricity.

Turning to (ii), a situation in which we feel we have a good sense of the landscape of possibilities, but we do not have a good basis for assigning credences among theories. That is, we face a choice situation under Knightian uncertainty.³⁵ There are many different ways of thinking about how to make choices under uncertainty.³⁶ One popular decision rule is the Laplacian principle of indifference.³⁷ The Laplacian principle suggests we ought to equally allocate our resources among the available theories, perhaps among the different neighborhoods along the landscape. So, if we know there are three possible theories, T_1 , T_2 , and T_3 , but cannot assign credences to which is most likely to be correct, the Laplacian principle says to assign equal credence (.33) to each, and thereby equal resources to their exploration. Once we obtain data sufficient to assign credences, we would return to (i). Here as well, the preferred arrangement is thus planned polycentricity since we wish to place restrictions on the allocation of resources.

We next turn to (iii), a situation in which we are able to assign credences to the theories on offer, but in which we do not believe we have a good map of the landscape of possibilities. Our unawareness of possibilities creates a need for innovation and discovery which in turn points in favor of laissez-faire polycentricity, insofar as that arrangement creates both the possibility and the incentives for the discovery and trial of new social arrangements. Nonetheless, there are two remaining epistemic reasons for placing restrictions on our polycentric arrangement. The first is that, since we *can* assign credences for existing theories, we could rationally restrict people from pursuing low-credence theories.

The second reason for restricting political experimentation is pointed out by Gaus in his discussion of social experiments (Gaus 2016: 89-101). Drawing on Scott Page's *Diversity Prediction Theorem*³⁸, Gaus contends that the epistemic benefits of diversity are captured when that diversity exists within a perspective as opposed to between perspectives. Similar conclusions arise in the work of Alexander Baltag and his colleagues (Baltag et al. 2018). They construct formal models aimed at capturing the epistemic dynamics of groups. Their models indicate that the benefits of information pooling depend on the degree of convergence in members' "epistemic

³⁴ Some examples that come to mind: private (T_1) versus collective (T_2) ownership of the means of production; religious tolerance (T_1) versus exclusiveness (T_2); democratic (T_1) versus dictatorial (T_2) governance.

³⁵ Frank Knight (1921) famously distinguished between decisions under 'risk', in which the probability of different outcomes is known and those under 'uncertainty', in which no such assignment is possible given what is known.

³⁶ For a wide-ranging review of choice under uncertainty and ignorance in the economic context see Kelsey & Quiggin (1992).

³⁷ This principle also goes by the name 'the principle of insufficient reason', for an epistemically grounded justification for this principle see Dubs (1942).

³⁸ See Page (2008).

issues”.³⁹ In other words, fruitful epistemic collaboration requires commonly held epistemic perspectives.

The upshot of these insights for us is that, to get quality data and make progress, it might be argued, the search has to remain within some well-defined parameters, perhaps within one or two adjacent neighborhoods of social arrangements.⁴⁰ We can conclude based on these considerations that (iii) could lead us to either *laissez-faire* or to planned polycentricity and that there are reasonable claims on both sides.

Finally, we turn to (iv) which is a situation similar to that of (iii) except for our inability to assign credences among the theories on offer. This inability relieves us of one of the considerations in favor of planned polycentricity, namely restricting the testing of low-credence theories. Yet the previously mentioned consideration regarding the quality of the data remains. Moreover, our inability to assign credences results in conditions of uncertainty which, as noted, could be used to justify Laplacian equiprobability assignment, in turn leading to planned polycentricity. We can conclude that, regarding the situation of (iv), as that of (iii), there are some epistemic considerations in favor of *laissez-faire* arrangements, but there are also compelling reasons to introduce some planning in the form of restrictions.

Our analysis of the four quadrants suggests that regardless of how we understand our epistemic situation vis-à-vis the landscape of possible social arrangements, there are going to be strong epistemic reasons in favor of planned, as opposed to *laissez-faire*, polycentricity. Moreover, given some plausible assumptions about our epistemic status (such as our ability to assign credences to theories), the epistemic case for planned polycentricity seems convincing. Given the compelling moral case for *laissez-faire* polycentricity, I conclude that the overlapping consensus hypothesis fails to stand up to scrutiny.

VII. Conclusion

This paper contributes to ongoing philosophical discussions about polycentricity in three main ways. The first is by offering a set of conceptual distinctions. I began the paper by sketching a tripartite taxonomy of modern political thought made up of Hobbesian centralization, Montesquieu’s decentralized separation of powers, and polycentricity. Focusing on the latter, I distinguished between *laissez-faire* and planned versions of polycentricity. I further distinguished between moral and epistemic arguments that have been offered in defense of polycentric arrangements. Finally, in analyzing the intersection between epistemic considerations and institutional arrangements, I distinguished between our awareness of social arrangements and theories and our ability to assign credences or scores to competing theories and arrangements.

The paper’s second contribution is to observe theoretical tensions associated with the polycentric vision by examining the intersection between normative perspectives (moral/epistemic) and polycentric arrangements (*laissez-faire*/planned). By carefully thinking through the implications of each normative perspective, I have brought into view the tension between moral arguments that point toward *laissez-faire* polycentricity and epistemic arguments

³⁹ The notion of epistemic issues is defined in inquisitive terms, where an agent’s set of issues is the questions they are interested in. Knowledge is defined (following Hintikka) as having answers to questions. The epistemic effect (knowledge acquisition) of a public announcement on an individual agent depends on her epistemic issues.

⁴⁰ Gaus frames this part of his discussion around D’Agostino’s (2010) distinction between the *liberal* solution to the problem of inquiry and the *republican* solution. This distinction bears some structural similarity to our distinction between *laissez-faire* and planned polycentricity.

that support planned versions of polycentricity. How to address this tension and adjudicate between these competing values is a question this paper leaves to be explored.

The third and final contribution of this paper is to take a small step in discerning the relationship between sociopolitical arrangements and epistemic progress at the societal level. It is tempting to resort to attractive turns of phrase such as ‘experiments in living’ or ‘learn by trial and error’. However, as this paper demonstrates, when we turn to the task of institutionally implementing these social epistemic ideals, we run into difficult questions and tradeoffs. Ultimately, those interested in the characteristics and prospects of polycentric systems have much to consider at both the positive and normative level.

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