WHEN POLITICS FAILS:
HYPER-DEMOCRACY AND HYPER-DEPOLITICIZATION

Matthew Flinders and Matthew Wood

Written for the *Policy & Politics* conference
'Transforming Policy and Politics: The Future of the State'
Bristol
17/18 September 2013

Matthew Flinders is Professor of Politics and Director of the Sir Bernard Crick Centre for the Public Understanding of Politics at the University of Sheffield, United Kingdom. He is the co-author of the international journal *Policy & Politics* as is Visiting Distinguished Professor in the Sir Walter Murdoch School of Public Policy and International Affairs at Murdoch University, Western Australia. His books include *Multi-Level Governance* (co-edited, 2004), *Democratic Drift* (2008), *Walking Without Order* (2009), *The Oxford Handbook of British Politics* (co-edited, 201) and *Defending Politics* (2012) (all Oxford University Press).

Matthew Wood is a Post-Doctoral Research Fellow in the Department of Politics. He has been a Visiting Fellow at the Australia and New Zealand School of Government Institute for Governance at the University of Canberra.

KEYWORDS
DEPOLITICIZATION; DEMOCRATIZATION; DISCIPLINE;
TECHNOCRACY; ANTI-POLITICS; JUDICIALIZATION

WORK IN PROGRESS, PLEASE DO NOT CITE WITHOUT PERMISSION

'Democracy is perhaps the most promiscuous word in the world of public affairs' Bernard Crick suggested in his *Defence of Politics* (1962) 'She is everybody's mistress and yet somehow retains her magic even when a lover sees that her favors are being, in his light, illicitly shared by many another… Indeed, even amid our pain at being denied her exclusive fidelity, we are proud of her adaptability to all sorts of circumstances, to all sorts of company.' Almost exactly fifty years later it is possible to question whether democracy 'retains her magic' and to suggest that the concept's malleability – its 'adaptability to all sorts of circumstances' – may have been exhausted. Indeed, if the twentieth century witnessed 'the triumph of democracy' then the twenty-first century appears wedded to 'the failure of democracy' as citizens around the world appear to have become distrustful of politicians, skeptical about democratic institutions, and disillusioned about the capacity of democratic

politics to resolve pressing social concerns. From Gabriel Almond and Sidney Verba's seminal *The Civic Culture* (1963) through to Joshua Kurlantzick's *Democracy in Retreat* (2013) and Bernard Stiegler's *Uncontrollable Societies and Disaffected Individuals* (2013) this anti-democratic sentiment, or what Jacques Ranciere labels this *Hatred of Democracy* (2006), has been analyzed and documented by scholars.[1] A related seam of scholarship has adopted a more normative analytical position that attempts to explain and defend the inevitable limitations of democratic politics.[2] What is missing, however, from contemporary analyses is any focus on the relationship *between* hyper-democracy and hyper-depoliticization.

Although complex, multifaceted and dialectical, this relationship can be captured through the notion of a simple clash of logics. The first of which – *the Logic of Democracy* – promotes a set of values and assumptions (participation, control, accountability, etc.) that are in some ways inimical to the second logic - *the Logic of Discipline*, which emphasizes the need for stability, distance and executive capacity.[3] The core argument of this article is not that revealing the existence of this tension is in itself novel (Walter Bagehot's *The English Constitution* of 1867 emphasized the need for any constitution to include 'protecting machines' to prevent the 'incessant tyranny' of 'the busybodies and crotchet-makers of the House [i.e. legislature] and the country'). Our argument is more complex and hinges on the notion of *proportionality or balance* within governing values and the need to establish some form of equilibrium within democratic governance. Put slightly differently, **our core argument is that hyper-democracy and hyper-depoliticization are inter-related in ways that scholars and social commentators have so far overlooked.** Not only is this relationship arguably dialectical, inflationary and parasitical but it also provides new insights into *Why We Hate Politics* (to adopt the title of Colin Hay's award winning book). In essence, the rise of hyper-democracy has fuelled the rise of hyper-depoliticization as politicians seek to create an element of distance between the governors and the governed in order to preserve their executive capacity; the rise of hyper-depoliticization, however, has fuelled the rise of

hyper-democracy as the public seek to close the gap not just between the governors and the governed but between themselves and what Frank Vibert terms 'the rise of the unelected'.[4] This clash of logics therefore exposes a distinctive paradox within the contours of contemporary democratic governance.[5]

In terms of locating this argument regarding the relationship and interplay between hyper-democracy and hyper-depoliticization within the wider literature Larry Diamond's comparative studies of democracy, and particularly his emphasis on 'the three paradoxes of democracy', provides both a key reference point and a point of departure.[6] Simply stated, theses paradoxes 'inhere in democracy's very nature' and revolve around:

(1) *Conflict* and *Consensus;*

(2) *Representativeness* and *Governability*; and

(3) *Consent* and *Effectiveness*

The first paradox simply reminds us that democracy is a system of institutionalized conflict resolution – it is a competition for power. 'Democracy requires conflict – but not too much; competition there must be, but only within careful defined and universally accepted boundaries. Cleavage must be tempered by consensus'. The second paradox focuses on governing capacity or what Alexander Hamilton called 'energy'. Governments are elected to govern and although there is a need to guard against the over-concentration of power or the exercise of unaccountable power there is a clear need to empower politicians with 'energy' ('if power is too limited or too diffused, government may be hamstrung')[7]. There is also a need to empower governments and politicians with a little distance; distance in the sense of not being overly reactive to interest group demands or populist pressures. As John Lukacs argues in *Democracy and Populism* (2005) the history of democracy has since its birth been *defined* by the need to balance popular control (or 'the sovereignty of the people') with the basic need to empower decision makers and their officials with an adequate degree of

governing capacity. If the second paradox focuses on 'the need to channel and restrain public pressures' the third paradox focuses on the potential dilemma between *consent* and *effectiveness* and is particularly useful for teasing-out the internal contradictions of democratic politics that fuel the debate concerning the relationship between hyper-democracy and hyper-depoliticization that this article seeks to bring to the fore.

Founding a democracy or winning an election, on the one hand, and preserving a democracy or governing, on the other hand, are two very different things (hence Mario Cuomo's adage about 'campaigning in poetry but governing in prose'). The paradox is that democracy requires consent. Consent requires legitimacy. Legitimacy requires effective performance. However, the demands of electoral competition may, on occasion, create situations in which politicians or governments make short-term irrational decisions in order to maintain power, or refuse to implement unpopular decisions - no matter how necessary – for fear of a public backlash at the next election. 'Democratic governments everywhere – in the industrialized world every bit as much as the developing one – are thus constantly tempted to trim their policies' Diamond suggests 'with an eye on the next election. This may make good political sense in the short run, but it does not make for good *economic* policy.'[8] The paradox being that a political system may be more effective and efficient by actually making it slightly less representative. Taking each of these three paradoxes together resonates with Gabriel Almond and Sidney Verba's description of the democratic political culture as 'mixed' in the sense of being both *participant* (as agent of political competition and conflict) with his or her role as *subject* (obeyer of state authority).[9]

Diamond's 'three paradoxes of democracy' therefore provides a buckle or bridge between the existing research literature on democratic governance and this article's specific focus in three inter-related ways: (1) by emphasizing the existence of multiple logics; (2) by stressing the issue of proportionality; (3) and by focusing attention on the need to establish some form of stable equilibrium between the *Logic of Democracy* and the *Logic of Discipline*. But what if

the *Logic of Democracy* evolves towards a model of hyper-democracy that puts this equilibrium at risk? How might politicians and decision-makers seek to establish a form of counterpoise? What implication might the existence of such a polarity have for the future of democracy? Can too much democracy really be a bad thing? In order to explore these questions, and many others, this article is divided into three main sections. The first section focuses on the concept of hyper-democracy by drawing on the work of Hugh Heclo, William D. Gairdner and John Keane. If the first section outlines a thesis regarding hyper-democracy then the second section focuses on a *strong counter-current* in the form of hyper-depoliticization by examining the scholarship of Philip Pettit, Alasdair Roberts and Edward Rubin. The final section then returns to Diamond's 'paradoxes of democracy' in order to tease apart the nexus or inter-relationship(s) between these two dominant logics and the implications this governing tension may have for the future of democracy.

I. FROM DEMOCRACY TO HYPER-DEMOCRACY

Phrases such as 'thick' and 'thin' are commonly used as valuable descriptive metaphors for models of democracy. The former referring to a democratic polity in which the participatory mechanisms are relatively dense and vibrant; the latter to a system in which members of the public have few opportunities to influence policy-making or hold politicians to account. The evolution of democracy, as previously mentioned, has therefore generally involved a process of constitutional reform and adaptation through which an appropriate balance or equilibrium between public involvement and governing capacity has been achieved. The aim of this section is to explore the argument that advanced liberal democracies may have entered a new historical stage that can be characterized in the form of a transition from a relatively 'thin' model of representative democracy towards a far 'thicker' model of *hyper*-democracy. It makes this argument – and dissects the concept of hyper-democracy into its component

features – by drawing upon and developing the scholarship of Hugh Heclo, William D. Gairdner and John Keane. This in itself reveals a number of subtle points of contestation between these scholars that open-up secondary research questions while operating within the same broad conceptual paradigm. At the broadest level, however, hyper-democracy might be defined as 'the process by which external political pressures on democratically elected executives intensifies due to the availability of ever more complex and immediate scrutiny and demand frameworks'. The value of very briefly examining the work of Heclo, Gairdner and Keane relates to the manner in which they adopt different normative assumptions and explanatory lenses *vis-à-vis* hyper-democracy that, when taken together, facilitates a more sophisticated conceptual appreciation as a precursor to the analysis of hyper-depoliticization in the next section.

'American politics' Heclo suggests 'has been transformed in recent decades. The political system has become sensitive – indeed, hypersensitive – to the public's opinions and anxieties'.[10] Since the formation of the American republic Heclo suggests that the concept of democracy has been expanded in terms of both breadth and depth. *Breadth* in terms of the meaning of 'we, the people' and therefore those who have a constitutional right to engage in political activity, *depth* in terms of the range of mechanisms and opportunities through which the public can engage or demand an account. Of particular significance given this article's focus on equilibrium and balance is Heclo's emphasis on the manner in which the constitutional mechanisms that the Framers had constructed in order to refine and limit public participation, devices such as the Electoral College and the individual election of senators - had been either eviscerated or removed. Added to this was the judicialization of politics and the manner in which the least representative and least accountable branch of government had opened-up new channels of redress against politicians and public servants in a manner that increased judicial forms of political accountability. Whilst developments in relation to ICT, such as the internet, email, blogs, twitter, etc., had facilitated new forms of mass mobilization without the traditional costs or time delays.

The nature of democratic politics has, according to this thesis become, almost externalized in the sense that the notion of a relatively insulated and distant form of policy-making and discussion, as portrayed in Richard E. Neustadt's *Presidential Power* (1960), was almost unthinkable when set against the publicity, exposure, campaigning, investigation and revelation that characterizes modern American politics. In Congress, publicly recorded votes, open committee meetings, televised debates and more democratic procedures sit alongside increasingly robust freedom of information legislation, mandated public disclosures and statutory public consultation requirements. The shift from a relatively 'thin' model of democracy towards a far 'thicker' model, or what we prefer to label a shift from democracy to hyper-democracy, is not, however, the main focus of Heclo's analysis. To some extent these institutional reforms are secondary to what we might term *the politics of* hyper-democracy. That is, a situation in which 'in hyperdemocracy, it seems, openness prevails at every turn' and yet – at the very same time – 'perhaps worst of all, it creates in the American public a pervasive sense of contentiousness, mistrust and even outright viciousness'.[11]

Two important reflections allow us to move beyond Heclo's work. First, although focused on American politics his arguments arguably have a broader application. In the United Kingdom, for example, the secretive 'club government' model exposed in Peter Hennessy's *Whitehall* (1988) bear little resemblance to the Whitehall and Westminster Village of the twenty-first century. The clash between openness and transparency, on the one hand, and governing capacity, on the other, has surfaced repeatedly in the debate about 'candor' *vis-à-vis* freedom of information legislation whilst the introduction of a procedure to allow on-line public petitions to trigger a formal process in the House of Commons in 2011 has provoked similar debates about the limits of public participation and the dangers of over-inflating public expectations.[12] The second reflection is related to the issue of public expectations, political cultures and social capital and focuses *back* upon specific 'thick/thin', 'breadth/depth' dualities. Heclo's analysis seems to suggest the existence of an imbalance between breadth

and depth in the sense that although hyper-democracy has opened-up information flows and created new political arenas the level of interaction remains fairly shallow. Moreover, many of the opportunities presented by hyper-democracy are utilized for the sectional interests of *political parties* ('sophisticated technologies for studying, manufacturing, organizing and manipulating public opinion'), *the media* ('an inclination to favor dramatic entertainment over substantive information' and usually tied to the accusation that an official or politician is to blame) or pressure groups ('activists abound, but in their crusading zeal they are very different to average citizens'). The paradox of hyper-democracy is therefore that the political environment is arguably *too immature* to cope with hyper-democracy and as a result, Heclo suggests, 'Policy debate occurs without deliberation. Public mobilization occurs without a public. And the public tends to distrust everything that is said'.[13] It would at this point be possible to locate this argument within the contours of a number of wider debates concerning social filtering or Zygmunt Bauman's notion of 'liquid modernity' but there is a need to drill-down still further in order to explore the role or position of *the public* and *the individual* within hyper-democracy. This brings us to the contribution of William D. Gairdner.

What then does the work of William D. Gairdner on *The Trouble with Democracy* (2011) bring to the analysis of hyper-democracy? The answer is a focus on the changing nature of the polis in relation to the individual. If Heclo emphasizes democratic breadth then Gairdner emphasizes a related but quite different shift from majorities and various social groups to individuals. 'This inversion of the classical concept of the priority of the social and moral goods' Gairdner argues 'to the interests of atomistic individuals has been made possible by a downward shift in society's perception of 'the locus of sovereignty' from Gods to Kings, thence to aristocrats and elites, then to 'the people' as divine. Finally, under the notion of hyper-democracy, sovereignty has moved from the people to the autonomous individual.

> Our modern hyper-democracy rests on a contrary assumption never before seen in human history, namely, that sovereignty and democratic right are no longer located in the people, in the whole community, but have descended to autonomous individuals. Once this belief settles in,

the natural result is an avalanche of newly invented democratic rights and claims advanced by individuals acting either alone or in pressure groups held together by narrow self-interest. Most of these asserted rights are aimed not a government the people wish to keep at bay, as in the past, but rather against the traditions, institutions and moral authority of their own civil society.[14] In this scenario, the new *imperium* itself ends up providing the ammunition and firing the guns at society through its courts, tribunals, and officials.[15]

'Democracy of the Many' (i.e. as promoted by Jean-Jacques Rousseau through the concept of the 'general will') and 'Democracy of the One' (encapsulated in John Stuart Mill's *On Liberty*) mutated into an atomized model, a synthesis, of market based (hyper-)democracy that centers around the paradoxical concept and symbol of *the corporate individual*. Moreover, the defining features of this body politic are largely determined and controlled not by the traditional institutions of government but by the 'officials and fellow travelers of the democratic-egalitarian state in their capacities as judges, tribunalists, commissioners, academics, media figures, etc. who all themselves have an interest in protecting and promoting the institutional architecture of hyper-democracy'.[16] As a result, 'conflicting claims regarding democratic rights will eventually be settled in one form of a court or another.' The links with Heclo's work are clear as both scholars present an interpretation of a model of hyper-democracy that is somehow out-of-kilter or unbalanced. The focus for Gairdner, however, is on the atomization and individualization of what might be termed modern market democracies as individual rights are promoted above collective responsibilities and, as a result, politicians and public servants are subject to increasingly direct, aggressive and unrealistic demands and social expectations. Heclo's argument that 'At all levels of government, the political culture of hyper-democracy encourages citizens to behave like spoiled children, demanding the government 'meet my needs' and alternating between sullen withdrawal and boisterous whining' would seem to dovetail with Gairdner's position.[17] At a more basic level Heclo and Gairdner adopt a highly normative position that is generally unsympathetic to the evolution of hyper-democracy in its current form – it is a 'bad' thing. This normative dimension leads us to discuss the third and final scholar to be featured in this section – John Keane.

In *The Life and Death of Democracy* (2010) John Keane offers a sweeping and magisterial account of democratic history from the initial experiments with forms of *assembly* democracy, through to more advanced models of *representative* democracy and concludes with a detailed account of what he terms contemporary *monitory* democracy. This latest stage began 'during the second half of the twentieth century, and is still taking place under our noses: the birth of a new kind of democracy, a form of 'post-representative' democracy that is distinctly different form the assembly-based and representative democracies of past times'.[18] For Keane the rapid growth of many different kinds of extra-parliamentary, power-scrutinizing mechanisms had altered the very nature of democracy in a way that clearly chimes with the focus of Heclo and Gairdner (discussed above) on the transition from democracy to hyper-democracy. Cementing that intellectual relationship is Keane's focus on monitory democracy as 'the most complex form of democracy yet' and the closer, more direct relationship between the governors and the governed.

> By putting politicians, parties and elected governments permanently on their toes, they complicate their lives, question their authority and force them to change their agendas – and sometimes smother them in disgrace'.[19]

Therefore although Keane does not use the term 'hyper-democracy' he does identify the emergence of media-saturated societies that gorge on 'hyper-coverage' of [generally negative] political stories and the rise of a 'hyper-vigilant civil society' that generally believes politicians are not to be trusted and is deploying new power-scrutinizing mechanisms (independent monitors, truth and reconciliation commissions, supreme auditors, activist courts, electoral commissions, human rights organizations, on-line observers, consumer protection agencies, sleazebusters and constitutional watchdogs, etc.) to restrain power.[20] The distinctive element of monitory democracy is the way that 'all fields of social and political life come to be scrutinized, not just by the standard machinery of representative democracy but by a whole host of non-party, extra-parliamentary and often unelected bodies

operating within, underneath and beyond the boundaries of territorial states'.[21] And yet if monitory democracy is, as Keane argues, 'the deepest and widest system of democracy ever known' then there is a need to return to the issues of proportionality, equilibrium and balance – Larry Diamond's 'three paradoxes of democracy' (discussed above). To put the same point slightly differently, if the founding principle of monitory democracy is 'the continuous public chastening of those who exercise power', as Keane states, then how is the 'energy' (to return to Alexander Hamilton's phrase) of politicians to be sustained?

While Heclo, Gairdner and Keane share an interest in the evolution and intensification of democratic governance they each emphasize quite different elements of this process. Heclo offers and emphasis on political maturity and depth; Gairdner and emphasis on individualism and what he sees as an unhealthy social stress on rights rather than responsibilities; Keane is less willing to explore the dysfunctions of monitory democracy or the risks of *über-*democracy and instead offers a strong account of why hyper-democracy should not be dismantled in the name of democracy. This focus on the issue of 'dismantling' provides a link not only *back* to our initial engagement with the work of Hugh Heclo but also (and more importantly) *forward* to this article's focus on the relationship(s) between hyper-democracy and hyper-depoliticization (and *vice versa*). 'What is to be done?' Heclo asks in conclusion to his analysis of the rise of hyper-democracy and offers two possible options. The first rests on the curbing of 'the excessive democratization that has taken place' by restoring some forms of indirect democracy, thus 'erecting firewalls' between the governing institutions and mass opinion.[22] Such 'elitist' and 'anti-democratic' measures, Heclo concedes, 'would be completely at odds with the whole spirit of the times'. The second option therefore focuses not on *curbing* democracy but on *deepening* democracy and, as such, moves closer to Keane's emphasis on fostering social capital, public understanding and engaged citizenship.

> We must create new arrangements that will make it safer for those who would lead us to tell the truth as they see it, and make it esier for us – we who would be citizens – to hear and act on competing truth claims in a well-informed way…To tame hyper-democracy, we must drastically

reduce the influence of public opinion at its shallowest, and the way to do that is to pay a lot more attention to public opinion at its most thoughtful.[23]

The central argument of this article, however, is that the analysis of contemporary politics and governance reveals a third answer to the 'What is to be done?' question; an answer that revolves not around *curbing* or *deepening* democracy but on the *depoliticization* of democracy. Indeed, if 'depoliticization is the oldest task of politics', as Jacques Ranciere has argued, then hyper-depoliticization might, for a range of reasons, be defined as a logical response to the dilemmas posed by hyper-democracy.[24] And yet the relationship between hyper-democracy and hyper-depoliticization remains uncharted both theoretically and empirically.

II. FROM DEPOLITICIZATION TO HYPER-DEPOLITIZATION

We use the (somewhat unwieldy) term 'hyper-depoliticization' to highlight the interrelationship between the intense democratic and political pressures associated with hyper-democracy and the reaction within public administration and public governance (often in anticipation) against these pressures. This reaction, in essence, is an attempt to preserve a form of rationalistic or evidence-based policymaking in the face of (*inter alia*) political temptations, virulent media storms, public protests, party politics, etc. by 'insulating' decision makers from such 'political' influences - a practice commonly termed 'depoliticization'. The practice of depoliticization is well documented by scholars of public policy, and involves the delegation of decision making to fully independent arm's-length bodies, the introduction of binding rules into the policy process, the judicialization of politics ('the reliance on courts and judicial means for addressing core moral predicaments, public policy questions and political controversies… [is] arguably one of the most significant phenomena of late twentieth and early twenty-first century government')[25] or even the advancement of arguments that deny the possibility of alternative courses of action.[26] The alleged effect of deploying these 'tactics and

tools', as several scholars have argued, is (moving from the micro to the macro) to (1) shift blame and accountability away from politicians, (2) to generate acceptance and subservience within the wider population for otherwise unpopular policies and at the broadest level to (3) veil the pathological impact of specific socio-political structures.[27] (Hence the focus of scholars within the field of *critical governance studies* on exposing the underlying values and assumptions of certain policies in the sense of *re-politicizing* certain domains.)

In this section, however, we argue somewhat counter-intuitively that an intensification of this depoliticization process over the past twenty years – or what we call *hyper*-depoliticization – does not in fact diffuse hyper-democratic pressures, but in fact arguably *sustains, reinforces, or even drives* them. In order to make this argument we focus on the work of three scholars who have examined contemporary processes of depoliticization: Philip Pettit, Alasdair Roberts and Edward Rubin. While Pettit argues that depoliticization is an important and necessary tool for generating a more effective, deliberative and rational democracy, Roberts suggests that attempts at achieving such a 'rational' democracy through depoliticization have failed due to a form of 'naïve institutionalism' among policymakers that ignores the inherently contentious issues at stake. Rubin then reminds us that ultimately any attempts at achieving long term 'credible commitment' through hyper-depoliticization must be continually justified by politicians via a re-statement of their original principle of commitment. This means that hyper-depoliticization does not necessarily lead to a delimited or denuded democratic culture, taking the pressure off politicians, but rather it suggests that it creates a spiral of contention: politicians do not remove the pressure off themselves but instead they must continually work to re-state fundamental values, a process which is politically intensive and provokes, rather than dissipates, political pressures. Hyper-democracy and hyper-depoliticization are hence arguably *mutually reinforcing*, rather than opposing, currents in contemporary liberal democracies.

The first scholar we focus on, Philip Pettit, adopts a distinctive position in the sense that he sees depoliticization and democratization as compatible partners rather than elements of a zero-sum game in which gains for one dimension inevitably leads to losses for the other. Indeed, depoliticization is viewed as an important, even vital, tool for instituting rational deliberation in the policy-making process.[28] Focusing on 'the prospects for deliberative democracy' when 'control is left wholly or mainly to … a government with a parliamentary majority', Pettit argues that in such a context 'even if elected officials have the interests of the community as a whole at heart they are still bound to be responsive to their own interest, or their party's interest, in being re-elected'.[29] Hence, for Pettit:

> If interests of this kind are engaged in the policy-making decisions over which representatives have control, they cannot be reliably expected to decide those issues in terms only of the common avowable good … If a government faces a decision that will benefit one constituency or another and it has a powerful party-related interest for favoring one of them, then there is little or no hope that it will be guided just by considerations of the common avowable good … the ideal of deliberative democracy will be compromised.[30]

In a hyper-democracy, with numerous external pressures or expressed sectional 'interests', such potential for 'bias' in government is, arguably, even more significant, as Pettit acknowledges in the case of penal policy, with an almost perfect description of what we call hyper-democracy:

> We can easily see why … a politician or a party … can have political advantage to make from denouncing the existing, relatively lenient pattern of sentencing, calling for heavier sentences, even perhaps for capital punishment. They can activate a politics of passion in which they appear as the only individual or the only group really concerned about the sort of horrible crime in question. They can call into existence what Montesquieu called a tyranny of the avengers, letting loose a rule of kneejerk emotional politics that works systematically against the common good. This phenomenon has marked politics all over the western world in the last decade or two.[31]

Therefore, for Pettit, depoliticization, conceived of as 'the power of (elected) representatives … passed on in various areas to appointed boards and officials', is necessary for '*reducing the contestatory burden*' on policy decisions (italics added) in a hyper-democracy of heightened

emotions and moral panics. Specifically, depoliticization allows for the insulation of rational, deliberative decision-making from 'a politics of moralism, in which the options are presented in a false, dichotomous light' to 'attract many votes', as evidenced in contentious policy areas like drugs or prostitution.[32] For Pettit, depoliticization helps to combat hyper-democracy because it places limits (in a 'good' way) over what can and should be deliberated, and provides structure to the otherwise chaotic and irrational will of the unbridled majority. Such an argument chimes with the work of scholars such as Giandomenico Majone and Alan Blinder, who see depoliticization as a way of enhancing credible policy commitments and diffusing excessive political overload on the core executive.[33] Depoliticization therefore seems to be the cure for hyper-democracy, injecting rational decision making into a temperamental and volatile public sphere.

Whether such insulation works in practice, is, however, an empirical question, and it is one where our second author, Alasdair Roberts, identifies a significant disconnect between the theory and practice of depoliticization. In his 2010 book *The Logic of Discipline*, Roberts charts the emergence of depoliticization across a vast range of policy areas over the past three decades, from banking policy, tax collection and trade to fiscal policy and environmental regulation. Such reforms, Roberts argues, are usually justified with reference to a particular logic – the logic of discipline – comprised of 'two components':

> This argument usually begins with an expression of deep skepticism about the merits of conventional methods of democratic governance, which are thought to produce policies that are shortsighted, unstable, or designed to satisfy the selfish concerns of powerful voting blocs, well-organised special interests, and the bureaucracy itself … Aligned to this argument … is a second argument … (which) says that it is important to impose constraints on elected officials and voters so they cannot make ill-advised decisions.[34]

This 'logic of discipline' sounds remarkably similar to Pettit's argument justifying depoliticization: politicians and voters cannot be trusted to make policy because they are self-interested and short-sighted, whilst those in the delegated bodies, what Roberts calls the

'technocrat-guardians' (in a Platonic sense) are presumed to be far-sighted, rational and politically neutral. And yet, as Roberts shows, this 'logic of discipline' has failed to produce the rationalistic policy making Pettit hopes for in a number of cases, due to what he calls a 'naïve institutionalism'. Naïve institutionalism, according to Roberts, involves 'a reduced view of what institutions (are)', with a focus on changes to legal organizational rules and 'a relatively upbeat view about the ease with which institutions (can) be changed' only through such formal mechanisms. Put simply, whereas a lot of policy reformers thought they could insulate decision making effectively through creating officially 'independent' bodies, in fact 'attempts at formal-legal transformation often were affected by political or sociocultural factors … these factors (often) frustrated reform or defeated it entirely'.[35] This has been particularly pertinent in relation to the Global Financial Crisis of 2008, as Roberts shows:

> Before August 2007, it could still be argued that the logic of discipline had the benefit of favourable headwinds … skepticism about the competence and rationality of governments relative to markets was still broadly shared. Within two years, the conventional wisdom was completely reversed. Global commerce had collapsed and, along with it, faith in the power of markets. The role of the state was expanded substantially … the campaign for discipline had suffered substantial setbacks.[36]

Depoliticization, then, seems vulnerable, particularly in the wake of political crises, to 're-politicization', conceived of as state interventionism. Why is this so? Roberts suggests it has something to do with the inherently political nature of the policy content:

> There is an assumption buried here … that some topics or organizations really can be made nonpolitical … What evidence is there that it is actually possible to place certain subjects above politics? … should we prefer this assumption to the alternative - that depoliticization is not feasible at all?[37]

From this perspective, ostensibly depoliticizing reforms are doomed to fail because they ignore the *inherently* political nature of *all* policy decisions that involve decisions over 'who gets what, when, and how'. In this light, attempts at insulating more and more policy areas from more and more (state and non-state) 'special interests' - a process of *hyper-*

depoliticization that Roberts identifies - would seem at best naïve and futile (in Roberts' words) and at worst inefficient or counter-productive. It is in mind of this latter point that the Edward Rubin hints at a fascinating explanation that ties explicitly to the argument of this article. Put simply, hyper-depoliticization may not actually deflect or diffuse hyper-democracy, but may supplement, sustain or even fuel it.

Edward Rubin's work focuses on the meaning and values behind claims that 'depoliticization' offers a way of establishing a rationalistic form of 'credible commitment' to policy goals. Rubin's argument is simply that the standard way in which we think about 'credible commitment' as a justification behind depoliticization is wrong, both philosophically and practically. The standard way of conceiving depoliticization, Rubin argues, is as 'a means by which the political system binds itself to desirable policies so that it can resist the temptation to abandon or compromise those policies in times of crisis'.[38] As such, 'self-commitment in this context can thus be described as "Peter-sober" binding "Peter drunk".[39] This rationale behind depoliticization is clearly related to Pettit's argument – the 'drunken', interest-driven, short-termist politicians are kept in line by the neutral, 'sober', long-sighted technocrat-guardians, particularly in times of heightened political pressure (crisis). Yet - and this is the critical point - Rubin argues that, especially during crises, policy actors do not tend to see themselves as less rational or more constrained than they were originally:

> Neither a legislature, through any institutional expression, nor its individual members are likely to concede that the legislature's decision making process is impaired in times of crisis. The more common assertion is that such times require action, and that the institution, far from deferring to some previous commitment, should fulfill its crucial role by responding to the crisis.[40]

Hence, Rubin argues that the rationale behind *any* attempt at depoliticizing a particular policy will have to be continually re-affirmed, based on the principle of the policy itself:

> A decision maker derives no additional power from simply being rigid; in fact, it probably loses power. The added power that consistency confers will generally be available only when

the earlier decision is one that is stated as a commitment; that is, something that the t1 decision maker wanted subsequent decision makers to maintain. In that case, the t2 decision maker has a reason to follow the t1 decision that supports the persuasive force of the principle underlying that decision.[41]

The key point here is that depoliticization does not make political pressure magically disappear, in the manner that a conjurer sublimely dupes his or her audience into believing the glamorous assistant has vanished into an empty box. Rather, policy makers must continually justify and re-affirm their 'commitment' to a certain depoliticized approach (be it financial, scientific, technocratic, etc.). As such, Rubin suggests, the 'formal' depoliticization of a policy area does not spell the end of public deliberation, and we would add that it may in fact provoke a backlash against depoliticization that requires further justification and defence of policy by politicians. Depoliticization is thus hardly uncontested; a point that resonates with a wealth of research on blame games,[42] accountability 'boomerangs',[43] leadership in times of crisis,[44] and metagovernance,[45] which all in different ways suggest that attempts at depoliticization will, almost inevitably, come back to haunt the politicians who enact them in the hope of ending political contestation once and for all. It is this misunderstanding of depoliticization as the panacea to all contested political issues that leads us back to the paradoxical relationship between hyper-democracy and hyper-depoliticization. We argue in our final section that hyper-democracy is arguably sustained or even fuelled by hyper-depoliticization, because of the unintended backlash (i.e. the 'logic of democracy') that is provoked by attempts at imposing the 'logic of discipline'. This we suggest has profound implications for 'rethinking governance' both theoretically and empirically if we are really to understand what happens when democracy fails.[46]

III. CHANGING PARADIGMS

This article has attempted to re-conceptualize contemporary debates concerning democratic governance by focusing on the relationship(s) *between* hyper-democracy and hyper-

depoliticization. The nature and contours of this connection demand further research and this article offers little more than an initial statement, schema or framework. The aim of this final section is to reflect *back* on why this focus matters (i.e. its simple relevance) by adopting a multi-leveled account that focuses on:

(1) the issue of trust (a micro-level focus);

(2) the implications for Diamond's 'paradoxes of democracy' (a meso or mid-range focus); and

(3) the broader 'mega-constitutional' implications of this focus on hyper-democratization and hyper-depolitization (a macro-level focus).

The first level takes us back to the relationship between *representativeness* and *governability* and how to balance popular control and accountability while allowing government's to get on with the task of governing. This is – at base – an issue of proportionality that relies on the existence of social trust. The work of scholars including Frank Anechiarico, James Jacobs, Robert Behn, Jonathan Koppell and Dino Falaschetti – to mention just a few- has highlighted the pathological impacts of overly dense or aggressive democratic controls on politicians and public officials.[47] Mel Dubnick therefore challenges the 'almost unquestioned assumption that the creation or enhancement of accountability mechanisms of any sort will result in greater democracy'.[48] From this it might be suggested that a solution to the problems of political disaffection amongst large sections of the public lies therefore not in imposing ever more sophisticated mechanisms of scrutiny and control (a response that is arguably likely to exacerbate distrust, increase transaction costs and fuel ever-more ingenious depoliticization strategies, thereby perpetuating the cyclical process this article has sought to expose) but in fostering the public understanding of politics. It was in exactly this vein that Bernard Crick emphasized the need to manage the public's expectations about democratic politics ('it cannot make every sad heart glad') and advocated the introduction of citizenship education. Larry Diamond makes a not unrelated point when he calls for 'opposing party leaders [to] take the lead in crafting understandings and working relationships that bridge historic differences, restrain expectations and establish longer, more realistic, time horizons for their agendas'.[49]

Diamond's focus on public understanding encourages us to move away from a specific focus on public trust to a broader account of the implications of this article's focus on hyper-democratization and hyper-depoliticization for his 'paradoxes of democracy'. Put slightly differently, what are the 'paradoxes of depoliticization' from a democratic perspective? An answer might suggest that Diamond's list of paradoxes should be increased from three to five through a focus on (4) 'the rule of rescue' and (5) arena shifting. The former presents a duality between *rescue* and *abandonment* and highlights the manner in which irrespective of the policy sphere or commitment to non-intervention politicians will in times of crisis or exception be forced to intervene. Albert Jonsen's analysis of modern healthcare and particularly efforts to allocate drugs and resources on the basis of dispassionate and depoliticized technological assessment in which elected politicians have no role highlights not the abandonment of politics but what he terms 'the rule of rescue'.[50] 'Our moral response to the imminence of death demands that we rescue the doomed' Jonsen notes 'We throw a rope to the drowning, rush into burning buildings to snatch the entrapped, dispatch teams to search for the snowbound…The imperative to rescue is, undoubtedly, of great moral significance; but the imperative seems to grow into a compulsion, more instinctive than rational'. Politicians, like doctors, arguably face similar pressures when the logic of rational analysis and deliberation are suddenly faced with cancer patients demanding expensive new treatment, a media campaign led by the wives (or children) of workers whose industry is under threat or or evidence of humanitarian abuses, flashed around the world in micro-second through the grainy images of mobile phones, abroad.

Following on from this the fifth and final paradox is that depoliticization is a myth; a faux concept that veils the transfer or power but does not make the issues at play any less political in terms of their social impact or generational implications. This is a critical point. The claim by both politicians, public intellectuals and academics that we exist in a post-political time –

reduced to a post-democratic meta-politics forged on the triumph of consensus and bound up in narratives of the apolitical - that politics has been erased, rejected or in some way prevented from emerging is not only misleading but arguably prevents observers from understanding these interpretations as attempts to narrow the boundaries of political action.[51] In reality, those approaches to statecraft and reform that are generally labeled forms of depoliticization are generally in fact illustrations of 'arena-shifting' in which plenipotentiary powers are transferred from elected to non-elected actors. (Hence Frank Vibert's emphasis on *The Rise of the Unelected* and Chris Skelcher's focus on *The Appointed State*). Freed from the pressures of democratic politics these new institutions or actors are thought better able to resist 'the rule of rescue' (an assumption rejected by Robert's emphasis on 'naïve institutionalism'). The twist, hook or barb in this tendency towards the widespread delegation of tasks to arm's-length bodies (the 'unraveling' or 'unbundling' of the state that has been so carefully documented) is that it understandably eviscerates public confidence in the utility of democratic politics – what is the point of voting if politicians constantly deny their responsibility for basic public services or decisions?[52]

This is exactly the tension between hyper-depoliticization and hyper-democratization that this article has attempted to bring to the fore. And yet at the very broadest level it might be argued that this article *in itself* represents a form of hyper-depoliticization due to the manner in which it has so far over-looked the basic governing paradigm within which concerns regarding democratic governance have emerged. In *The Year of Dreaming Dangerously* (2012), for example, Slavoj Žižek charts the existence of innate antagonisms or - returning to Diamond's work – what might be termed *the* fundamental 'paradox of [liberal] democracy' in the tension between the *Logic of Democracy* and the *Logic of Capitalism* (of which the *Logic of Discipline* is arguably little more than a sanitized form). For Žižek the *l'hiver de la democratié* reflects the dominance of a 'depoliticized technocratic model wherein bankers and other experts are allowed to squash democracy'.[53] At the heart of this model is 'a new figure – that of the (technocratic, financial) *expert* who is allegedly able to rule (or rather

'administer') in a neutral post-ideological way, without representing any specific interest' [i.e. what we term hyper-depoliticization].[54] This 'politics without politics' is generally met with demands for 'radical democracy', 'deliberative democracy', 'direct democracy', 'associative democracy'…the adjective is less important than the underlying assumption that (hyper)-democracy remains the only solution to our problems.[55] The danger with this response is that – on its own and without deeper social change - it fails to acknowledge the need to establish some form of governing equilibrium and therefore risks simply perpetuating the ebb and flow of politicizing and depoliticizing forces that this article has sought to bring to the fore.

---

[1] With Michael Crozier, Samuel Huntington and Joji Watanuki's *The Crisis of Democracy* (1975), Seymour Martin Lipset and William Schneider's *The Confidence Gap* (1983), Hans-Dieter Klingemann and Dieter Fuchs's *Citizens and the State* (1995), and Joseph Nye, Philip Zelikow, and David King's *Why People Don't Trust Government* (1997), Susan Pharr and Robert Putnam's *Disaffected Democracies* (2000), Russell Dalton's *Democratic Challenges, Democratic Choices* (2004), Mariano Torcal and José Montero's *Political Disaffection in Contemporary Democracies* (2006), Colin Hay's *Why We Hate Politics* (2007) and Pippa Norris's *Democratic Deficits* (2011) providing important stepping stones in between.

[2] Garry Wills, *A Necessary Evil* (1999); Natan Sharansky, *The Case for Democracy* (2004); Gerry Stoker, *Why Politics Matters* (2006), Peter Riddell *In Defence of Politicians* (2011), Matthew Flinders *Defending Politics* (2012).

[3] Roberts, A. *The Logic of Discipline*. Oxford: Oxford University Press.

[4] Vibert, F. 2007. *The Rise of the Unelected*, Cambridge University Press.

[5] See Bevir, M. 2010. *Democratic Governance*, Princeton University Press.

[6] Diamond, L. 1990. 'Three Paradoxes of Democracy', *Journal of Democracy*, 1(3), 48-60.

[7] Diamond *op cit.* 1990, p.54.

[8] Diamond *op cit.* 1990, p.50.

[9] Almond, G and Verba, S. 1956. *The Civic Culture*. Boston: Little Brown, pp.356-360.

[10] Heclo, H. 1999. 'Hyperdemocracy', *Wilson Quarterly*, p.62

[11] Heclo *op cit.* 1999 p.67.

[12] 'Freedom of information. Three harmless words. I look at those words as I write them, and feel like shaking my head till it drops off my shoulders. You idiot. You naive, foolish, irresponsible nincompoop. There is really no description of stupidity, no matter how vivid, that is adequate. I quake at the imbecility of it… Where was Sir Humphey when I needed him? We had legislated in the first throes of power. How could you, knowing what you know, have allowed us to do such a thing so utterly undermining of sensible government. Some people might find this shocking. Oh, he wants secret government; he wants to hide the foul misdeeds of the politicians and keep from 'the people' ther right to know what is being done in their name. The truth is that the FOI Act isn't used, for the most part, by 'the people'. Its used by journalists. For political leaders it's like saying to someone who is hitting you over the head with a stick, 'Hey, try this instead' and handing them a mallet.' Tony Blair. (2010) *A Journey,* London: Arrow, pp.516-517.

[13] Heclo *op cit.* 1999, p.67.

[14] Gairdner, W. 2003. 'From Democracy to Hyper-Democracy', *Humanitas*, 16(1), 80-81.

[15] Gairdner *op cit*. 2003, pp.80-81

[16] Gairdner *op cit*. 2003, p.84.

[17] Heclo *op cit.* 1999, p.69

[18] Keane, J. 2010. *The Life and Death of Democracy*, London: Simon & Schuster, p.688.

[19] Keane, *op cit*. 2010, p.689.

[20] Keane, J. 'Can Democracy Survive a Shrinking Middle Class?', *The Conversation, 4 September 2013.* http://theconversation.com/columns/john-keane-267 ; Keane, J. 'Democracy in the Age of Google, Facebook and Wikileaks', *Public Lecture in the Council of Europe, 5 July 2011.* http://www.coe.int/t/dgap/forum-democracy/Activities/Democracy%20Debates/Keane_speech.pdf

[21] Keane, *op cit*. 2010, p.695.

[22] Heclo *op cit.* 1999, p.69.

[23] Heclo *op cit.* 1999, pp.70-71.

[24] Ranciere, J. 1995. *On the Shores of Politics.* London: Verso, p.19.

[25] Hirschl, R. 2008. 'The Judicialization of Politics' in G. Caldeira, D. Kelemen and K. Whittington (eds.) *The Oxford Handbook of Law and Politics*. Oxford: Oxford University Press.

[26] Burnham, P. (2001). 'New Labour and the politics of depoliticization', *British Journal of Politics & International Relations*, 3(2), 127-149; Kettell, S. (2008). 'Does depoliticization work?', *British Journal of Politics & International Relations*, 10(4), 630-648; Rogers, C. (2009). 'From Social Contract to 'Social Contrick', *British Journal of Politics & International Relations*, 11(4), 634-651.

[27] Flinders, M., & Buller, J. (2006). 'Depoliticization: Principles, Tactics and Tools', *British Politics*, 1(3), 293-318.

[28] Pettit, P. 2004. 'Depoliticizing Democracy', *Ratio Juris*, 17(1), 52-65; Pettit, P. 2001. 'Deliberative democracy and the case for depoliticising government', *UNSWLJ*, 24, 724-736.

[29] Pettit, 'Depoliticizing Democracy', pp.52-53.

[30] Pettit, 'Deliberative Democracy', pp.730-731.

[31] 'Depoliticizing Democracy', p.54-55.

[32] 'Deliberative Democracy', p.734.

[33] Blinder, A. S. (1997). 'Is Government Too Political?', *Foreign Affairs*, 115-126; Majone, G. (2001). Nonmajoritarian institutions and the limits of democratic governance', *Journal of Institutional and Theoretical Economics*, 157(1), 57-78.

[34] Roberts, *Logic of Discipline*, pp.4-5.

[35] Roberts, *Logic of Discipline*, p.17.

[36] Ibid. pp.17-18.

[37] Ibid. p.141.

[38] Rubin, E. (2012). 'Hyperdepoliticization', *Wake Forest Law Review*, 47, p.637.

[39] Ibid. p.646.

[40] Ibid. p.652.

[41] Ibid. p.661.

[42] Weaver, R. K. (1987). *The Politics of Blame Avoidance*. Brookings Institution; Hood, C. (2002) 'The Risk Game and the Blame Game', *Government and Opposition*, 37(1), 15-37; Hood, C. (2010). *The Blame Game,* Princeton University Press.

[43] Lerner, J. S., & Tetlock, P. E. (1999). Accounting for the effects of Accountability. *Psychological bulletin*, 125(2), 255.

[44] Boin, A., & Hart, P. T. (2003). 'Public Leadership in Times of Crisis', *Public Administration Review*, 63(5), 544-553.

[45] Sørensen, E. (2006). 'Metagovernance', *American Review of Public Administration*, 36(1), 98-114.

[46] Bell, S and Hindmoor, A. 2010. *Rethinking Governance*, Cambridge University Press.

[47] Anechiarico, F. and Jacobs, J. 1996. *The Pursuit of Absolute Integrity*; Behn, R. 2001. *Rethinking Democratic Accountability*, Washington, DC: Brookings Institution Press; Falaschetti, D. 2009. *Democratic Governance and Economic Performance*, New York: Springer; Koppell, J. (2005). 'Pathologies of Accountability', *Public Administration Review*, 65(1), 94-108

[48] Dubnick, M. 2002. 'Seeking Salvation for Accountability', *98th Annual Conference of the American Political Science Association, Boston, USA*.

[49] Diamond, *op cit*. 1990, p.59.

[50] See Jonsen, A. 1986. 'Bentham in a Box', *Law, Medicine and Health Care*, 14 (3/4), 172-74.

[51] For an excellent analysis see Crouch, C. 2004. *Post-Democracy*, Cambridge: Polity; Dean, J. 2013. 'Tales of the Apolitical', *Political Studies*; Bilakovics, S. 2012. *Democracy Without Politics*. Harvard University Press.

[52] Hooghe L and Marks G. 2003, 'Unraveling the Central State', *American Political Science Review*, 97 (2), 233–43; Pollitt C and Talbot C, 2004. *Unbundled government*, London and New York: Routledge.

[53] Žižek, S. 2012. *The Year of Dreaming Dangerously*, London: Verso, 13. See also Hermet, G. 2007. *l'hiver de la democratié*.

---

[54] Žižek op cit. 2012, 24.
[55] See Dean, J. 'Politics without Politics', *Parallax*, 15(3), 20-36.