

“Vincent Ostrom’s Revolutionary Science of Association”¹

Abstract: The paper assesses Vincent Ostrom’s critique of contemporary mainstream approaches to political theorizing. Ostrom challenges the epistemic choices at the foundation of modern political science and proposes a “democratic” alternative based on the theory of federalism he derives from The Federalist and Tocqueville’s Democracy in America. The paper examines Ostrom’s scholarship, relates it to the empirical research Elinor Ostrom and he conducted, advised, or sponsored at The Workshop in Political Theory and Policy Analysis Indiana University, and concludes that Ostrom’s democratic alternative meets the definitional conditions of an alternative scientific paradigm as outlined by Thomas Kuhn in The Structure of Scientific Revolutions. The paper presents a framework for comparing alternative theories of politics and policy analysis and for assessing their relative successes at making warrantable empirical claims.

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“First let me persuade you of my metaphysics and epistemology, then my theory of science, then my ethics and social theory, and then having done all that, I will convince you of my political theory. Over the past two decades, I have become convinced that this is a mug’s game... The reason Plato, Hobbes, Marx, Mill, and Rawls (many others could be named) garner widespread attention as political theorists has much more to do with their destinations than with their starting points.” (Shapiro 2011 254)

Introduction

Ian Shapiro neatly sums up the problem of writing this paper and its resolution. My questions have their basis in metaphysics and epistemology but the reason anyone should care depends primarily on the purpose for asking them. Our politics and policy have gone seriously off track in the United States because we have forgotten or chosen to ignore basic principles of the art and science of association. The result is a crisis of governance with constitutional implications.

- Our national education policy prescribes impossible goals and costly remedies to schools embedded in social and institutional settings that make success a cruel illusion.
- Our national health policies expend vast sums treating people for preventable illnesses of which they will never be cured.²
- We have a national food policy premised on subsidizing commodity producers while an epidemic of obesity has people literally dying of food.
- Our home finance policies have wiped out a generation of middle-class savings and placed millions of people in homes they cannot afford to keep and cannot sell.

² Kudos to Dr. Aaron Shirley (nytimes.com 2012a) for his apt descriptions of our national healthcare debacle and the obesity epidemic.

- We have an array of urban policies that have made cities less desirable places to live, work, and invest.
- Our school desegregation policies systematically assure segregated outcomes.
- We have a national drug policy that has ruined millions of lives and led to the murder of tens of thousands of people with little measureable effect on the human proclivity for recreational self-medication.
- We have a national fisheries policy that assures the depletion of keystone fish species.

All of these outcomes (and others the reader might add) are contra-indicated by mainstream theories of government and administration. In the parlance of experimental science, they are anomalies, experimental results contrary to the terms and conditions under which the experimenter conducted the experiment.³ In plain language, the proponents of these policies, who are for the most part experienced policy practitioners, expected one thing and got something else. “Perhaps this is an occasion that we should entertain an outlandish hypothesis: that our teachings contain much bad medicine.” (V. Ostrom 2008b, 4)

³ Needless to say, proponents and beneficiaries of present policies do not describe the results of their political experiments as unexplained anomalies. Rather, they “explain” poor policy results by resort to “bad people” theories (conservative ideologues, squishy liberals, greedy bankers, etc.), “bad object” theories (money in politics, SUV’s, violent video games, etc.), or “great abstraction” theories (corporate greed, bureaucratic red tape, hyper-partisanship, etc.). I have no doubt that every item listed above has implications for politics and policy in some way but reflection on the logic of constitutional choice from *The Federalist* demonstrates that virtue and vice, named objects, and undesirable properties of the human condition are of secondary relevance to a warrantable theory of self-government. If we presume that a theory of political institutions is possible, the following statements must be true. If they are not true, then the possibility of such a theory is called into doubt. (1) Communities of people can select their constitutions by reflection and choice and are not always dependent on accident and force. (2) If people were angels, no government would be necessary, but since they are not, governments are necessary. (3) Properly specified federal arrangements create the potential for a government strong enough to serve the public’s purposes, yet also flexible enough to provide and produce complex packages of public goods and services. (4) Constitutions are laws made by the people establishing the terms and conditions that bind the government (not a trivial problem given the “no angels” condition). The theory of federalism, properly understood, accounts for the absence of virtue among office holders, has no inherent limit on its capacity to govern “objects,” and relies for effect not on great abstractions but rather upon communities of people with the skills and the collective intentionality to establish and ordain such a constitution. See V. Ostrom 2008a.

Ostrom did more than simply “entertain” the hypothesis that mainstream political theories contain much “bad medicine.” He claimed empirical confirmation of the hypothesis citing as evidence the social pathologies that followed from late 20th century choices in constitutional and policy design and he logically demonstrated their causes by developing a “polycentric” theory of federalism. Moreover, Vincent and Elinor Ostrom and their colleagues at The Workshop in Political Theory and Policy Analysis Indiana University (hereafter The Workshop) conducted, advised, or assisted in a global research effort to develop an alternative framework for making testable claims concerning the terms and conditions of our political experiments. This paper has two purposes, to assess the assertion that The Workshop approach to political theory and policy analysis, which I call Ostrom’s democratic alternative,⁴ comprises an alternative scientific paradigm and to provide a framework for comparing and evaluating the mainstream of political theory and the alternative.

I proceed by addressing three questions. What are the bases for differentiating Ostrom from the intellectual mainstream? To what extent do these differences substantiate Ostrom’s claim that the art and science of association he proposes constitutes a paradigmatic challenge to the intellectual mainstream? What empirical grounds does Ostrom give us for preferring his proposed “democratic alternative” to the mainstream?

Appraising The Workshop tradition in political research

Elinor Ostrom’s 2009 Nobel Prize in Economic Sciences was remarkable in several ways. She was the first female to be so recognized. She was the first recipient who studied and taught as a political scientist, and whose career is primarily identified with the discipline, which she served in many capacities including a term as president of the American Political Science

⁴ In chapter 4 of *The Intellectual Crisis in American Public Administration*, Ostrom refers to “democratic administration” as the “rejected alternative” of mainstream scholarship. I use “Ostrom’s democratic alternative” to refer to the whole of his theory of democratic self-government in a limited constitutional republic.

Association. At the time of her award, she was not particularly well known among economists and indeed her widely-ranging scholarly interests in urban services, environmental governance, and institutional analysis are considered by many economists to reside outside the discipline's mainstream (Rampell 2012).

Ostrom's Nobel sparked a reappraisal of her work and necessarily also of the work of other scholars associated with The Workshop that she cofounded and for many years co-directed with her husband Vincent Ostrom.⁵ Since they passed away in June 2012, scholarly interest in their work remains elevated, as for example a pending special issue/symposium of *Publius: The Journal of Federalism* dedicated to the critical examination of their contributions to the study of federalism (John Kincaid, personal communication) and an online "virtual issue" of *Public Administration Review* articles they authored.⁶

Vincent Ostrom was a passionate advocate for democratic self-government based on limited constitutional principles. He was also a political theorist and policy analyst of great range and ambition, who undertook a multi-decade quest to understand the terms and conditions of political experiments wherever communities of people seek to live in rule-ordered societies. He demanded that we think critically about the way we think about social reality. It was a demand that he made of himself, his students, and his readers. His home laboratory was the North American continent and so the experiments he observed and analyzed have a strongly

⁵ *Policy Studies Journal* filled its February 2011 (39:1) issue with current and review articles in or on The Workshop tradition including an introduction by Elinor Ostrom.

⁶ My involvement with The Workshop began in the fall of 1994 when I enrolled in the graduate program in political science at Indiana University. It continues, albeit at a distance, with a teaching career in political theory and policy analysis heavily influenced by Workshop themes and scholarship. My engagement with Vincent Ostrom's political theory has deepened substantially in the last 18 months as I've undertaken to write a short volume reflecting on teaching policy analysis and institutional theory according to Workshop principles. This project would be impossible were it not for the support of Patty Lezotte, The Workshop's Publication Manager who has helped me personally in so many ways that go beyond counting and Barbara Allen who edited and offered expert commentary in two recently published volumes of Vincent Ostrom's papers, lectures, letters, memos, and other writings as noted below.

American component. He recognized the decades preceding and following the American constitutional convention of 1787 as one of the most productive periods of political experimentation of the modern era. So naturally, he gave the analytics of the Framers and Tocqueville a great deal of attention (Ostrom 1994, 2008a, [Allen (ed.)] 2012, 425f.) Nonetheless, his interests in democracy and self-government were global and he aspired to develop frameworks of inquiry and theorizing with general application to all self-governing societies.⁷

Ostrom can rightly be considered a revolutionary in the science of association. From the 1971 lectures that became the core chapters in *The Intellectual Crisis in American Public Administration* until the end of his career, Ostrom systematically criticized and urged reform of the first principles of mainstream 20th century American political science and public administration theory. From the beginning, he described the intellectual mainstream as a paradigmatic challenge “of Copernican proportions” to the foundations of democratic self-governance (V. Ostrom 1977 1509, 2008b). His reference to Thomas Kuhn’s template for scientific change serves the purpose of giving structure to the critique and of suggesting possible pathways to reforming the discipline and the practice of governance (V. Ostrom 2008b).

The critique is sweeping. In published and (previously) unpublished work spanning five decades, Ostrom detailed normative, metaphysical, ontological, epistemological, theoretical, and empirical problems with mainstream approaches to what he referred to as “the art and science of

⁷ Barbara Allen’s commentary and a selection of essays and correspondence relating to Ostrom’s work with the Alaska statehood constitutional convention in Volume 1 of *The Quest to Understand Human Affairs* describe how Ostrom came to realize the continuing relevance of constitutional choice to contemporary problems in policy analysis. The essays in Volume 2 provide many examples of the global reach of his efforts to understand and develop theories applicable to widely diverse conditions where communities of people attempt to govern themselves for themselves.

association”⁸ (V. Ostrom 1994 211f.). He linked some problems in the intellectual mainstream to difficulties of language and methodological limitations (V. Ostrom 1977, 1510; 1980); however, problems of language and methods were secondary to and in many ways explained by problematic epistemic choices that define mainstream approaches to the study of politics, government, and administration (V. Ostrom 2008b).

Thomas Kuhn and Scientific Paradigms

In the second decade of the 21st century, it is difficult to refer to the term “paradigm shift” without thinking of its descent from an innovative interpretation of changes in scientific practice to a punch line in a cultural satire by Tom Wolfe.

“But this word ‘paradigm’ absolutely drove him up the wall, so much so that he had complained to the Wiz about it. The damned word meant nothing at all, near as he could make out, and yet it was always ‘shifting,’ whatever it was. In fact, that was the only thing the ‘paradigm’ ever seemed to do.” (1989. *A Man in Full*. 71, quoted in Godfrey-Smith 2006, 76)

Popular use of the term “paradigm shift” likely surpasses the level of attention given to parsing Kuhn’s study of the history of science. Nonetheless, Ostrom presumes reader familiarity with the essential features of Kuhn’s narrative. Thus, he employs the story of “the Copernican turn” in astronomy, when astronomers gave up on the “self-evident truth” of a geocentric solar system in favor of the revolutionary and imaginative leap to belief in heliocentricity. For Ostrom, the historical analogy fits his call for public administration theorists to question the “self-evident truth” that social order is possible only in centrally managed systems and to imagine the

⁸ Ostrom used the term “art and science of association” with direct acknowledgment of Tocqueville’s extended examination of what citizens in a self-governing society would have to know in order to constitute a self-governing society (1994, 211f.).

possibilities of a polycentric system of order he called democratic administration (V. Ostrom 2008b).

As Kuhn's early readers noted and he himself later acknowledged, Kuhn used the term "scientific paradigm" in a variety of contexts and to refer to demonstrably different things (Godfrey-Smith 2006, 77; Kuhn 1996 "Postscript—1969"). Three of Kuhn's definitions apply to this paper. A scientific paradigm can refer to "a way of doing science" (Godfrey-Smith 2006, 77). It can refer to a successful experiment that is uniquely influential, an "exemplar" that solves an important puzzle or resolves a troubling anomaly (ibid.). Or, a scientific paradigm can refer to a shared network of commitments and implicit knowledge that define a community of scientists (Kuhn 1996, 40-2).

A different way of doing social science

To what extent do The Workshop scholars and investigators in their orbit "do science" differently than scholars working in the mainstream?

Scientists engaged in different "ways of doing science" ask different questions and find meaning in different kinds of data (Kuhn 1996, Godfrey-Smith 2006, Luker 2008). My first memory of a Workshop event occurred before the event, its purpose now long forgotten. I was walking across the Bloomington campus with a member of the political science faculty when he turned to me and offered advice to the effect of, be careful about getting involved over there or you may find yourself counting trees in Nepal.⁹ A bit of projection allows one to imagine a parallel conversation a few years later occurring between a member of the Yale political science faculty and a newly enrolled graduate student upon the student's first attendance at an Institute for Social and Political Studies (ISPS) event hosted by Donald Greene and Alan Gerber. Be

⁹ At the time, a number of Workshop scholars were engaged in community forestry studies around the world. For a review, see E. Ostrom and H. Nagendra 2006.

careful about getting involved over there or you may find yourself door-knocking in Bridgeport.¹⁰ The operations of the two research institutes are recognizably similar but the questions and the data differ substantially. The author concedes that these differences may reflect simple differences between fields of inquiry. If so, the point merely confirms the vagaries of life as a graduate student. On the other hand, if one considers the respective ontological, theoretical, and normative commitments of the two research centers, the differences take on deeper meaning.

Workshop scholars study institutions conceptualized as long-lasting, rule-ordered relationships shared among communities of people, a very broad definition that encompasses a vast range of human activities (E. Ostrom 1990, 2005, 2009, 2010). The basic theoretical commitment can be summarized by the phrase, “Different arrangements will lead to different results or consequences.” (V. Ostrom [Allen (ed.)] 2011 180). The normative commitment logically follows. Workshop scholars count trees, fish, water pumps, even lobsters to assess the performance of institutions.

Voting and elections, the subject of the Green and Gerber experiments, are the presumptively legitimate means for assuring popular representation in government and so they occupy center stage in the study of democracy as conceptualized by mainstream (including ISPS) scholars. Voter participation in the central acts of selecting those who govern in the people’s name is a key measure of democratic legitimacy. The normative commitment to count (and study) voters follows logically from the normative conceptualization of democracy.

Scientific paradigms as uniquely successful experiments

¹⁰ The Institute for Social and Political Studies has been home to much innovative voter research, happily a tradition that continues. For a review of the research referred to above, see Green and Gerber 2004.

Elinor Ostrom's Nobel award recognizes a successful career in experimental science that achieved the resolution of at least two significant unsolved puzzles (anomalies) of mainstream social science along with the development of frameworks and theories that either did solve or promise to solve additional puzzles. In this section, I describe a portion of her research agenda to illustrate how The Workshop's empirical studies grew out of Vincent Ostrom's theorizing and in turn contributed to its further development.¹¹

In 1961, Vincent Ostrom and co-authors Charles Tiebout and Robert Warren proposed a theory of organization applicable to metropolitan governments that relied on "polycentric" governance institutions to provide and produce public goods and services. The article offered a theoretical rebuttal of the then prevailing mainstream views favoring consolidated metropolitan government. Ostrom, Tiebout, and Warren had set the stage for empirical tests of monocentric versus polycentric systems. Soon enough, Elinor Ostrom and others undertook studies of metropolitan police departments and other urban service organizations that tested claims made in the 1961 article and largely validated the feasibility of polycentric public service provision and delivery systems (McGinnis and Ostrom 2011). These studies also developed techniques for measuring the quality and efficiency of a variety of municipal services and for assessing the factors that influence the quality and efficiency of service provision and production (E. Ostrom 1971, E. Ostrom and Parks 1973, E. Ostrom, Parks, and Whitaker 1974). The "police studies" as they were generically known contributed to the development of the concept of public service industries, an idea with origins in Ostrom, Tiebout, and Warren (1961), which Vincent and Elinor Ostrom elaborated on in the co-authored essay "Public Goods and Public Choices: The

¹¹ For an overview of Elinor Ostrom's research agenda in her own words, I recommend reading her 2009 Nobel lecture as revised and published in *American Economic Review* (Ostrom 2010).

Emergence of Public Economies and Industry Structures.”¹² Ostrom and Ostrom (1977) explain the relationship between the attributes of certain packages of goods and the organizational means for providing for and producing those goods. The concept of the jointly produced, jointly used, public good had been described previously.¹³ Ostrom and Ostrom extended the application of the concept to the analysis of public service industries by locating “pure” public goods in a typology of goods organized according to production and use attributes (V. Ostrom 1994, 163f.). The Ostrom typology and the narrative and evidence supporting it resolved an anomaly of public administration theory by explaining what mainstream scholars could not. Mainstream theorists presumed that consolidation and centralization would improve the efficiency of public service provision and production and yet, the most centralized city administrations provided the worst services whereas fragmented, overlapping, and small jurisdictions offered better services at lower cost (V. Ostrom 2008b). The categorization of economic goods according to production and use attributes enables the analyst to conceptualize a polycentric public service economy capable of providing and producing complex packages of public, private, mixed, and co-produced public goods and services, a capability not theoretically possible according to conventional institutional approaches (V. Ostrom and E. Ostrom 1977 in V. Ostrom 1994). Moreover, the logic of polycentric, multi-organizational systems provides an empirically testable, deductive framework for matching the scale and scope of public services to the scale and scope of their effects (Ostrom, Tiebout and Warren 1961, McGinnis and E. Ostrom 2011). In short, by the mid-1970’s Workshop scholars had produced warrantable explanations of policy

¹² The essay was originally published in *Alternatives for Delivering Public Services: Towards Improved Performance*, edited by E. S. Savas, 1977, Boulder CO: Westview Press.

¹³ The Ostroms acknowledge Aristotle for an early description of the problems of common use and Samuelson (1954), Buchanan (1970), and Olson (1965, 1969) for later contributions to describing public goods. This author notes Ronald Coase (1960, 1974) his early recognition of the institutional possibilities for providing and producing public goods and “bads” (i.e. social costs).

pathologies associated with the consolidation efforts of urban reformers in middle decades of the 20th century, a central element of the critique Vincent Ostrom delivered in the 1971 lectures that proposed the “bad medicine” hypothesis, and theories derived from that work continue to explain the perverse outcomes attending nationalization and centralization of domestic policy in the present.

Governing the Commons: explaining the not-always inexorably tragic commons

In 1968, the journal *Nature* published Garrett Hardin’s essay “The Tragedy of the Commons.” It was then and remains today a touchstone of the environmental movement. Hardin summons the evocative image of herders trapped in a race to capture the last blade of grass from a commonly held pasture and asserts that ruin can be averted only by choosing between two institutional arrangements, assignment of the grassland to private owners or to the state, a choice premised on “mutual coercion, mutually agreed upon” (Hardin 1968 1248). Hardin’s juxtaposition of markets and states defined environmental debates for decades and my personal experience as an activist and public official confirms that many people with similar experiences view the markets-versus-states dichotomy as self-evidently true.

As Elinor Ostrom noted in *Governing the Commons* (1990), a metaphor is a literary device and not a fully developed political theory. Moreover, the dichotomy of markets or states is false and ultimately harmful to adequate understanding of resource governance regimes (ibid.). Under the Ostroms’ direction, The Workshop supported an extensive, decades-long, global program to study common property regimes that resulted in the collection and coding of thousands of case studies with the goal of establishing a uniform method for comparing institutional performance among cases involving diverse resources, cultures, and geo-physical settings (E. Ostrom 1990, 2005, 2010). The assembled evidence confirms that ruin is not

inevitable, that cooperation to maintain a common resource is possible (under diverse but specifiable conditions), and that many (perhaps most) successful resource management regimes involve governance structures that are neither principally market nor state derived (Ostrom 1990). Subsequently, Ostrom and co-authors Roy Gardner and James Walker (1994) organized and conducted laboratory experiments designed according to principles derived from game theory for the purpose of testing the field-derived “design principles” reported in *Governing the Commons* (Ostrom 1990). For the remainder of her career, Elinor Ostrom continued to develop a general theory of institutional design much of which she presents in her book *Understanding Institutional Diversity* (2005). Her later work refines and largely confirms the earlier findings (E. Ostrom 2005, 2009, 2010, 2011; Ostrom, Gardner, and Walker 1994).

The shared network of commitments and implicit knowledge

Reading Vincent Ostrom leads me to believe that the third definition, the scientific paradigm as a shared network of commitments and implicit knowledge (Kuhn 1996, 40-42, 181-186) is the one he had most in mind when framing his challenge to the mainstream. Kuhn (42) characterizes the network (or constellation) of shared commitments as “conceptual, theoretical, instrumental, and methodological.” He characterizes implicit knowledge by offering examples, such as shared understanding of what constitutes acceptable predictive accuracy (ibid. 185). Ostrom (2008b, [Allen (ed.)] 2012, 253f.) patterns his descriptions of paradigms after Kuhn, characterizing theoretical presuppositions by the shared foundational (i.e. ontological and epistemic) choices of scientists. He (Ostrom) proceeds by the method of textual exegesis to establish a “mainstream constellation of commitments” and a further contrasting set of commitments as the alternative. Table 1 lists the differentiated networks of commitments and so outlines an operational definition of each “paradigm” enabling comparison.

Insert Table 1 about here...

(Quasi) Metaphysics: different commitments, different outcomes

Kuhn (1996, 41) saves the reader and author from a lot of arm-waving by inserting the modifying “quasi-” before metaphysical when referring to the manner in which scientists address the problem of ultimate reality. Kuhn’s terminology is fortunate for a paper on political theory because the subject, politics, is entirely a social construction. The fact of social construction makes the claim of ultimate political reality a matter of great importance to the way we employ scientific methods to study politics for the obvious reason that politics is as we construct it. If “[t]he history of all hitherto existing society is the history of class struggles” (Marx and Engels 1848) and if politics is “who gets what, when, and how” (Lasswell 1958) then we have expressed a commitment to one form of ultimate political reality. If the community of scholars and practitioners construct politics as an exercise in power, conflict, strategy, manipulation, and the pursuit of basic (self) interests, they will succeed in that construction (Lasswell and Kaplan 1950, Schattschneider 1960, Riker 1986, Shapiro 2011). If scholars and practitioners embrace an alternative, covenantal reality, based on reciprocity, mutuality, and deliberation in a spirit of curious enquiry (Allen 2005), then the possibility of cooperation for mutual benefit arises and it becomes feasible to construct politics as a collective effort to stabilize expectations concerning joint and non-joint strategies (E. Ostrom 1990, 2005). The reader may presume that the latter option is hopelessly naïve. Possibly so as Ostrom (1980) concedes but the point, taken from Hobbes, is that values are inescapable components of all political theorizing. We cannot answer the question of what politics is without also answering the question of what it is for.

“The ideas of economists and political philosophers, both when they are right and when they are wrong, are more powerful than is commonly understood. Indeed,

the world is ruled by little else. Practical men, who believe themselves to be quite exempt from intellectual influences, are usually the slaves of some defunct economist. Madmen in authority, who hear voices in the air, are distilling their frenzy from some academic scribblers of a few years back... [I]n the field of economic and political philosophy there are not many who are influenced by new theories after they are twenty-five or thirty years of age, so that the ideas which civil servants and politicians and even agitators apply to current events are not likely to be the newest. But, soon or late, it is ideas, not vested interests, which are dangerous for good or evil.” ([J. M. Keynes] 1936, 383-84) (quoted in Ostrom [Allen (ed.)] 2011 181)

If Lord Keynes is even partly right, then the explanation of “winner take all politics” in the present era may be close at hand indeed and the politics of the next era may be sitting in a lecture hall in the morning.

The ontology of Hobbes: sovereignty and the unity of the commonwealth

Ostrom’s commentary on Hobbes’s theory of sovereignty and the unity of the commonwealth illustrates his points of departure from the mainstream. Ostrom (1980) agrees with Hobbes’s description of the commonwealth as a human artifact that contains its human “artificers” and with Hobbes’s formulation of the asymmetric power dynamic in the “rule, ruler, ruled” relationship that is necessary for a rule-ordered society. Ostrom (1980, 1994) begins the critique of Hobbesian analytics by noting the contradiction between a constitutionally limited government, which presumes that constitutions can bind the governors, and Hobbes’s conceptualization of the sovereign who is above the laws of the commonwealth by virtue of his monopoly over authority relationships and the instruments of force (the “sword”). Ostrom

(1994, 34-35) further notes that Hobbes's state of nature does not account for the human capacity for language and learning used to develop a community of understanding that would oblige members of the community to abide by mutually agreed upon restraints. In short, covenantal reasoning enables communities of persons to construct a sovereign who is bound by human (not divine) law and so the capacity for self-governance is within the reach of human intelligence (Allen 2005). The "artificer" can do more than *Leviathan's* author inclines to allow (E. Ostrom, Walker, and Gardner 1992).

Scholars who dismiss federal structures as "paper pictures" and "'exalt the representative body... to a position of absolute supremacy' (Wilson 1956 203)" (quoted in Ostrom [Allen (ed.)] 2011, 280) construct the sovereign as a unitary power and so they construct "the internal structure of a commonwealth" along the same logical lines. According to Hobbes (whose formulation Wilson adopted), the unity of the commonwealth proceeds from the unity of power in the organization of its government (Ostrom 1994, 38). Ostrom (1994, 38) continues, "Whenever we define a state as a monopoly of the legitimate exercise of force in a society, Hobbes's attributes of sovereign authority necessarily apply as a manifestation of monopoly. Unity of power implies a monopoly of authority relationships in a society."

If "the unity of power and of law are necessary to the peace and concord of commonwealths" (Ostrom 1994, 38) then,

"Wilson, Bagehot, and many others who follow their line of reasoning essentially accept Hobbes's theory of sovereignty and presume that the unity of a commonwealth derives from a unitary organization of governmental authority rather than from the unity of the people being represented by a government.

Political responsibility can be attained in their formulation only by having a single

clearly visible authority who can be held accountable for political leadership. Diverse, overlapping political communities, they would argue, cannot hold a multitude of officials accountable. It is this conception that has led a major component of the American intellectual community in this century to rely upon models of parliamentary government and bureaucratic administration as providing the normative standards for reforming and restructuring government in the American political system.” (Ostrom [Allen (ed.)] 2011, 280)

“We, the People, in order to form a more perfect union...” is either a “paper picture” concealing the living reality of a monocentric system of power, or it asserts the existence of union among people joined in a shared community of understanding and it is the people who establish and ordain the general government to assist the project of federal (and covenantal) union.

Ostrom’s Epistemological Critique

Ostrom’s (2008b) criticism of the command (attributed to Walter Bagehot and Woodrow Wilson) to penetrate the “façade” of politics and by doing so to observe society directly as a “living reality” is trenchant. Ostrom’s criticism of Wilson’s epistemic choices is also central to evaluating his critique of the intellectual mainstream. Ostrom asserts that all human artifacts, including governments, “require knowledgeable experimenters who know what they are doing” and that for the observer to understand the experiment, he or she must have access to knowledge of the design principles employed by the artisan (V. Ostrom [Allen (ed.)] 2012 265). Using an electric generating station as his example, Ostrom explains,

“An observer taking Wilson’s advice and looking at the living reality of a power plant generating electricity would not be likely to survive if he escaped from

theory and attached himself to facts... The operation of an electric utility always occurs subject to the intelligent discharge of human artisanship... Such a utility may, in turn, be linked to water systems, or other systems of relationships, capable of generating and using electricity... Human societies, thus, are constituted by the simultaneous operation of diverse experiments variously linked to one another.” ([Allen (ed.)] 2012 265)

To evaluate the artisanship employed to construct “variously linked” governance institutions, one must acknowledge the intentions of the artisans and the terms and conditions of the political experiments undertaken to construct those institutions (Ostrom 1980). Institutions are describable by the rule-ordered relationships they embody. Rules take form as sentences that achieve meaning in a commonly understood language. Understanding the artisanship of institutional design requires resort to a philosophy of language which Ostrom finds in John Searle’s 1969 book length essay *Speech Acts*.

Searle (1969, 1998) employs the term collective intentionality to explain the formation and evolution of language rules. Collective intentionality is the common knowledge that allows the speaker and listener to understand each other (ibid.). The progression of understanding eventuates in shared language rules that form the basis for the rule-ordered relationships we call institutions (Ostrom 1980, Ostrom [Allen (ed.)] 2012). The presumption that collective intentionality exists and that the observer can ascertain its form by studying the written and unwritten rules applicable to a specified social setting enables an observer to distinguish between brute facts and institutional facts (Searle 1998). Brute facts are “essentially physical” and are “supposed to be simple empirical observations recording sense experiences” (Searle 1969 50). Institutional facts exist only if the observer “presupposes the existence of certain human

institutions” (ibid. 51). To demonstrate the centrality of institutional facts to the intelligible observation of human affairs, Ostrom employs Searle’s example of putatively scientific observers of a football game who demonstrate the plain foolishness of claiming to understand society by reference only to directly-experienced, brute facts. Ostrom ([Allen (ed.)] 2012 260) embeds an abbreviated quote of Searle’s original example (underlined below) in a longer passage on the uses of institutional facts for making political theory. I reproduce Searle’s text in extended form to provide context and because of the centrality of this passage to Ostrom’s epistemological critique.

“Let us imagine a group of highly trained observers describing an American football game in statements only of brute facts. What could they say by way of description? Well, within certain areas a good deal could be said, and using statistical techniques certain ‘laws’ could even be formulated. For example, we can imagine that after a time our observer would discover the law of periodical clustering; at statistically regular intervals organisms in like colored shirts cluster together in roughly circular fashion (the huddle). Furthermore, at equally regular intervals, circular clustering is followed by linear clustering (the teams line up for the play), and linear clustering is followed by the phenomenon of linear interpenetration. Such laws would be statistical in character, and none the worse for that. But no matter how much data of this sort we imagine our observers to collect and no matter how many inductive generalizations we imagine them to make from the data, they still have not described American football. What is missing from their description? What is missing are all those concepts which are backed by constitutive rules, concepts such as touchdown, offside, game, points,

first down, time out, etc., and consequently what is missing are all the true statements one can make about a football game using these concepts. The missing statements are precisely what describe the phenomenon on the field *as a game of football* (emphasis in the original). The other descriptions, the descriptions of the brute facts, can be explained in terms of the institutional facts. But the institutional facts can only be explained in terms of the constitutive rules which underlie them.” (Searle 1969 52)

The final sentence of the quoted passage allows the reader to apprehend more fully the implications of Ostrom’s epistemological critique. Our enthusiasm for polling and opinion research may be misplaced. Survey research pursued without due regard for the institutional facts of representative government may amass enormous collections of brute facts that are satisfyingly statistical in character but in actuality do little more than demonstrate “the laws of periodical clustering.” The commitment to explanation “in terms of the constitutive rules” differentiates The Workshop’s epistemic commitments from the mainstream. “[I]n order to have *rule by assemblies*, it is logically necessary to have a shared community of understanding and agreement about the *rules for assembly* and what it means to govern by assembly” (V. Ostrom 1994, 41, emphasis in the original). Workshop Director Michael McGinnis and Elinor Ostrom (2011, 20) summarize Vincent Ostrom’s constitutional reasoning thusly,

“[N]o institution can be fully understood without taking into account the ways in which the participants themselves conceptualize the nature of their interaction... [E]ach organization, from the smallest to the largest, had some kind of constitution in place that guides the behavior of all relevant parties (Ostrom 1991, 1997).”

The Theoretical Commitment

In the manner noted just above, Ostrom links the theory of polycentric governance institutions to the case for constitutional liberty, i.e. the liberty of a free people to form organizations to achieve public purposes in an open public realm. Society is comprised not of a single public but of many overlapping publics each prospectively identifiable as “collective consumption units” of so many and certain public goods or services (Ostrom, Tiebout, and Warren 1961). Any person may be a member of several such publics. For example, I may live in a town that provides fire and police protection locally that contracts with a neighboring town for waste disposal and recycling and both towns may be part of a regional water and sewer authority. Such arrangements enhance efficiency to the extent that provision arrangements match the scale and scope of the public effects and the production technologies of the various goods. Efficiency is a prospective benefit of polycentricity but the *argument from efficiency* is incidental to arguments advancing polycentricity as a political arrangement conducive to liberty and justice.¹⁴

Federal systems are a special case of polycentricity premised on the notion that federal (and polycentric) arrangements advance democratic justice because they check the oppressive tendencies of unopposed authority and, importantly, they create multiple points of access to centers of public authority (V. Ostrom 1994). I may be a citizen of a town, a county, a state, a nation, and of the world. If my efforts to find justice at one locale fail, I can pursue justice at another. Ostrom (1994) argues that an open public realm organized on federal principles includes many intervening organizations and governance institutions. These organizations and institutions safeguard the rights of citizens and enhance the lives of citizens by training and

¹⁴ Ostrom does not confound efficiency with “least cost.” “**Producer efficiency in the absence of consumer utility is without economic meaning.**” (V. Ostrom 2008b, 54, emphasis in the original)

conditioning free people to take active parts in a society that governs itself for itself (ibid. 211f.). Ostrom (1994, 1997) draws the lesson from Tocqueville and readers will recognize further connections to contemporary scholarship linking self-governance capacity to civic engagement and social trust (Putnam 1993, Verba, Schlozman, and Brady 1995).

Ostrom draws a sharp contrast between the vigorous, if occasionally messy, “open public realm” and “a neatly sequential process of representative democracy in which citizens express their policy preferences by electing representatives who then write complex laws that have to be interpreted by administrative agencies in the form of detailed regulations” (McGinnis and E. Ostrom 2011, 21). Parliaments and bureaucracies or presidents and a unitary executive branch cannot match the efficiency enhancing or the justice potential of an open public realm based on federal (polycentric) principles, properly understood and applied, because unitary systems of government cannot engage citizens in productive relations based on reciprocity and mutuality between citizens and public authorities and among associations of citizens acting on their own initiatives (V. Ostrom 1994, 2008a, 2008b, Ostrom [Allen (ed.)] 2012 399-400). The mental picture of the open public realm that I derive from Ostrom is of a collectively and consciously constructed community perched on a three-legged stool of elections and voting, federalism, and the artful and conscientiously applied practice of citizenship. The stool cannot stand on one leg or even two. When all three are strong and present in proper proportion, stability is possible.

The minimal democratic requirement of contested, competitive elections for most important public offices, or “dependence on the people... (as) the primary control on the government” is “no doubt” the first leg of the stool (*The Federalist 51*, Schumpeter 1976, Huntington 1991-2, Shapiro 2011). Nonetheless, when we equate the practice of democracy to minimalist formulations of voting and representation, we run the risk that “the citizens of such a

republic (will) relinquish the means of governing themselves collectively to rulers who prostrate themselves before the majority” (Allen 2005 185) and “that the activities of government officials become reduced to the provision of special privilege to narrow groups” (McGinnis and Ostrom in Ostrom [Allen (ed.) 2012, 512).

Federal and polycentric institutional arrangements therefore comprise the necessary second leg although not solely by the (conventionally noted) division of enumerated powers among branches of the national government and not with the additional formulation of the compound republic, understood as the divided or dual delegation of governing authority to the states and the union (V. Ostrom 2008a). Divided and enumerated powers in a compound republic are necessary but not sufficient institutional arrangements (to hold up the stool). Federal and polycentric institutions must be constituted as “more than the instrumentalities of government, narrowly construed” and moreover, “[t]his policy of supplying, by opposite and rival interests, the defect of better motives, might be traced through the whole system of human affairs, *private as well as public*” (emphasis added) (Ostrom 1994 208, 224; *The Federalist 51*). Federal polycentricity or polycentric federalism is substantially equivalent to Elinor Ostrom’s definition of polycentrism,

“a system where citizens are able to organize not just one but multiple governing authorities, as well as private arrangements, at different scales. Each unit may exercise considerable independence to make and enforce rules within a circumscribed scope of authority for a specified geographical area. In a polycentric system, some units are general-purpose governments, whereas others may be highly specialized. Self-organized resource governance systems, in such a system, may be special districts, private associations, or parts of local

government. These are nested in several levels of general-purpose governments that also provide civil equity as well as criminal courts.” (E. Ostrom, quoted in Aligica and Boettke 2009, 156-7)

Functional polycentric social orders do not emerge spontaneously. Their assembly requires the conscious and conscientious practice of organizational artisanship (V. Ostrom 1980). In the open public realm of a democratic society, citizen-artisans comprise the third leg of the stool. A two-legged stool cannot stand unaided. For democratic self-governance to endure, citizens must know the “art and science of association” and they must have the “habits of heart and mind” (along with the authority) to conduct their affairs in multi-organizational settings characterized by a culture of deliberation conducted in a spirit of curious enquiry and self-interest “properly understood” (V. Ostrom 1994, 199-221; Allen 2005).

Madison used the metaphor of “a republican cure for the republican disease” to justify the case for an extensive republic in *The Federalist*, so we can use the metaphor of psychological afflictions to characterize Ostrom’s diagnosis of the vulnerability of American democracy. The afflictions that threaten the United States as a self-governing republic present themselves in a three-fold form, as fantasy, delusion, and illusion (V. Ostrom 1994, 68, 268). The fantasy of omnicompetence is an affliction of the citizens. Citizens present symptoms of the illness when they project upon a public official or government agency the unlimited capacity to solve any or all problems and so petition said agency or official “to be the sole agent and the only arbiter of [their] happiness; [that] provides for their security, foresees and supplies their necessities, facilitates their pleasures, manages their principal concerns, directs their industry, regulates the descent of property, and subdivides their inheritances: [all this]... to spare them all the care of thinking and all the trouble of living” (Tocqueville 1835 Vol. 2, Part 4, Chap. 6). This observer

of the American political scene in 2008 concluded from the reaction to then-Senator Obama's presidential campaign that significant segments of the public and the news media were swept up in such a fantasy.¹⁵

The delusion of omniscience afflicts office holders who believe the fantasies of their supporters and petitioners. This delusion is a decidedly bipartisan affliction.¹⁶ Delusional intimations of omniscience present themselves in the Congressional practice of writing omnibus bills, measured in the hundreds or thousands of pages of original text and implemented through tens of thousands of additional pages of federal regulations, all presuming to achieve grand, morally unassailable outcomes by minutely accounting for countless contingencies predicted to occur across time and among immensely varied ecological, social, and cultural contexts (personal experience; V. Ostrom [Allen (ed.)] 2012, 400; Fotos 2000).¹⁷

The illusion of infinite wealth afflicts citizens and their agents in the public sector. The affliction presents itself in the selection of policy narratives that frame statutory objectives and obligations in terms of moral absolutes and grand abstractions. The outcome for "the patient" is

¹⁵ My evidence is necessarily anecdotal. I distinctly recall my contemporaneous impression of the public reaction to the Obama phenomenon. Students and colleagues confirm my recollection of the ecstatic mood of many Obama supporters when I present the following quote of candidate Obama who was apparently channeling the expectations of supporters when he commented on his pending nomination, "this was the moment when the rise of the oceans began to slow and our planet began to heal" (http://en.wikiquote.org/wiki/Barack_Obama (October 22, 2012) original date June 3, 2008, St. Paul MN). President Obama shows every indication that he is aware of the fantastic hopes his candidacy raised. For example, at New York's 2008 Al Smith dinner he quipped, "Who is Barack Obama? Contrary to the rumors you have heard, I was not born in a manger. I was actually born on Krypton and sent here by my father Jor-El to save the Planet Earth" (<http://politicalhumor.about.com/library/bl-funny-obama-quotes.htm?PS=477%3A5> (January 22, 2013)).

¹⁶ "I'm the decider, and I decide what is best." Attributed to President George W. Bush, (<http://politicalhumor.about.com/od/bushquotes/a/topbushisms2006.htm> (October 22, 2012) original date, April 18, 2006, Washington DC) Patrick Gaspard attributed the following quote to President Barack Obama in a article originally published in The New Yorker in November 2008, "I think that I'm a better speechwriter than my speechwriters. I know more about policies on any particular issue than my policy directors. And I'll tell you right now that I'm gonna think I'm a better political director than my political director." (http://www.politico.com/news/stories/1012/81895_Page2.html#ixzz2MlpAYEIQ (March 6, 2013))

¹⁷ For example, see the Patient Protection and Affordable Care Act of 2010 (aka "Obamacare") and associated federal and state rulemaking.

the unsustainable reliance on policy designs that ignore the condition of scarcity.¹⁸ Scarcity is an inescapable property of the human condition. People manage scarcity by making trade-offs. Microeconomic theory provides normative standards for evaluating their managerial acumen. When people pretend that scarcity does not constrain their potential actions, they deny themselves objective means for evaluating the terms and conditions of their political experiments (V. Ostrom 1997 79-80). Zero tolerance, no child left behind, zero discharge, and other absolute goals imply that any citizen who raises a question about the costs incurred in dollars, wasted time, liberties lost, or incidental injustices imposed on innocent bystanders from measures taken in support of some unassailable public purpose therefore supports morally odious conduct such as bullying or drug abuse, substandard schools for disadvantaged children, water pollution, and a host of other social ailments. The presumption that some entity called “the government” has unlimited resources for enforcing rules, for providing behavioral counseling, for tutoring and remedial reading programs, for ordering the installation of pollution control devices, and for performing myriad other tasks is a manifestation of the illusion of infinite wealth which abnegates the obligation to consider tradeoffs among lesser evils or greater goods. The present habit, albeit one acquired over the preceding several decades, of borrowing vast funds to support current consumption or to compensate private losses is another manifestation of the illusion.¹⁹

¹⁸ The nomothetic fallacy, the belief that a “named national policy” will solve any problem and its corollary belief that problems in society will remain unaddressed in the absence of a “named national policy,” co-occurs with the illusion of infinite wealth with such frequency that I suspect they are related. This conjecture remains untested for now. See Ostrom (1997).

¹⁹ The author is aware of Keynesian arguments for demand stimulation. I include a non-technical discussion of the literature on the economic effects of ARRA (“the Obama stimulus”) in Fotos (in process). My critique is not of the adequacy of Keynesian economics. Like all macroeconomic theories of which I am aware, the evidentiary basis is mixed. My critical reference is to the light regard given problems of inter-generational equity (the “Wimpy” proposition, a hamburger today for a dollar tomorrow) by present-day office holders of both major parties. Their lack of regard for the obligations of future taxpayers is more easily explained if one presumes they are informed by an illusion of infinite wealth. The historical record of human environmental exploitation shows that fiscal profligacy has a ready analogue in our treatment of the natural world. One might reasonably suppose that the illusion of infinite wealth has a cause deeply embedded in human nature.

Ostrom's theoretical critique differentiates The Workshop from other schools associated with the public choice movement in political theory (Aligica and Boettke 2009, 2011; McGinnis and Ostrom 2011). Ostrom assumes that people act rationally (on the principle of relative advantage) when it comes to making choices but he does not rely on narrowly utilitarian or economic arguments in the way that other public choice theorists have (V. Ostrom 2008b, McGinnis & Ostrom 2011, see also Buchanan and Tullock 1962, Riker 1982, Green and Shapiro 1994). Rather, The Workshop critique of mainstream democratic theory derives evaluative criteria from arguments based on public goods, civic virtue, sustainability, justice, and efficiency. Nonetheless, as Kuhn (1996 199) notes,

“Debates over theory-choice cannot be cast in a form that fully resembles logical or mathematical proof. [I]f the two (scientists) discover instead that they differ about the meaning or application of stipulated rules... the debate continue(s) in the form it inevitably takes during scientific revolutions. That debate is about premises, and its recourse is to persuasion as a prelude to the possibility of proof.”

An Empirical Critique of the Mainstream in Political Theory and Policy Analysis

The objective of a comparative evaluation of two scientific paradigms cannot be theory proof. It is rather to persuade the reader by presenting anomalies, findings that violate one set of paradigm-indicated expectations, and their corresponding explanations by another paradigm. If the list of paired anomalies and explanations is sufficient in number or quality, the presenter may weaken the reader's attachment to one and encourage his or her willingness to embrace the other.

Anomalies are central to scientific progress because they induce investigations that expand the bounds of scientific understanding (Kuhn 1996, 52-53). Scientists (correctly in most cases) treat anomalies as cases for investigation and not as causes for questioning the theoretical

basis of the current paradigm. Only the “persistent failure of the puzzles of normal science to come out as they should” will cause a scientist to lose confidence in the way he or she is practicing science (ibid. 68). Even then, the first rule of wing walking applies. A wise scientist will not let go of a paradigm that has worked without having another one to grab onto (ibid. 77).

Insert Table 2 about here...

The reader will judge the sufficiency of the evidence (the list of anomalies) presented herein. The hurdle is high. Are the accumulated counter-intentional policy outcomes numerically sufficient and substantial enough to persuade mainstream social scientists to reject what has worked (in terms of puzzles solved, publications accepted, and tenure granted) and to accept an alternative paradigm based on unfamiliar concepts? I present cases comprising three categories of outcomes, ambiguous (or no) effect at high cost, monopolization of public goods leading to the erosion of their value, and unequivocally counter-intentional results. Of the three, only the third, when the outcome is the reverse of what the experimenters intended at the time of the experiment, presents an unambiguous paradigmatic challenge. The first two categories provide opportunities to demonstrate more powerful explanations of social and political behavior and they are enough to cement my loyalties to The Workshop paradigm. But they do not plainly and unequivocally contradict the premises of mainstream political theory and policy analysis (for reasons noted below). As Peter Godfrey-Smith (2003, 156) writes, “...observation cannot function as an unbiased way of testing theories (or larger units like paradigms), because observational judgments are affected by the theoretical beliefs of the observer.” Therefore, only outcomes that contradict mainstream theory under the terms and conditions specified by that theory qualify as unambiguous challenges to the mainstream of political theory.

The first category of anomalous policy outcomes includes the cases when the policy is implemented at great cost (in dollars or effort) with little or no effect on the underlying social conditions the policy is intended to ameliorate. For example, as Sabrina Tavernise reports in *The New York Times* the United States spends more per capita and more in total on health care than any other advanced nation but lags peer nations in nearly every health indicator (nytimes.com 2013b). Our scandalous healthcare system demonstrates the modern fallacy of equating the moving around of money with problem solving. Nevertheless, spending a fortune to treat preventable illnesses of which patients will never be cured does not contradict the mainstream argument that better administration (i.e. a more rationally organized and tightly controlled healthcare system) will assure that our health dollars are better spent, as indeed the Patient Protection and Affordable Care Act of 2010 (aka Obamacare) presumes will be the outcome. Presumption and outcome may differ. Follow-up reporting by Annie Lowery and Robert Pear indicate that doctors are becoming scarcer and health insurance more expensive as states begin to implement Obamacare (nytimes.com 2012b, 2013a). Such reports raise fundamental questions about the terms and conditions of this political experiment. In this example, the record of implementation is simply too brief to make any conclusions but comparing the outcomes as described in *The New York Times* demonstrates the distinction between the little effect/high cost category noted above and the unequivocally counter-intentional outcome just described.

The second category comprises policy designs prescribing organizational arrangements that lead to the erosion of public goods due to a failure to manage incompatible uses or the creation of opportunities for a single-user or a single class of users to dominate consumption of the good (Ostrom and Ostrom 1977). This category of policy anomaly does not raise a paradigmatic challenge because it presumes the existence of events that do not exist, or that do

not have logically comparable equivalents in mainstream political theory. I refer in this category to the typology of goods and multi-organizational public service economies as uniquely specified in Workshop analytics.

Shortcomings in oceanic fisheries regulation provide an illustrative example. Under present rules, a single processor Omega Protein in Reedsville, Virginia captures three-fourths of the entire commercial harvest of the Atlantic menhaden (Pew Environment Group 2012). To this Workshop scholar, the monopolization of the resource indicates a failure to constitute organizational arrangements appropriately to the scale and scope of the resource and in relation to the community of users. For a mainstream policy analyst, Omega Protein's catch share is evidence of regulatory capture and a sign that national and state fisheries regulators lack the political will to crack down on a well-connected corporate operator (Fairbrother 2012). My experience with fisheries regulation and my knowledge of this case indicate that while the latter explanation offers emotional satisfaction, the former explanation offers greater analytic traction. In this category as in the example, the choice between paradigms is one of degrees and tradeoffs, not scientific fundamentals. Kuhn's rule of persuasion applies to fisheries policy and like cases.

The final category, unequivocally counter-intentional outcomes, raises fundamental (i.e. paradigmatic) challenges to mainstream political theory. Ostrom ([Allen (ed.)] 2012) illustrates the category by recounting the political and economic consequences of the Bolshevik Revolution and the subsequent installation of Soviet-style governments throughout Eastern Europe. He quotes Milovan Djilas's account,

“Everything happened differently in the U.S.S.R. and other Communist countries from what the leaders—even such prominent ones as Lenin, Stalin, Trotsky, and Bukharin—anticipated. They expected the state would rapidly wither away, that

democracy would be strengthened. *The reverse happened.*” (ibid. 227; emphasis added by Ostrom).

The unequivocally counter-intentional outcomes of the successful Marxist revolution include the expansion, not the withering away, of the state, replacement of the old oppressor class with a new, more oppressive set of oppressors, decline, not improvement in working class living standards, and the installation of an unresponsive autocracy when democracy was expected (ibid. 224-28).

Ostrom ([Allen (ed.)] 2012 323f.) warns that democratic governments are not immune to the risk that great experiments may generate counter-intentional outcomes. For example, the American public is extraordinarily generous to the victims of floods and natural disasters. Yet, examination of building and development in the aftermath of the Great Midwestern Flood of 1993 indicates that national policies intended to aid recovery and mitigate disaster damage make the people living in flood zones more, not less, liable to lose property and livelihoods from flooding (Sylves 2008, Fotos in process). Peterson (1981) concludes that a generation of national urban and social welfare policies intended to benefit American cities have left them less rather than more able to compete for jobs, talent, and investment capital. Douglas Rae reached a similar conclusion concerning the effects of Mayor Richard Lee’s expansive redevelopment efforts in New Haven (personal communication). Ian Shapiro (2011) describes a puzzling reversal of expectations with a query about why after decades of expanding voter participation among lower income voters, the United States pursues policies that promote regressive income redistribution. This author observes the multi-decade long trend of nationalization and centralization of policymaking and notices without surprise that in an era characterized by a rapid increase in income inequality seven of the ten richest counties in America are now located

in the Washington DC metropolitan region (washingtonpost.com 2012). One scholar looks at voting and elections and finds a puzzle. The other looks at the structure of government and finds an outcome consistent with theoretical expectations.²⁰

Conclusion

Ostrom and the intellectual mainstream converge obviously in their preferences for constitutional government organized on democratic principles. They also share a normative commitment to a society characterized by high levels of liberty and justice. Proponents of the mainstream believe the best way to achieve such a society is by establishing the organizational arrangement commonly called a social welfare state, organized on principles of majority voting, centralized policymaking, and bureaucratic administration. Ostrom's critique contains a strong warning that the outcome of such an arrangement may be unequivocally counter-intentional to the hopes of its proponents. *The reverse may happen!* Ostrom calls for reexamination on pragmatic grounds of the terms and conditions of the great experiment represented by the social welfare state conceptualized as a neat process of representation and detailed rulemaking by professional administrators (Ostrom 2008b, 1994, 1997). Here is Ostrom's (1994, 68) summary warning.

“People in a federal republic are as vulnerable as Hobbes's sovereign to human fallibility and to the natural punishments that follow erroneous judgments. So long as they are willing to struggle with one another, not to gain dominance and subdue others by force, but to increase understanding of what it means to live a life of covenantal relationships, they have the basis for the design and conduct of

²⁰ In an article first posted on September 19, 2012, *Washington Post* reporters Carol Morello and Ted Mellnick quote William Frey, a demographer with the Brookings Institution. “When people make the argument that \$250,000 is middle income, that's way higher than most of the country regards as middle income. But here in Washington, your next-door neighbor has that kind of income.”

great social experiments. Those experiments, however, will certainly fail whenever people think of themselves as omniscient observers capable of functioning as omniscient overseers who know what represents the greatest good for the greatest number. This, human beings cannot know in a world plagued by counterintentional and counterintuitive relationships.”

The End

Table 1: Differentiating the Network of Commitments

Commitment	Intellectual Mainstream	Democratic Administration
(Quasi) Metaphysical	Politics is fundamentally about power. Interests dominate human activities. ²¹	Politics is about stabilizing expectations concerning joint and non-joint strategies. ²²
Ontological	Politics is comprised of strategies of dominance and manipulation to advance basic (self) interests. ²³	Politics includes the potential for strategies of dominance and manipulation and the potential for strategies of cooperation to advance shared goals (i.e. public goods). ²⁴
Epistemological	Value-free observers can observe society as a "living reality." ²⁵	Intelligible observation of society requires understanding the intentionality of the people or community being observed. ²⁶
Theoretical	Social order relies on monocentric and hierarchical organization. Democracy proceeds from holding those in power electorally accountable. ²⁷	Multi-organizational arrangements (i.e. polycentrism) based on shared communities of understanding (i.e. constitutions) are the basis for achieving liberty and justice. Shared communities of understanding and mutually productive relationships between organizations make social order possible. ²⁸
Empirical	Anomalous results require resort to greater force (i.e. stronger instruments of social control). ²⁹	Anomalous results create opportunities for learning and the demand for new rules (to stabilize expectations). Compliance is contingent. Organizational advantage derives from economies of information. ³⁰

²¹ Shapiro 1996 50, Lasswell and Kaplan 1950, Lasswell 1958

²² E. Ostrom 1990, 2005, Ostrom, Gardner and Walker 1994

²³ Schattschneider 1960, Riker 1982, 1986

²⁴ V. Ostrom 1980, 1994

²⁵ Wilson 1956

²⁶ V. Ostrom 1980, Ostrom [Allen (ed.) 2012 253f.

²⁷ Wilson 1887, Goldsmith and Eggers 2004, Schumpeter 1942, Shapiro 2011

²⁸ Ostrom 1994, Ostrom, Tiebout, and Warren 1961

²⁹ The National Commission on Terrorist Attacks upon the United States. No date., U.S. Senate Committee on Homeland Security and Governmental Affairs 2006

³⁰ E. Ostrom 1990, 2005, V. Ostrom 2008b

Table 2: Categories of Counter-Indicated and Counter-Intentional Policy Outcomes

Category of Outcome	Policy (or policy sub-system)	Outcomes and comments ³¹
Little (or no) effect at great cost in dollars or effort	Major national health programs--Medicare, Medicaid	Lead world in total and per capita spending, lag peer nations in key health indicators
	School aid and proficiency mandates--ESEA Title I (as amended)	Lag peer nations in math and science, large achievement gap between poor and minority students and everyone else
	The War on Drugs	Little or no effect on the human proclivity for recreational self-medication, enormous social costs--millions imprisoned, tens of thousands dead in drug violence, militarization of law enforcement
	Oceanic fisheries--Magnuson Act (as amended)	Big boats dominate catch shares and deplete commercially viable fisheries; non-selective gear damages ocean ecosystems.
Monopolization of public good by single user (or single class of users) leading to erosion of value	U.S. government expenditures	Capture by the owners of the factors of production--medical device makers, health care providers, defense manufacturers, commodities processors, etc.
	Food and nutrition policies	People are dying of food; commodities processors and landowners capture subsidized rents; land-use practices degrade entire ecosystems; animal welfare and hygiene are scandalous.
	Affordable housing programs--Fannie Mae, Freddie Mac, Community Reinvestment Act	A generation of middle-class savings wiped out, millions of families facing foreclosure or living in "underwater" houses
Unequivocally counter-intentional outcomes; The reverse happened!	School desegregation policies	Enforcement systematically assures segregated outcomes.
	Disaster assistance and mitigation	Public exposure to disaster risks increases.
	Urban redevelopment and social welfare policies	Cities are less able to compete for talent, jobs, and investment capital; city neighborhoods are less livable.

³¹ See Appendix A for source notes on policy outcomes.

Appendix A: Sources for Table 2 policy outcomes.

Health Policy Outcomes:

Education Policy Outcomes:

Drug Policy Outcomes:

Fisheries Management Outcomes: (Pew Environment Group 2012, Fairbrother 2012)

U.S. Government Expenditure Patterns:

Food, Agriculture, and Nutrition Policy Outcomes:

Housing Finance Assistance Outcomes:

School Desegregation Outcomes:

Disaster Mitigation and Assistance Outcomes: Sylves (2008), Fotos (in process)

Urban Development and Social Welfare Outcomes: Peterson (1981), Rae (personal communication n.d., 2003)

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