The Policy Sciences of What?
Contradictions of (Late) Liberal-Democracy:
Implications for the Future of Policy Sciences

Leslie A. Pal
Founding Dean
College of Public Policy
Hamad Bin Khalifa University
Doha, Qatar
lepal@hbku.edu.qa

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Abstract

The policy sciences were originally conceived as the policy sciences “for democracy,” and so the field has always had an intimate (if sometimes conflicted) connection to liberal-democratic governance. The current crisis of liberal-democracy is thus a potential crisis for the future of policy studies as well. If the crisis were due only to factors external to the system itself – e.g., slow economic growth, tight budgets, even sloppy policy-making – they could be addressed and remedied. What seems different today is the degree to which (late) liberal-democracy is a victim of its own internal contradictions. This is a much more difficult challenge, both for the system itself, and for the policy sciences. The paper reviews eight features of late liberal-democratic systems, highlighting the implications for future work in the policy sciences. That work needs to more seriously address policy making in non-democratic regimes, as well as explore institutional designs that will address the contradictions of democratic ones.

Keywords: liberal-democracy; public management; governance; policy making; rights

Introduction

In describing what in 1951 seemed an entirely new approach in the social sciences – the “policy orientation” – Harold Lasswell argued that “the policy-science orientation in the United States will be directed toward providing the knowledge needed to improve the practice of democracy. In a word, the special emphasis is upon the policy sciences of democracy, in which the ultimate goal is the realization of human dignity in theory and fact” (Lasswell, 1951: 15). For the next twenty years, the energies in building the field may have been directed more to the “sciences” than the “democracy” side of Lasswell’s formulation (Brewer & deLeon, 1983; deLeon, 2006; Radin, 2013), but even then the assumption was that policy science would improve decision-making in (mostly the US) democracy. This was most evident in the work on policy evaluation, its high hopes in the 1960s, and the self-doubt when it seemed that evaluation had little impact on public policy (Weiss, 1998). The link to democratic practice began to re-
emerge in the 1990s (deLeon, 1997), most notably through a critique of policy making practices in putative democracies that actually blocked true participation and reflection of the wider public interest. It was argued, for example, that policies reinforced existing power relations through the social construction of target populations (Schneider & Ingram, 1997, 2005). A rich vein of work in critical policy studies adopted both Habermasian and Foucauldian views of the policy process, again showing that existing democratic practice actually blocked the public interest in favour of the powerful, and stymied true discursive designs (Dryzek, 1990; Dryzek & Dunleavy, 2009; Dryzek & Niemeyer, 2010; Fischer, 1990, 2009; Fischer & Forester, 1993; Fischer & Gottweis, 2012; Fischer, Miller, & Sidney, 2007; Fischer, Torgerson, Durnová, & Orsini, 2015). The policy sciences, in short, have always been joined to democratic practice.

These days, democratic practice seems to be in deep trouble. As Larry Diamond has argued (Diamond, 2015), since 2006 there has been a “democratic recession,” even among the established democracies, reflecting what others have termed a “crisis in democratic legitimacy” (Foa & Mounk, 2016). Some of this might be blamed on the trajectory of modern capitalism (e.g., high unemployment; stagnation; rising inequality; financial crises), on the fractious effects of social media, or *sui generis* eruptions of nativism and xenophobia, and of course the *uber-* culprit, populism. More troubling are diagnoses that suggest that there are internal contradictions to the liberal-democratic model itself (Deneen, 2018; Mounk, 2018). If the problems were simply external ones to the system, they could be rectified, and the model would remain more or less untouched. If the problems are internal to the system itself, then this poses a deeper challenge, both for the renovations of that system and its export as a benchmark and focus for policy work. The policy sciences were to be the “policy sciences of democracy,” but if democracy itself is
inherently flawed, this puts into the question the entire discipline. If not the policy sciences of
democracy, then the policy sciences of what?

Of course, a key issue is how to define “liberal-democracy.” Diamond and others focus
on the “democracy” side of the label, and admit that it is a continuous variable: “Its key
components—such as freedom of multiple parties and candidates to campaign and contest;
opposition access to mass media and campaign finance; inclusiveness of suffrage; fairness and
neutrality of electoral administration; and the extent to which electoral victors have meaningful
power to rule—vary on a continuum (as do other dimensions of the quality of democracy, such
as civil liberties, rule of law, control of corruption, vigor of civil society, and so on)” (Diamond,
2015: 143). Fukuyama’s definition of liberal-democracy rests on a combination of three
institutions: the state, rule of law, and democratic accountability (Fukuyama, 2015: 12). In this
trio of institutions, he emphasizes the importance of the state and state capacity, not only in the
mobilization of force but in the delivery of modern public services. This capacity approach gets
us closer to how policy scholars have defined effective governance (Wu, Ramesh, & Howlett,
2015). Nonetheless, this approach downplays the “liberal” side of the label, which includes
concepts of citizenship, and constitutional rights and freedoms.

A more recent approach to defining democracy in policy capacity terms stresses the
information processing capabilities of democracies in avoiding “maladaptive policy making” in
terms of (1) incentives for decision makers to detect and solve problems; (2) information, (3)
friction, and (4) centralization.

Yet democracies share common characteristics, including regular elections with broad
participation, free expression of opinion, and few barriers to organization to influence
policies that, prima facie, would seem to lead to better problem-solving. … More open
democracies have more robust press freedoms, more vibrant and effective pluralistic
group structures, and representational systems that incorporate more residents and more
faithfully transmit the policy views of those residents to policymakers. Less hierarchic
and centralized policymaking systems rely less on executive-centered government and more on decentralized policy-making mechanisms. (Jones, Epp, & Baumgartner, 2019: 12)

This paper will take a different approach. The starting point is an ideal type of modern liberal-democracy – think of it as “late democracy” -- one that doesn’t actually exist in the world but which the established democracies (the top of the charts in indicators like the Worldwide Governance Indicators, Freedom House, Corruptions Perceptions Index, World Happiness Report, etc. – essentially the anglo-democracies and western Europe) are the closest approximations. While ideal, it is not perfect, just generally high functioning. We exclude “hybrid regimes” or sham democracies that are in fact authoritarian (Levitsky & Way, 2010). We will borrow from the definitions above and assume a cluster of key characteristics (abstracting historical trajectories, high levels of wealth and economic development, and even political culture for the moment). On the liberal side of the label: (1) freedom and equality, (2) the usual basic freedoms of expression and assembly, (3) a broad concept of human rights linked to equality and these basic freedoms, (4) basic protection of minorities. On the democracy side: (1) free, fair, and regular elections, (2) rule of law, (3) checks and balances among institutions and levels of government, (4) state capacity in an impersonal and effective bureaucracy. These features can be mixed in real existing democracies, and of course as “continuous variables” can vary in intensity. We shall assume that they are all robust.

What are the ways in which even exemplary, ideal-type, “late” liberal democracies can degrade, and as a consequence begin to undermine their own support and generate some of the troubling reactions and attacks noted above? As much as possible, we try to abstract from specific national conditions, and explore the inner logic of the eight features, as they express themselves in a modern context. We do not ascribe any anti-democratic animus to political actors, or any pre-existing tendency towards authoritarianism. We take the principles as given,
and speculate on how their internal logic can unfold in ways that might actually undermine the system they support. This approach is far from new. Tocqueville noted how, perversely, the logic of individualism in early American democracy might corrode intermediary institutions in civil society, and consequently arrive at a “soft despotism” with the individual defenseless and “naturally favour the concentration of powers” (Tocqueville, 2000, Part IV, chapter 2). This was but an early example of analyzing perverse outcomes, from the tragedy of the commons to the logic of collective action.

A caveat. Nothing in this paper should be construed as a rejection of liberal-democratic values of participation, voice, engagement, equality, or rights. The argument is in fact a cautionary one. If we cherish those values, we should understand how they can sometimes create their own internal tensions, and hence undermine the very system they uphold. From the perspective of the policy sciences, it also is important to conduct a sort of “stress test” to understand where the fault lines are in institutional design and logics. It also should suggest some fresh agendas in public policy and in public administration, two disciplines that generally have tended to take for granted the settled institutions of modern liberal democracy.

The following two sections examine, in turn, the eight features of liberalism and of democracy, showing how the initial logic of each feature can unfold in ways that create perverse outcomes from the perspective of liberal democracy itself. This dissection of features is artificial, of course, since the features are mutually reinforcing and overlapping, and share common root principles such as individualism. While artificial, it should show how the contradictions of the system can quickly pile up. As well, to avoid turning this paper into an excursion into pure political theory, some policy implications will be highlighted.
Liberalism

Freedom and Equality

As a defining principle, equality just as easily can be listed under democracy as under liberalism, but we link it here to another hallmark of the liberal tradition, the defining emphasis on individual freedom. A liberal democracy based on the equality of persons, and the equal dignity of each person, by definition is focusing on individuals (as “persons”) and their individual freedom to pursue their life chances. And so historically the liberal tradition has treated equality and individual freedom as opposite sides of the same coin. And the history of liberalism can be seen as a history of the articulation, defense, and institutionalization of equal rights (more on this below) and equal treatment of individuals.

The classic Political Science 101 tension is between equality of opportunity and equality of outcomes, and that continues to be a major vector of debate between left and right in most settled democracies. But we focus here on two other aspects. First, on what foundation is this essentialist equality of individuals built, given the reality of almost infinite individual differences? Historically, as the logic of liberalism unfolded in the 19th and 20th centuries, it gradually had to come to terms with exclusions based on race, religion and gender, and in each case inequalities in voting and formal participation were overturned in order to achieve equality. Inequality, or formal unequal treatment based on incidental characteristics, is anathema to classical liberalism. The first assaults are on formal barriers to equality. But there are informal barriers to equality, and informal sources of inequality, which are subject to the same censure. Liberalism’s emphasis on equality has an expansionary logic that in its late stages is attuned to any differences in treatment of individuals as potential barriers to full political and social participation, and hence equality. LGBTIQ issues, most notably same sex marriage, are
emblematic of this approach, where both formal and informal barriers to equal treatment in law and in social mores have become a focus of liberal politics and public policy. This has been the foundation of charges that modern liberalism has metastasized into a relentless interrogation of every possible nook and cranny of differential treatment, and a vast apparatus of rectification.

The logic of equality is contradictory in that in the history of liberalism it was a logic of deliberately ignoring incidental characteristics like race, gender, religion or class, and treating individuals only as human beings or as fellow citizens who are juridically equal. The modern expression of this actually ends up paying close attention to apparently incidental characteristics in order to ensure that people are treated equally with respect to those characteristics. This is the logic of accommodations, and again this has important policy consequences for the delivery of public services. However, the first part of the logic – the treatment of individuals as equals – continues to have a strong influence on liberalism in that it encourages a strong cosmopolitism – equality is not merely civic equality as members of the same political community, but equality for all human beings. Strongly liberal regimes (or upholders of strong versions of liberalism in this sense) are strongly committed to universal human rights, which partially explains the powerful support for migrants among so-called cosmopolitan elites.

Equality without the right to express it or pursue it as each individual sees fit is empty, and so liberalism fuses the principle of equality with individualism. The possibly perverse logic of unrestrained individualism has been noted by many conservative critics. Their point is simply that social order rests on informal moral conventions and civic obligations. As Hayek put it, these conventions are the “necessary condition of the orderliness of the world in which we live, or our being able to find out way in it, though we do not know their significance and may not even be consciously aware of their existence. …voluntary conformity may be a condition of a
beneficial working of freedom. It is indeed a truth, which all the great apostles of freedom outside the rationalistic school have never tired of emphasizing, that freedom has never worked without deeply ingrained moral beliefs and that coercion can be reduced to a minimum only where individuals can be expected as a rule to conform voluntarily to certain principles” (Hayek, 1960: 62). Deneen’s version is similar in critiquing what he calls liberalism’s “anthropological individualism” and “voluntaristic conceptualization of choice” (Deneen, 2018: 24-26). The result is a society of thin connections sustained mostly through contractual commitments, marked by the restless pursuit of individual self-interest and self-expression. From this perspective, modern liberal societies are living off the fumes of historical social solidarities. It’s debatable whether this sort of licentiousness is as widespread as Deneen and other critics argue, or whether it ends up in sort of equilibrium of social tolerance. From a policy perspective however, this part of the logic of liberalism does possibly help explain low levels of civic commitment, combined with sense of diminishing “public space” as individuals seek ever more unrestrained options for expressing and exploring their individuality.

The implications for late democratic systems?

1. Any difference is prima facie an inequality, and needs to be rectified, usually through state programs and services, which tend to expand constantly.

2. At the same time, differences are celebrated (diversity becomes a key liberal value) and emphasized through the important of identity.

3. The pursuit of individual identity eclipses the importance of civic obligations.
Expression and Assembly

Freedom of expression (free speech) and freedom of assembly (and of association) are two founding principles of liberalism as freedom, and essential to any strong liberal-democratic regime. For citizens to engage politically, they need to be able to exchange ideas, discuss and debate them, and do so in public. They should be able to peacefully assemble, form groups, lobby and make their case in the public square. Again, when we consider the history of liberalism and the liberal revolutions in the 19th century, these were considered essential constitutional principles. Authoritarian regimes do their best to stifle each of these – the information that citizens can access, the outlets for expression and debate, and the ability to mobilize collectively.

Town-hall democracy was eclipsed long ago by various gate-keeping institutions, and so the full, free expression of ideas and opinions was always channeled through conventional media, political parties, institutions and regulations. The hallmark of true liberalism, in contrast to varieties of authoritarianism, was relatively light formal restrictions in expression. Most 20th century liberal democracies respected free expression in principle, but restrained and channeled it in practice. Indeed, one of the standard critiques of liberalism in this period was that elite opinion dominated democratic discourse, that the full range of views was restricted to a limited set of regime-supporting ideologies, and indeed that citizens themselves were passive recipients of received ideas, not true authors of their own opinions. Consent, as Chomsky argued, is “manufactured” (Herman & Chomsky, 2002).

In late democracy – systems marked by digital and social media – the critique is quite the opposite. Individual free expression has been maximized through access to almost unrestricted, inexpensive, and potentially widespread digital platforms. The range of ideas has expanded
dramatically, and in alarming directions – racist tweets and blogs, echo chambers, anti-vaccers, climate change deniers, neo-nazis, and the list goes on. Ideas that at one time would have been on the fringe, now can enjoy sustained attention. In addition to the range of ideas is their intensity – political debate is vicious, angry, defensive, and dismissive (Sunstein, 2007). In order to survive, conventional media have dropped the pretense of being gatekeepers, and have turned to sensationalizing the news as well in order to keep readers and attract eyeballs. At the same time, the accumulation of expressive “noise” in the system forces political actors to find ways to break through, further “weaponizing” political discourse and raising the stakes of political debate. Many commentators on “late democracy” note the virulence of contemporary political debates, and often ascribe it to bad actors or bad motives. But the simple logic of more people + more ideas + more outlets for those ideas suggests that we should actually expect this in late democratic regimes.

The situation is somewhat different with the accompanying freedom of association. Association requires organization and representation in political institutions, and there is no equivalent to digital media as an accelerant to associational activities. But there have been two developments of note. One is that as political parties and elections and representational institutions lose their legitimacy (see next section below), citizens increasingly take their grievances to the streets in protest and other forms of political opposition. The other is the interesting extension of associational activities to the international level, as more and more policy problems get linked to the global commons and global public goods and bads. The rise of transnational advocacy was noted some time ago (Carpenter, 2014; Keck & Sikkink, 1998; Sikkink, Risse-Kappen, & Ropp, 1999), but the policy and political implication for democratic practice was not. Democratic policy making is rooted in space, and in particular the space of a
nation state, its borders and the citizens it can claim to reside in those borders. Transnational associations formed to fight climate change, for example, see themselves as having both a right and an obligation to intervene in “domestic” affairs and lobby on behalf of the planet, or of global citizens.

The implications for late democratic systems?

1. Free expression, supported by digital technologies and social media, massively increases debates and ideas from all directions and viewpoints, some antithetical to liberalism’s own values, and political actors respond in kind to break through the noise.

2. Associational systems go beyond national boundaries, complicating already weak affiliations to domestic political parties and interest groups.

Human Rights

The freedoms mentioned above, and certainly the cardinal principle of equality, are at the core of liberal-democracy’s defence of human rights. Each human being has inviolable rights that mark a person’s integrity, autonomy, and claims against the state. The 1948 UN Declaration of Human Rights is the archetypal modern list, elaborated in other UN instruments over the years, and of course in the national constitutions of liberal-democratic regimes. Three aspects of the evolution of human rights as liberal democracies mature deserve comment.

The first is the logic of expansion and deepening of those rights over time. This can be seen in the elaboration of the UN instruments since 1948, with each instrument and protocol deepening our understanding of specific rights (for example, women in 1979 with CEDAW, and in 2007 with Rights of Indigenous Peoples). These are just examples at the international level – the same logic of expansion through judicial interpretation and interest group lobbying has been
seen in most national jurisdictions. This leads to challenges of consistency and coherence – obvious examples are right to life and right to reproductive choice, or the balance between freedom of expression and the right not to be offended (safe spaces). This poses challenges as well from a policy perspective, to the extent that public policies are to be judged in terms of their impact on or support for human rights.

The second, related phenomenon has been the expansion of the role of courts and other adjudicative institutions (e.g., Human Rights Commissions, tribunals etc.) in most late liberal democracies. If rights are protections against the state, and the basis of claims against both the state and other citizens, someone has to decide what the balance is, and courts and adjudicative institutions are the logical venue. We will come back to this below in discussing checks-and-balances, but at the very least the expansion of the role of courts, often now into the heart of public policy issues to the extent that government policy needs to be consistent with the court’s interpretation of human rights that the state is obliged to uphold, poses tensions among the branches of government. As courts become more influential, it is not surprising that they have become politicized. The US has perhaps gone the furthest in this direction, with other states and systems retaining mechanisms that insulate courts and judges from political pressure and appointment, but the logic is clearly there – as courts make crucial policy relevant decisions, based on expanded human rights agendas, political actors will try to influence them in their preferred direction, hence undermining their legitimacy as impartial arbiters. As well, as the number of rights expands and affects more and more policies, the losers in those policy decisions will increasingly see the courts as illegitimate as well.

Finally, in a development similar to the point made above about the transnationalization of advocacy associations, the logic of human rights ultimately runs against the grain of national
sovereignty and national policy making systems. A human right is a right that a person has by token of being human, not by token of being the citizen of this state or another. Treaties, conventions, and national constitutions provide various escape clauses for domestic governments, but the logic of human rights as (ultimately) universal and inviolable is clear. When combined with the expansionary logic of a global commons and global public goods and public bads, the citizens of late liberal democracies are expected to have significant obligations to non-citizens, to other countries and other regions in the world. Those who baulk at these obligations naturally turn to nationalism, critiquing both globalism and human rights.

The implications for late democratic systems?

1. Rights claims multiply as the number of putative rights that citizens have increases beyond the classical liberal ones.

2. As rights become the basis of distributive claims, the role of the judicial system in policy making becomes more important, creating tensions with representative institutions.

3. Rights are human rights, and universal, and conflict with national sovereignty.

Minorities

Pure democracy is majority rule, and of course majorities can abuse minorities—even if we simply define the minority as less than 50 per cent of the vote. Hence modern liberal-democracy: a system that balances rights of individuals who at any point might be members of a losing side as a minority in the face of the majority. This balance is both the heart and the genius of liberal-democracy. However, as with human rights, and linked to them, the protection of minorities has a logic that can weaken the systemic foundations of those protections.
As with the principle of equality, modern human rights have a double edge. First, they are to be enjoyed as aspects of our undifferentiated humanity – every individual is equal as an individual and as a human being, and enjoys the same rights as any other individual. The modern view, however, recognizes that individuals are not undifferentiated, and their differences can be the foundations of barriers and even denials of human rights. Race and gender were historically the first, and most obvious, of the identities (minorities) that were the foundations for discrimination. But the logic of human rights and human dignity (Fukuyama, 2018) is connected with self-expression and worth and identity. And here is the second edge – minority identities are not only the basis of barriers that must be overcome in order to achieve universal treatment, but at some point, have to be recognized as the foundations themselves of specific rights and treatments. In late liberal-democracies, the treatment of minorities is simultaneously one of removing any obstacles to their equal treatment (overcoming their minority status) and recognizing their specific identities and needs and treating them differently (re-affirming their qualities as a minority). This creates a whipsaw in policy making – governments strive to treat minorities universally and specifically at the same time. This becomes even more complicated as minorities multiply and become more intricate – race, ethnicity, and sexual orientation combine to create specific obstacles and specific identities.

Late liberal-democracy evolves toward a deep respect for human rights, and consequently the protection of minorities, and consequently as we argue, a recognition of the salience of minority experience and characteristics as the basis for the protection of rights. The “guilt” of late liberalism is majoritarianism and its potentially harsh, insensitive and even abusive treatment of minorities. Paradoxically, minorities become highly valued, as markers of “diversity” in an
otherwise monochromatic majoritarian landscape. As Fukuyama has argued at length, one of the possible outcomes of this is the erosion of national identity and shared moral horizons.

The implications for late democratic systems?

1. As the protection and recognition of minorities becomes a prime value, it undermines collective allegiances the political community as a whole (indeed, the idea becomes either extremely thin, or discredited).

2. Existing majorities (based on race or ethnicity) feel threatened and become reactionary, even adopting the discourse of minoritarianism to make claims.

**Democracy**

**Elections**

The problems with the integrity of the electoral systems of most liberal-democratic regimes and semi-democratic regimes have been well documented (Norris, 2012, 2014). There are also inherent problems in the aggregation of preferences in any electoral system (Arrow’s impossibility theorem (Arrow, 1951). Neither of these are arguments require us to to do away with elections or other mechanisms of registering citizen’s preferences – we can see the results in most regimes when there are no legitimate and effective feedback mechanisms for policy makers and politicians. Our question here rather is whether there are any features of late liberal-democracy, and logics, that will themselves undermine the integrity and support for electoral processes. We can briefly highlight three among the legion that have been identified by students of elections.

The most obvious is the temptation to change electoral rules in favour of incumbents. Gerrymandering, campaign financing laws, and voter registration come to mind. There are many cases where of course these temptations have been recognized – for example, the use of
impartially appointed commissions to draw electoral boundaries in Canada and Australia – but the temptations exist simply as a consequence of the high stakes in the outcomes. If a functioning and stable democracy can be defined by at least two peaceful turnovers of power among competing political parties, the base requirement is respect for the electoral rules themselves. In late democracies, with large state systems that distribute upwards to 50% of GDP, the stakes in capturing the apparatus increase commensurably. It really begins to matter for electoral coalitions (from a purely materialistic calculus) whether their guys get in or not. Even if the formal rules are respected, parties are always tempted to bend or circumvent or capitalize on them for electoral advantage. Again, this is not news, and provide the rationale for electoral commissions and watchdogs of various sorts, but it is always an arm’s race. The normal competitive behavior of political parties ends up undermining the legitimacy of the electoral system itself.

A second feature of elections in late democracies is the nature of modern electoral campaigns – vapid appeals to the lowest common denominator, hot button appeals to swing voters, personal attacks and “digging up dirt” on opponents, and circus of sham promises and a barely concealed assumption that whoever wins will almost immediately renege on key promises that were obviously designed only to gain support, not to guide governance. The deeper shift that helps explain this borderline contempt of the electorate is that the electorate is not actually being appealed to as a body of citizens making a choice, but as a resource to be mobilized to assure electoral victory. People are smart enough to recognize the psychological manipulations driving modern election campaigns, even if they are strong partisans of one side or another, and this adds further to the de-legitimatization of elections.
Finally, the stability of liberal-democratic regimes has often been credited to the existence of stable brokerage parties that can aggregate political agendas and smother fringe movements. If we accept the minoritarian logic of modern liberalism outlined above, then it is not surprising that brokerage parties and the broad coalitions that they represent are under assault. The usual culprit, at least recently, has been populism and the claim that the anger of small, vocal and unusually mobilized minorities has been undermining the party system. But party systems have been fragmenting for decades, as the broad public has itself fragmented into smaller publics that have strong claims for recognition and specific voice.

The result of these and other characteristics of the deportment of late liberal-democratic electoral regimes has been plummeting trust among electorates. Across the world, both generalized trust (in business, government, media, NGOs, etc.) and trust in political institutions, began a steep decline after the financial crisis. In 2016, for example, less than half (42 percent) of citizens in OECD countries said that they trusted their government (OECD, 2017, p. 214). A global survey at the beginning of 2018 noted that the decline had occurred in waves, the latest being trust in news and information:

As we begin 2018, we find the world in a new phase in the loss of trust: the unwillingness to believe information, even from those closest to us. The loss of confidence in information channels and sources is the fourth wave of the trust tsunami. The moorings of institutions have already been dangerously undermined by the three previous waves: fear of job loss due to globalization and automation; the Great recession, which created a crisis of confidence in traditional authority figures and institutions while undermining the middle class; and the effects of massive global migration. Now, this fourth wave, we have a world without common facts and objective truth, weakening trust even as the global economy recovers (Edelman, 2018, p. 2)

The same survey in 2019 had a glimmer of good news: there had been an uptick in trust across all sectors and among both the “informed public” (those with college education and with household incomes in the top 25 percent) and the general public in the 27 countries surveyed.
Among the informed public, trust had increased over the previous year by 4 percent in NGOs, business, government and media, and by 3 percent for the general population for NGOs and business. However, while a slight majority of the informed public trusted all sectors, among the general public only 47 percent trusted government and the media (though this was up by 3 percentage points over 2018). Interestingly, the global gap between the informed and the general public remained high, about 16 percentage points from 2017 to 2019 (Edelman, 2019). Several countries experienced massive trust inequalities. The UK had a trust difference of 24 percentage points between the informed and general publics, and even Germany had a gap of 18 percentage points. Only one in five (in both publics) agree that “the system is working for me.” This reflects the elite-mass discontent that has fed populist movements in the past decade.

The implications for late democratic systems?

1. The increasing stakes for electoral coalitions create increasing pressures to change electoral rules in favour of incumbents, further undermining the legitimacy of the system.

2. Election campaigns – aided by social media and modern polling and big data techniques – manipulate, rather than consult, the public, further eroding trust.

Rule of Law

We discussed the role of courts earlier with respect to expanding human rights agendas, and the role of adjudicative institutions in assessing legislation through a human rights lens, along with the other criteria in judging legislation. At its core, the rule of law presumes at least three things: (1) that state officials are subject to the same laws as everyone else – there should be no exemptions or special treatment simply because a person is a public official, (2) that the legal system is impartial in its personnel and its processes, and (3) that there is a reasonable
balance among the three branches of government, and courts, while being strong enough to hold the other two branches to account, do not overwhelm them. We will address the third in the next section, and here just take up the first two.

It is probably fair to say that most late liberal-democracies do a decent job of the impartial application of laws to public officials. Some regimes have special provisions for members of legislatures and for sitting presidents, who are immune to prosecution for certain offences while in office. We can ignore those cases, and take the strong position that the rule of law in most cases (because of the strength of judicial institutions and traditions of equality) in this respect is upheld. The problem is not the letter of the law, but the mountain of abuse that takes place through corrupt practices. It is clearly the case – if we take the metrics of the Corruptions Perception Index of the Worldwide Governance Indicators at face value – that democracies fare better on corruption scales than non-democratic regimes. Nonetheless, they are far from immune, given human nature. But this is not the real problem. In late liberal-democracies, the state sector is large in terms of both employment, benefits, procurement and contracts. Governing elites can feather-bed in perfectly legal ways, through high salaries, “public service bargains” that insulate officials from labour market pressures (e.g., lavish pension systems), or spending allocations that favour their supporting coalitions. This is not corruption in the conventional sense, and it is not a violation of the rule of law in the conventional sense, but conveys a sense of rot in the system that over time becomes normalized.

The impartiality of judicial institutions is also quite probably well-maintained in most late liberal democracies, and remains a key feature of their legitimacy. But impartiality is only guaranteed to the extent that the judicial system is reasonably well-insulated from electoral processes (the US is an outlier in its election of some judges), otherwise it becomes tainted with
partisanship. However, in liberal democracies the prime legitimacy is given to the public will as expressed in elections, so there is a natural tension between judicial impartiality and democratic legitimacy. This rarely matters when the judicial system has restricted scope of decision-making, largely confined to constitutional and legal issues. But as courts (see the discussion above) have expanded their policy role, they find themselves (sometimes willingly, sometimes not) rendering decisions that would otherwise be made by the legislature or the executive, each of which has a stronger democratic (electoral) legitimacy than the courts. Unsurprisingly, as human rights regimes and administrative law have expanded, courts have become more and more entangled in policy and rendering decisions that seem more like the “rule of lawyers” than the rule of law. This seems an inevitable trend to the extent that late liberal democracies have some combination of expansive policy agendas and broad human rights commitments.

The implications for late democratic systems?

1. The use of the distributive capacities of the state, even in ways that are not formally corrupt, undermine legitimacy and trust.

2. The judicial branch becomes increasingly central to policy making.

Checks and Balances

One of the inspirations of liberal democracy is the Lord Acton aphorism about the corrupting effects of absolute power. Since Montesquieu, the genius of liberal democracy has been the distribution of power and some sort of checks-and-balances system, particularly among the three major branches of government, and between levels of government in federations. In principle this would result in an equilibrium among the branches and levels, but still allow
resolution of differences and capacity to execute and implement agreed decisions. This runs into several problems.

In the preceding section we argued that there is a natural logic in late democracy to enhance the role of the judicial branch in policy making (a combination of growth of the state and in the expansion of human rights). In this respect, as democracies mature the judicial branch becomes disproportionately powerful. This shift in weight may be perfectly reasonable given the need for closer oversight of government legislation and policy in terms of broader and deeper benchmarks and the pressure of litigants in asserting rights and claims. But it does mean an imbalance, and one that will only be tolerated as long as judicial institutions maintain their legitimacy. Once that legitimacy begins to corrode, and courts appear as “political” as the other two branches, conflict among the branches is inevitable, as will be the attempt to overtly politicize the courts (on the logic that “if they are political, let’s make them political on our side”).

An imbalance on the side of either the legislature or the executive is possible as well, though less as a syndrome of lateness than just calibration and competition. If the system becomes executive dominated, then it veers towards authoritarianism. The system can become “legislature dominated” in two senses. The first is when the legislature becomes a faithful representation of all or most of the factions in the political community, in which case it usually descends into incoherence and instability (pace Italy). The second is when some party or leader can control the legislature, and through the legislature the executive, in which case it descends into Caesarism. But neither of these is truly a pathology or contradiction in the sense explored in this paper – they are simply the result of normal maneuvers of power. A true contradiction
should be one that is not a degradation of the system of liberal-democracy, but its logical expression.

One such contradiction is when the system of checks-and-balances is actually true to itself, and achieves an almost perfect equilibrium – that is, paralysis. Another way of viewing this is as a system of mutual vetoes. If all three branches of government can exercise a veto, without any feasible capacity for override (except perhaps elections), the result is a state of paralysis, or a cycle of constant vetoes and appeals and more vetoes and more appeals. In this way, a defining and valued principle of liberal democracy becomes a liability. As we noted above, Jones and other defenders of liberal democracies as policy and governance regimes, have argued that they are superior to their competitors (especially authoritative regimes) because of information processing capacities and error minimization, and to an extent their inherent incrementalism. This seems less plausible to the extent that incrementalism morphs into paralysis and incapacity. The mutual stand-offs in the British legislature over Brexit (bringing in the courts) are a case in point, as is what has been described as “veto-o-cracy” in the US (Fukuyama, 2014).

The implications for late democratic systems?

1. The danger that checks-and-balances can be so well-calibrated that they paradoxically lead to paralysis.

State Capacity

The final feature of liberal-democracy is the capacity of the state system, rooted in an impartial and effective bureaucracy (Peters & Pierre, 2001). It is arguable whether state capacity through bureaucracy is a necessary feature of liberal-democratic regimes. Democracy should mean popular rule, and this could mean that most decisions should be made by citizens (à la
Swiss cantons). Decision-making is different from implementation, and so it could be expected that even in radically democratic regimes, the scope of bureaucratic discretion is narrow. Alternatively, it could be argued that the bureaucratic apparatus should also be subject to popular power, providing a rational for a politicized bureaucracy, not an impartial one. Historically, of course, liberal democracies are both legislating and implementing regimes, and have come to terms with the inefficiencies of politicized administration. The compromise has been that however large and impersonal the bureaucracy, it should be ultimately accountable to elected officials. Appointed officials serve their political masters (within the bounds of law), and so we have “democratic administration” and democratic accountability. As a bonus, this should provide the capacity needed as late liberal democracies develop extensive welfare regimes and responsibilities for economic growth and development. This is combined with the putative superiority of information processing in democratic regimes, yielding higher state capacity than could be achieved in authoritarian systems that both politicize their bureaucracies and asphyxiate them with lack informational oxygen.

Two key contradictions afflict this logic of state capacity, and both stem from the sheer size and scope of the modern state. This size and scope is not a necessary feature of liberal democracy, which in principle might lean toward a smaller state, but is a practical historical outcome of struggles for equality and sharing within the political community (of course, the welfare state has its roots in conflicts between labour and capital, but here we are sticking to the logic of liberal democracy). One obvious contradiction is that as the scope of administrative decision-making expands, the scope of democratic voice retreats. More and more substantive decisions get made by the regulatory and administrative state, and elected legislatures simply ratify incomprehensible legislation that then grants effective decision-making to bureaucrats. The
administrative state is formally accountable to its political masters, but in practice the threads of accountability are quite thin, and generations of public administration scholars have had almost Talmudic disputes over what constitutes modern accountability.

This insulation and diminution of accountability leads to the second contradiction, and that is the possible emergence of a political agenda that is infused within the state apparatus itself, among its elites and in its DNA. The term “deep state” has been used to suggest some sort of conspiracy (in the American case at least), but this would imply some sort of conscious attempt to subvert the will of elected politicians. What we are describing here is not a conspiracy, but a structural feature of advanced states with high policy capacity. It is widely acknowledged that capacity is an offshoot of insulation, impartiality, expertise, and distance. The assumption is that the highly capable administrative apparatus of a late liberal democratic state will ultimately be accountable, but it is an open question as to when the hour of accountability will actually strike. Over time, it is entirely plausible that the state administration in late liberal democracies will develop its own structural preferences – for example, in more regulation, more programs, and more growth in the state administration itself (Pierre, 1995). An equivalent argument has been made about the relative autonomy of transnational administrative bodies (Bauer, Knill, & Eckhard, 2017). Ultimately, this leads to the sense that state officials form a sort of technocratic elite, out of touch with the common folk.

The implications for late democratic systems?

1. The administrative apparatus or branch can overwhelm – even while it is formally accountable to – representative institutions.

2. State administration can develop its own structural preferences that can differ from democratic preferences and create a technocratic elite.
Conclusions

The Bertelsman Stiftung, a German think tank, publishes an annual report on “sustainable governance.” The guiding assumption behind the report is that “countries featuring a high quality of democracy and high standards of good governance are best-positioned to formulate and implement sustainable policy solutions to the urgent challenges we face as a society (Bertelsmann Stiftung, 2018, p. 6). The Bertelsmann Sustainable Governance Indicators (SGI) is an amalgam of a Policy Performance Index, a Democracy Index, and a Governance Index, for the

Figure 1: Quality of Democracy (SGI average) 2011-2018

Source: Bertelsmann Stiftung (2018: Figure 1, p. 14)

41 states of the OECD and the EU. The data are a mix of quantitative measures and qualitative expert surveys, and is an example of a mini-industry around governance and policy indicators that has sprung up in the last 15 years (Davis, Fisher, Kingsbury, & Merry, 2012; Hansen & Porter, 2012; T. Porter, 2012; T. M. Porter, 2015). The Policy Performance Index surveys the 41
states across 16 specific policies within three broad areas of economic, social, and environmental policy. The Governance Index measures executive or governmental capacity to deliver sustainable policies as well as participation and oversight by other governmental actors outside of the executive branch. The Democracy Index, the one we will focus on here, measures the quality of democracy with 15 qualitative indicators against four criteria: electoral processes, access to information, civil rights and political liberties, and rule of law. For example, electoral processes are measured by candidacy procedures, media access, voting and registration rights, party financing, and popular decision making. These measures are not only about the quality of democracy for its own sake. Bertelsmann echoes the sentiments of many other international organizations in linking the quality of democracy to policy capacity, that is, both input legitimacy (the ability to maintain a civil pluralism in the process to build broad if not perfect consensus around the public interest) and output legitimacy (ultimately accommodating the interests of a wide range of stakeholders and translating those interests into effective policy outcomes).

The 2018 SGI shows a decline in the quality of democracy (Figure 1). Of the 41 counties in the OECD and the EU, 26 had a deterioration in the quality of their democracy compared to 2014. For 19 of these the “downward trend is relatively sharp” (Bertelsmann Stiftung, 2018, p. 6). Quality has declined because of increasing polarization, difficulties in reaching social consensus, exploitation of electoral processes through emotional appeals, erosion of the ability of governments to communicate their policies, attempts by some governments to reduce consultation, and even to undermine the rule of law. “These findings show that even within the OECD and the EU, the model of liberal democracy is subject to growing pressure – in some countries this means that even central democratic and constitutional standards such as media
freedoms are already severely damaged or undermined” (Bertelsmann Stiftung, 2018, p. 8). The SGI report notes that for some countries, the quality of democracy has either remained stable or even improved somewhat, and that the overall decline has been driven by a handful of countries (Hungary, Poland, Turkey, Mexico and the United States). Nonetheless, the long-term trend is troubling, and is consistent with a growing sense that what appeared, in the 1990s, as the inevitable triumph and spread of democracy after the collapse of the Soviet Union has now given way to a swing towards authoritarianism (Diamond, Plattner, & Walker, 2016). Freedom House, in the 2019 edition of its annual survey of Freedom in the World, noted that “democracy was in retreat” and that there had been a decline in global freedom for the 13th consecutive year (Freedom House, 2019).

The usual diagnosis for this decline, at least as a proximate cause, is populism, usually depicted as either irrational anxiety or wild overreaction to some systemic weaknesses. This paper has argued that the problems may go deeper, to the very logic of liberal democratic regimes themselves. Indeed, our argument is that it is the very strengths and the most positive features of liberal democratic regimes that can evolve into a series of internal contradictions that eventually threaten the regime itself. In this respect, the “best practices” of liberal-democratic regimes can lead to bad outcomes. But not the worst. For most people, it is still better to live in a late liberal democratic regime, whatever its flaws and contradictions, than a failed state or a corrupt autocracy or allegedly competitive authoritarian system. Recent demonstrations in Hong Kong, Iraq, Jordan, Chile, and Venezuela, among others, bear witness to this, as do the leading good governance, SDG, and happiness indexes (Global Happiness Council, 2018; Helliwell, Layard, & Sachs, 2019; Mungiu-Pippidi, 2015; Sustainable Development Solutions Network, 2017).
Be that as it may, the prognosis for existing, late liberal democracies is not good. And as we argued at the outset of this paper, that poses a challenge for the policy sciences, which were designed to serve and improve democratic practice in the service of human dignity. There is already doubt in some corners of the policy sciences about whether democracy is actually up to the challenge of wicked and “super-wicked” problems (Head & Alford, 2015; Levin, Cashore, Bernstein, & Auld, 2012), and whether in some crisis areas like climate change, what we actually need is a dose of eco-authoritarianism (Beeson, 2010; Fischer, 2017; Giddens, 2009). Certainly, if we take the eight logics discussed above (liberalism: freedom and equality; freedom of expression; human rights; protection of minorities; democracy: elections, rule of law; checks and balances; bureaucracy) in combination they suggest systems that will combine fractiousness and chaos with paralysis and insularity. Are the policy sciences up to understanding, explaining, and assisting these systems, assuming that they will continue to display these tendencies as long as they remain liberal-democracies? And what happens if they do decline into quasi-authoritarian systems, in reaction to their internal contradictions? We can only be suggestive here.

1. Increased institutional diagnosis: Institutions have been taken seriously in the field (Acemoglu & Robinson, 2012; Béland, 2016; Rayner, 2015; Streeck & Thelen, 2005; Thelen, 2004; Zahariadis, 2016), but either abstractly or generally in support of “open access” regimes. The policy sciences should cast a more calculated, cold eye on actual democratic practices and institutions along the lines of this paper. How are courts involved in policy decisions? What are the implications of rights regimes and their impacts on policy areas which at first blush might seem quite distant (e.g., climate change plus migration yields “climate refugees”)?
2. Better grasp of policy agenda dynamics: Some leading scholars, alert to the current context, have been generally optimistic about the capacity of current theory (e.g., advocacy coalition framework, multiple streams) to help us understand developments (Perl, Howlett, & Ramesh, 2018). If so, then those theories will still need some major overhauls. Populism, for example, is more than an “advocacy coalition” – it suggests tectonic shifts in policy making systems (Bang & Marsh, 2018; Dzur & Hendriks, 2018; Eatwell & Goodwin, 2018; Team Populism, 2018).

3. Good enough governance: If our diagnosis is correct, and late liberal-democratic regimes will continue to crack and heave under the pressure of internal contradictions, they will continue to face major policy problems. One respected approach in the policy sciences over the years has been to argue that the failure to deal with some policy issues has been due to a democratic deficit. If we are right, the problem may be a democratic surplus, or what forty-five years ago, in another context, was termed “democratic overload” or “ungovernability” (Crozier, Huntington, & Watanuki, 1975). Dealing with climate change may need less, not more, democracy. In other words, in some fields it may be necessary to have not “good governance” but just “good enough governance” (Grindle, 2004, 2016, 1997). What would that look like from the perspective of the policy sciences (the concept was proposed in the development field)?

4. Authoritarian systems: Most policy research, even comparative policy research, has tended to focus on developed democracies or assumed liberal-democracy as the norm (Engeli & Allison, 2014). There has been relatively little bridging to the development literature and the comparative analysis of policy making in non-western, authoritarian, or quasi-authoritarian regimes (Truex, 2016, 2017). The policy sciences should have a better
grasp of alternative systems and policy styles, if that indeed is where the future might lie (for a promising example, see Howlett & Tosun, 2019).

5. Experimental democratic designs: If we want to retain Lasswell’s vision, and take a more engaged stance in defending and supporting democratic practice, then one path in the future is to explore institutional designs that more radically address the contradictions of late liberal-democracy. This would be the policy sciences of experiments, utopias, insurgent practices, and crazy ideas (Bell, 2018; Fischer, 2017).
References


