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Albert-Ludwigs-Universität Freiburg

Antipathy for Heidelberg, Sympathy for Freiburg?
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Compound History of Order

Stefan Kolev¹

Abstract

Vincent Ostrom's legacy is revisited in this paper along three dimensions: Ostrom's contributions as a historian of politico-economic thought, as a complexity theorist, and as an epistemologist. All three dimensions are captured from a perspective which has seldom been studied systematically before: The paper reconstructs Ostrom as a reader and interpreter of German politico-economic thought, especially of Max Weber's theory of bureaucracy and of Walter Eucken's theory of social and epistemic orders. The systems of these two German social scientists embody for Ostrom the two types of social order central to his own typology. The paper incorporates archival sources from the Elinor and Vincent Ostrom Papers, including unpublished papers and correspondence with German social scientists he met during the Ostroms' 1981/1982 stay at Bielefeld University's Center for Interdisciplinary Research (ZiF). Overall, this narrative focuses on what Ostrom called in his reception of the Freiburg School "Eucken's challenge": A set of inquiries about the relevance of political economy for the study of polycentric orders.

Keywords: Bloomington School, Freiburg School, political theory, history of economics, economic sociology, polycentricity, epistemology

JEL Codes: A12 · B25 · B41 · D73 · H11 · H41 · Z13

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1. Introduction: Vincent Ostrom and the Legacy of a Compound Thinker

The legacy of Vincent Ostrom has fallen into relative neglect, at least when compared to his life-long companion, Elinor Ostrom, and his contemporary James Buchanan. Even though he was formative figure for both the Bloomington School and the Public Choice Society (Mitchell 1988), Vincent Ostrom receives much less attention than either Elinor Ostrom and James Buchanan, who – not least because of their Nobels in 2009 and 1986 – are much more in the spotlight when historians of economics reconstruct the postwar revival of political economy amid the dominance of increasingly formalized approaches to economics. In contrast, Vincent Ostrom’s key contributions to the revival of the constitutional approach to political economy and public administration often receive little more than a peripheral mention. He remains in the shadow of the Nobelists (for notable recent exceptions, see Fotos 2015; Sterpan and Wagner 2017; Aligica 2018; Craiutu 2019).

This paper aims to correct this discrepancy and attempts to do justice to Vincent Ostrom as a profound social scientist at the interface between political and economic thought – an interface which he crafted himself as captured in his favored metaphor of the “artisan” through decades-long scholarship. To achieve this goal, the paper takes a vantage point which has seldom, and then only cursorily, been explored before: While Ostrom’s reception of English, Scottish, and French political thought, especially as embodied in Thomas Hobbes, David Hume, Adam Smith, and Alexis de Tocqueville, is regularly revisited in secondary literature, his openness to and engagement with the German tradition of political economy has received much less attention. This is the gap which the paper strives to fill, focusing especially on Ostrom’s reading of Max Weber and Walter Eucken. From Heidelberg, Weber co-founded German-language sociology and has meanwhile become “the German intellectual most widely known in the global scholarly literature after Karl Marx, and probably the most widely researched one after Luther and Goethe” (Kaube 2014, p. 26). Several decades later, Eucken co-founded the Freiburg School of ordoliberalism whose political economy, together with the related concept of the Social Market Economy, became formative for economic policy in postwar Germany as well as for the process of European integration (Goldschmidt 2013, pp. 127-128). While Weber’s view of the modern state represented a prescient counterpoint to Ostrom’s later-developed theory of polycentric orders, Eucken’s view of the modern economy fascinated Ostrom on several levels and, intriguingly, constituted the last crucial intellectual impulse and the definitive layer of self-reflection in Ostrom’s career, which spanned over more than six decades.

Exploring Vincent Ostrom’s intellectual relations to both Weber and Eucken builds on a threefold motivation. First, it facilitates an appreciation of Ostrom as an *order theorist*, someone whose “quest

to understand human affairs” (Ostrom 2012) relied heavily on the notion of order in diverse ways and domains, with a special interest in their complexity-related and epistemological properties. Second, reconstructing Ostrom’s studies of the two German thinkers provides access to his idiosyncratic eclecticism as a *historian of politico-economic thought* who, throughout his career, allowed layers of history of ideas to motivate and inspire his original scholarship. Third, Ostrom’s particular way and timing of identifying Weber and Eucken as relevant for his own theoretical and epistemological quest provides an intriguing case-study in the rather haphazard (in Weber’s case) and rare (in Eucken’s case) *transatlantic reception* of these two Germans in the postwar decades. Overall, Ostrom’s originality and eclecticism as a theorist, combined with his use of intellectual history, portray Ostrom as what this paper calls a “compound thinker,” in line with one of his ingeniously crafted terms, the compound republic (Ostrom [1971] 2008).

2. Max Weber and Walter Eucken: The Struggle with Theory and History

This section provides those readers whose interests stem from an engagement with the Ostromian polycentricity or the IAD and SES frameworks with the necessary context for what unfolds in the following as, admittedly, a rather Germanic narrative. This contextualization is neither exhaustive nor substantive: Instead, the pictures of Weber and Eucken presented here emphasize specific traits in their intellectual evolution and legacy which are relevant for Ostrom’s later engagement with them, which will be addressed in subsequent sections.

Max Weber (1864–1920) and Walter Eucken (1891–1950) belonged to different generations and experienced very different phases of European history. Yet, their academic socialization, as well as a number of key intellectual debates they became involved in, might be classified as similar. As social scientists they were both raised in the age of historicism (Beiser 2011), in an academic landscape largely dominated by different cohorts of the German Historical Schools (Rieter [1994] 2002). And although already Weber was too young to have contemporaneously experienced the famous *Methodenstreit* as the German-Austrian battle over methods – a battle not only about issues of induction and deduction, but also about the appropriate domains of theory and history as well as of theory and practice (Louzek 2011) – this debate left a fundamental and persistent imprint. Although the *Methodenstreit* itself was aptly characterized by Schumpeter as “a history of wasted energy” (Schumpeter [1954] 2006, p. 782), at least for the next two generations – perfectly embodied by Weber and Eucken – it left behind a set of challenging epistemological as well as methodological questions that these generations, and Weber and Eucken more than other of their contemporaries, gave top priority to when delineating their own research agenda.

Another biographical similarity which shaped the reception of Weber's and Eucken's *œuvre* was their sudden and unexpected deaths at a rather young and comparable age – 56 and 59 respectively. This matters because in 1920 and 1950 each left behind *a torso-like œuvre*, as opposed to a refined and accomplished system of thought. It is noteworthy that that the two central books which posterity has classified as the respective opus magnum – “Wirtschaft und Gesellschaft” (“Economy and Society”) (Weber 1922) and “Grundsätze der Wirtschaftspolitik” (“Principles of Economic Policy”) (Eucken 1952) – were edited posthumously by their widows Marianne Weber and Edith Eucken-Erdsiek. The editorial work conducted by a team consisting of the widow and assistants of the deceased have raised some critical questions about the historiographical quality of the published versions of both books. Adding extra ambiguity, both Weber's and Eucken's *archives* became systematically accessible only decades after their passing, thus precluding for quite some time a reception based on more than “just” the published works. Last but not least, the *English translations* of Weber can be described as highly haphazard (Derman 2012) and those of Eucken as rather scarce (Peacock and Willgerodt 1989). In the course of these rather stochastic translation endeavors, the pieces translated very early on – Weber's “Protestant Ethic” and fragments on bureaucracy theory and charismatic leadership during the 1930s and 1940s, as well as Eucken's “Foundations of Economics” in 1950 – gave rise to a peculiar path dependence and “most curious trajectories in the history of ideas” (Kaube 2014, p. 26) for the international reception, especially since in the post-WWII Anglo-Saxon world command of German at the level necessary to engage in the original with thinkers like Weber and Eucken became increasingly rare. What the respective widow saw as opus magnum remained sealed to the Anglo-Saxon posterity for quite a while: Weber's “Economy and Society” was translated into English as late as 1978, while until this day only fragments from Eucken's “Principles of Economic Policy” are available in English.

An important difference between Weber and Eucken was the latter's capability to *set up a school* around himself. Eucken successfully raised a number of students in the spirit of common belonging to the Freiburg School (Böhm 1957). These students and associates founded in 1954 the Walter Eucken Institut which has been, and remains, crucial for further developing and spreading ordoliberal political economy (Feld 2015). Weber spent the largest part of his life in neighboring Heidelberg, but already during his lifetime was portrayed by students there as “the myth of Heidelberg” (Derman 2012, pp. 17-20) due to his early health-related retreat from teaching. Compared to Eucken, Weber was much less successful in institutionalizing his legacy, as is for example discernible from his quick retreat from the German Sociological Society that he co-founded (Kaesler 2014, pp. 652-666). And even though he was constantly surrounded by numerous bright minds and aspiring younger scholars, no cohesive community remained in

Heidelberg (Derman 2012, pp. 117-138), a failure perhaps also attributable to the sheer breadth, interdisciplinarity and universality of his scholarship (Diehl 1923). In addition, Eucken succeeded during the final years of his life – mostly in the context of the Mont Pèlerin Society – in reconnecting with *international academic peers* despite the disasters of WWII (Kolev, Goldschmidt and Hesse 2019). Weber’s activities in the immediate post-WWI months, by contrast, remained largely confined to German academia and politics (Baehr 1989). Thus the spread of Weber’s thought across the Atlantic was much less the result of efforts by direct students or institutions than was the case of Eucken.

Regarding their respective approaches to the social sciences, Weber and Eucken were not too far from each other. Given the battlefields left behind by the *Methodenstreit*, they both wrestled with what Eucken called the “*great antinomy*” between an overly general social theory and an overly specific social history (Eucken [1940] 1950, pp. 34-44). In this regard, both can be portrayed as “very German,” investing an astounding proportion of their time and energy not to developing concrete problem-solving theories or empirical methods but to overarching questions of epistemology and methodology. The notion of *ideal types* was classified by both Weber and Eucken as one, or perhaps even *the*, tool to resolve the “*great antinomy*,” i.e. to penetrate social reality by constructing model-like pure forms which abstract from unimportant and exaggerate important features of the subject matter to thus bridge the gap between (too) general theory and (too) specific history (Goldschmidt 2013, pp. 129-133). And with their respective solutions of the “*great antinomy*,” both Weber and Eucken – even though they were critical of the Historical School – have been called “*consummators*” of the research program of the Historical School (Eisermann 1993; Stackelberg 1940). Another similarity is that both Weber and Eucken passed away in the very moment when they were experimenting with testing the power of ideal types for developing concrete theories of sociology and of political economy, in “*Economy and Society*” and “*Principles of Economic Policy*” respectively.

Last but not least, both Weber and Eucken agreed about the importance of *methodological and normative individualism*. They rejected the holistic and organicist explanations of social phenomena so ubiquitous in 19th and early 20th century German social thought, also opposing fatalistic and teleological explanations of history. They identified the individual both as the central unit of analysis and as the central source of values when theorizing social reality. Regarding the place of values and normativity for social sciences, both Weber and Eucken understood that conducting social science was by necessity value-laden, but emphasized the necessity to strictly separate one’s positive analysis from one’s normative positions. Instead of holistically theorizing society as an organicist whole, both Weber and Eucken perceived modern society as a set of *interdependent social*

sub-orders, so that the individual in modernity has to simultaneously co-exist in those diverse sub-orders, and live with the tensions presented by with their different aims and logics. In such a framework, the economy is conceptualized as one of these sub-orders, complexly embedded in the constantly evolving network of the legal, political, scientific or religious orders.

3. Vincent Ostrom: Utilizing the Intellectual History of Institutional Theory in a Quest for Epistemologically Informed Social Orders

Unlike Weber and Eucken, Vincent Ostrom lived a long life which allowed him not only to outline, but also to refine his own research program from the mid-1940s into the 2000s.² This section only selectively sheds light on three perspectives from his life-long attempt to *set up a theory of social order*, which match the themes in Section 4 to shed light on his engagement with Weber and Eucken. Here the three perspectives which will be sketched out in this section:

- Ostrom as an *applied historian* of politico-economic ideas;
- Ostrom as a *complexity theorist* through the nested notions of orders and institutions;
- Ostrom as an *epistemologist* collecting a diverse toolbox to penetrate social reality.

3.1 Ostrom as an *applied historian* of politico-economic ideas

Ostrom never described himself as an intellectual historian. However, anybody who is confronted with his peculiar way of theorizing social reality is struck by the plentitude of non-contemporaneous sources on which Ostrom draws. This section highlights three techniques which he himself developed while utilizing the history of political and economic ideas, and these three techniques are also directly linked to his specific harnessing of Weber and Eucken.

1) Ostrom's approach to the history of ideas is clearly *applied*. He is fascinated by arguments which giants of earlier ages like Hobbes, Montesquieu or Tocqueville have formulated, and deconstructs these arguments into *fragments* which serve him as building blocks for his own arguments. His historiography, at least as it emerges in his publication, does not indicate a particular interest in the context of the time and space in which these arguments were formulated. The breadth of the authors he taps is by no means limited to political thought; he is just as interested in philosophy as he is in any of the social sciences broadly understood. Ostrom's fragments are of many kinds – from a profound description of configurations in social orders to “only” a rhetorically powerful

²The two biographies of Elinor Ostrom published so far, Tarko (2017) and Clark (2019), also shed substantial light on Vincent Ostrom's life and work.

term. In addition he weighs the varying rhetorical power of terms in different languages and encourages his readers to reflect how terms like “durchdringen” (penetrate) (Ostrom, Feeny and Picht [1987] 1988, p. 29),³ “Gegenseitigkeit” (reciprocity) (Ostrom 1986, p. 243), “Rechtsstaat” (rule of law), “Herrschaft” (domination), “Eidgenossenschaft” (oath-based cooperative) or “Burg” (city) might have different connotations if compared to their English equivalents – or how term pairs like “Staatenbund” (confederation) and “Bundesstaat” (federal state) can help to better contrast the notions (Ostrom [1983] 1986, pp. 112-113). The applied character of his historiographical enterprise is also visible from the universality with which he would use the same fragment in extremely different kind of papers: The same fragment from Hobbes for example can make it into a paper on improving in Nigeria’s institutional framework and equally into a paper on epistemology and methodology at the highest level of abstraction. The universal applicability of his historical fragments for extremely diverse purposes and certainly across disciplines lets the fragments appear akin to the characters in an alphabet.

2) Over his very long career Ostrom developed an intertemporal technique which this paper calls *enclosed sediments*. He engages with a historical thinker during a certain period of his life, includes in his reasoning a subset of the secondary literature from this time, and does so for a specific purpose. In the cases of thinkers who formulated their œuvre in languages other than English, he uses the translations available at this time. But the curious part of the *enclosed sediments* technique is that once this engagement is finalized, Ostrom would encapsulate his interpretation of the historical figure from the necessity to further update it based on subsequent analyses from the secondary literature or later translations. This is true not only for seminal thinkers in his universe like Hobbes or Tocqueville but also for less important figures like Weber. A certain understanding of a thinker which Ostrom gains in the 1960s can be easily discernible in almost identical form in publications during the 1990s, as is clearly the case with Weber and the narrow focus on him as a bureaucracy theorist despite the great number of newly published original pieces by Weber on many other domains of the social sciences,⁴ and despite the sheer explosion of secondary literature between the 1960s and 1990s.

3) Ostrom’s treatment of historical figures can be captured through the metaphor of *theme with variations*. While the usage of fragments depicted in the first technique indicates that the fragments resemble the characters in an alphabet regarding the universality of their usage, the contextualization of a fragment for different purposes can entail variation in the aspects of the

³ The note on “durchdringen” (penetrate) is only contained in the archival version, on p. 29.

⁴ The Max Weber Complete Edition (Max Weber-Gesamtausgabe, MWG) initiated in the 1970s is about to be finalized in 2020 and encompasses 50 volumes and sub-volumes.

fragment that are highlighted as particularly relevant. This will be of particular importance below for Ostrom's reading of Eucken. Ostrom almost always praises Eucken for having posed a crucial epistemological challenge, but this theme can be framed in varying formulations depending on the abstractness of the paper or on the different degrees of optimism which Ostrom professes at different points during the 1980s and 1990s as to the potential that this challenge may be resolved. Thus the reading of his enclosed sediments requires constant alertness for the subtle interpretations that almost identical fragments can yield in their variations in different papers.

3.2 Ostrom as a *complexity theorist* through the notion set of orders and institutions

To capture the complex nature of human affairs whose complexity is rooted both in the nature of the human being and in the varying constitutions of human interactions, Ostrom uses a nested set of notions: orders, institutions, and rules. He sees in them the building blocks of social reality as perceived by the human mind, and correspondingly also the building blocks of any conceivable reforms of this same social reality.

To understand Ostrom's originality as an institutional thinker aiming at conceptualizing complexity, F. A. Hayek's typology of orders (which was also an inspiration to Ostrom) provides a suitable access point. Hayek's conceptual apparatus contains a number of intriguing dualities like French vs. Scottish Enlightenment, cosmos vs. taxis or nomos vs. thesis – and also the binary distinction between *designed vs. spontaneous orders*. Whereas the latter are “the result of human action but not the result of human design” (Hayek [1945] 1948, p. 7), i.e. to a large extent the outflow of often unintended consequences of numerous human interactions that emerge over time, the former are the outcome of a conscious plan produced by a single mind or the coordinated planning effort of a small group. Hayek warned of constructivist attempts to design orders from scratch and to thus overestimate the capacity of one's knowledge as a scholar (Hayek [1974] 1989), but this warning is meant against those who want to design *entire* orders – as opposed to the legitimate efforts to reform individual rules and institutions *within* an order.

At first glance, Ostrom's typology of two principal types of order resembles the Hayekian duality. Ostrom's juxtaposition between *hierarchical/monocratic vs. self-organizing/polycentric orders* at least metaphorically resonates well with Hayek's *designed vs. spontaneous orders*. But Ostrom clearly suggests that at any moment each order is designed by those live in it *and* can also contain emergent properties captured by the notion of spontaneity. In this vein, Ostrom goes beyond Hayek's duality by introducing a powerful metaphorical innovation: He conceptualizes the institution as an *artifact* and the institutions-focused social scientist as an *artisan* (e.g. Ostrom 1980; Ostrom 1985, p. 63; Ostrom 1987, p. 36; Ostrom and Ostrom 2004, pp. 111-112). These two metaphors circumvent

some of the tensions in Hayek's duality and also inspired peers of Ostrom like Buchanan (Buchanan 1979, p. 107) who in the 1970s and 1980s was himself wrestling with Hayek's reliance on the properties of spontaneous orders and of cultural evolution (Vanberg 1986). In line with Hayek, the metaphorical pair artifact/artisan implies that institutional analysis and design are quite a different scientific enterprise from endeavors inspired by physics or engineering, but in contrast to Hayek, Ostrom transcends the limits of science and reminds instead of the perennial *science vs. art debate* regarding the nature of political economy (Keynes 1890).

To this debate, the artifact/artisan innovation adds a curious twist: As compared to (at least the conventional notion of) the artist, the artisan possesses a set of features that allow to conceptualize him as an "in-between" between the domains of science and art. Above all, the notion of *learning* from experience is more central to the set of skills associated with the artisan than is the case of the artist, the latter usually (correctly or not) believed to live more out of particular moments of inspiration than of routine. When contrasted to the scientist, artisans may have more leeway to pursue their projects without an exaggerated degree of *perfectionism*. The latter is crucial when bearing in mind Ostrom's recurrent anthropological portrait of the human being as being a *fallible creature* (Ostrom 1986). And although shaped by the artisan, it is important to underscore that self-organizing/polycentric orders emerge from the *joint endeavor* of the individuals with the accompanying artisan-like scholar(s): The orders are shaped not only by the design of the artisan, but also of the "counterintentional or counterintuitive consequences" resulting from the set of interactions involved (Ostrom 1987, p. 44). While for a certain period there can be a *knowledge asymmetry* between the individual and the artisan-like scholar(s), the processes of learning involved in the joint endeavor of shaping self-organizing/polycentric orders can reduce or even eliminate those asymmetries – very much in contrast to the expertocratic/technocratic stance and jargon prevailing in large parts of the social sciences during Ostrom's lifetime. In this vein, the Ostromian artifact/artisan innovation is very much in line with the Popperian social technology of "piecemeal engineering" (Popper [1957] 1986, pp. 64-70) and can be classified, in the Hayekian terminology, "in a moderate sense constructivist without being perfectionist" (Kliemt 2017, p. 15).

To Ostrom, order is at the same time rooted in the individual *and* a genuinely public affair. His research program is individualist in the double sense of what in Section 2 was called *methodological and normative individualism*. For him, the individual is both the central unit of analysis of social theory and the central source of values when theorizing social reality. At the same time, his quest always strives to conceptualize the "res publica," i.e. the issues which human beings have to discuss and decide upon in the public realm (Ostrom 1987, p. 53), allowing "discussion, contestation, and the use of the human imagination to stimulate innovation and conflict resolution" (Ostrom and

Ostrom 2004, p. 139). Here again, the artifact/artisan innovation can help if compared to how other thinkers bridged the individual vs. public gap. It can be argued that the evaluative standards for what constitutes “good artisanship” may be: 1) more widely shared in society than the aesthetical standards applied to art in its modern and, even more so, postmodern varieties, and 2) more stable than the scholarly standards in science when considering the intertemporal ruptures caused by paradigm shifts and the related earthquakes for the evaluative standards. As for Schumpeter who coined the term “methodological individualism” and famously conceived one of the first theories of entrepreneurship, the Ostromian notion of the “public entrepreneur” is crucial for explaining the *dynamics* of social orders in the interactions between regular citizens and public entrepreneurs, the latter being able to shape both the citizens’ positive picture of social reality, as well as their criteria for normative positions about possible improvements (Kuhnert 2001).

Last but not least, for Ostrom as a complexity theorist of orders, by the late 1960s he had realized that for shifts in the continuum between monocratic and polycentric orders to be possible, especially towards polycentric orders, the decisive domain of action was that of *constitutional choice*. Ostrom postulated, just as did the Virginia School economists around Buchanan and Tullock, that this level was genuinely different from the “operational” level of collective action regarding the type of the decisions as well as regarding the modes how those decisions are taken (Ostrom 1991b). Important to underscore, Ostrom’s rationality assumption for those involved in constitutional choice – both public entrepreneurs and social scientists – was motivated by Herbert Simon’s notion of bounded rationality (Ostrom [1973] 2008, pp. 36-41). One of the results is that such players need can cope with grasping and shaping reality only through taking institutions as orientation points, so that one’s capability to reshape the rules of the game on the constitutional level *cannot be about designing them from scratch*, but rather to carefully reconfigure certain constitutional provisions within the given other set of institutions that are needed as anchors – in line with the Hayekian warning of the impossibility to design *entire* orders, as opposed to the legitimate efforts to reform individual rules and institutions *within* an order.

3.3 Ostrom as an *epistemologist* collecting a diverse toolbox to penetrate social reality

Whoever studies the Ostromian IAD and SES frameworks cannot escape the impression that they constitute – and must have been preceded by – very serious epistemological endeavors. The question as to what the correct “zoom” is when looking at particular levels of social reality is crucial for the design and the nested structures that add up to the frameworks. Coping for each case-study yet another time with the perennial tension of achieving general knowledge but also paying due respect to the specificities of time and place is at the very heart of the Ostromian

project, as is clearly discernible from the sequence of chapters in Elinor Ostrom's "Understanding Institutional Diversity" (Ostrom 2005), a book which might arguably contain the most mature formulation of the reflections that led to the Ostromian frameworks. As in the *Methodenstreit* discussed in Section 2, these reflections address the necessity to delineate and demarcate the respective domains of theory and empirical work, but also of theoretical and practical knowledge. It comes without saying that this point cannot be limited to characterizing Vincent Ostrom only, but inevitably must include his life-long cooperation and collaboration with Elinor Ostrom. The current analysis does not share the common but simplistic and undercomplex understanding of Vincent as pure theorist, while Elinor specialized in empirical work. Instead, studying their respective legacies shows that both individually, as well as a team, they engaged in a life-long reflection and experimentation with the set of questions about generality vs. specificity, theory vs. empirics or theory vs. practice, and their consequent embrace of "empirically grounded theory." Wrestling with these tensions can even be dated to the most early academic work left behind, his MA thesis submitted in October 1945 at UCLA entitled "School Board Politics – An Analysis of Non-Partisanship in the Los Angeles City Board of Education": Even though mostly empirical and dedicated to Los Angeles in the first half of the century, it contains numerous general statements about special interest groups and their attempts at what later would be designated as rent-seeking (Ostrom 1945).

Overall, both Vincent and Elinor Ostrom can be classified as "in-betweens" vis-à-vis the extremes of purely abstract systems devoid of almost any empirical examples, such as parts of the œuvre of Hayek or Buchanan, and an overly empiricist, data mining-like social science as that practiced by the German Historical School in the late 19th and early 20th century or by large bodies of current theory-free, data mining-like economics in the age of big data. In contrast to those two extremes, neither Vincent nor Elinor Ostrom would confine themselves to either induction or deduction as the single path to knowledge – instead, their work can be seen as a *complex loop of inductive and deductive inquiries*, adjusting towards specificity if an explanatory framework proves too general for one purpose, or towards generality if a framework proves too specific for another. And this loop would never find its definitive steady state, rather the quest for the correct zoom will perennially persist.

The relevance of epistemic problems for social theory is captured in the following quotation:

"A basic challenge existing in any democratic society is to achieve a sufficient level of knowledge and civilization to solve problems at the levels of collective choice and collective action." (Ostrom 1990, p. 247).

Ostrom sees these epistemic problems as highly connected to language and to the assessment of the power of concepts to capture knowledge, especially as concepts embody the shared understanding of society – which, given the human condition as understood by Ostrom, “[i]t is necessary for human beings to draw upon the knowledge and skills of others as a complement to the limits that prevail in the competence of each individual.” (Ostrom 1990, p. 248). But Ostrom recognizes that a central tension in Tocqueville’s warning of the “quest for general ideas” can turn into the Hobbesian trap of “abuse of language”:

“There is a danger, however, that names (symbols, words) may be incorrectly associated with referents, and it is entirely possible that human imagination driven by an improper use of language is vulnerable to extreme errors. ‘Erroneous doctrines’ can yield errors greater in magnitude than simple ignorance.” (Ostrom 1990, p. 244).

He is particularly wary of cognitive biases in democratic societies which result from the usage of inappropriately general concepts. These concerns culminate into Ostrom’s emphasis that a central object of study must be “epistemic order with which we live and work.” (Ostrom 1997, p. 115). He identifies this central notion as follows:

“The organization of systems of knowledge, and those who make it a craft to work with systems of knowledge, can be identified with the constitution of epistemic orders.” (Ostrom 1997, p. 148).

Ostrom searches for promising conceptualizations of epistemic order in numerous thinkers, among others in Eucken. A crucial idea for Ostrom is that the political, economic and epistemic orders are constituted as parts of a complex interdependent entity:

“The production, exchange, and consumption of goods and services viewed as an economic order occurs in the context of an epistemic order concerned with the generation, transmission, and use of knowledge, and a political order concerned with the formulation, use, monitoring, adjudication, and enforcement of mutual expectations about rule-ordered relationships. Each system of order is artifactual, complementary to one another, and concurrently operable in all aspects of human relationships.” (Ostrom 1993, p. 167).

Based on the principle of methodological individualism, epistemic orders start out from the individual citizen, but then become shared for a group or an entire society – and reflect the shared subjective understanding of social reality of this group, with their tacit knowledge in their time and space (Hayek 1945), as students of and as citizens in their own culture (Dekker 2016). The corresponding task of the social scientist is fundamentally *interpretative*, in line with the approach of interpretative sociology (Swedberg 2008): To *understand* these subjective perceptions of reality

and the subjective meaning the citizens attach to it is an indispensable precondition for only then being able to scholarly *explain* these citizens' interactions.

Once the epistemic order of a group is sufficiently understood by the scholar, i.e. the *positive task* of the social scientist is fulfilled, the *normative task* of studying what constitutes livable, good, desirable etc. social orders follows, what the criteria are to judge the desirability of orders, and finally how precisely orders can be shaped. The central criterion which Ostrom identifies is “the golden rule” which he traces all the way to Hobbes: “Do not that to another which thou wouldst not have done to thyself” (Ostrom 1990, p. 255). Overall, Ostrom’s struggle with these multiple knowledge problems in a democratic society, and especially the role of the social scientist in coping with them, can be classified as being akin to a wisely formulated warning by a second generation ordoliberal against a false interpretation of Hayek’s “Pretense of Knowledge” (Hayek [1974] 1989): While the scholar must be keen to escape the trap of pretense of knowledge (“Anmaßung von Wissen”), one should also not fall into the trap of not knowing anything (“Anmaßung von Unwissen”) given the historical knowledge about social orders accumulated by social scientists (Willgerodt 2004). Ostrom’s trust in the history of politico-economic ideas is a vivid testimonial of such a stance.

4. Vincent Ostrom’s Historiography of Order: The Case of Weber and Eucken

A quotation from a letter to German political economist Hans-Günter Krüsselberg (1929–2018), a crucial interlocutor between Ostrom and German politico-economic thought, provides a helpful initiation of this historiographical section:

“At Bielefeld I developed an awareness, partially as a result of work in Ordnungstheorie, that Europe has long had a general community of scholars concerned with the nature and constitution of order in human societies. I had been a somewhat careful student of Hobbes, Montesquieu, Hume, Smith, The Federalist, and Tocqueville and a somewhat more than casual student of Max Weber, Joseph Schumpeter, Ernst Cassirer, F.A. Hayek, Ludwig von Mises, John R. Commons, John Dewey, G.H. Mead, Harold Lasswell and others.” (Ostrom to Krüsselberg, 14.08.1985, underlining in the original).

These lines contain two important points. Along with the breadth of authors whose thought Ostrom classifies as influential for his own research program – a breadth which is even more pronounced already in the 1970s when studying the syllabi of his IU seminars in the archives – the distinction of two levels of intensity which he confesses to characterize his engagement with different authors is noteworthy.

Weber and Eucken are situated on each of the different levels – and this difference is of fundamental importance for Ostrom’s reception of their notions of order. Weber, as explicitly discernible from the quote above, belongs to those inspirators of whom Ostrom confesses to be a “more than casual reader,” as will be reconstructed in Section 4.1. Eucken is only mentioned indirectly through the reference to “work in Ordnungstheorie” but, from Bielefeld 1981/1982 onwards, most certainly belongs to the first level, and it is fascinating to discern from the Vincent Ostrom Papers how much time and energy Ostrom dedicates to engaging with “Ordnungstheorie” even beyond Eucken, as will be reconstructed in Section 4.2. A comparative summary in Section 4.3 is systematized around Ostrom’s three historiographical techniques distilled in Section 3.1.

4.1 Ostrom and Weber: Legal Order, Bureaucratic Administration, and Order as Taxis

Timing of course particularly interests historians. In the specific case of Ostrom’s reception of Weber and Eucken, time plays a curious role, both regarding the initiation of Ostrom’s interest in the two Germans and regarding the time budget he allotted to them in the course of his decades-long endeavor to understand the order(s) of human affairs.

A look at the first and the third editions of Ostrom’s seminal book “The Intellectual Crisis of American Public Administration” (Ostrom [1973] 2008) reveals that his engagement with Weber started much earlier than with Eucken. The first edition does not feature Eucken, while Weber is central to Ostrom’s narrative when describing in Chapter 2 the “intellectual mainstream” of public administration theory in the US as it presented itself in the early 1970s. As early as the 1963 “no name conference” at UVA’s Thomas Jefferson Center for Studies in Political Economy which was among the initiating events of the Public Choice Society (Ostrom 1964), Ostrom engages heavily with Woodrow Wilson’s theory of public administration. He sees Wilson’s theory as running both against the American tradition of federalism (Ostrom 1969, pp. 1-3) and against his own research program of polycentricity in public administration, especially emphasizing Wilson’s message contained in “Congressional Government” (Wilson [1885] 1956). Ostrom criticizes Wilson for promoting a system where “there is always a center of power” (Wilson [1885] 1956, p. 30, bold in Ostrom’s quotation, not in Wilson’s original), because in Wilson’s view “the more power is divided the more irresponsible it becomes” (Wilson [1885] 1956, p. 22). Such a single-centered order unites the gears of authority in the hands of one institution – for Wilson, that would ideally be Congress – and aims at clearly separating politics from administration, the latter then being an entirely apolitical entity.

And here is where Ostrom’s exploration and critique of Weber also begins. Ostrom portrays Wilson as inspired by a “science of administration” which “was most fully developed by French

and German scholars at the turn of the century” and whose practices were “most highly perfected in Prussia under Frederick the Great and Frederick William III and in France under Napoleon” (Ostrom [1973] 2008, p. 23). When it comes to the scholars from the “turn of the century,” Ostrom identifies Weber, a contemporary of Wilson,⁵ as *the* theorist of *monocratic orders* from whom Ostrom borrows this very term (Weber in Gerth and Mills 1946, p. 214; Weber in Rheinstein 1954, pp. 349-350). It is Weber’s claims of *a legal order based on the superiority of bureaucratic organizations* and of *the modern state as necessarily monopolizing of the legitimate use of violence* that constitute the fundamental challenge to Ostrom’s notion of public organization: “The decisive reason for the success of bureaucratic organization has always been its purely technical superiority over every other form.” (Weber in Rheinstein 1954, p. 349). The set of properties of bureaucracy which Weber lists as its advantages, i.e. “[p]recision, speed, consistency, availability of records, continuity, possibility of secrecy, unity, rigorous coordination, and minimization of friction and of expense for materials and personnel” (Weber in Rheinstein 1954, p. 349) as well bureaucratic administration’s “rigorous exclusion of politics” (Ostrom [1973] 2008, p. 26), are of particular interest to Ostrom, as well as the Wilson-Weber claim that “[t]he advance of modern civilization and the perfection of bureaucracy, presumably, go hand in hand” (Ostrom [1973] 2008, p. 27).

A critical layer deeper, Ostrom is keen to identify “some highly anomalous themes” in this Weberian picture: That to Weber bureaucracy would serve any political master, that it is characterized by “virtual indestructibility,” that both the bureaucrat – even at the highest level – as well as those ruled by bureaucrats as “dependent masses” are equally enchained by the bureaucratic mechanism and thus catapulted into a state of “powerlessness” vis-à-vis this mechanism (Ostrom [1973] 2008, pp. 27-28). Ostrom presumes that “[s]o far as I know, Weber never attempted to resolve the anomaly or paradox implied by the conclusions he reached about the ‘full’ development of his ‘ideal’ form” and concludes by stating that Weberian bureaucracy contains the ultimate challenge for any constitutionalist: “The dominance of a fully developed bureaucracy would render all forms of constitutional rule equally irrelevant” (Ostrom [1973] 2008, p. 28).

Weber’s method of constructing model-like ideal type entities that exaggeratedly emphasize the crucial properties of a social phenomenon is identified by Ostrom as particularly helpful not only regarding *bureaucratic* administration, but also regarding the opposite concept, that of *democratic* administration. This Weberian ideal type emphasizes that everyone is qualified to participate in the

⁵ Wilson lived from 1856 to 1924, Weber from 1864 to 1920. Wilson’s academic career included tenures at Johns Hopkins, Bryn Mawr, Wesleyan and, most prominently ahead of his political positions as governor and president, at Princeton.

conduct of public affairs, that the scope of the power of command is kept at a minimum (Ostrom [1973] 2008, p. 68), as well as that:

“[a]ll important decisions are reserved to the common resolution of all; the administrative functionaries have only to prepare and carry out the resolutions and to conduct ‘current business’ in accordance with the directives of the general assembly. This type of administration can be found in many private associations, in certain political organizations, such as the Swiss Landsgemeinden or certain townships in the United States, or in universities (in so far as the administration lies in the hands of the rector and the deans), as well as in numerous other organizations of a similar kind.” (Weber in Rheinstein 1954, p. 330).

Also important for Ostrom is Weber’s claim that in a democratic administration “some functionary must have some power of command, and his position is thus always in suspense between that of a mere servant and that of master” (Weber in Rheinstein 1954, p. 330). Weber’s comparison between democratic and bureaucratic administration favors the latter due to four limitations he identifies with democratic administration: “*First*: the organization must be local or otherwise limited in the number of members; *second*: the social positions of the members must not greatly differ from each other; *third*: the administrative functions must be relatively simple and stable; *fourth*: however, there must be a certain minimum development of training in objectively determining ways and means.” (Weber in Rheinstein 1954, p. 331, italics in the original). While Ostrom agrees with Weber about these four characteristics are consistent with Ostrom’s nine “principles of self-government” (Ostrom [1973] 2008, pp. 78-80), he decidedly objects to Weber’s claim about the non-viability of democratic administration beyond the aforementioned narrow limitations, and even more so to Weber’s belief that democratic organization cannot be treated as a “historical starting point of any typical [or general] course of development” (Weber in Rheinstein 1954, p. 331). He does so not only by harnessing his own contemporaries like Gordon Tullock and William Niskanen but also by another exercise in applied intellectual history: To counter Weber’s historical claim, Ostrom uses Tocqueville’s narrative from “Democracy in America” to indicate that democratic administration has indeed become a starting point for large parts of Western societies (Ostrom [1973] 2008, pp. 69-72). Regarding Weber’s preference for bureaucratic over democratic administration, Ostrom also discusses the “law of the small number” which Weber classifies as a decisive structure in human affairs: In Weber’s view, a small minority tends to gain dominance over the unorganized masses due to several types of coordination advantages vis-à-vis the large and heterogenous majority (Weber in Rheinstein 1954, pp. 334-335). Ostrom again connects Weber’s positive analysis in what he sees as an unholy alliance with Wilson’s

normative quest for empowering a single unit as the head of such a monocratic order, which in Wilson's theory is the Congress, but by Ostrom's time has already become what he calls the "imperial presidency" (Ostrom [1973] 2008, pp. 120-123).

As seen from the different editions of the "Intellectual Crisis," Ostrom presents an ambivalent attitude to Weber. He realizes that Weber's analysis is meant to be purely *positive*, and as such he recognizes Weber's ideal type formulations of both bureaucratic and democratic administration as sophisticated and subtle concepts which are also useful for Ostrom's own juxtaposition of the two modes of administration. But he sees Weber's picture of the limited viability of democratic administration as a dangerous complement to Wilson's *normative* project of dismantling American federal constitutionalism by the introduction of a monocratic order. Nevertheless, there clearly exists a subtle Ostromian fascination with Weber: As it will be expanded when discussing his engagement with Eucken, Ostrom finds even Weber's German terminology helpful to compare the modes of administration – bureaucratic as *Herrschaft* (domination) vs. democratic as *Genossenschaft* (cooperative-like association) (Ostrom [1973] 2008, p. 173).

And even if the specific terminology matters, an additional historiographical question comes up: What were the concrete sources upon which Ostrom drew for his picture of Weber? Crucially he drew neither on Weber in the original, nor did he use the Berkeley edition of "Economy and Society" which was published in 1978. Rather, in virtually all references to Weber until the 1980s and 1990s, Ostrom stuck to the collected volumes compiled 1946 by Gerth and Mills as well as in 1954 compiled by Rheinstein. These volumes, themselves having a curious history (Gerth 1993; Oakes and Vidich 1999), and especially the foci set by their editors – in both volumes, the legal order and bureaucracy are given a special emphasis – turn out as formative not only for Ostrom, but for the general interpretative paths regarding Weber's overall project in the postwar decades in the US (Derman 2012, pp. 41-45). Also, the timing of their publication matters for the Ostromian quest: "By a curious coincidence, the translated works of Max Weber were published in America at the same time that Herbert Simon's *Administrative Behavior* first made its appearance (Gerth and Mills, 1946)." (Ostrom [1973] 2008, p. 7).⁶ Ostrom sees the Weber translations as a counterpoint to Simon's fundamental challenge to the social sciences and public administration: While he classifies Simon's formulation of "bounded rationality" as a crucial critique of the behavioral assumptions underlying the Wilsonian monocratic order, Ostrom locates the simultaneous translations of Weber's bureaucracy theory as a powerful defense of the Wilsonian

⁶ In the first edition of 1973, Ostrom mentions, along with the volume by Gerth and Mills, Talcott Parsons' translation volume "The Theory of Social and Economic Organization" (Parsons 1947).

mainstream, buttressed by the clarity of the German social theorist's positive analysis if used for normative endeavors.

Shaped by these translation volumes, Ostrom sees in Weber above all a theorist of the designed, monocratic order – in Hayek's comparative terminology of orders, a theorist of *taxis*, whereas Ostrom denied Weber recognition for also having understood the emergent properties of social orders à la *cosmos*. This is in stark contrast to the reception of the Weberian project today: Prominent interpreters identify at the core of Weber's quest his question as: What orders and powers were causal for the emergence of the West, and what orders and powers emerged during the evolution of the West (Anter 2007, pp. 89-94). Nevertheless, Ostrom's *taxis*-only interpretation which he formed during the 1960s and 1970s, and which primarily focused on the legal order and the role of bureaucracy, is very much in line with the similarly narrow, *taxis*-only interpretation of Weber which Hayek provides in his "Freiburger Studien" and in much of his later pronouncements on Weber (Kolev 2018, pp. 4-10).

4.2 Ostrom and Eucken: Epistemic Order, Complex Coordination, and Order as Cosmos

Ostrom's fascination with Eucken has been mentioned several times in secondary literature, but mostly in a rather cursory and tangential manner (Kuhnert 2000, pp. 41-42, pp. 89-90, p. 124; Boettke and Coyne 2005, p. 152; Wagner 2005, p. 172; Kuhnert 2008, pp. 111-121; Sproule-Jones, Allen and Sabetti 2008, p. 3; Aligica and Boettke 2009, p. 144; Allen 2011, pp. 291-292; Boettke 2012, p. 148; Sabetti and Aligica 2014, p. 3). This section harnesses Ostrom's references to Eucken in published works and in a rich set of archival sources in an attempt to contextualize Ostrom's engagement with Eucken in a more encompassing and comprehensive manner.

4.2.1 Published Works

The following quotation from the third edition of the "Intellectual Crisis" is helpful to pinpoint why Eucken matters for Ostrom's research program:

"Tolerating great gaps between theory and practice implies that we have so distanced ourselves from reality that we are no longer informed observers of human societies."
(Ostrom [1973] 2008, p. 178).

It was not through economics but rather through epistemology that Eucken triggered what this paper calls without hyperbole, and after extensive work in the archives, a crucial *impulse* within the final phase of Ostrom's quest to understand the order(s) of human affairs. The impulse struck during his 1981/1982 Bielefeld stay and the cooperation there with Swiss-born sociologist Franz-

Xaver Kaufmann and with German political economist Hans-Günter Krüsselberg. When providing a tour d'horizon retrospective of his own intellectual journey since his very first position at Wyoming in 1945, Ostrom dedicates a particular spotlight on his encounter with Eucken's approach to social theorizing:

“The most fundamental challenge presented by work with the Bielefeld research group from the German tradition of scholarship in *Ordnungstheorie* (theory of order). This tradition began with a challenge laid down by Walter Eucken in his *Foundations of Economics* (1951).” (Ostrom [1973] 2008, pp. xxv-xxvi, italics in the original).

What exactly caught Ostrom's attention while at Bielefeld's Center for Interdisciplinary Research? In a sequence of papers written during the 1980s, he refers in similar terms to what he coined as “Eucken's challenge”. But challenge to what? The first mention of Eucken in the third edition of the “Intellectual Crisis” answers that question. Ostrom positions Eucken as a counterpoint to the Wilsonian approach to social and political reality. More specifically, Ostrom contrasts Eucken to:

“administrative, legal, and political realists [who] allowed themselves, like Wilson, to be informed by presuppositions about that reality (“there is always a centre of power”) and to make their general assessments of reality with reference to models of parliamentary government and bureaucratic administration as ideal types” and portrays Eucken as having understood how ideal types “cannot purport to be pictures of actual life: each construct represents but an aspect in the manifold forms of social reality.” (Ostrom [1973] 2008, p. 151).

Ostrom is fascinated by Eucken's seriousness in his quest to “enable us to ‘penetrate’ social reality” (p. 175), as he reiterates over and over again in almost all references to Eucken during the 1980s and 1990s. Starting with the famous story of Eucken, reflecting on the stove warming his office, which imagines the sheer complexity of human transactions (“the extraordinary configurations of relationships,” p. 176) behind the production processes leading to the stove. Ostrom is captivated by the term “great antinomy,” central in Eucken's “Foundations”: How can we epistemologically identify the thin line in theorizing social reality between “general abstract models of the economy” with their overly general concepts (“gross aggregates,” p. 176) like capitalist vs. socialist or market vs. state, and the economic historians' being “so immersed in the details that they simply heap facts upon facts” (p. 174)? How can this “insurmountable gap [...] between these two traditions of scholarship” be bridged (p. 174)?

Ostrom sees a direct link from these epistemological questions to issues of public administration: “Eucken could as well have been discussing scholarship in public administration: abstract models

and case studies with immense gaps between theory and practice.” (p. 174). This possibly also connects to a tension within the Ostromian research program itself, as may be discernible from his referencing two of Elinor Ostrom’s publications in the context of the “seeing only particular trees vs. seeing sweeping forests” metaphor (p. 176). And he finds Eucken’s quest to be very much in line with the programmatic title of Elinor Ostrom’s later published book, “Understanding Institutional Diversity” (Ostrom 2005):

“Eucken was suggesting that if we view patterns of order in human societies, we should be able to base the study of social structures on the foundational elements that comprise these societies in all their diverse forms.” (Ostrom [1973] 2008, p. 175).

While in Ostrom’s view Eucken “did not resolve his own challenge,” he doubted that any one of us will succeed in doing so.” (p. 178). He reads Eucken as suggesting that the only solution for the “great antinomy” can be through a diverse apparatus of perspectives addressing “many different levels and foci of analysis” (p. 175). Crucially, Ostrom portrays the IAD framework, first formulated in the immediate aftermath of the Bielefeld stay (Kiser and Ostrom 1982), very much as an attempt “responding to Eucken’s challenge” to formulate a heuristic containing the aforementioned basic elements inherent in theoretical reasoning (p. 176).

Consider, again, the initial quote of this section: The gap which Ostrom warns of becoming too great is not primarily the one between theoretical and empirical work or between deductive and inductive approaches, but between *theory and practice*. While drawing Eucken’s intellectual portrait, Ostrom emphasizes that these epistemological questions – so crucial for both Eucken and himself – are “not only as matters of inquiry but also as matters of our shared social existence. Our inquiries are constitutive of societies – the relationships among scholars and our broader communal networks.” (Ostrom [1973] 2008, p. 175). This link between the way a scholar conceptualizes one’s understanding of epistemic orders on the one hand, and of political and economic orders on the other, was presented in Section 3 as crucial to Ostrom’s specific approach to social theorizing, and he understands that the way Eucken reflects about reality is also connected to the type of economics Eucken has left behind – a practically oriented system enabling both scholars and citizens to understand and shape their lifeworld. This is much more recognizable from archival materials that will be discussed in sub-section 4.2.2.

Before delving into these archival findings, tracking the other references to Eucken in published works other than the “Intellectual Crisis” can serve as a roadmap of Ostrom’s fascination with the German political economist.

Curiously, in the co-edited volume which resulted from his first Bielefeld stay (Kaufmann, Majone and Ostrom 1986) Ostrom’s pieces do not contain references to Eucken, unlike the pieces by

Kaufmann and Krüsselberg, his interlocutors on the Ordnungstheorie topic. But in an applied paper presented in Nigeria on improving the institutional environment there shortly after the publication of the Bielefeld volume and featuring an almost identical title as the volume (Ostrom [1987] 2012), he embeds Eucken in the chapter on complexity which in Ostrom's reminiscence was among the central themes at the Bielefeld seminars. Eucken is again credited with having warned of concepts that are unable to capture of the complexity of modern societies and applies Eucken's dictum to the lingual necessities arising from the task of conceptualizing federal systems of government where "tens of thousands of units of government may exist with substantial autonomy in self-governing capabilities" (Ostrom [1987] 2012, p. 61) and "different tiers with overlapping jurisdictions" (Ostrom [1987] 2012, p. 62) – both in the US and in the Nigerian context.

A year later, in a co-authored paper Ostrom pinpoints Eucken's take that a contract can be observed not only a phenomenon of market relationships but also as a device "used to create other forms of economic organization and power structure" (Ostrom, Feeny and Picht 1988, p. 452). The contract is seen here as a medium of communication with a particular "depth of mutual understanding," and Ostrom et al. connect Eucken's take of the contract to the Buchanan/Tullock focus on unanimity as "a logical basis for constitutional government" (p. 452). Eucken's goal to "penetrate reality instead of distance oneself from it" is also interpreted as a comparative tool across cultures: His instruments can be used for "juxtaposing the culturally and socially specific situation with presumptions that might universally apply," again enabling the disentanglement of generality and specificity by the building blocks pre-identified as ideal types – so that "[s]pecific analyses can thus be placed in the context of more general cross-cultural analyses" (p. 460). The struggle against "mindless empiricism" can in this perspective be only won if, instead of "heaping 'facts' upon 'facts,'" one reached a "specification of how the components of a heuristic fit time and place variables in particular circumstances" (p. 461).

For reasons explained in the archival sub-section 4.2.2, Ostrom agreed with calling this epistemological approach the "Eucken-(Hensel) Approach" (Cassel 1987), and the struggle with penetrating reality at the correct level is deepened in the same 1988 volume by Ostrom's exploration of K. Paul Hensel's "Grundformen der Wirtschaftsordnung" (Hensel 1972), a student of Eucken. Ostrom finds Hensel's results particularly promising, as will be detailed in sub-section 4.2.2: The tools of comparative economic systems developed by Hensel have generated for Ostrom building blocks that, after checks of commensurability and possibly reconfigurations, could also be used for comparative purposes across political orders (Ostrom [1985] 1988, pp. 389-390). Ostrom even identifies in the Eucken-Hensel approach's usage of the term "Haushalt" a

comparative theory of goods, crucial for both Vincent and Elinor Ostrom on their way towards identifying the centrality of the common-pool resource problem, as he notes that “Haushalt” can mean both the private household as a consumption unit and the public budget as a proxy for collective expenditure decisions (Ostrom 1983b, pp. 142-143, fn. 21).

In a paper of the same period, Ostrom harnesses Eucken to challenge recent developments within dominant strands of the contemporaneous Public Choice paradigm (Ostrom [1990] 2008). In a section “The Challenge of the Austrian and German Economists,” Eucken is portrayed not only as the “penetrating reality” epistemologist who “wanted to understand changing patterns of relationships in history while at the same time coming to an understanding of the terms on which alternatives become available in systems of economic order.” (Ostrom [1990] 2008, p. 65). In addition, by implicitly referring to the notion of *interdependent orders* central to Eucken, Ostrom presents him as a thinker proximate to the notion of polycentricity: “Eucken was aware that economic orders were not autonomous systems of order but fit within a context of other patterns of orders that are constitutive to human life.” (p. 65), especially connecting the economy to law and the state captured in the term “Staatsordnung” (p. 66). Ostrom also connects Eucken’s idea that the *plan* is a “basic axiom” for economizing independent of the economic order to the Hobbesian idea how “the general inclination of all mankind is to continuously strive to use present means to attain some future goods that ceases only with death,” and sees both Eucken’s and Hobbes’s assertions as aiming to identify “the ‘constancy’ of the human condition” (p. 65). Along with giving Eucken credit for the postwar German economic miracle, Ostrom praises Eucken for having embedded his quest for constancy in the realization “that religious, moral and political contingencies are variables that affect the expression of the basic axiom that applies to man everywhere” (p. 66). He generalizes Eucken’s critique of economic theory to apply to key assumptions of neoclassical price theory and what Ostrom calls “a general equilibrium condition” not affectable by the individuals (p. 66). Last but not least, Ostrom presents in his reading a set of similarities of Eucken’s theory to Hayek’s “The Use of Knowledge in Society” (Hayek 1945) and to Ludwig Lachmann’s capital theory as contained in his “Capital and Its Structure” (Lachmann [1956] 1978), seeing the German and the Austrian traditions as being in a “close association” (p. 64). As in his engagement with Eucken, Ostrom is fascinated by the complexity captured through Hayek’s and Lachmann’s theories of “achieving coordination by mutual adjustment” as well as their takes on spontaneity and emergence (p. 67) and on the “principle of heterogeneity” in Lachmann’s capital theory (Ostrom 1990, p. 258). Concluding “Beyond Public Choice,” Ostrom hopes that he can transpose the challenges and the tools of Eucken/Hensel and Hayek/Lachmann

from the realm of economic order to non-market decision making and specifically “to address the terms on which alternatives are available in political and epistemic orders.” (p. 68).

A very similar usage of the Eucken/Hensel and Hayek/Lachmann toolboxes can be encountered in another 1990 paper focusing on the problems of cognition for policy analysts, embedded in a section problematizing the lingual limits of scientific concepts elegantly entitled “The Uses and Abuses of Knowledge in Human Societies” (Ostrom 1990, pp. 259). A few years later, Ostrom connects Eucken’s epistemology to the critique of “model platonism” formulated by German philosopher Hans Albert (Albert 1984). On a more optimistic note, Ostrom also quotes the legal scholarship of Harold Berman (Berman 1983), the institutional economics of Douglass North (North 1990) “and a virtual flood of similar inquiries” which he sees as “major advances” towards solving Eucken’s great antinomy (Ostrom 1993, pp. 167-168).

The last set of references to Eucken in published works is contained in Ostrom’s last book, “The Meaning of Democracy and the Vulnerability of Democracies” (Ostrom 1997). Here Ostrom grants Eucken’s struggle with penetrating reality – “how theory and facts – ideas and deeds – relate to one another in establishing the warrantability of what was being asserted” (p. 97) – a rather distinguished status by calling it “the basic epistemological problem in the cultural and social sciences” (p. 96). Adding a new layer to the aforementioned references to Albert, Berman, and North, Ostrom distinguishes Eucken’s theorizing from “[t]he ambiguous and pervasive uses of the term *model* among economists and among many social scientists” by emphasizing that Eucken aimed at frameworks, as opposed to models: “His concern was how to identify and develop basic elements and relationships so that a commensurate framework could be used to specify structured variants – morphologies – to allow for comparative assessments of performance.” (p. 97). And those frameworks can only be used for viewing different social orders if the “commensurability for treating variable characteristics” can be assured by “reference not to an infinite plenitude of ‘facts’ but to common elements in a framework that can take on variable characteristics.” (p. 102). Even more pronounced than in some of the earlier references to Eucken, Ostrom underscores the implications of this epistemological position for theorizing “the creation and maintenance of social orders” not only by approximating it to the Hobbesian “all action is grounded in thought” credo, but also by putting Eucken into the context of Hayek and Smith (p. 98). Ostrom criticizes possible misinterpretations of Hayek’s “spontaneity” and Smith’s “hidden [sic!] hand” by reminding of John Searle’s “brute facts”/“institutional facts” distinction (Searle 1969) and juxtaposes Eucken’s institutions-focused epistemology of social orders to a de-institutionalized, brute facts-based reading of Hayek and Smith:

“Can ‘hidden hands’ be expected to work spontaneously in the constitution of order in human societies viewed as systems of natural order – ‘brute facts’? If Hayek’s spontaneity and Smith’s hidden hand depend on the intelligent use of the arts and sciences of association among the members of societies, we in the Public-Choice tradition bear a substantial burden in elucidating and making use of the sciences and arts of association.” (Ostrom 1997, p. 98).

This final reference to Eucken’s social theory presents Ostrom’s harnessing of Eucken against readings of Hayek and Smith which ignore the indispensable institutional embeddedness of self-organization, within the political or in the economic order, in a specific epistemic order derived from the “sciences and arts of association.”

4.2.2 Archival Findings

Archival quests are contingent projects which often depend on the point of initiation, even more so when the finding aid extends to some 800 pages as is the case with the one covering the Ostrom Papers. A crucial first trace was a reference to Krüsselberg (1986) on p. 175 of the “Intellectual Crisis,” referring to one of the numerous chapters in the “Guidance, Control, and Evaluation in the Public Sector” volume which Ostrom co-edited as an outflow of the Bielefeld stay (Kaufmann, Majone and Ostrom 1986). This reference is located in the context of Ostrom’s recognition how Eucken’s stress of the multiple levels and foci of analysis led Eucken to pursue his endeavor not by himself, but rather as “closely identified with the development of a community of scholars concerned with a theory of order (*Ordnungstheorie*)” – that is, as having left behind a school to which Krüsselberg belonged. Thus the Ostroms’ stay at Bielefeld University’s Center for Interdisciplinary Research (ZiF) during the academic year 1981/1982 (Toonen 2010, pp. 197-198) appeared to have been formative not only for Elinor Ostrom in her engagement with the specific type of game theory that characterized much of her further research, also entailing further stays at Bielefeld of different length, especially during the academic year 1987/1988 (Kliemt 2017, p. 21, p. 24). When studying the Kaufmann, Majone and Ostrom volume, the 1981/1982 reads as having an been equally crucial impulse for Vincent Ostrom (Allen 2011, pp. 291-292), as was already clearly discernible from his writings of the 1980s and 1990s reconstructed in Section 4.2.1, and even more so from extensive correspondence which will be analyzed in Part II of this sub-section.

While studying the archives, the Ostrom Papers blazed the trail to a much more extended set of inquiries into German politico-economic thought during the 1980s and 1990s. The second crucial trace was a passage in a paper “Constitutional Foundations for a Theory of System Comparisons” whose published version I already knew (Ostrom [1986] 2008) but whose archival version as

Working Paper W86-31 (including a subtitle “An Inquiry Into Problems of Incommensurability, Emergent Properties, and Development”) reads very different from the very beginning. The published version, which has also been published in an Italian translation, is relatively slim (15 pages) and void of references to German political economy. Only when reading the archival Working Paper version (54 pages), its first passage proved revealing:

“It is both an honor and a challenge to present a paper on ‘Constitutional Foundations for a Theory of System Comparisons’ (Konstitutionelle Grundlagen einer Theorie des Systemsvergleichs) at the twentieth anniversary of the Radein research seminar.”

The paper is crucial as it constitutes Ostrom’s most extensive engagement with *Ordnungstheorie* and contains a fruitful combination of his reading of this theory and his own research program. Above all, the reference to Radein – a traditional research seminar in the Southern Tirol Alps which takes place until this day annually in mid-February – and the extensive references to Eucken’s student K. Paul Hensel resonated perfectly with the reference to Krüsselberg: After assisting Eucken’s widow to posthumously publish Eucken’s “Principles of Economic Policy” in 1952, Hensel specialized on studying comparative economic systems already at Freiburg and left Freiburg in 1957 to become professor at Philipps-Universität Marburg where he directed the “Research Group on the Comparison of Economics Planning Systems.” Marburg became, with Cologne, a hub for the further development of Eucken’s *Ordnungstheorie*, a more important one than Freiburg in these decades. The Radein seminar series was founded in 1968 by Hensel as a winter research seminar of his and adjacent research groups. And crucial for this narrative, Hans-Günther Krüsselberg joined Marburg’s economics department in 1969 and became an important member of its *Ordnungstheorie* research group (Schüller and Krüsselberg 1991; Schüller 2008).

I.

Before exploring Ostrom’s correspondence with his German interlocutors, one particular – very short but very rich – unpublished archival paper deserves special attention, as it is the only one which Ostrom dedicated specifically to his reading of the Eucken tradition: Working Paper W83-24 entitled “Ordnungstheorie, Public Choice, and the Nature of Order in Human Societies” (Ostrom 1983a). As indicated in a note on its top, the paper was considered for publication in the Kaufmann, Majone and Ostrom volume. It contains some important formulations by Ostrom in his immediate post-Bielefeld period. To begin with, he “interpreted” *Ordnungstheorie* as “crudely equivalent to a theory of order in human societies” (p. 1). A striking peculiarity which will be clarified below in the correspondence exploration is that Ostrom only quotes from Hensel’s “Grundformen der Wirtschaftsordnung” (Hensel 1972), not from Eucken’s books. Ostrom is struck by Hensel’s concept of order which clearly goes beyond the notion of economics: “The

orders in which we live are the foundations of our existence and ways of life.” (Hensel 1972, p. 9), adding (in his own translated “interpretation”) of Hensel that “An imperative principle (Gebot) of political education is to be acquainted with possible orders, gain as clear a picture as possible of them and the way in they condition, influence and imprint different patterns on our lives.” (Hensel 1972, p. 9). And what follows is the most explicit statement how Ostrom equalizes his own research program to the newly discovered German tradition and its representatives he had met in Bielefeld: “This was an excellent statement of how I had come to view scholarship in political theory as pertaining to the constitution of order in human societies, and what others have regarded as a basic presupposition in their work (KRÜSSELBERG, 1980)” (p. 2, capitals in the original).

Ostrom continues with his Bielefeld impression that the Eucken-Hensel tradition belongs to what “Europe has maintained [as] a multidisciplinary community of scholarship that has been centrally concerned with the nature of order in human societies. Leading European scholars, such as Max WEBER, J. A. SCHUMPETER, F. A. HAYEK, and Ludwig von MISES, are a part of that larger community. This list could be easily extended to include other sociologists, economists, jurists, historians, and philosophers.” (p. 2, capitals in the original). Ostrom connects to the earlier sediments of his work by noting that before Bielefeld he had “familiarity with many of this works, but I had somehow viewed them as the individual efforts of inquiring minds to move beyond the bounds of particular disciplinary interests” and he is now impressed by the fact that “continental” economists would know the works of Weber, while sociologists would equally know Smith and Hayek, and contrasts that to American economists and sociologists (pp. 2-3). in Ostrom’s perspective, the approach economics via the notion of order as practiced by “Eucken and those, like K. Paul Hensel, who follow in the tradition of Ordnungstheorie,” and the community listed above, “has its continuity from the Enlightenment to the present. HOBBS, ROUSSEAU, MONTESQUIEU, HUME, SMITH, KANT, HEGEL, TOCQUEVILLE, MARX, and many others all make their potential contribution to a continuing inquiry about problems associated with the nature of order in human societies.” (p. 3, capitals in the original).

For Ostrom, the missing link is identifying “ways of relating multiple levels and foci of analysis” so that the diverse arguments can “fit together in a coherent way” (p. 3). Here, in a paradigmatic usage of his *fragments* technique, he unites the arguments of Montesquieu and Madison against Hayek’s notion that “planned social orders” must rely on “command relationship”: His reading of Montesquieu and Madison leads Ostrom to the proposition that planned orders can very much be “polycentric,” quoting here Polanyi as the authority, and not necessarily “monocratic,” quoting Weber (pp. 3-4). In a subtle formulation against the Hayekian duality and Hayek’s notion of constructivism, Ostrom also emphasizes that systems designable by the scholar not only “can

adapt and be modified through time and, thus, evolve” but that in addition “[w]hat is learned by making marginal adjustments through time presumably affects future design capabilities” (p. 4) – despite acknowledging elsewhere the importance of Hayek’s contributions to the notion of learning in social theory (Ostrom 1986, p. 228, p. 242). In what remains in the paper, Ostrom discusses the potential gains from trade imaginable between the European tradition and the new paradigms of Public Choice and game theory, especially regarding the “exploration of nonbureaucratic modes of organization in the public sector under quasi-market conditions” (p. 4). With a praising reference to Bruno Frey’s “Schumpeter, Political Economist” (Frey 1982), Ostrom concludes with a plea for interdisciplinarity with a sensitivity for intellectual history and the hope: “We have much to learn from one another.” (p. 6).

II.

The following correspondence exploration analyzes two interlocutors of Ostrom: the German, Marburg-based economist Hans-Günter Krüsselberg (1929–2018) and the Swiss-born, Bielefeld-based sociologist Franz-Xaver Kaufmann (*1932). As Krüsselberg is the main “sparring partner” regarding the Eucken-Hensel tradition of *Ordnungstheorie*, Ostrom’s conversation with Krüsselberg constitutes the chronological mainline, while the conversation with Kaufmann serves as a complement. Apart from the substantive and organizational focus of this exposition, it is also noteworthy that the letters abound in personal cordiality between the Ostroms, Krüsselbergs and Kaufmanns, testifying of the very personal bonds of the Bielefeld period across these families.

Immediately after returning from Bielefeld which Ostrom calls in a letter to Kaufmann “the single most productive year in my career as a scholar” (VO to FXK, 03.11.1982), Ostrom and Krüsselberg exchange extensive letters which, in the context of the emerging Kaufmann, Majone and Ostrom volume, heavily focus on Ostrom’s interest in *Ordnungstheorie*. From the very first letters in the archives (VO to HGK, 29.10.1982; VO to FXK, 03.11.1982; VO to HGK, 26.07.1983; HGK to VO, 10.10.1983), it became clear that Ostrom, Krüsselberg and Kaufmann have initiated in Bielefeld an extended conversation on *Ordnungstheorie*, although not explicitly based on Eucken’s “Foundations of Economics” translated into English in 1950⁷ – instead, Krüsselberg sends Hensel’s textbook-like exposition “Grundformen der Wirtschaftsordnung.” With this, Ostrom continues his learning German (VO to FXK, 03.11.1982) by taking weekly lessons in Bloomington and translates parts of it, sending fragments to Krüsselberg with inquiries

⁷ In the late 1940s Hayek commissioned a translation of Eucken’s “Foundations” (Kolev, Goldschmidt and Hesse 2019) which was conducted by Terence W. Hutchison who would become a prominent historian and methodologist of economics. This translation was published in London by William Hodge in 1950 and re-printed in 1951 by the University of Chicago Press.

about the translation precision of certain terms and phrases. For the purpose of his learning, Ostrom encourages Krüßelberg to write his letters in German, and so the further correspondence unfolds bilingually.

Substantively, they agree from the beginning that for them “institutional” should mean “orientiert an Ordnungen” (order-focused) (HGK to VO, 10.10.1983). Ostrom formulates early on the set of questions regarding Ordnungstheorie which he hopes to resolve in the forthcoming years and which were discussed above in the published sources in Section 4.2.1. He asks Krüßelberg about Ordnungstheorie’s relationship to Hayek, Polanyi, Tullock and Steve Pejovich, locates them in a proximity and believes that Ostrom’s particular take on Public Choice can bring gains from trade when interacting with Ordnungstheorie reaching “quite a different conception of a planned order than Hayek uses.” (VO to HGK, 26.07.1983). Already the first letters reflect Ostrom’s interest in epistemic orders and the limits they set upon the social scientist. At the very same time and the same context, they discuss Ostrom’s paper on Adam Smith for a volume in German on Smith which is being simultaneously prepared (Kaufmann and Krüßelberg 1984), a conversation which also abounds in exchange on German terminology during the process of translating Ostrom’s paper (VO to HGK, 01.12.1983). During the entire 1980s, they constantly exchange books and discuss potential visits to Marburg, to Bloomington and to Bielefeld.

The Radein seminar series is first mentioned in 1984 and the Ostroms visit Marburg in 1985, officially celebrated in a press release as advocates of interdisciplinary work who explore the relationship of theory to empirical work and who are keen to cooperate with European social scientists (HGK to VO, 27.03.1984). In a set of letters they discuss how Krüßelberg’s paper for the Kaufmann, Majone and Ostrom volume on markets and hierarchies (Krüßelberg 1986) relates to Ostrom’s notions of order as well as to the strands of literature stemming from Coase, Williamson, Buchanan, Tullock, Alchian, Demsetz and Baumol (VO to HGK, 20.08.1984; VO to HGK, 22.08.1984; VO to HGK, 24.08.1984). Ostrom even directly connects the future plans of visiting Europe, especially Bielefeld and Marburg, to a “basic commitment to organizing a program for advanced study in comparative institutional analysis and development as the basic effort to be pursued in our Workshop over the next decade” (VO to HGK, 07.09.1984). After deliberating about institutionalizing this program, he shares a statement which is important even beyond his curious notion of a “Marburg school”:

“My sense is that both American and European work as reflected in the Marburg school and in Austrian economics is converging in a general approach to institutional analysis and development that has the promise of a major advance in the social sciences and the

relevance of the social sciences to some of the contemporary problems facing our respective societies.” (VO to HGK, 07.09.1984).

One of the main tensions which Ostrom identifies between him and the scholarship he encounters in Krüsselberg and Hensel is the question of what Ostrom calls the “uniform constitution” (VO to HGK, 10.09.1984) or “singularity in the conception of government” (VO to HGK, 21.09.1984) and confronts Krüsselberg in these letters with his critique of monocratic orders – stressing “that Ordnungstheorie must seriously address itself to the problem of constitutional choice and the possibility that systems of governance can be devised that not depend upon a centrally-administered system of authority relationships. This is something that escapes Boulding and Coase and is barely acknowledged by Buchanan” and encourages Krüsselberg to consider even more “quasi-market mechanisms in the public sector” as opposed to “the ‘superfirm,’ ‘only way,’ and ‘monopoly’ conceptions of government [that] pose problems for your analysis” (VO to HGK, 21.09.1984). Similar potential transatlantic gains from trade are mentioned in correspondence with Kaufmann (VO to FXK, 03.11.1982). Coming back to Krüsselberg’s paper on markets and hierarchies, Ostrom confronts Krüsselberg with a distinction which Ostrom has made in his “Maastricht lecture” between “weak ordering” and “strong ordering” in hierarchies, and presents Montesquieu, Tocqueville, Simon, Polanyi and the Holy Roman Empire as examples for weak ordering, while Hobbes, Weber, the French and Prussian conceptions of the state serve him as examples for strong ordering (VO to HGK, 19.10.1984). Even “Philipp, the landgraf of Hesse who founded your university” as presented by Quentin Skinner (Skinner 1978, pp. 194-209) is used as an example for having advanced “a federal interpretation of the Imperial constitution” of the Holy Roman Empire (VO to HGK, 14.11.1984).

While Krüsselberg’s replies are disproportionately shorter, already few months later he reports of having initiated an inquiry with a group of colleagues in Marburg, also from sociology and political science, whether they would be interested in setting up a “research program in order theory,” has collected positive feedbacks and has recommended them Ostrom’s “Intellectual Crisis” (HGK to VO, 12.03.1985). In the context of these efforts, Ostrom is invited to join the 1987 Radein seminar (HGK to VO, 29.01.1986). Krüsselberg arranges the 1987 topic to be “Foundations of the Theory of Order” (HGK to VO, 12.03.1986). Ostrom envisions arranging his funding through the German Marshall Fund (VO to HGK, 21.02.1986) and writes the extensive working paper version of the Radein paper (Ostrom [1986] 2008) during the summer break in Canada (VO to HGK, 18.06.1986). He warns Krüsselberg that the paper will be “very long – somewhere in the magnitude of 75-80 pages” (VO to HGK, 12.11.1986). Simultaneously Ostrom reports of Hans Albert having sent him his “Freiheit und Ordnung” published by the Walter Eucken Institut (Albert 1986): As

delineated in Section 4.2.1, Ostrom came to classify Albert's critique of "model platonism" as being very much in line with Eucken's epistemological challenge. In the letter to Krüsselberg, Ostrom reports that Albert's "discussion of fallibilism and the method of rational practice (pp. 40-45) and the political aspects of the methodology and the constitution of freedom (pp. 45-54) is surprisingly close to the arguments that I am advancing" and recommends Albert's paper also to Krüsselberg's colleagues (VO to HGK, 22.12.1986).

The year 1987 constitutes the peak of the intensity in the cooperation between Ostrom and Krüsselberg, not only because of Ostrom's attendance at the Radein seminar on February 14-25, 1987. Already in 1986, they discuss and plan mutual sabbaticals in Marburg and Bloomington, and in the letters ahead of Radein, Ostrom sends Krüsselberg the IU syllabus of Elinor Ostrom's seminar "so that you can see how we conceive our efforts to be related to the Eucken challenge." (VO to HGK, 20.01.1987). In preparation for Radein, he discloses to Kaufmann his expectation that the topic of the Radein paper "will probably be my preoccupation for quite some time to come" (VO to FXK, 03.09.1988).

Penned directly at Radein, Ostrom formulates a long programmatic memorandum to Krüsselberg (VO to HGK, 21.02.1987). He starts off with reminding that 1989 will mark the 50th anniversary of the publication of Eucken's "Foundations"⁸ and, after acknowledging the achievements of Eucken's students like Hensel, Ostrom pushes forward:

"Important next steps need to be taken in developing an awareness of Eucken's challenge outside of the German-speaking world and the extension of that challenge to other fields in the humanities and social sciences." (VO to HGK, 21.02.1987).

He immediately connects this extension quest to Albert's "Freiheit und Ordnung" as a possible device "to reach beyond the concerns of economists for inquiry about the economic order." Ostrom even comes up with a conjecture how his notion of the epistemic order might translate into German, and (quite correctly) proposes to call it "Wissensordnung." Then a curious passage follows: Ostrom proposes that the 50th anniversary should be used for an English translation of the "Foundations." He speculates about an "earlier British publication" and, should it exist, recommends considering "republication with, for example, the Liberty Press." Ostrom is also keen to propose his own interpretation of Eucken's challenge: "we should presume that the basic challenge remains and will always remain so long as fallible creatures like human beings attempt to understand the very complex patterns of order that are constitutive of human societies." In line

⁸ This is a careful observation of Ostrom: While it has become common to date the original publication by Gustav Fischer in Jena with 1940, Eucken's preface of the first edition is dated with 1939.

with his assessment of the centrality of this proposition, Ostrom additionally suggests the publication of a collection of essays entitled “Eucken’s Challenge” inviting scholars from the humanities and social scientists to a “both sympathetic and critical effort.” He envisions a truly groundbreaking project: The collection of essays should be about “gaining coherence in the social sciences and moving on to a new era of work in the social sciences.” In Ostrom’s mind, already a first list of contributors has emerged: Dieter Cassel,⁹ Hans Albert,¹⁰ Krüsselberg, and Kaufmann. Also, he has some institutional ideas of his own: Ostrom suggests that the Walter Eucken Institut, the ORDO Yearbook, and the Gustav Fischer Verlag (publisher of both the early editions of Eucken’s “Foundations” and of the ORDO Yearbook as of 1987) should be involved – and warns that early coordination would be necessary if the publication of the essay collection should take place in 1989. He is even concerned with a pricing policy: “Support of publication through the Liberty Fund might give access to more advantageous pricing in efforts to reach a larger audience.” In addition, Ostrom envisions the possibility of a Liberty Fund conference in Bloomington on the topic of Eucken’s challenge – and correspondence with Christine Picht, a German economist visiting the Ostrom Workshop, indicates how already ahead of Radein, Ostrom has commissioned first translations of Eucken. But these are only the “short-term efforts”:

“These need to be complemented by further plans for longer-term efforts that look to our development of a more extended international and multidisciplinary community of scholarship concerned with responding to Eucken’s challenge by addressing ourselves to the nature and constitution of order in human societies. This is what we are doing at the Workshop in Bloomington, especially as the nature and constitution of order in human societies pertains to opportunities for development.” (VO to HGK, 21.02.1987).

Krüsselberg replies equally enthusiastically that “all colleagues who met you in Radein believe that the cooperation between the Radein seminar and Bloomington should be established on the most long-term foundations imaginable” and reports of the “Hutchison edition of Eucken’s ‘Foundations’”¹¹ that should “facilitate our plan to make Eucken again the topic of international discussion,” while Eucken’s “Principles”¹² seem to be out of print in Germany and are hardly

⁹ Dieter Cassel (*1939) is a German political economist, in 1987 he was professor at the University of Duisburg. Ostrom’s version of Cassel’s Radein paper on Eucken’s and Hensel’s methodology (Cassel 1987) is kept in the Ostrom Workshop’s Library and contains meticulous translations of almost all scholarly terms.

¹⁰ Hans Albert (*1921) is a German philosopher and sociologist. The results from exploring Ostrom’s correspondence with Albert will be incorporated in the next version of this paper.

¹¹ This is the translation project described above in footnote 5.

¹² As mentioned in Section 2, until this day only fragments of Eucken’s “Principles of Economic Policy” have been translated into English.

retrievable even through antiquarian channels (HGK to VO, 17.03.1987). It becomes clear here that until Radein, Ostrom used neither the English translation of the “Foundations” nor the German original of the “Principles” – so his fascination stemmed from the Bielefeld conversations, Hensel’s textbook-like “Grundformen der Wirtschaftsordnung” and perhaps the German original of the “Foundations.”¹³

As Krüsselberg spent the next months at the Workshop in Bloomington (VO to HGK, 17.03.1987; HGK to VO, 02.11.1987), correspondence cannot help to reconstruct if the energy of the immediate Radein experience endured. But the energy discernible from the memorandum may explain why Ostrom spent a substantial part of his presentation at what seems to have been a rather applied conference in Nigeria in the weeks after Radein talking about Eucken’s epistemology. Around Radein, Kaufmann shares a noteworthy observation: As Ostrom has shared with him the Radein paper and Elinor’s seminar syllabus regarding Kaufmann’s forthcoming Bloomington stay, Kaufmann notes:

“Having read also the syllabus of Lyn I got the impression that the ideas of you both approximate from the different (Macro and Micro) starting points and begin to merge in a common framework.” (FXK to VO, 09.02.1987).

And while it is not quite clear if it is a direct result of Ostrom’s impulse, there is at least one lasting result of the “1989 as the 50th anniversary of Eucken’s ‘Foundations’” idea: The Krüsselberg correspondence folder contains a letter of the editorial board of *ORDO* to Hayek from August 1987 presenting the idea of making the 1989 a special issue dedicated to Eucken’s “Foundations.” And indeed, the 1989 *ORDO* volume is exclusively dedicated to Eucken, but all 23 papers are authored by German authors, almost all of them economists.

Soon afterwards Ostrom reports of recurrent and serious health issues all the way into 1990, and from letters to both Krüsselberg and Kaufmann from him and Elinor it becomes clear that it was because of these health issues that, against his plans, he could not travel to Europe in early 1988 and missed the next Radein seminar. Even though he reports that he plans to rewrite his Radein 1987 paper under the title “Eucken’s and Hensel’s Challenge” (VO to HGK, 13.04.1987), such a paper is not identifiable in the archives, presumably also due to the health issues. Showing optimism and wit despite his continuously deficient health, Ostrom describes himself in a letter circulated to a large circle of colleagues as “Bloomington’s Rip van Winkle,” reports to have been delighted at a recent conference in Atlanta “to renew the conversation” with a number of German social scientists and shares a set of intriguing observations how Ludwig Lachmann’s capital theory

¹³ Today we do not have an overview of the Ostrosms’ private books. The Workshop Library contains only a photocopy of the 1951 Chicago edition catalogued in 1990.

which he got acquainted with can be connected to both Hayek and Ordnungstheorie (VO to HGK, 12.01.1988). Soon afterwards, Ostrom reports of a plan to extend his Radein paper into a larger publication entitled “Toward a Theory of Order in Human Societies” where he would aim to combine insights from Eucken, Hensel and Lachmann (VO to HGK, 01.03.1988). And while this paper title already appears earlier in correspondence with Kaufmann (VO to FXK, 30.09.1986), in 1988 Ostrom indicates to Kaufmann that “Toward a Theory of Order in Human Societies” project is meant to be a “short book” (VO to FXK, 09.03.1988). A longer manuscript dated November 1992 entitled “The Constitution of Order in Human Societies” exists in the Workshop’s Library (Ostrom 1992), but the references to Eucken and Hensel (pp. 183-184, p. 202) there do not go beyond those in Ostrom’s earlier published works.

No reply is identifiable to Krüsselberg’s invitation to Ostrom to join the 1990 Radein seminar, to suggest someone else (HGK to VO, 25.01.1989), or to write a paper that Krüsselberg can present on Ostrom’s behalf (HGK to VO, 10.08.1989; HGK to VO, 13.11.1989). At this same time, the correspondence with both Krüsselberg and Kaufmann tapers off, and in the last letters they start referring to different projects – while asking Krüsselberg about potential candidates who might translate Ostrom’s “Compound Republic” into German as envisioned by Hans Albert (VO to HGK, 07.08.1990), he speaks of being “preoccupied with the Federalism volume” (VO to HGK, 22.08.1989) probably referring to Ostrom (1991a) whose published version only lists Eucken’s “Foundations” in the bibliography. The topic of Ordnungstheorie shows up a last time in the latest letters preserved in the archives when a visiting scholar from Germany, Berthold Bunse, reminds Ostrom with his work on Thomas Sowell of Ordnungstheorie, Marburg and how “[f]eatures of the Austrian school are an important complement.” (VO to HGK, 02.07.1992; VO to HGK, 27.04.1993).

But in the terminology coined in this paper, by that time the Ordnungstheorie sediment appears as having been enclosed. And still, a tentative speculation is in place as a conclusion of this correspondence-based section. A few weeks ahead of the Radein seminar, noteworthy formulations are contained in a letter of Ostrom to Hartmut Picht, an economist at the Kiel Institute for the World Economy and co-editor of the “Rethinking Institutional Analysis and Development: Issues, Alternatives, and Choices” volume (Ostrom, Feeny and Picht 1988). In this long letter, Ostrom pens several paragraphs about the very special character of this episode within his own evolution:

“I am myself persuaded that we need to address ourselves to what Walter Eucken referred to as the great antinomy and that to do so will require the development of an institutional economics of a different magnitude than we have developed to this point in time. I believe

we can see the outlines of what needs to be done; Oliver Williamson¹⁴ [...] is one of the important contributors to that development. If you put my Radein paper together with Hans Albert's essay on "Europa und die Zähmung der Herrschaft" in Freiheit und Ordnung and Lin's application to the CPR problem, we can begin to see what needs to be done.

I find myself at 67 engaged in the most productive and stimulating work in my lifetime. Most important of all is the confident awareness that seeing what needs to be done means only that we are moving along a productive pathway which will never end because human beings will always challenge the best that be offered in reflective capabilities and critical capacities by their innovative potentials. [...]

My sense is that the Radein paper now states the basic thrust of what I wanted to say. [...] I have a further question whether a more generally revised paper might be considered by publication by the Walter Eucken Institute apart from a Marburg-edited collection of essays. [...]

I am beginning to see in the Radein paper what might be viewed as an intellectual sequel to the Compound Republic. In light of critical response and further work, I can anticipate a manuscript of perhaps 200-250 pages, double-spaced, with notes and bibliography. I could have such a manuscript ready by the end of summer. But the basic core of such a manuscript would be built upon the way the Radein paper is now articulated." (VO to Hartmut Picht, 29.12.1986).

The tentative speculation, to be examined by studying correspondence with further scholars who served as interlocutors and assisted Ostrom in his quest, is this: If this "Radein moment" had happened earlier, in the even more productive and healthy phases of Ostrom's life, could it have led to a new research program of his, perhaps one comparable to Constitutional Political Economy which was elaborated by Buchanan at this very same moment?

III.

A finding from the very final phase of the archival quest indicates that the sympathy for Freiburger Ordnungstheorie did not end in the early 1990s: a folder catalogued in the finding aid without including "Freiburg", namely as "Interdisciplinary Ph.D. School, Albert-Ludwigs-University, Germany, 2007." This graduate student seminar took place on April 16-27, 2007 and already the organizational efforts point at some interesting traits of the Bloomington-Freiburg

¹⁴ It is noteworthy that Oliver Williamson (*1932) received the Nobel Prize in 2009, the very same year as Elinor Ostrom.

nexus. To begin with, from the outset the plan aimed at a joint seminar given by Vincent and Elinor, and the preparations for the visit were initiated already in November 2015 by Freiburg's Institute of Forestry Economics which soon afterwards, after coordinating this with the Ostroms, co-opted the Walter Eucken Institute in the organization, more specifically its director Viktor Vanberg and its managing director Michael Wohlgemuth. Elinor was formally awarded a Guest Professorship by the University of Freiburg for the summer semester of 2007, and already in her acceptance letter of March 15, 2006 to President Wolfgang Jäger she emphasizes: "We [Vincent and herself, SK] have learned much from colleagues in Germany in the past and know the work of Viktor Vanberg very well." (EO to President Jäger, 15.03.2006). When reflecting in September 2006 about the title of the seminar, Elinor's correspondence with Achim Schlüter from the Institute of Forestry Economics shows some ambiguity on the side of the Freiburgeans whether Eucken's name could be helpful in the Call for Papers, given his limited popularity even among graduate students at Freiburg as these organizers perceive it. But the folder also contains brainstorming notes of Vincent with "Eucken's Challenge" in his handwriting at top of the list for potential titles, so the final title is agreed to be: "The Challenge of Self-Governance in Complex, Globalizing Economies: Responding to Walter Eucken's Challenge."

In her negotiations of the Guest Professorship with the President, Elinor already mentions Vincent's fragile health at the age of 86. Until March 2007, it is firmly stipulated that they fly together, and in an undated note she expects that the trip may be "last tour VO + EO in Europe." But in March 2007 she communicates that Vincent's health does not allow him to travel. The outline of the seminar is noteworthy since it reads as a synthesis of the Bloomington School. Two interfaces that are foundational for this research program are elegantly intertwined in the syllabus: The combination of political theory topics of Vincent with the institutional economics topics of Elinor, as well as the combination of economic and ecological topics. In her "trip log" of the seminar which took place at the Liefmann-Haus,¹⁵ Elinor describes how she covered Vincent's part on Eucken (already the first session was dedicated to Chapter 2 of Eucken's "Foundations"), Vincent's "Compound Republic" and authors like Harold Berman with whom Vincent planned to familiarize the Freiburg students. In addition, the trip log reports of phone conversations with

¹⁵ Robert Liefmann (1874–1941) was an economist and received his PhD under Max Weber during Weber's brief professorship at Freiburg 1894-1896. In 1940 he was deported from Freiburg to France by the National Socialists and executed based on his Jewish origin. His niece Elisabeth Liefmann-Keil (1908–1975) survived the war at Freiburg in the environment of Eucken. In 1956 she became, at Saarbrücken, the first female full professor of economics in Germany, and 1972-1974 she served as the first President of the European Public Choice Society (for the history of the Liefmann family, see Goldschmidt and Klinckowstroem 2005).

Vincent, so he was informed about the progress of the seminar. The overall sense is that the month spent in Freiburg is enjoyable in terms of intellectual exchange, of historical discoveries like the University Museum and the role of Eucken in the resistance against National Socialism exhibited there, as well as of a biosphere which Elinor very much enjoys, especially the Black Forest.

4.3 Ostrom on Weber and Eucken: Comparative Overview

Why did Ostrom's reading of Weber and Eucken, two scholars whose legacy in the interpretation of Section 2 is portrayed today as rather similar, come to be so different? Can one speak of an antipathy for Weber and a sympathy for Eucken? Revisiting Ostrom's three historiographical techniques distilled in Section 3.1 can help to consolidate the findings of Sections 4.1 and 4.2.

1) Ostrom's first historiographical technique, deconstructing arguments of historical figures into universally implementable *fragments*, is illuminating regarding the Weber-Eucken contrast. The Weber fragments about the bureaucratic nature of the monocratic order of the violence-monopolizing modern state are the very opposite of the Eucken fragments. Weber is portrayed only as a theorist of *taxis*, whereas Ostrom recognizes in Eucken a theorist of *cosmos* who engaged with the complexity of human relations as they present themselves in economics as the science of exchange. When contextualizing the Eucken fragments with Hayek and Lachmann, it becomes visible how Ostrom understood what may be called here the *beauty of economics*. For Ostrom as a theorist of polycentric governance, this beauty is that economics as discipline may be understood as the very embodiment of what he calls "the sciences and arts of association." The way he uses the fragments of Eucken's Ordnungstheorie shows Ostrom's fascination with the fashion how this German economic theory conceptualizes human interaction as processes of mutually advantageous contracts, and the association with Lachmann points to the accumulation of these results as complex configurations of capital goods which incorporate the complex order of economic and society.

2) Ostrom's second historiographical technique, setting up *enclosed sediments* and encapsulating them intertemporally, is also helpful to understand his juxtaposition of Weber and Eucken. The sediment of Weber fragments was completed by the early 1970s and is encapsulated around that time – the sediment of Eucken fragments is only opened in the early 1980s and is being encapsulated only a decade later. If the above interpretation of Eucken as an embodiment of economics as a science of complex social orders is correct, it may be that Ostrom's changing proximity to economics as it presents itself in the *Public Choice economists* plays a role here. Weber embodies the "old" theories of the state and of bureaucracy which are the target of the Public Choice economists – to whom Ostrom still belonged. Later, however, his increasing emancipation

from and distance to the mainstream within the Public Choice paradigm lets Ostrom interpret Eucken's particular view on economics as a counterweight to the type of economics he was connected to earlier. Ostrom's ubiquitous emphasis on Eucken's seriousness about epistemology is in line with Ostrom's critique of the disregard of epistemological questions in their allegedly too strong emphasis on rational choice in Virginia and especially in Rochester Public Choice. This emancipation process of the Ostroms was amplified by contemporaneous opposition within the Public Choice Society to Elinor Ostrom's struggle with epistemology in her emphasis on the importance of empirical work while designing the IAD framework in the very same years around and after the 1981/82 Bielefeld stay, even during her Public Choice presidency 1982/84. In those very same years of tensions, Vincent Ostrom delved into "Eucken's challenge" on epistemology. And even though Weber's contributions to epistemology have been classified to be among the most fundamental ones in the 20th century, Ostrom's Weber sediment had closed by the time Weber's contributions on that domain became as widely received as they are today. A crucial difference regarding the duration of the period before the sediment was enclosed certainly lies in the role of *live interlocutors*, especially Krüsselberg and Kaufmann, who throughout the 1980s served as Ostrom's sparring partners regarding Eucken's research program and thus sustained his interest in Ordnungstheorie for over a decade.

3) Ostrom's third historiographical technique, universally employing the fragments as a *theme with variations*, helps to illuminate a third feature of Ostrom's fascination with Eucken. Weber today, and at least since the English publication of "Economy and Society" in 1978, is seen as a foundational figure for German economic sociology which, just as was the case of the German Historical School and of Eucken's Ordnungstheorie, was very much an institutions-sensitive research program. But that did not matter to Ostrom beyond Weber's theory of bureaucracy which is so central in the early co-edited volumes in English used by Ostrom as his access to Weber. In contrast, Eucken as an *order theorist of rules and institutions* is crucial for Ostrom – not only (or primarily) for analyzing the economic order, but also (or even above all) for comparative purposes regarding rules and institutions in other social orders, especially the political. In Ostrom's final mentioning of Eucken, in "The Meaning of Democracy and the Vulnerability of Democracies" in 1997, an important variation to this theme is introduced – Ostrom contrasts Eucken to some void-of-institutions readings of Hayek and Smith. Ostrom shows perhaps most explicitly here that his own overlap with Eucken is not only focused on epistemology, but rather aims at a *general theory of orders* – in Ostrom's life-long trias, a theory which must cover the political, the economic and the epistemic order of society.

5. Summary

The main question that emerged while exploring Ostrom's "German expedition" in the 1980s is: What are the sources for this genuine fascination with the Eucken tradition? Summarizing the published and especially the archival traces collected above, the overarching reply is: Because in this tradition of *Ordnungstheorie*, both in its published legacy and in the conversations during as well as after Bielefeld with scholars working in this tradition, Ostrom identified a pattern of thought which struck him as almost identical with his life-long quest towards a theory of order in human societies. As the archival project unfolded, it became clear that Ostrom's curiosity had to take (at least) two detours: This roundaboutness towards understanding, further developing in his own theorizing, and perhaps even popularizing the research program of the Freiburg School and its *Ordnungstheorie* in the US involved encountering Marburg economics (via Krüßelberg) and Bielefeld sociology (via Kaufmann). More scholars who served as interlocutors and assisted Ostrom will be explored in forthcoming versions of this paper.

The exploration of the paper could uncover a set of strands which led to Ostrom's identification of *Ordnungstheorie* to his own research program. He interpreted the Eucken tradition as being serious about:

- 1) the *complexity* of social orders,
- 2) the *epistemological* necessity to capture this complexity through diverse frameworks on *different levels and foci* as opposed to "model platonism,"
- 3) the conceptualization of economics as a science of *self-organizing exchange*,
- 4) the indispensability of an *institutional framework* around these processes of exchange to make their self-organizing properties sustainable,
- 5) the embeddedness of the economic order in a set of *interdependent social orders*,
- 6) the emphasis on the need for *comparative analyses of order forms* also across orders, and
- 7) the plea that this task can never be solved by a single social scientist but only *in communities transcending the disciplinary boundaries*.

Ostrom certainly did not "hate" Weber or "love" Eucken. He understood their texts to be primarily positive in nature. The very different degree of endorsement stemmed from his realization that such powerful positive analyses can be harnessed by normative projects like Woodrow Wilson's project of dismantling American federalism. Due to the limited availability of texts in English, Ostrom could not capture and engage with the normative aspects which are also present in Weber and Eucken, prominently in Weber's "Vocation" essays and in Eucken's "Principles of Economic Policy." Given his own explicit normative stance regarding monocratic and polycentric orders, Ostrom himself harnessed Weber and Eucken as a main adversary and a

main ally, respectively. The exercise in this paper served as a well-defined case-study of Ostrom's peculiar way to conduct his own theorizing "on the shoulders of giants," using historical arguments through his self-crafted threefold historiographical technique of:

- 1) decomposing fragments,
- 2) encapsulating sediments, and
- 3) playing themes with variations.

In an oral testimonial which I collected during weeks of research at the Workshop, Ostrom has been described as having "become European" in the aftermath of the Bielefeld period. This is very much in line with the exposition above, especially as seen from the two archival papers where he reflects on the universe of European thinkers whom he had known before but had not seen the patterns of intellectual continuity which only emerged during his reading of – and especially in his live interactions with – "continental" economists and sociologists. In the interpretation of this paper, studying the German and Austrian strands of Eucken/Hensel and Hayek/Lachmann as the most recent manifestations of this European tradition reflecting on the nature of order in human societies, Ostrom delved systematically into pre-Samuelsonian political economy as traditionally practiced in the broad German Faculties of State Sciences / Law, and thus he was struck by the *beauty of this economics as a theory of polycentric orders*. The *beauty of pre-Samuelsonian political economy* presents to him perhaps the strongest contrast to the *ugliness of post-Wilsonian public administration*. For Ostrom, Eucken's system embodies the former, Weber's the latter.

To conclude, the description of Ostrom as a "compound thinker" at the outset of the paper could be fully vindicated by the exposition, a thinker making wise use of the "virtue of eclecticism" (Craiuțu 2019). It remains a tentative though important speculation of the paper that if Ostrom had encountered Ordnungstheorie not as late as the 1980s, this specific impulse which he and his interlocutors experienced as so powerful could indeed have generated his own Ordnungstheorie-inspired research program which he aimed at around the Radein seminar of 1987. For different reasons, neither Ostrom nor Eucken could finalize full-fledged formulations of such a research program. However, a final crucial commonality of Ostrom and Eucken lies in their key capability to ask the right questions. And since both of them saw social theorizing as only resolvable in a community, asking the right questions may be the main contribution of thinkers who initiate such a community and possibly even an own tradition. May the Ostromian enterprise of the Bloomington School reach the longevity of the various scholarly communities which fascinated Vincent Ostrom in the final decades of his life.

Correspondence

All letters quoted in this paper are contained in the respective folders in the Elinor and Vincent Ostrom Papers at Lilly Library, Indiana University Bloomington.

The general list of boxes can be found here: <https://iucats.iu.edu/catalog/14513217>. The finding aid can be requested here: liblilly@indiana.edu.

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