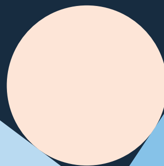
Essay

Time and space for public policy

Prospects for the Scientific Council for Government Policy after half a century of tidal political change

Ernst Hirsch Ballin

50 WRR



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Prospects for the Scientific Council for Government Policy after half a century of tidal political change

Ernst Hirsch Ballin*

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1. Changing times

Democratic politics responds to current realities and, through the exercise of constitutional authority, seeks to shape the future of society in a positive manner. That future is about the lives of all citizens – not just the voters of today, but also the next and subsequent generations. But it is also the future of our global ecosystem. The effects of our actions in the Netherlands, after all, extend far beyond that small part of the planet over which the Dutch state is able to exercise direct authority. In the real world, interconnections and interactions cut across the boundaries drawn by mankind. The Scientific Council for Government Policy (*Wetenschappelijke Raad voor het Regeringsbeleid*, WRR) has been working in the service of decision-making by the Dutch government and parliament for fifty years. A period that has seen so many fundamental changes that the Council's institutional continuity and its statutory remit now merit a thorough – and where necessary critical – review, as well as a reflection on its potential role in future policymaking.

Even though there have long been calls to be more resolute, it is only now, in the face of crises such as the ongoing climate emergency and the current war in Europe, that we are finally realizing the full potential implications of failing to take clear decisions on issues that will determine the future not just of generations to come, but also that of their biotope: that piece of the planet they will inhabit. All too often it has taken court rulings to remind political officeholders of their responsibility to live up to the commitments they have made in laws and treaties.[1] But prevarication is not sound politics.[2]

Not that earlier crises had not made it clear that public authority brings with it responsibilities that extend far into the future. The political and cultural upheaval that began in the 1960s had all the traits of a systemic crisis, with a crisis of social structures at its core. It was in that context that the WRR was first established.[3] The generation that had grown up after the Second World War and came of age in the years around 1968 was turning its back on the 'regentesque' style of governance then prevalent in the Netherlands, and in the international arena rejecting military escalation and the growing nuclear threat. Only with some difficulty did it prove possible to temper the resulting

1 Examples include the Dutch Supreme Court's Urgenda judgment (ECLI:NL:HR:2019:2006) and the German Constitutional Court's Neubauer judgment (ECLI:DE:BVerfG:2021:rs20210324.1bvr265618). For more on such judicial reminders of officeholders' duty of vigilance, see Hirsch Ballin 2022a: 46-50.

2 Nijpels 2022.

3 The first 35 years are discussed in Den Hoed & Keizer 2007.

turmoil in Dutch politics and religious life (at that time still a major factor in our society) through processes of moderate reform led by wise, spectacle-averse functionaries – memorable examples being Piet de Jong (prime minister, 1967-1971) and Cardinal Bernard Alfrink (president of the Roman Catholic Bishops' Conference of the Netherlands, 1955-1975).

Sociologically, this phenomenon can be interpreted as opening up previously established patterns of coexistence to developments that might enable travel in new directions and, therefore, be what is known as 'contingent'. In politics, in religious life and in other respects, choices arose that had previously been unimaginable. Which in no way made them random: such choices can and preferably should be deliberate ones, properly considered, but what that consideration entailed proved to be a learning process in itself and brought with it all kinds of personal and social tensions.

Those who looked further ahead envisaged a post-industrial society with new opportunities for interaction between government, economy and society. Legislation, previously conceived mainly as the codification of widely held views, was increasingly used to achieve social change.[4] And public policy, up until then understood merely as governance within the predefined legislative framework, became a focus for planning and decision-making. Which in turn raised new questions of legitimacy.[5]

The demise of perceived normative permanence was often a disconcerting experience for the so-called Reconstruction generation, those who had rebuilt the nation and its economy after the war. Certain currents within society now wanted to overthrow the existing order altogether, on occasion resulting in riots and even the emergence of some more organized revolutionary movements. Prudent reforms, however, prevented a slide into violent confrontation. The still collaborative Dutch political system – a product of the 'Silent Revolution' of 1917[6] – managed to accommodate those who believed that they were at the beginning of a new era they often described as 'postmodern' and 'post-industrial', those terms' shared prefix simultaneously denoting both the after-effects of an age that was coming to an end and uncertainty about what was to come.

4 Koopmans 1970; Hirsch Ballin 2019.
5 This was the subject of my PhD thesis: Hirsch Ballin 1979.
6 Hirsch Ballin 2017; also in Hirsch Ballin 2022b: 369-402.

Amongst the leading publications of the time was Daniel Bell's book *The Coming of Post-Industrial Society*.[7] Applicable not only to the United States but also to other countries in the Western world, this treatise led many to realize that, like it or not, the future could not be a prolongation of the past. Reflecting upon that resonance and developments since, in 1999 Bell reiterated the point on which a post-industrial society is radically different from both a pre-industrial and an industrial one, namely its lack of a singular, hierarchical structure around the acquisition or manufacture of goods. In a post-industrial society, the techno-economic system, the political order and the cultural sphere interact closely, with the outcome unknown. Other distinctive features he highlights are the economic prominence of services, not least education and care, along with profound cultural change and "'control' problems for the political order". The "political scales of sovereignty and authority," he observes, "do not match the economic scales. In many areas we have more economic integration and political fragmentation."[8] Whilst Bell did not designate these relationships as "complex", later theorizing has done so.

The openness that Bell sought was primarily about knowledge: only with that will people be able to gain a better grip of their own social destinies "under conditions of intellectual freedom and open political institutions, [with] the freedom to pursue truth against those who wish to restrict it."[9] This view of the world can be understood as a warning that any effort to subject the economy and culture to the whims of politics is doomed to fail, as well as an admonition not to try to do so because the search for knowledge must be allowed to take place in freedom. With knowledge today, in 2023, so central to the pursuit of political and economic power, this warning remains as topical and relevant as ever. Here in the Netherlands, the Advisory Council for Science, Technology and Innovation (*Adviesraad voor Wetenschap, Technologie en Innovatie*, AWTI) only recently felt compelled to reiterate how important it is that the quality of scientific research be assessed fairly, unswayed by external pressures. "Scientific knowledge," it wrote, "is gathered in a systematic way compliant with the principles of honesty, scrupulousness, transparency, independence and responsibility, as contained in the Netherlands Code of Conduct for Research Integrity."[10]

Examining the changes during this period from a sociological perspective, Andreas Reckwitz argues that the standardization so characteristic of the

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7 Bell 1973.
8 Bell 1973/1999: lxxxiii.
9 Bell 1973/1999: lxxxiv.
10 AWTI 2022:2.

industrial era has given way to an economy centred on the production and exchange of what is culturally 'particular'. He calls this the "society of singularities".[11] Political traditions rooted in supposedly homogeneous communities have lost influence, creating space on the one hand for the pursuit of more or less radical political reforms and on the other for movements that expect the 'invisible hand' of social and economic dynamism to generate a benevolent effect. Dutch politics between the mid-1960s and the early 1990s was dominated by the struggle between these two tendencies. In searching for some way to combine them, during those years the Christian Democratic heirs of religious communitarian traditions found a new mission, partly inspired by Amitai Etzioni's communitarian project.[12] Following the collapse of the state socialist system in Central and Eastern Europe, however, this period ended with what at the time was considered the final triumph of liberalization and globalization.

The neoliberal politico-economic paradigm became dominant, so much so that many other political currents in the Western world adapted to it to a greater or lesser extent. But then came the crises at the end of the first decade of the twenty-first century, experiences that turned the political tide once again. As of now, that has resulted in exceptional political instability. Countries such as Hungary, the US and India, which were seen as paragons of democracy and its strength as recently as the 1990s, have proven susceptible to domination by the nationalist right. In places like France and the Netherlands, meanwhile, it has proven unusually difficult to form and sustain governments with a parliamentary majority.

Technological advances and the related cultural change are playing a major role here. They stimulate a form of social development characterized by incessant acceleration. This is the concept that Hartmut Rosa placed at the heart to his sociology of culture: the temporal facet of a dynamic that is usually discussed only within the spatial theme of globalization.[13] In this day and age, society and politics alike have jettisoned their traditional inertia and geographical constraints. Steady linear development has become a thing of the past, not least in the course of human lives.[14] Since the turn of the century, this upheaval has been confirmed by a succession of crises – to the point that today, in 2023, public trust in political institutions has eroded to a perilous degree.[15] Although not yet

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11 Reckwitz 2017: 113.
12 Etzioni 1988; Etzioni 2003: 339, 358.
13 Rosa 2005.
14 Weidenhaus 2015; Hirsch Ballin 2016: 79-86.
15 Engbersen et al. (2021). The Netherlands Institute for Social Research now also reports low public trust in institutions; see SCP 2022.

to the extent that it has disappeared altogether, and where it has withstood the shocks there is a basis for recovery. Nevertheless, as developments in a number of countries show – and as reported in the Netherlands by the Advisory Council on International Affairs (*Adviesraad Internationale Vraagstukken*, AIV) as early as 2014, and again in 2017[16] – widespread political unease and distrust offer opportunities for the leaders of movements that reject the values of democracy and the rule of law. Not only have these developments undermined trust in the government, they have also affected its ability to actually govern.

16 AIV 2014, 2017.

2. Foundations of trust

This essay looks at how the WRR can contribute towards restoring trust built on solid foundations. In doing so, it can draw upon those forms of trust in institutions that have so far proven shock-resistant, focusing in particular upon the ability to strengthen that resilience in a sustainable fashion. I conclude with recommendations to that end.

From the very beginning of the turbulent era that reached its peak around 1968, there was a realization that tasks of the state could go beyond simply managing established societal relations. This insight underpinned a strengthening of policy planning activities in support of government, which first saw the light of day in the late 1960s in response to a desire that politics be less about maintaining continuity from the past – perpetuating the policies that had now completed post-war reconstruction – and more about looking to the future. Particularly in the field of town and country planning, from 1972 policy papers were presented that underwent much the same process of parliamentary scrutiny and approval as new legislation. Known as 'core regional development planning decisions' (*planologische kernbeslissingen*), they were superseded by a new system of structure vision documents (*structuurvisies*) only in 2008 (Town and Country Planning Act, Chapter 2).

The ambitions were grand and bold, and they enjoyed broad backing across the political spectrum. However, this was also the time when the major political parties, traditionally divided along denominational and cultural lines, were experiencing a rapid erosion of their hitherto solid support bases – the process known as *ontzuiling* (depillarization). Despite the satisfaction with which they could look back on the period of reconstruction and modernization, for the first time they now faced radical innovators even within their own ranks. This political recalibration was fuelled by dissatisfaction with social inequalities and inward-looking styles of governance. In both respects, new academic insights began to set the tone. Critical social and political theories that had emerged from the Frankfurt School and in Paris[17] sought to fathom what had previously seemed self-evident, whilst new approaches to public administration and the public finances, focusing on rationalization, coordination and planning, were equipping the state to operate more proactively in its fulfilment of public tasks.[18]

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17 Jeffries 2019; Berns et al. 1981.
18 Van der Eijden1970; Stevers 1971.

A turn of the political tide never involves a total reversal, but just like the tidal changes of the sea always becomes apparent from one standpoint earlier than another. So while the phases distinguished in this essay are divided neatly into three chapters (3-5: early years, the age of the new political economy, and the crisis years and after), I have not given them even approximate start and end dates, however much precise years might appeal more to the imagination. Even after the tide has turned, undercurrents in other directions continue to be felt. Whilst the sea change of 2001 (the year of '9/11'), for example, finally put paid to the fantasy or – depending upon one's perspective – the nightmare that the advance of liberal capitalism was unstoppable, it did not in itself bring it to an end. It has fought back, and it continues to do so. In response to right-wing populist and left-wing socialist critiques, Francis Fukuyama still defends a classical, moderate form of liberalism that does not assume that "removing all constraints from economic activity" is a good thing.[19]

Democratic politics, however, can do little to influence such tidal changes, even when we see them coming. As is evident from events already mentioned, the jetstream of political history is no respecter of national boundaries. And it never has been. The year 1848, for instance, may remembered in the Netherlands as the date of Johan Rudolph Thorbecke's watershed constitutional reform, but in Europe as a whole it was the revolutionary *Printemps des peuples*, the Springtime of the Peoples.

Such historical shifts, moreover, are more powerful and long-lasting than any changes of political wind affecting the systems of individual democracies. Only autocrats like Vladimir Putin and leaders of revolutionary movements like Osama bin Laden are in a position to try to change the world at – sometimes literally – one fell swoop. In a democracy, however, by its very nature, the say of politicians is limited in both means and time. Their mandate is bound by procedures, safeguards and terms of office. They are elected or appointed for a set term, which is defined constitutionally and legally and which guarantees the possibility of a democratic change of power. Elected representatives and indirectly legitimized public officials automatically lose their mandate at the end of that period, or even earlier in the event of a mid-term crisis.

Moreover, their mandate is limited geographically. It extends no further than the territorial boundaries of their own nation state, or perhaps – most notably in the case of the European Union, an exceptional construct in its own right – a supranational entity. Awareness of this fact is especially important when it comes to dealing with major global issues such as war and peace, climate and

19 Fukuyama 2022: 154.

the environment, prosperity and development. And it inevitably gives rise to tension in political thinking and action, since they are concerned primarily with states that, as political alliances, must – in a constitutional sense – hold together a national society. At the time the WRR was conceived, nation states were the primary level of political aggregation. In Western Europe in particular, their constitutional foundations had survived the rise and fall of discredited ethnic nationalism, so that now, rather than going to war against each other, they had turned to European, Atlantic and global co-operation.

The WRR was a remarkably ambitious and, in the positive sense of the word, idealistic attempt to overcome both the temporal constraints of political mandates and – as is already evident from the very first Council report, entitled *Europese Unie* ('European Union', no. 1, 1974) – the geographical impediment of an approach confined to Dutch territory. Fifty years on, the Council's history of institutional continuity in no way detracts from the fact that its conception of its own remit has evolved considerably during the past half-century – just as in politics, with old and new approaches sometimes overlapping. Later in this essay I shall discuss how, not long after the Council was established, the initial illusions that it could offer centrally directed, rationally based social helmsmanship were dispelled. That ambition very soon gave way to an approach dedicated more to guiding change than to steering it.

To a certain extent, that approach enabled the WRR to ride the coming neoliberal political wave. But it did not prevent the organization from pointing out the associated risks – even though, in retrospect, the contrast with the actual political trends of the time should have been highlighted more sharply. In its report *De verzorgingsstaat heroverwogen* ('The welfare state reconsidered', no. 76, 2006), issued during Wim van de Donk's presidency, the Council interpreted the developments then under way as a reform of the welfare state, not its gradual abolition. Although a better term here would be 'social constitutional state'.[20] According to the Council, the welfare state has four distinct functions: to protect, to care, to uplift and to unify (referred to in Dutch as 'the four Vs': *verzekeren*, *verzorgen*, *verheffen* and *verbinden*). It also advocated that these henceforth be 'weighted differently'. Once the first two functions had been reformed, the other two – to uplift (in the sense of promoting people's social and educational development) and to unify (bridging social divisions rooted in educational achievement or cultural background) – would require more effort.[21] One particular ingredient at play here is the fact that our nation's constitutional parameters and geographical

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20 Hirsch Ballin 2022a: 110-114.
21 WRR 2006: 251-259.

situation, and the resulting constraints on the effectivity of government policy, expose us to constant and multifarious challenges. In part these are a product of our close economic, cultural and political ties with the outside world, and in part they are the consequences of changes we did not ask for, such as international migration, more erratic weather conditions and rising sea levels. With this in mind, a fifth 'V' proposed by Paul Schnabel,[22] *verblijven* (to accommodate), assumes greater significance. Especially from a long-term perspective. Whilst the idea that borders can somehow be 'closed' may have a certain political appeal, it is impracticable in reality. Nevertheless, the housing and planning impact of the challenges just mentioned are so great that accommodating everyone in the Netherlands and all the other functions we need now has to be counted as one of the core tasks of the social constitutional state. Chapter 1 of the Constitution identifies the fundamental social rights associated with the 'five Vs' incumbent on the welfare state.

Two decades of profound crises and catastrophes, national as well as international, since the 11 September 2001 attacks have necessitated a reassessment of the relationship between public policy and the undeniable complexity of human society, both within our borders and beyond them. In contrast with the period of apparent constancy that ended around the time the WRR was established, public policy can no longer be seen as a bipolar choice between good and bad government, like in Ambrogio Lorenzetti's famous *Allegoria ed effetti del Buono e del Cattivo Governo*, painted in 1338-1339.

Public policy in general – and hence also the Dutch government policy on which the WRR advises – needs to be judged by its ability to counter violence and threats to our freedom, and so maintain a decent standard of existence even in permanently uncertain times. In other words, it has to avert risks to society. Implicit in this vision is the notion that such policy cannot be categorized simply as either right or wrong. In the long term it should uphold sustainable prospects in life, for future generations as well as our own. Views on what this means in practice will vary, but at the very least the ethos and decision-making rules of a democratic constitutional state should prevent its society from descending into mutual hostility. The future may be impossible to control, but that contingency does not make it an abyss that humanity should just plunge into recklessly – not even now that climate change has become unavoidable and the international rule of law is coming apart at its seams.

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22 Schnabel 2022: 54.

3. The early years: steering rather than perpetuating

To gain the knowledge they need to formulate long-term policy, Dutch politicians rely upon input from advisory councils, *planbureaus* (research institutes mostly working for the government) and other authoritative actors. Since 1972 these have included the WRR. When the Council was first created, providing that kind of input was its primary intention. The government, naturally within the framework of its accountability to parliament, was keen to develop long-term policy informed by the study of possible future scenarios – a desire linked to the upheavals that had shaken the political systems of the Netherlands and other Western countries in the second half of the 1960s. The year 1968, in particular, had seen an international wave of protest that fundamentally challenged and questioned the established social and political order.[23] That was the year of peace marches and, starting in Paris, university occupations; of the Tet Offensive in Vietnam and the first peace talks to end that conflict; of the assassinations of Martin Luther King Jr and Robert Kennedy; of the Prague Spring and of the emergence of a new generation of politicians throughout Europe. Not everything happened in that one year, of course, but it came to symbolize a turbulent episode that lasted about a decade in all. By that time the Netherlands had already experienced the Provo period (1965-1967), squatter riots and the disruption of Princess Beatrix's wedding in 1966, as well as a series of party-political conflicts and realignments.

That decade between the mid-1960s and the mid-1970s was a reckoning with the ambiguities of the post-war period. In the Netherlands, the Reconstruction era from 1945 onwards had been characterized politically by the development of a democratic and social constitutional state with broad public support.[24] Whilst the mainstream political movements were electoral rivals, their underlying views on how society should be governed were basically the same, or at least compatible. This allowed them to build broad governing coalitions during each four-year electoral cycle. More than in many other countries, the Dutch parties' competing positions were rooted in denominational and philosophical traditions with a strong sociocultural component (Protestant, Catholic, socialist, liberal). Known as *verzuiling* (pillarization), this phenomenon had been embedded in a conciliatory constitutional framework since 1917.[25]

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23 Kraushaar 2018.
24 Kennedy 2017: 416-421.
25 Hirsch Ballin 2017.

The cultural transformation that began in about 1960 challenged the age-old continuity of geographical and cultural biotopes, including affiliations to faith communities, throughout the Western world.[26] People were increasingly guided by the idea that they could and should be an individual like no other.

These politico-cultural changes severely dented the prevailing notion that the future should very much be an organic continuation of the present. For a long time, static and traditionalist visions of the social order had been underpinned by religious affirmation. But now even the church and theology began to shake off that world view, a shift exemplified by the Second Vatican Council (1962-1965), creating space for new, more fluid dividing lines and differences of opinion. Reckwitz describes this change as a *Kontingenzöffnung* (contingency opening), which manifested itself in both the sociocultural and the politico-economic domains. What he means by this is that existing ties loosen and fall away, so that any interpretation of possibilities that present themselves becomes possible. This denotes the twofold nature of the development in question, whereby neither culture nor the economy is viewed any longer as being predetermined by constantly reaffirmed norms. Quite the opposite, in fact: they are 'contingent' and so 'open' to different perspectives and to different efforts to shape their future form. The present is perceived as the legacy of a past in which right or wrong choices have been made, but the future is seen as essentially contingent and receptive to both conscious and unconscious influence. *Opening* is thus the vanishing of assumed fixations, *contingency* the resulting accepted reality that developments from here on can go in different directions.

The contingency opening of the 1960s had both immediate and later effects. First of all, it created space for planning and long-term policymaking to emerge as a new and self-renewing dimension of politics. As analyses of the present and the recent past became more critical – in the form of critical social theory, for example – so the urge grew to direct politics towards achieving fundamental change. The context for this shift remained the democratic political system, since the democratic political culture that had developed despite the fractures of the twentieth century meant that competing views regarding the organization of society could be developed through public discourse. The long-term policy that the WRR was set up to reconnoitre was, both literally and metaphorically, an extension of that.

Throughout the Western world, this period also saw further democratization along with the emancipation of previously acquiescent voter groups. The

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26 Joas 2012; Reckwitz 2017: 9, 371 et seq.

greater accessibility of the public debate played an important role in this trend. The social space in which that debate is conducted, a place between the personal domain and the political arena, was described in a pioneering study by Jürgen Habermas as the *Öffentlichkeit* (public sphere).[27] This concept was closely linked to a view of democracy as a political form of coexistence in which every person is recognized as holding fundamental rights and entitled to participate in the development of policy and law.

Growing prosperity and rapidly rising levels of education made people increasingly aware of their individual role as political actors and – in other areas of life too – of their uniqueness. Reckwitz calls this their 'singularity'. These changes in ways of thinking and acting were further stimulated by new forms of mass communication, by the transfer of industrial manufacturing to low-wage countries and by the rise of knowledge as the primary factor of production.[28] All of this contributed towards a more 'singular' approach to life, expressed not only through far more relaxed forms of social intercourse but also in political shake-ups, both within and alongside the established parties: the 'New Left' current within the Dutch Labour Party (PvdA); the 'Christian radicals' of the Roman Catholic KVP and the Protestant ARP (two forerunners of today's Christian democratic CDA), who would eventually break away and form their own Radical Party (PPR); the foundation of Democrats '66 (D'66, later D66), partly as a split from the liberal VVD; and the later merger of the PPR, the Pacifist Socialist Party (PSP) and the Communist Party (CPN) to form the Green Left (GroenLinks). Against this background, the time was ripe for a constitutional review, although this did not go as far as D'66 and the Christian radicals had advocated. In the wake of report from a sharply divided advisory body, the Cals-Donner committee, the main feature of the constitutional reform that took shape in the 1970s (but was not finalized until 1983) was its focus upon the use of democratically adopted legislation as a vehicle for social change.[29]

The desire to take control – individually and in new groups – became the defining characteristic of this upheaval in Dutch political culture. The old 'cement' of the pillarization period, co-operation at the very top of the political system, crumbled and the Dutch had to look for a new basis for purpose and unity in policymaking. Taking inspiration from abroad, amongst other things this was found in an institutionalization of policy coordination underpinned by planning for the future.

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27 Habermas 1962, reissued 1990.

28 Reckwitz 2017: 273.

29 See my introduction to Chapter 1, *Grondrechten*, in Hirsch Ballin et al. 2021: 30.

The resulting transformation was channelled through advisory committees set up to improve policy development.[30] The most important of these was the preparatory committee for investigation into the future structure of society (*Commissie voorbereiding onderzoek toekomstige maatschappijstructuur*), formed in 1968 and chaired by Professor Pieter de Wolff (Econometrics, Amsterdam). Reporting in 1970, this body advised the government in 1970 to improve the scientific basis of policy development, which was what it understood by the terms 'plan' and 'planning'. The gap it identified in this respect led directly to the establishment of the Netherlands Institute for Social Research (*Sociaal en Cultureel Planbureau*, SCP) in 1973. To take a more holistic approach, the committee also recommended that a 'policy planning council' be established. This could provide a "digest" of "the possible long-term development of society as a whole, and of its subdomains", as well as suggesting "alternative options" for government policy.[31] The committee on interdepartmental task allocation and coordination (*Commissie Interdepartementale Taakverdeling en Coördinatie*), appointed in 1969 by premier De Jong and chaired by the then deputy minister of the Interior, Chris van Veen, concurred with that advice. Prior to the formation of the new government in 1971, the latter body proposed that a "scientific council for government policy" be charged with overseeing all scientific aspects of policy development, although it made no mention of tabling possible policy alternatives.[32] The new prime minister, Barend Biesheuvel, and his cabinet decided to accept this recommendation.[33] Since the Constitution required that any such permanent advisory council be established by law, in anticipation of the necessary legislation – and following preparatory work by Professor Johan Kremers (Psychology, Nijmegen) – a Provisional Scientific Council for Government Policy (*Voorlopige Wetenschappelijke Raad voor het Regeringsbeleid*) was established by Royal Decree on 6 November 1972 (*Staatsblad* 590). Its definitive act of establishment (*Instellingswet W.R.R.*) finally entered the statute book on 30 June 1976 (*Staatsblad* 413).

The fifty years since have seen an institutional *continuity* on the part of the WRR worth celebrating as it reached its half-century,[34] but that cannot hide

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30 Hirsch Ballin 1979: 9-13.

31 'Rapport van de Commissie voorbereiding onderzoek toekomstige maatschappijstructuur', *Kamerstukken II* 1970-1971, 10914, no. 2: 11.

32 *Bestuursorganisatie bij de kabinetsformatie 1971*, report of the committee on interdepartmental task allocation and coordination, The Hague 1971: 58.

33 'Bijlage bij het Eindrapport van de formatiewerkzaamheden van B.W. Biesheuvel,' *Kamerstukken II* 1971, 11389, no. 3, item D.2.

34 According to the Act Establishing a Scientific Council on Government Policy, the WRR is appointed for successive five-year terms.

the fact that the political history of the same period has largely been one of *discontinuity*. The long-term tidal changes during this time can to some extent be dated: the beginning of the Thatcher era in the UK in 1979, the dismantling of the communist system in central Europe in 1990-1992, the attacks on the Twin Towers and the Pentagon in 2001, Vladimir Putin's announcement of a new course of confrontation at the Munich Security Conference in 2007,[35] the beginning of the banking crisis in 2008 and the massive Russian invasion of Ukraine in 2022.[36] These dates (and others can certainly be added to the list) all marked 'the end' of something; specifically, the end of a situation that – however they felt about it – people had come to accept as normal. Such events do not cause political and cultural movements to appear suddenly out of nowhere, or to vanish without trace. But for some people they are the starting signal to try to shape future change, for others a cue to fight back in order to preserve as much as possible of what is in danger of being lost.

At the time of the WRR's foundation, it was widely thought that scientific knowledge would enable the government to change Dutch society for the better ('social engineering'), steer the economy and effectively regulate the behaviour of individuals and other civil society actors. 'Integrated government' was the buzzword of the time. In practice, this was supposed to mean that policy and legislation were coordinated in such way that public policy domains were aligned with one another without losing their departmental autonomy. The structure of the WRR was consistent with this idea: a collegium charged, amongst other things, with building on the work of sectoral policy planning bodies, whose directors were made advisory members of the Council. Likewise its constitutional position: the WRR was established as a permanent body "to advise on matters relating to legislation and administration of the State", as per Article 79 (at that time Article 87) of the Constitution. Its intended pursuit of coherent, forward-looking long-term policy was enshrined in the act of establishment, and also an obligatory formal government response to its reports (Article 2, Article 12 *Instellingswet W.R.R.*). In this way the Council was linked to policy development. From the outset, though, it was accepted that the ambition underlying the WRR – the formulation of coherent policy – was linked only indirectly to moments of binding decision-making. With its standard, institution-centred argumentation, the explanatory memorandum accompanying the act of establishment made no mention of this open end. This resulted in a structural limitation to the *impact* of the Council's recommendations opinions, which has persisted ever since. The quality of

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35 https://en.wikisource.org/wiki/Speech_and_the_Following_Discussion_at_the_Munich_Conference_on_Security_Policy

36 Reckwitz 2017: 373.

government responses to WRR reports varies widely. Sometimes they are little more than a complacent reaffirmation of existing policy, but on other occasions they seize upon the Council's advice to initiate new developments.

In my PhD thesis, defended in 1979, I investigated the relationship between the functioning of the WRR and actual policymaking and law-making by considering two aspects: the possibilities of a common ground furthering rationality, and the creation of a new form of 'policy planning' legislation in the formal sense – that is, a form with parliamentary involvement. The latter idea was in line with the desire that emerged in the 1970s to make policy a matter for deliberation between government and parliament, by means of formal memoranda. The 'core regional development planning decisions' procedure mentioned earlier was an example of this, and that kind of procedural formalization could equally be applied to decision-making in response to WRR reports.[37] In the line of thinking developed at the time, in order to preclude vague and non-committal government positions the act of establishment could be amended to include an obligation on the part of government to adopt a concrete standpoint and, in the case of long-term policy, to table programming legislation for its implementation.[38] That has never come to pass, however, and nor is it likely to any time soon, although there may be other reasons now to consider creating a new type of legislation.[39]

37 Hirsch Ballin1979: 176-191.
38 Hirsch Ballin 1979: 207.
39 Hirsch Ballin 2019: 13-43.

4. The WRR in the age of the new political economy

This pursuit of planned, rational government policy superseded the primarily perpetuating approach associated with fixed ideas of Dutch society and the people living in it. Or, to put it another way, codifying legislation was supplanted by modifying legislation. From the late 1970s onwards, however, the concept of 'social engineering' began to encounter increasing opposition – in part because it was attributed to ideological socialism, but also due to the regulatory pressure and financial overload it was seen as engendering.[40] The response, however, went well beyond a course correction. Neoliberalism and its increasingly tight embrace of public policy affected not only the pursuit of long-term policy goals but also the very possibility of formulating them in the first place. The ongoing lack of adequate national energy and climate policies are just two examples of this.

The political tide that had created the desire to shape policies for the future was thus already turning in the decades immediately following the establishment of the WRR. A year after it came into being, in 1973, prime minister Joop den Uyl's government took office after an extremely difficult coalition-forming process. It positioned itself as an administration of renewal, committed to strengthening the public sector. The WRR, still provisional at the time but finally established by law as a permanent advisory body during Den Uyl's premiership, was a perfect fit with that aspiration. Long-term policymaking, after all, was regarded as exemplifying the ideology of social engineering. By the second half of the decade, however, that concept had already begun to acquire a bad name. In response, a much older ideology, neoliberalism, finally gained the upper hand politically, first in the UK and the US, but eventually also in continental Western Europe. It brought with it a far-reaching second wave of politico-economic contingency opening, with the focus this time not on state intervention but instead on the supposed salutary benefits of the market as an engine of change. The dynamism of economic liberalization was evidently so strong that it could be taken in many directions politically. In Western Europe, it generally went hand in hand with further cultural singularization. As for the Netherlands, economically and culturally liberal views found a home on the right of the political spectrum.[41] Simultaneously some curious alliances were formed elsewhere. In South America, for example, some authoritarian military regimes embraced neoliberal economics.[42]

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40 Reckwitz 2017; Van den Braak & Van den Berg 2017: 486-487, 498-504.
41 Oudenampsen 2018, 2021.
42 Biebricher 2012.

The squaring of the contingency opening meant that the future was seen as not amenable to forward policy planning. In other words, it was not inevitably contingent. The programmes implemented in the Netherlands to reduce public spending and promote deregulation reflected this incoming political tide, albeit in a somewhat diluted form compared with the US and UK due to our coalition-based system of government. But they were still more drastic than in France, for example.

These developments obviously affected the role played by the WRR. Views and expectations related to public policy still centred primarily on the nation state at the time the Council was formed, but it was not long before that started to change. Ever-greater international interaction in the economic, political and cultural domains increasingly undermined the national character of politics. The Marxist-Leninist system in Eastern Europe became unsustainable just as neoliberalism – which positioned itself in the Western world as the alternative to social democracy – was in its ascendancy, a period that will forever be associated with the names Mikhail Gorbachev and Ronald Reagan. In the Netherlands, meanwhile, in the years 1977-1982 economists had paved the way for political acceptance of the neoliberal thinking enshrined in public choice theory and the concept of the "new political economy" characterized by reduced government spending and wide-ranging deregulation.[43] In this environment, the ambitions underlying a lot of comprehensive long-term policy planning became untenable. Instead, the future was perceived as a place of unfettered market and society dynamics.

Inevitably, all this gradually changed the WRR's modus operandi. In its early years, under founding chair Professor Johan Kremers, the Council tried to live up to its statutory remit as a thinktank for a forward-looking government. An approach that was politically relevant in a non-partisan manner was paramount, but the Council's first short reports confined themselves to topics like relations between the economically active and inactive sections of the population, aspects of the knowledge economy and – despite its small scale by today's standards –increasing immigration. It soon became apparent that the organization was not venturing into advisory documents for long-term policymaking. In 1974 it decided to set up a committee for a general survey of the future (*Commissie Algemene Toekomstverkenning*) chaired by Professor Johan Salomon Cramer (Econometrics, University of Amsterdam) and comprising several of its own members as well as 20 experts, some drawn from the sectoral policy planning bodies. When this committee submitted its report, the WRR confined its response to marginal comments. In 1977, just after

43 Mellink & Oudenampsen 2022: 137-160.

the end of its first statutory term and with Wim Schut now acting chair, the Council issued the final document under the title *The next twenty-five years. A survey of future developments in the Netherlands*. This set out two alternative scenarios based upon different assumptions about the extent of future annual economic growth: a steady 3 per cent and a decline to zero. Possible shifts in social values and norms were explicitly disregarded. The scenarios considered covered the period up to the year 2000 and revealed a number of likely 'bottlenecks': unemployment, environmental pollution, reduced biodiversity, the degradation of nature, excessive use of energy, reduced legal security due to fewer rules, suburbanization and loneliness.[44] Not much was left of the idea that public policymaking should be geared towards creating a desirable future.

Under the Act Establishing a Scientific Council on Government Policy (Article 12, second paragraph), the prime minister in his capacity as minister of General Affairs should have informed the Council of the Cabinet's findings in response to this report.[45] When the time came, however, he saw no need to do so. Whilst the document did undeniably create food for thought, after all, not even the WRR itself regarded as a basis for operational recommendations.[46,47] Just five years into the Council's existence, then, and with the Den Uyl government nearing the end of its term even more polarized than at the beginning, the idea of comprehensive future policy planning was abandoned altogether for the time being.

Nevertheless, this first 'future survey' was followed by a second attempt at one. Under the chairmanship of planning specialist and former civil servant Professor Theo Quené (Town and Country Planning, Wageningen), in its second statutory term the WRR took another step towards issuing recommendations for long-term policy. In 1980 it published the first part of *A Policy-Oriented Survey of the Future*, and this time it did consider changes to 'values and norms' and the possibility that policy could be used to guide them. This described itself as taking a new approach compared with the previous study, in which "virtually no attention was paid to social, political and ideological antitheses".

> *"And yet an image of man emerges which more or less fits in with the high growth or A-variant of the [first study]: he is an individualist and a materialist, who is strongly oriented towards satisfying needs,*

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44 WRR 1977: 23-27.

45 The Council can then request that it exercise its right of reply to those findings (third paragraph), but for reasons that are unclear it never (or no longer) does this.

46 WRR 1977: iv.

47 Hirsch Ballin 1979: 173.

> *acts instrumentally, is confident of the capacity to solve problems by science and technology and believes economic growth to be necessary in order to solve social problems."*[48]

Eschewing such 'depoliticization', the Council now took the position that policy formation for the future should express political outlooks based upon explicitly normative views, notwithstanding that 'in Dutch politics there has traditionally been a tendency to treat social questions as apolitical and that this tradition has been reinforced by the emphasis on the scientific and technical nature of government policy and the shifting of the emphasis in society from principles to interests.' The Council confronted this tendency with the in recent years "growing interest in reformulating fundamentals and declarations of principles. This future survey is designed to back this countermovement and thus act as a force to stem the tendency towards a pressure-group democracy."[49]

To avoid accusations of political bias in its recommendations, whether toeing or opposing the government line, the WRR chose to juxtapose different scenarios. This approach allowed political choices to be discussed 'neutrally' in what was now a more combative climate. In the submission letter accompanying the first part of *A Policy-Oriented Survey of the Future*, the Council acknowledged that it was "perhaps not so reasonable" to expect the government to adopt a position on the report. For the second part (1983), however, it did explicitly request such a response. That second report presented a matrix of perspectives on sixteen specific policy fields, each seen from a Christian, a liberal and a socialist point of view and in each of those cases taking both a "technocratic" and a "sociocratic" approach.[50]

The requested response to this document never materialized. According to the WRR report on its second statutory term, that was because the recommendations made did not warrant one. But in fact it expressly contained no recommendations at all. What it did provide, though, the explicit linkage of particular policy perspectives to particular political outlooks,[51] was precisely what made it so hard for the government to state its position on the outcome. It, after all, was a coalition endeavouring to implement a programme based upon a negotiated compromise between competing visions of politics and society. Any firm opinion one way or another on a report of this kind would

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48 WRR 1980: 8. The second part, subtitled *Towards a broader perspective*, appeared in 1983 (no. 25). Although this was after the beginning of the Council's third term, that document was very much a product of the second.

49 WRR 1980: 8-9

50 WRR 1980: 325-339.

51 *Verslag van de Tweede Raadsperiode* (preliminary study 33), 1983.

only throw its internal divides into sharp relief. In its attempt to remain politically neutral, the WRR had thus confronted the government with choices that it simply could not make in the context of the coalition-based Dutch constitutional system.

In the meantime, prime minister (from 1982) Ruud Lubbers had embarked down a path that represented an alternative to this established order. Looking back now, his programme can be interpreted as an attempt to further the economic contingency opening. A Christian

Democrat leading a centre-right coalition, Lubbers had been converted to a moderate form of supply-side economics[52] that nevertheless retained the fundaments of the post-war settlement. His first two governments (1982-1986 and 1986-1989) therefore pursued their own agenda, shaking off the political aporia of policy-oriented future thinking. For the WRR, these were lean times; all ideas of a planned future had been abandoned, but the organization had yet to find a new role in a world of political economic liberalization. Lubbers himself makes no mention of the Council in his memoirs, other than stating in an aside that he had no interest in becoming a member when offered such a position during a period out of political office in the late 1970s. Other political memoirs and parliamentary histories of the time do not paint the WRR as a politically significant actor either, although that does not of course rule out discreet influence.

This situation was playing out against the backdrop of a reversal in political thinking described above that swept the Western world in the 1980s. Perceived overregulation and government profligacy, with ominous consequences for longer-term debt, were seen as necessitating a course correction. 'Liberation' was to be achieved by leaving more tasks to the market and self-regulation. The neoliberal political economy espoused by Ronald Reagan and Margaret Thatcher, in particular, gained widespread appeal. But it went so far in championing 'self-reliance' that it frequently left the vulnerable – first in the UK and later elsewhere in Europe – to their fate, a failing that in the Netherlands has only to some extent been corrected gradually since the term of the second Rutte government (2012-2017).

The idea that the relationship between government action, market forces and self-regulation needed to be reviewed was also reflected in reports from the WRR. In one entitled *Environmental Policy* (1992), for example, the Council

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52 Brinkel 2020: 106.

advocated greater use of "instruments that focus on mechanisms of transaction and persuasion".[53]

The criticism of institutions and of the functioning of the welfare state affected the WRR in two ways. With regard to its task of actively shaping the future, a backlash had quickly emerged. The ambitions of the founding era were largely abandoned under the influence of the political theory and economics of neoliberalism; the future was now conceived as an essentially uncontrollable contingency. But lost sight of in that process was the fact that abandoning the illusory aspirations of social engineering should not degenerate into policy rudderlessness. With deregulation, the government had stripped itself of a lot of opportunities to influence economic and social developments.

The WRR had limited impact in that dead water, although nevertheless it did still manage to make a difference in a variety of public policy domains through thematic reports such as one on social security. Moreover, the organization became susceptible to criticism that it was part of an extensive, largely self-affirming system of public advisory bodies whose members and personnel were closely linked with existing power and governance structures. Political initiatives to implement change and more proactive policies often met the response that they would give rise to 'tensions' with the existing situation – which was true in itself, but also exactly what was intended. Proposals for new legislative measures to bolster the fight against organized crime, for instance, attracted critical commentaries from the Council of State.

The stultifying effect of the advisory system, not to mention its high cost, led the Cabinet – acting on a proposal by the ministers of Justice and the Interior – to abolish the government obligation to consult advisory bodies with effect from 2 July 1992. Their support staff was also reduced substantially. Despite the appreciation it still enjoyed, this move also affected the WRR. Behind closed doors, dissolving the WRR was considered– a move only averted when the former secretary-general at the Ministry of Economic Affairs, Professor Frans Rutten (Economics, Rotterdam), chair between 1 July 1990 and 1 January 1993, was succeeded by the lawyer Piet Hein Donner, up until then a senior adviser at the Ministry of Justice.

The WRR was having to adapt. The decisions by the prime ministers of this period (1990-1998) to appoint former civil servants to chair the organization points to a need to link its work to more topical political issues. More forward-looking aspirations faded into the background. In any case, there would

53 As per the submission letter accompanying WRR 1992.

have been less and less interest in them as the neoliberal world view became increasingly dominant in Dutch politics during the last decade of the century. That, after all, held that, as long as market forces were allowed free rein, society would take care of itself (the so-called 'invisible hand').

The socioeconomic reports issued by the WRR in the mid-1990s aligned wonderfully well with the neoliberal political climate. *Social Dichotomy in Perspective* (no. 50, 1996), for instance, argued (in the words of its submission letter),

> *"that, contrary to popular belief, the medium-term chance of harmonious sociocultural development has increased in the 1990s. The main task for policy now is to ensure that the progress made by the population as a whole also benefits low-skilled people who lack a connection with the labour market. The creation of more simple employment is, given the increasing importance of labour as a framework for integration, the best way to counteract division in a further individualizing society."*

In the report *From Sharing to Earning: Considerations for Social Security in the 21st Century* (no. 51, 1997), the WRR advocated replacing the traditional system of social security – which it believed to be unsustainable due to factors including the ageing population – with an approach whereby "activation policy" – meaning more incentives to "fend for oneself", as it was framed politically – and allowances would take centre stage.

No government position on these two reports reflective of the political climate of the time can be found in the parliamentary papers, other than a note of appreciation for *From Sharing to Earning* and two other WRR publications in the explanatory memorandum to the Ministry of General Affairs' 1998 budget. "The government," this reads, "considers the aforementioned reports significant with a view to formulating policy for the next coalition period."[54] But this did not mean that the WRR always served up reports that chimed with the line already formulated in The Hague. *Orde in het binnenlands bestuur* ('Order in Domestic Administration', no. 49, 1995) prompted a government response the following year that rejected the Council's recommendations in harsh terms. The WRR was thus most appreciated politically when it behaved as a pro-policy 'thinktank'.

54 *Kamerstukken II* 1997-1998, 25 600 III, no. 2: 3.

5. The WRR in the crisis years and after

When the first cracks in laissez-faire neoliberalism began to appear in the early years of this century, that also created scope for an overhaul of the WRR's remit. The attacks of 11 September 2001 on the Twin Towers and the Pentagon marked a turning point in attitudes. The crises of the early twenty-first century put paid to the illusion that globalization would automatically bring peace and increasing prosperity to the entire planet.[55] Science identified international relations and other worldwide interactions as a complex, and by its nature unstable, system.[56] The lack of available tools to manage that system undermined the former optimism of the Western world, not to mention the confidence (*Zuversicht*) that enables people to live with contingency.

Loss of confidence in turn begets unease, impairing the relationship between politics and ordinary people. The interpretation of the events of 2001 as part of an insoluble cultural conflict only reinforced this unease, and in many places dented social cohesion. A perception that intercultural coexistence involved unmanageable risks also eroded trust (*Vertrauen)* in government.[57] The WRR's intuitive response, certainly from 2004 onwards, was to focus more upon *comprehending tensions and activating precautionary measures*. In a sea change from previous decades, after the turn of the century political profiles hardly played any role in defining the composition of the Council or in its working methods. The recruitment of chairs and members primarily on the grounds of their academic qualifications, which now became standard practice, was supported by a new scientific climate. That saw a revival, albeit less ideological than in the 1970s, in the belief that science has a clear social responsibility. The report *De verzorgingsstaat herwogen* ('The welfare state reconsidered', no. 76, 2006), already mentioned above, is a case in point.

As a result, WRR reports and advice adopted a different tone. Drawing in part upon scientific insights, henceforth their purpose was to reconnoitre medium and long-term policy options but with restraint when it came to defining their practical political consequences. Examples of reports from this period that sought mainly to broaden readers' minds are *Weten is nog geen doen* ('Knowing is not doing', no. 97, 2017), *Better Work* (no. 102, 2020), *Sustainable Healthcare, A Matter of Choice* (no. 104, 2021), *Money and Debt* (no. 100, 2019)

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55 Cf. Reckwitz 2019.
56 Holland 2014; Mainzer 2005.
57 For the distinction between 'trust' and 'confidence' as used here, see Luhmann 2001: 147-148.

and *Mission AI* (on artificial intelligence; no. 104, 2021). What all these share is a new and different perspective, designed to better understand and deal with complexity.

The political audience was meanwhile becoming increasingly fixated on remedying dissatisfaction amongst various electoral groups. Voter surveys using tools drawn from marketing research encouraged political parties to focus upon particular target groups. Recommendations from advisory boards aimed at instigating fundamental change were often dismissed on the grounds that it lacked public support or the necessary resources were unavailable (which always really meant that other, established priorities came first). The fact remains, however, that group-based politics is systemically unsuited to the development of policies that embrace shared perspectives.

Even those parties that did share a broad common view of public service abandoned that stance, or at best reduced it to non-committal generalities, in order to respond as best they could to the 'wishes and concerns of the electorate' (in other words, of their specific voter base). Many of these concerns were fuelled by the acceleration of an international economic and technological dynamic[58] that politicians were powerless to resist, in part because they had previously divested themselves of control over public services. Political controversies became most acute in those domains where the impotence was most keenly felt, such as European integration and migration. A structural discrepancy thus emerged between what people experienced as deep-seated problems and a political system capable only of makeshift repair jobs. Wishes and expectations, meanwhile, were still vested primarily in the nation state, but that picture also needed to be changed. The WRR had devoted its very first report to the European communities, and it continued to pay attention to European developments until a few years ago.[59]

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58 Rosa 2013.
59 See WRR 2018 and the revised English edition Hirsch Ballin, Ćerimović, Dijstelbloem & Segers 2020.

6. A story for the future

Disentangling complex issues

The aspirations of long-term policy in the 1970s were rooted in a public sphere (*Öffentlichkeit*) that had become self-confident, believing that it could bring the contingency of the future under control. Divisions around this aim soon tempered expectations, however, and led to disillusionment. That development was reinforced by new, more far-reaching contingency openings, which appeared as a reaction to excessive ambitions and the associated financial burden. Liberal political currents building on this trend were reinforced and even radicalized by a generally welcomed, but sometimes anxiously received, opening-up of the world (globalization, with localization as a weak counterforce). That, however, also brought with it global interdependency to previously unprecedented degrees and forms. This is where complexity theory comes in. The growth in knowledge about the interdependencies on our planet teaches us that, even when they can be modified by human action, they are no longer under human control. That is the reality of the Anthropocene: we live in a hypercomplex world that we cannot fool ourselves we are in control of.[60] Its division into numerous nation states is just one part of that complex reality.

In its fifth decade, the WRR has focused heavily upon disentangling complex issues and revealing the real connections that hold them together in order to create space for new policy perspectives. The political responses to these efforts have so far often followed a familiar pattern: the powers that be consistently argue that they need to put off formulating policy because they are still not sure what to do (or do not consider it necessary, as with strengthening the national knowledge infrastructure per the government's response to the WRR report *Security in an Interconnected World*[61]). Factions that discount science continue to undermine the ability to face uncomfortable truths. Council reports are 'welcomed', recommendations much less so, and the official responses are often mainly procedural.

What we need to know anyway

The WRR's desire to disentangle complex policy issues is all the more significant now that some forces in politics and society are adding to the confusion with fake news and orchestrated mistrust of scientific knowledge, with the aim that ultimately an authoritarian regime be seen as the necessary answer to the nation's woes. In the face of this threat, and building substantively on the type

60 Cf. Mazower 2012.
61 *Kamerstukken II* 2017/18, 33763, no 141: 3.

of reports it has been issuing in recent years, the WRR needs to focus more intently upon the societal significance of public policy and what its absences can entail. Failure to take adequate precautions to address issues around security, poverty, the climate, migration, sustainable healthcare, infrastructure and institutional resilience produces a vacuum that other, malign forces will fill. Internationally, this process is already in full swing.

Democratic openness provides a constant test of trust in public officeholders. Our elected representatives' awareness that this applies to themselves and their parties every time the nation goes to the polls encourages them to fulfil their key task of scrutinizing the work of ministers and other public officials. This responsibility encompasses prospective policy through, say, responses to policy papers or parliamentary bills. However, the actual politico-cultural climate is more focused on 'event-driven politics' (*Ereignispolitik*)[62] than on 'planned politics'. Nor do the prevailing methods used to garner political support really lend themselves to forward planning. In any case, not everything can be foreseen and even less can be controlled in advance. The fact that contemporary politics avoids venturing into medium or long-term policymaking can also be explained by a lack of consensus and the absence of executive authority in the form of steering and guidance powers. Moreover, these two factors are mutually fortifying: without adequate ability to follow it through, there is little point in even initiating long-term policy. In the public's eyes, this powerlessness is another deterrent to putting trust in political institutions. To reach voters nonetheless, political marketing has become the dominant tool, over and above policy substance. Democracy cannot thrive, however, if that marketing assumes the character of ideological propaganda.[63] In this respect, democracy is intrinsically linked to the rights and freedoms of the rule of law.

All in all, then, contemporary Dutch politics has withdrawn from policymaking for the future and instead sought refuge in communication-led self-assertion within defined socio-economic and cultural bubbles. This represents a regression back to the predemocratic period, reminiscent of so-called 'Balkan ghosts' that reared their heads during the Yugoslavian civil wars of the 1990s, with the result that the democratic constitutional state now lacks a shared idealistic basis for an inclusiveness relevant to its current class structure and cultural diversity; the democratic ethos is being rejected when it also makes demands of people, a phenomenon only exacerbated by the current economic downturn. And not just here but also in the poorer parts of the world, which have already accepted the embrace of Russia and China.

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62 For the role played by this phenomenon in European politics, see Van Middelaar 2021.
63 For more on this, see Cwalina & Falkowski 2022.

This democratic constitutional vacuum, in part the product of a lackadaisical attitude towards globalization, is being filled by identitarian movements that regard their political activity as a form of struggle and are organizing in an extreme form in camps, detention centres and military units. But with relevant knowledge, alternative developments can be set in motion – as long as the necessary research looks for outcomes that are possible to achieve collectively. Visions of the future can only be politically meaningful if they extend beyond the visionary ideal and hold out the prospect that they can actually be realized: pathways to an inspiring future.

Although it still formally advises government, the WRR more and more seems to consider the political arena and the public at large as its real audience. Nowadays, it holds public presentations of its publications and takes part in all kinds of discussions. This shift also chimes with the choice to use its reports more to raise awareness and to broaden minds than to deliver public policy recommendations translatable into binding decisions. But this should not lead ministers to ignore them even more than is already the case.

Legitimizing and underpinning risk management policies

Politically necessary and relevant knowledge thus concerns facets of a hyper-complex reality. In particular, it is about where interventions make sense in order to protect vulnerable interests. But that should not amount to a return to the ambitions of comprehensive, control-oriented public policymaking. The work of German sociologist Armin Nassehi shows that such a development would be doomed to failure. Whilst modernity's division of labour has made relatively effective interventions possible, it is in times of crisis that their effectiveness reaches its limits, necessitating the abandonment of 'total' policy and of complete control and coordination.[64] "Democracy," Nassehi writes, "is a brilliant form of decision-making, but people sometimes choose wrong solutions. Science can accomplish unimaginable things, but precisely because of this it cannot satisfy the expectation of unambiguous solutions. Law can normatively regulate all kinds of things, but only in the context of a consistent interaction of guaranteed, adaptable rights."[65]

The latter observation suggests that democratic governance in the form of a constitutional state must learn to accept the inherent limitations of administrative political ambitions. The numerous crises that have defined the first decades of the twenty-first century – due to international terrorism, the collapse of banks, cross-border criminal structures, civil wars, disorderly

64 Nassehi 2021: 386.
65 Nassehi 2021: 387.

migration and a pandemic, and in the Netherlands also the child benefits scandal and earthquake damage caused by natural gas extraction – are attributed primarily to failures of governance and/or the market. Yet the functional differentiation found in modern societies implies that disruption of one subsystem by another – a characteristic of all the crises mentioned – is very difficult to avoid. This is what gives rise to the widespread discontent in trust-built societies that Nassehi makes the core subject of his book: overexpectations, often fanned by electoral promises and other propaganda, simply cannot be met. Restoring trust, however, is impossible if attempts are made at imposing overall control, which are bound to fail. Without respect for these inherent limitations, all that happens is a fostering of further unease. This is evident from the recurrent accusation that 'politics' does not deliver on its promises, even though elected officials and civil servants themselves feel 'overburdened' by their task.

Against this backdrop, Nassehi points out that, when it comes to issues like climate and mobility – and recently the Covid-19 pandemic, too – society is proving more or less ungovernable.[66] Risks to the social order and to people's prospects in life can only be managed by recognizing the threats risks and pursuing policies targeted to cope with them.[67] That in turn requires forward-looking policymaking – as opposed to the reactive 'event-driven politics' mentioned earlier, which is what politicians do often focus upon. But 'forward-looking' here does not mean a return to the desire to control the future; rather, we should look ahead in the full realization that our decisions can never totally overcome the perilous complexity of the world we live in.[68] Through collective action, though, the risks we face can be reduced to a level we are able to live with. Here in the Netherlands we have already gained plenty of experience with such precautionary measures, in everything from support for career choices to dykebuilding, and from safety regulations to private, collective and social insurance.[69]

This approach requires a knowledge of real-life interconnections and interactions, but no longer with a view to achieving the unachievable: total control. That knowledge is now about identifying those situations in which policy and legislative adjustments can provide protection against dehumanizing and nature-destroying developments, and retain or make space for personal and communal life projects.

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66 Nassehi 2021: 426.
67 Nassehi 2021: 389-391.
68 Nassehi 2021: 411.
69 Cf. Nassehi 2021: 394.

For the sake of continuity during their term of office and to ensure re-election, political officeholders have no choice but to pay close attention to their trust base; if that shrinks too much, their effectiveness is finished. This explains why topicality and accountability for the recent past dominate political communication. Despite these harsh realities and the power of political 'jetstreams', the task for which the WRR was created, as currently interpreted is not necessarily a mission impossible. It remains possible to decide democratically that, once initiated, policy be allowed to run its course even after the underlying political mandate expires.

The relationship between continuity of political office and policy continuity is an ambivalent one. In the democratic political cycle, the present and the recent past tend to crowd out longer-term perspectives. Parliamentary inquiries and independent reviews usually focus upon establishing facts no more than a decade or so old, and are often followed by a reckoning with the officeholders held responsible for the shortcomings that always emerge from such investigations. Politicians, meanwhile, like to declare that it is important to learn lessons from the findings, even though the resulting recommendations often relate more to organizations and work processes than to policy. The conclusions of the parliamentary inquiry into the 1992 Srebrenica massacre could have been relevant for later military missions in Afghanistan, but the events of 2021 gave no indication they had been considered.

The Dutch parliament's constitutional right of inquiry and its governing legislation, the Parliamentary Inquiries Act (*Wet op de parlementaire enquête*), provide every opportunity to focus questioning upon the knowledge needed to look ahead. That is, knowledge for the purpose of long-term policymaking. This rarely happens, however; at best, it emerges as a by-product of a retrospective review. One notable exception, in that it was entirely forward-looking, was the parliamentary inquiry of 1881-1882 into the operations of the Dutch railways. Its consequences – a grouping of the railways into a limited number of companies and eventually a single national operator – shaped the network for more than a hundred years. Not until the last decade of the twentieth century were they overturned, but this time without proper research into the effects of the reforms for transport system and its operations. Decisive in that change were neoliberal economic theories enshrined in European Directive 91/440, which was understood in the Netherlands as entailing rigorous degrouping. The Fyra inquiry of 2015, the only one in recent times to consider railway matters (specifically, a series of issues around the new high-speed line between Amsterdam and Brussels), did not probe underlying questions of economic regulation.

A parliamentary inquiry into climate change or the future of agriculture would certainly have made sense in recent decades – and still would now – but there has evidently been a lack of political will to initiate either. And whilst the 1994-1996 inquiry into police investigative methods did also commission in-depth studies into the seriousness and extent of organized crime in the Netherlands, its recommendations – and public interest – focused mainly upon regulating the police.[70] The degree to which social and economic factors promote or inhibit organized crime was not yet on the political agenda.

Yet another approach is possible. There are already examples of this alternative in public policymaking, such as the way decisions – legislative (in terms of codification) as well as substantive – are made with regard to major infrastructure projects. The WRR addressed the social value of infrastructure at a symposium in 2018.

> *"The importance of infrastructure extends beyond the primary functionality of an electricity cable, a railway line or a transmitter mast. Physical access to and the affordability of infrastructure facilities are essential for every citizen to participate in society, both economically and socially."*[71]

That link provides an example of how government action can help mitigate hazards – floods, rail and road accidents and so on – to a level where the risks are manageable, and hence strengthen public trust. Because if people trust that they will be able to carry through their personal and professional plans, they will also place trust in public institutions. Such arrangements and institutions need to be grounded in legislation; not only is that a basic requirement in a constitutional state, it is also a way in which legislation – as the outcome of democratic decision-making – can contribute towards trust in the future.

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70 In its final report, the committee of inquiry wrote, "It is difficult on the basis of this information to provide an informed opinion concerning the nature and extent of organized crime in the Netherlands. In a previous paper on the topic, De georganiseerde criminaliteit in Nederland (1992), the Minister of Justice drew the following conclusion: "The threat posed to Dutch society by modern criminal organizations should, in our opinion, be taken very seriously because of its far-reaching economic and moral implications." That verdict was not substantiated with qualitative research, however. Our knowledge of the phenomenon of organized crime has undoubtedly increased in recent years, with the main emphasis within the police and judiciary being quantitative analyses based upon the CRI model. The committee believes that a better qualitative and quantitative picture both of organized crime can be drawn. In recent years, in the committee's view, such a picture has been lacking." (Kamerstukken II 1995-1996, 24072, no. 11, par. 2.3.3).

71 Corien Prins, current chair of the WRR, in the foreword to Idenburg & Weijnen 2018: 7.

Living with complexity

The early years of the WRR were a period of grand democratic ambitions. No longer would these allow themselves to be held back by outdated sociopolitical structures: the time had come to use scientific expertise to reach far into the future. But now, half a century later, leveraging democratic politics to shape a future for our nation built on scientific know-how and techniques looks in every respect like an illusion from a lost past. One fact of democracy alone, the limited terms of elected governments, forms a systemic obstacle to the long-term policymaking on which the WRR is supposed to advise. Even if it is not brought down early by internal rifts or external pressures, the four-year life of a Dutch governing coalition is very short in the context of public policy planning and implementation.

Authoritarian systems, by contrast, are unencumbered by this limitation: the regime can capitalize on its position of absolute power over many years. Systems of this kind are usually configured to exploit a nation, its resources and its people for the self-interest of the ruling élite or a dominant section of the population. Both historically and currently, however, there are also authoritarian political administrations less subservient to the self-interest of those in power; they focus instead upon a future for society as a whole in a form deemed desirable by a select group. The Chinese Communist Party, for example, which sees itself as the vanguard of the nation, designs and realizes plans over a timeframe of several decades. The price paid for this is the stifling of all dissent and the subjugation of dissident populations, such as the Uyghurs in recent years. The use of authoritarian means to curb the functional differentiation that can frustrate public policy are not limited to the Far East, however; the 'states of exception' defined by Carl Schmitt and his followers as a hallmark of a strong sovereign state[72] are invoked in Europe as well. As recently as 11 April 2023, the Italian government declared a state of emergency in response to the mass arrival of migrants by sea – a crisis indeed, but still one it should be possible to face with respect for the law.[73]

The reality the WRR, the government and parliament have to navigate today is a complex one. The comprehensive, 'integrated' government policymaking envisaged when the Council was first founded is no longer tenable due to the irreversible functional differentiation of modern society. Traditional Christian and social democrats are sometimes tempted to try to re-exert control by

72 For the relationship between Giorgio Agamben's work on 'states of exception' and Schmitt's, see Geulen 2005: 66-83, 138-142.

73 https://www.today.it/attualita/stato-emergenza-migranti-2023.html; for more on this, see Nikolaj Nielsen 2023.

erecting cultural fences, but they never hold.[74] The future of the Dutch nation future is inextricably intertwined with that of other countries – first and foremost the other members of the European Union, but in many respects the rest of the world as well. In its quest for ever-increasing mastery of life on earth, ultimately humanity is increasingly being drawn into processes that it will no longer be able to control. We have now entered the Anthropocene, an epoch characterized by complexity; and, more specifically, by a constant risk of long-term destabilization as exemplified by the climate emergency and the current international security crisis.

The reaction to this turn of events, in the Netherlands and elsewhere, sometimes takes the form of a nostalgic desire to reconstruct the simplicity we have supposedly lost behind secure territorial and cultural borders. In this chimera, the idea that policy issues are necessarily complex is considered a fallacy; we only make them complex, the reasoning goes, because we are failing to restore our national political capacity to act. What is needed is tighter guarding of our national borders and a stronger defence of the distinctive character of Dutch politics and society. In reality, however, neither the most profound developments affecting our world nor human compassion will allow themselves to be restricted territorially.

The fact that the democratic political cycle is time-limited in scope not only acts as a safeguard against the abuse of power, as mentioned, it also restricts the ability to prevent calamities. The current climate emergency is a painful example of this, as is the security crisis. To ensure that the interests of future generations are taken into account in line with constitutional or international treaty requirements, judicial rulings like the Neubauer judgment by the German constitutional court (*Bundesverfassungsgericht*) are needed. In that case the court found that the protection under basic law of the human body, life and health and of the climate applies not only to those living today, but also to people yet to be born. The government is thus obliged "to treat the natural foundations of life with such care and to leave them in such condition that future generations who wish to carry on preserving these foundations are not forced to engage in radical abstinence".[75] This meant that the necessary policies must be introduced without delay.

In its Urgenda judgment on greenhouse gas emissions two years earlier, the Supreme Court of the Netherlands (*Hoge Raad der Nederlanden*) deduced from

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74 Mark Elchardus radicalizes this tendency into an embrace of right-wing nationalist thought; Elchardus 2021.

75 Judgment of 24 March 2021, ECLI:DE:BVerfG:2021:rs20210324.1bvr265618, guiding principle 4.

the intergenerational chain of obligation enshrined in the UN Convention on Climate Change, in conjunction with the European Convention on Human Rights, that it was unlawful to put off remedial action. According to this ruling, "Any delay in reducing emissions therefore means that the reduction of emissions in the future will have to be ever more extensive in order to make up for the delay, both in time and in scope."[76]

Not only regarding the climate, the subject of both these judgments, but also on other major policy issues such as security, the fight against crime, decent work and migration, in this day and age the geographical confinement of democratic politics to national territories is obsolete. Recognizing the European and international perspective has become essential for the formulation and implementation of meaningful national policy.

The cases just cited align with a broader understanding, formed in response to crisis experiences, that political responsibility extends further in time and in space than had long been assumed. That is due to the real complexity of contemporary policy issues, not to mention the irreversible consequences of neglecting them. Prudence in democratic policymaking is intrinsically linked to a performative interpretation of the constitutional rule of law, with a focus upon actual implementation.

Ultimately, then, the rule of law requires that public tasks be performed effectively, regardless of all the inherent limitations mentioned. Bowing to those limitations, after all, could deprive future generations of adequate protection by fundamental rights and legal principles.

Underpinning trust

The above evolution in thinking about fundamental rights suggests where we might find the starting point for a recalibration of the development of law and policy. Those rights safeguard the lives and prospects of people living now and yet to be born, and are inextricably linked to their biotopes. Just as modern historiography has become more geared towards contextualizable life experiences as recorded in diaries, biographies and autobiographies, so law and public policy should be oriented more towards protecting and supporting people in their personal and communal life projects. Current political tensions are often related to failures in precisely this respect; in the Netherlands this applies to the child benefits scandal, the earthquake damage caused by natural gas extraction and the unrest in the agricultural sector, as well as the more existential uncertainties resulting from wars and climate change. Reducing

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76 Judgment of 20 December 2019, ECLI:NL:HR:2019:2006, par 7.4.3.

unease by identifying risks and developing preventive capabilities thus needs to be more than merely an administrative exercise: it should look to create opportunities for individuals and communities to conceive meaningful life stories of their own. Building on the new emphases in its work since the turn of the century, the WRR can be one of the places where those opportunities are considered and prepared.

Even in the midst of such complex relationships, we are not powerless. This is where the WRR can make a contribution through research, reclassifications and advice. In the resulting scenario, past endeavours to exercise comprehensive control – as I noted in the introduction, a pointless ambition if we accept Daniel Bell's analysis of the post-industrial society – make way for efforts to have a stabilizing efforts at points where complex systems are in precarious equilibrium. With regard to international security and social frictions in a migration society respectively, the WRR has already recommended exactly this approach in its reports *Security in an Interconnected World* (no. 98, 2017) and *Migration Diversity and Social Cohesion* (no. 103, 2020).[77] Stabilizing policies should not be conservational in nature, however, but instead need to recognize and respond to interrelationships in space and over time. Climate policy, generally accepted as an intergenerational issue, is a prime example of this, especially when it is perceived as also covering aspects of policy to combat poverty, achieve well-ordered migration and build peace.

It is with these findings that I conclude this essay centring on how the WRR can help restore and reinforce trust in democracy, its politics and its institutions. The practice of a future-oriented politics can only be relational in nature: citizens, their organizations and their businesses count on the government to pursue policies that make risks bearable. These relationships inevitably follow the modern pattern of functional differentiation and, as was noted when discussing Armin Nassehi's work, cannot be melded into a 'total' amalgam.

In a constitutional state, relations between government, citizens and organizations are rooted in democratically accepted legal norms and can be scrutinized accordingly by courts of law. This observation reiterates the fact that policy formulation can be understood in part as a form of law-making. In a democracy where public policy has to be grounded in legislation and expressed through acts of parliament and other instruments with legal force, it *must* be understood in this way. The intrinsic links here between policy and legislation – as well as 'the law' more broadly – ensure that people are not reduced to being

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77 See the revised English editions Hirsch Ballin, Dijstelbloem & De Goede 2020 and Jennissen, Bovens, Engbersen & Bokhorst 2022.

passive objects of policy, but – as co-actors – are active subjects in determining their own life paths. More and more, a degree of legal subjectivity similar to that of legal persons is attributed to other beings of the living world, perforce represented by human beings. This creates a legal duty, today enshrined in the concept of human rights, to look to the future.[78] Which in turn requires legal expertise as to what paths that can or should be taken. In the circumstances we currently find ourselves in, relevant precedents may be found in, say, specific human rights issues, climate law, migration law, the international law of peace and security and the rights of nature.

For the WRR, the upshot is that its ambitions today must be different from those it originally set out with in 1972. They are characterized now by a realistic sense of the time and space in which democratic politics operates, influenced by changes over the past half-century that have directly affected the nature of its decision-making. Back in the 1970s, public opinion was shaped in an arena that was circumscribed both communicatively and culturally. It was still only relatively recently that all Dutch citizens had been afforded full constitutional rights, a development typifying what Jürgen Habermas had called the “structural transformation of the public sphere”. As communication became more technology-based from the end of the twentieth century, however, it brought about a radical affirmation of the singularity of human lives. In line with numerous analyses by political scientists, Habermas interpreted this shift as a new “structural transformation”.[79] It is one that has radically undermined trust in community-building and community-affirming institutions, leading to political impotence.

This insight needs to be linked to the explanation offered by Armin Nassehi. Discontent, he claims, stems from unrealistic expectations. This applies equally to the comprehensive, integrated long-term policy so cherished by the WRR in its early days and the neoliberal messianism of the ‘invisible hand’ guided by market forces. In complex relationships, public policy can only help restore trust in democracy and the rule of law if its ambitions are realistic. In practice, that means focusing upon the mitigation of serious risks to Dutch, European and international society.

In this respect, each of the three fundamental values of democratic constitutionalism identified by David Halberstam – ‘voice’, ‘rights’ and ‘expertise’ – has an essential role. In short, we should aspire to a process of opinion-forming and decision-making in which everyone’s voice counts,

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78 Hirsch Ballin 2022a: Chapter III.
79 Habermas 2022.

everyone's rights are recognized and we draw on the best knowledge available.[80] With the will of the public and government focusing upon this goal, an ethos grounded in democratic rights can be put into practice.[81] Trust is not strengthened through control – a complete 'grip' of the situation, to use a political buzzword – but through the willingness and ability to bear risks.

Restoring trust in democracy cannot be achieved without the rule of law. If public policy is intended to stabilize society, after all, people need to be able to rely upon the law and its institutions when life chances and projects, economic continuity or social cohesion are put at risk. In the legislative process, this makes the traditional retrospective modus operandi – correcting what has gone wrong in some way or another – inadequate for the task in hand. Like the policy it governs, legislation will need to be forward-looking in order to mitigate the risk of destabilization – as both the European and the Dutch rules on nature conservation already do. And likewise, to cite a very different example, the regulations requiring financial institutions to maintain adequate buffers. The shift from a retrospective to a prospective legislative process in the context of experiences at the then still relatively young WRR was the starting point for my 1979 thesis, mentioned earlier, in the field of Public Law and Policy.[82] My interest in that topic was aroused in part by a comment made to me in a personal conversation in 1976 by the then the Deputy Secretary-General and former Director-General of the Ministry of Justice, W. J. van Eijkern: "Here, long-term policy is legislation."

Expertise of this kind requires institutions that provide input for the decision-making processes around public policy, legislation and governance in the form of reports and advice. To fulfil this task, the WRR must not only deliver 'knowledge' but also demonstrate its relevance. Advisory bodies often do this by claiming that some calamity is impending, and all too often they have good reason to so. But to motivate people to take action, it is at least as important that they can look to the future with hope. Which these days is not possible if we think purely nationally, excluding the rest of the world. Unlike what was assumed in 1972 – although even then it was an illusion – Dutch government policy can no longer achieve any meaningful say over future developments if it is conceived within an exclusively Dutch framework. In fact, national politics only becomes irrelevant if it fails to relate consequentially to European and international politics.

80 Halberstam 2010: 147,
81 See Hirsch Ballin 2022: Chapter 6.
82 Hirsch Ballin 1979.

Complex systems have no central control point, but that does not mean that the future is solely the result of unknown and uncontrollable developments. Over the 50 years of its existence, the WRR has had to relate and respond to tidal political, social and cultural changes. As often as not, the next upheaval presented itself before the previous one had even been processed, and that will continue to be the case. The Council can help ensure that current unease about the future is addressed through public policies in which people have confidence – not by returning to what was expected of it in 1972, but rather by focusing upon what is needed now to manage the serious risks of destabilization we the face in a world of inescapable complexity.

This is no small task, for which the dominant political discourse is hardly prepared. Many of the current and latent crises – such as those around migration policy, public housing and water management – are linked to global climate change and tilting international power relations. Preventing crises and disasters requires the early identification of developments with potentially destabilizing effects, whether these emerge from the natural world or from human society. To have the required impact, the resulting policies will need to be 'pre-emptively stabilizing' in nature. In other words, the risks associated with potentially destabilizing factors in the future need to be identified and the policy developed in such a way that it can be adjusted should they come to pass. During the policy development process, that goal will necessitate transgressing the boundaries of current political discourse in three respects: by pursuing an open, inclusive intersubjectivity based upon mutually respectful relationships; by conceiving Dutch government policy in interaction with other European and international actors; and by viewing not only ourselves but also future generations as stakeholders and virtual actors in current policymaking. *Policies in the dimensions of time and space* enable their life projects, their life stories that have yet to be told, or that have yet to be lived.

Epilogue: the WRR, democracy and the rule of law

The establishment of the WRR in 1972 suited the zeitgeist wonderfully well: a climate of optimism about opportunities to shape the future of society in a democratic manner. As author of a 1979 PhD thesis about the Council, I was fascinated by the possibility that the focus of law and its development could be veered away from the idea that the law is the fruit of its own history and instead be viewed as a legitimate and just means of ordering change. The necessary constitutional basis for public policy includes, alongside procedural rules, fundamental human and citizens' rights, both individual and collective. That basis is not just a constraint, then, but also a mandate.

As a new institution within the Dutch constitutional system, the Council was very welcome in the 1970s because it was expected to strengthen the modernizing power of democracy. Fifty years on, however, doubts abound as to whether the Dutch political system can still cope with successive crises and the continuing fragmentation of its democratic legitimacy, which are bringing provinces and the nation to the brink of ungovernability. A recent paper commissioned by the Minister of the Interior and Kingdom Relations describes a "government in continuous crisis mode" and, with justification, calls not only for government itself to be strengthened but also for more investment in "societal resilience and legitimacy".[83] That is pleasing to read. It is language very different from the expressions of mistrust typical of the previously dominant organizational model, with controls that can be either perfected or perverted by artificial intelligence.

In this political climate, the most pressing question is whether the WRR can be one of those institutions in the state system that helps citizens regain trust in the democratic rule of law. The possible impediments to that outcome have been investigated here and elsewhere: the unease evoked by a necessarily functionally differentiated government that fails to recognize its own limitations;[84] the 'translation' of socio-economic tensions into cultural and ethnic antitheses;[85] and a political discourse that places more emphasis upon mobilizing support around group interests than building shared commitment to a democratic constitutional ethos. All this seems to confirm Carl Schmitt's

83 Hornis & Sturgeon 2023: 15, 16.
84 Nassehi 2021.
85 Van Iperen 2023.

conception of politics as a struggle between friend and foe[86] – unless, that is, the moral realization prevails that cynical realism cannot be the last word.

In a book backed by empirical research, Sara Wallace Goodman has shown that a citizenry polarized between political friends and foes only further erodes the democratic rule of law.[87] People who perceive all events and information through a partisan lens are easily coaxed into supporting movements that – because they seek to vanquish opponents rather than persuading them – undermine democracy. Countries like the US and the UK, with their bipolar constitutional systems and 'winner takes all' elections, are more susceptible to this threat than nations with co-operative institutional structures (such as coalition governments) like Germany and – although outside the scope of Wallace Goodman's study – the Netherlands. This, however, does not alter the fact that such polarizing tendencies also occur here, and that they undermine the status of citizenship as a constitutional 'office' for the political community – which is what the Constitution presumes with its provision that "the States General shall represent the entire people of the Netherlands" (Article 50).[88] Instead, some groups of citizens now not only rally to their own interest-led parties but also retreat into their own online (and other) communication channels and their own reality bubbles. A process that is being intensified to the extreme by artificial intelligence. One of the consequences is that coalitions can only be formed and sustained with great difficulty, a situation that is becoming increasingly common at both the national and the provincial levels of government.

The WRR has a legally entrenched – and still socially accepted – role that is diametrically opposed to this kind of hyperpartisanship. As such, it is not just an advisory body for the government but one for the political community as a whole, and in particular for ordinary citizens fulfilling their political role. After all, the democratic rule of law lives by the ethos "that citizens of a political commonwealth are called to take responsibility not just for themselves, but also for others and for their shared future".[89] If the WRR steps up to that role and receives the resources and support it needs to fulfil it, it can help to ensure that democratic politics is not seen exclusively as a conflict between partisan positions, and law-making not exclusively as the exercise of power embedded in procedures. And rather that both are seen as working together in the service of peaceful coexistence, now and in future generations.

86 Schmitt 1932: 35.
87 Wallace Goodman 2022.
88 Hirsch Ballin 2022a: 256.
89 This response to the well-known aporia of the neutral democratic state raised by Böckenförde is worded thus in Hirsch Ballin 2022a: 75.

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