Symposium introduction to Hayekian themes in *The Order of Public Reason*

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Abstract This introduction provides an overview of the papers in the symposium on Hayekian themes in *The Order of Public Reason*.

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Readers of *The Review of Austrian Economics* widely recognize F. A. Hayek as one of the most important political economists of the twentieth century. Many books and articles, including articles in these pages, have used his work in their own economic theorizing and expanded upon it at length. In contrast, we seldom see political philosophers draw on Hayek's political thought. One reason for this is that Hayek's political philosophy is not constructed in the argumentative style common in Anglo-American political philosophy. Contemporary political philosophers have trouble detecting his contributions (not unlike mainstream economists who have trouble detecting Hayek's contributions to economics). Another reason is that Hayek's political positions are unpopular among political philosophers.

Perhaps the greatest counterexample to Hayek neglect in contemporary political philosophy is Gerald Gaus's *The Order of Public Reason*, published in 2011. *The Order of Public Reason* is an attempt to defend a liberal political theory by drawing in part on Hayekian insights about mind, society, social evolution, and economic institutions. As I argue in my own contribution to this volume, the work can even be read as an attempt to synthesize the best parts of the liberal political theories advanced by John Rawls in

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Political Liberalism and F. A. Hayek in a number of works, but *Law, Legislation, and Liberty* in particular.

Gaus draws on Hayek's work in many ways, four of which I'll note here. First, he hopes to vindicate some of Hayek's moral psychology, in particular Hayek's focus on rule-based cognition and action. Second, Gaus agrees with Hayek's stress on the importance of non-legislative, and even non-legal, social rules as sources of social order. Third, Gaus shares Hayek's stress on the importance of the rule of law, limited government, and the market order in structuring an open, diverse society. Fourth, Gaus uses Hayek to develop an account of the evolution of social rules; in Gaus's contract theory, moral and cultural evolution plays a critical role in overcoming the failure of previous contract theories to show that persons will agree on a unique set political principles. For Gaus, Hayek is vital for understanding how we arrive at an order of rules that all can endorse despite the fact that we cannot provide a complete rational reconstruction of the justification of the rules we have. Traditional social contract theory is inherently *indeterminate*, such that there will be many systems of social and legal rules that can be justified to people in a free, diverse order. Hayek's work is crucial for resolving this indeterminacy.

Since Gaus's work draws so thoroughly on Hayek's, and since political philosophers have tended to neglect Hayek's political theory, a symposium on Hayekian themes in *The Order of Public Reason* is surely justified. The three pieces are all in some ways critical of Gaus's project, but all illuminate the importance of Hayek in Gaus's work. The three pieces come from a philosopher, a political scientist, and two economists – myself, Michael Munger, and Peter Boettke and Rosolino Candela – respectively. Our pieces reflect our respective disciplines. My piece focuses on how Gaus's use of Hayek's work leads to a kind of skepticism about our ability to justify the institutions that comprise our social order as a whole. The disadvantage of a political theory so skeptical in this way is that, while social contractors can arrive at a series of specific solutions to their social problems, they have no way to assure themselves that their moral nature and their moral practices as a whole are sufficiently sound that the rules they endorse are genuinely morally binding. I argue that this problem is often solved in political practice through the adoption of a civil religion. Civil religions provide narratives and social practices that assure members of free orders that their regimes are good or justified on the whole. I introduce the idea of civil religion into public reason as a social technology that can resolve the skepticism that Hayek's work introduces into Gaus's project.

Munger's paper draws an analogy between Gaus's account of public justification and general equilibrium theory in microeconomics. Both views face a kind of Hayekian knowledge problem concerning how groups can converge on a single set of normatively binding rules or one determinate, unique set of prices. In economics, Munger points out, a Walrasian auctioneer must be introduced in order to adjudicate between different candidates for equilibrium. Gaus, Munger claims, requires a similar "Kantian Parliamentarian" to select a determinate set of rules. However, the Kantian Parliamentarian cannot solve the knowledge problem because she cannot know all the information required to determine whether an outcome is publicly justified. Instead, the "process" of public justification must "know" information that none of the participants have as a whole.

Boettke and Candela argue that one virtue of *The Order of Public Reason* is that it helps to build normative explorations into the institutional foundations of human sociability. Their piece evaluates the normative implications put forth by Gaus in terms of Israel Kirzner's "finder's keeper's ethic," which raises a question about the relationship between the moral order and the political order that underlies market processes. When we examine the role of entrepreneurship in the market process in relation to Kirzner's finder's keeper's principle, we can see a deeper ethical foundation underpinning the institutional conditions of social morality. Here Boettke and Candela draw on the theory of the market process advanced not only by Hayek, but Kirzner as well.

The symposium draws to a close with Gaus's reply to our papers.