

Depoliticisation as a silencer in lawmaking

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Emily Warrender

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In her thought-provoking commentary, Kati Rantala from the Faculty of Social Sciences delves into the concept of depoliticisation, exploring how it acts as a silencer in lawmaking. She examines the rhetoric surrounding inclusivity and participation in the normative basis for regulatory policy

This article continues the series focusing on silent stakeholders in lawmaking. As mentioned in the previous one ⁽¹⁾, according to the normative foundation of regulatory policy, such as the Human Rights Convention, Better Regulation guidelines from the OECD and the European Commission, as well as many national guidelines and constitutions, those to be affected by regulation (such as laws), should be able to voice their concerns regarding its making.

The purpose is to enhance not only democratic decision-making but also the construction of a comprehensive knowledge base for decision-making. However, beneath the noble intention lies a troubling reality: the mechanisms designed to facilitate participation often reinforce existing power structures.

Against this background, the landscape of policymaking easily leads to a balance between cynicism and hopefulness. The normative foundation for regulatory policy treats everyone affected as a potential participant with a voice; however, critical analysis reveals a rhetorical façade of equality and equity that overlooks the underlying political realities, which are inherently selective.

As a political governing strategy, this type of depoliticisation obscures the political nature of decision-making. ⁽²⁾ This, in turn, contributes to dilemmas inherent in the participatory and epistemic rationales of the normative foundation of regulatory policy. These dilemmas are explored in detail in a recent article, the main points of which I will introduce below. ⁽³⁾

Dilemmas in the participatory and epistemic rationales of the normative foundation of regulatory policy

Let us first discuss the participatory dilemmas. Human rights conventions emphasise participatory rights, while the guidelines refer to providing opportunities for participation. In both cases, the responsibility to be heard rests with those affected, including socially disadvantaged groups, unless they become specifically engaged through targeted consultations. This form of participation is, in turn, highly selective. In either scenario, it is simply not feasible to engage “all affected” individuals, as there are many. Selectivity is also a necessity in most policymaking, such as lawmaking.

In addition, both types of norms typically refer to citizens, using language that excludes non-citizens, who are often significantly affected by regulations. They also highlight the need to engage specific vulnerable groups without specifying why many others in equivalent positions are not similarly acknowledged or why the target groups are labelled as “underserved.” Accordingly, participatory norms tend to privilege certain groups while sidelining others based on specific yet essentialising categorisations. This selective inclusivity not only undermines the democratic process but also reinforces existing societal hierarchies.

Additionally, relying on civil society organisations as representatives of silent stakeholders raises questions; it may be difficult to account for the variety of those affected, and adequate representation requires the consent of those represented, which may be lacking when including those in disadvantaged positions. Overall, the participatory rhetoric is akin to gazing beyond a beautiful fence but being unable to climb over it.

Regarding epistemic dilemmas, the normative basis pays particular emphasis on needs across various social groups, but the term remains vague and subject to interpretation. On the one hand, silent stakeholders may struggle to articulate their needs, if asked, in ways that are relevant to regulatory policy, in contrast to professional lobbyists with argumentation skills to present well-formed views.

Another dilemma concerns paternalism in addressing needs, particularly when individuals’ immediate preferences conflict with long-term welfare goals, like in cases of addiction. Addressing many needs is also a question of political will regarding the allocation of resources. Ultimately, the concept of needs is multifaceted and politically charged, with implications for power dynamics and the distribution of resources, complicating the consultation process for less influential stakeholders.

The normative basis also lacks clear guidance on how to balance differing views, which can further marginalise the silent agents. Regulatory impact assessments are highlighted as critical areas where practical expertise is necessary to ensure laws are effective and relevant to those they affect. However, the guidelines do not adequately address how to collaboratively generate meaningful knowledge with silent agents. This, again, risks privileging professional stakeholders.

How to move toward a more inclusive form of governance that reflects the diverse realities of the populations it serves

To summarise, while the rhetoric surrounding inclusivity and participation in the normative basis for regulatory policy is uplifting, the actual opportunities for meaningful engagement are often limited. By treating all stakeholders as equals, these frameworks inadvertently suppress conflict and dismiss the diversity of perspectives essential for a robust democratic discourse. The emphasis on generic principles of participation fails to acknowledge the specific barriers faced by silent stakeholders, thereby perpetuating

participatory inequalities. The result is a form of governance that ostensibly seeks to enhance participation while simultaneously entrenching the very inequalities it purports to address.

The depoliticised normative foundation of inclusive regulatory policy also non-politicizes critical issues that silent agents might wish to raise, creating a vacuum of discourse, where potentially relevant topics remain unaddressed simply because they lack a platform for expression. In this sense, depoliticisation becomes a silencer – a mechanism that not only limits participation but also stifles the emergence of issues that could challenge the status quo.

To counteract these shortcomings, we must advocate for a shift toward an agonistic form of democracy.⁽⁴⁾ Rather than seeking to include all affected parties or views in a superficial manner – perhaps aiming for a diluted compromise – agonistic democracy emphasises the importance of not only recognising but also valuing diverse perspectives.

Taking this approach seriously also leads to prioritising the epistemic rationale over mere unrealistic participation. By focusing on the knowledge and insights that reflect the perspectives of those typically silent in a realistic, though not necessarily uniform, manner, we can cultivate a more meaningful and impactful democracy. Only then can we move toward a more inclusive form of governance that reflects the diverse realities of the populations it serves.

1. Rantala, Kati (2025) Silent stakeholders in regulatory policy. Open Access Government. April 2025.
2. E.g., Burnham, Peter (2001) New Labour and the Politics of Depoliticisation. British Journal of Politics and International Relations 3 (2): 127–149.
3. Rantala, Kati, Esko, Terhi, Hämäläinen, Hanna, & Salminen, Janne (2025). Exploring dilemmas and depoliticization in inclusive lawmaking: the perspective of silent agents. Critical Policy Studies, 1-16.
4. Mouffe, Chantal (2000). The democratic paradox. verso.

Primary Contributor

Kati Rantala

University of Helsinki

ORCID: [0000-0001-8169-7898](https://orcid.org/0000-0001-8169-7898)

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