

Democracy Paradox Podcast

Russell Muirhead Warns Ungoverning Threatens Democracy (12/24/25)
Transcript

Introduction

Host Justin Kempf: Today's guest is Russell Muirhead. He is the Robert Clements Professor of Democracy and Politics and the co-director of the Political Economy Project at Dartmouth University. He's also the co-author, with Nancy Rosenblum, of *Ungoverning: The Attack on the Administrative State and the Politics of Chaos*. But to help me introduce today's episode, I've got with me Patrick McQuestion. He's a PhD student in his fourth year at the University of Notre Dame studying political science and peace studies, and also the co-host of the *Global Stage Podcast* that's produced here at the Kellogg Institute.

So, Patrick, I've been a big fan of Russ for years. I remember when he and Nancy had written their earlier book – *A Lot of People are Saying* that was about conspiracism and I thought that it approached democratic backsliding from a very different perspective. At the time, so many books were being written on the subject and they actually had a truly unique perspective on the subject. So I was excited to see their new book *Ungoverning*, because I think ungoverning is also another concept, another idea that's just very different than the conversations I hear about democratic backsliding today than anything else I'm seeing in the literature. So, I was very excited to talk to him. I mean, did you feel that ungoverning is an idea that is really different and unique from some of the other ideas that you see out there?

Patrick McQuestion: I think it is and I think their background is really important. Their research on conspiracy is brought to its next logical step. So if conspiracism proliferates, what are the outcomes? So, they really do an excellent job of describing ungoverning from that perspective.

Justin Kempf: It's definitely a unique perspective, and I found that the idea that the bureaucratic state is something that we have to understand within political theory and to understand when we think about democracy is a unique perspective and a unique insight. But at the same time, it also made me wonder. Is this something that is just a way to describe people who believe in limited government as being undemocratic? I mean, is this a way to box in political opponents and say we're democratic because we believe in government and

because we believe in this view of the way that things should be and you are anti-democratic because you're not in favor of governance.

So, I really pressed him in this interview. We really had a conversation about what ungoverning is and how it relates to democracy. And Russ makes the case that it's not as simple as saying that if you want less government that that's anti-democratic. He makes the case that it's, different and I think that the way that he describes it will surprise a lot of listeners. So, if you are somebody who believes in less government, I think you're going to find that this isn't as simple as saying that if you want the government to do less, that it boxes you into a position where you're opposing democracy. That's not quite what he's saying, and I found that really interesting. I found that to be a really fascinating way that the interview develops.

Patrick McQuestion: And he's very upfront with that perspective. In his book, in the first chapter, they contrast their concept with debates over government scope, deregulation, and obstructions of the political opposition. These are normal processes in any democratic system. But what distinguishes, ungoverning that they highlight is this conspiracy based coalition that underlies ungoverning. And also, the difficulty that the illegibility of the administrative state itself even for experts. So, there is a psychological dimension to their argument that I think is really novel.

Justin Kempf: At the same time, I do find that Russ is defending political expertise. He's defending science and he's defending elites. And by doing so, I think that there's a fine line between defending the administrative state and crossing a line into saying that the elites should have greater say than the democratic public. Now Russ explains how that's not the position that he's taking. But at the same time, I encourage listeners to think deeply about it because I think that's one of the challenges that we're having when we say that people who are elected through democratic elections are behaving anti-democratically. We have to explain what it is that makes them anti-democratic and how we can revitalize democracy when democracy is putting in power those political leaders. I mean, it's not an easy web to entangle.

Patrick McQuestion: No and expertise is a great subject in this book and in the interview as well. Expertise is also attacked by people that come to power through the democratic process as we're seeing now. Also administrative capacity need not rely always on expertise. You have processes that need to be followed and that lends the administrative state a certain level of legitimacy that it doesn't derive necessarily from democratic will. It derives from a much deeper fundamental and this is where their political theory background really

comes in a much deeper fundamental understanding of how to rule and how government should work.

Obviously today we see a lot of elite activities in government, but I think your concern is valid. I think the fourth branch of government is never going to be an easy topic to square with this traditional three branch system that's crystallized in the Constitution in the United States.

Justin Kempf: So Patrick, I'm really glad that you were able to join me to be able to help introduce this episode. But I'd love to be able to hear more about your own podcast that you cohost, *The Global Stage Podcast*. Tell me a little bit about it. What kind of interviews do you do? It's one of the great podcasts that I've listened to that's helped me learn more about politics and world affairs.

Patrick McQuestion: We invite different professors, authors, visiting scholars to discuss their research in the language of their preference. We usually do them in English, but we also have podcasts available in Spanish for our Latin American and Spanish speaking audience. They typically consist of a graduate student interviewing the professor or the scholar about their work and different insights that they can bring to the research process because there is a lot of methodological discussion and a lot of dimensions to research that are not typically discussed in podcasts like these, which are much more substantive or more focused on the substantive topic at hand. So, we discuss the nitty gritty of research in addition to these larger questions.

Justin Kempf: I was really pleased to see that you had such a presence this past year at the Global Democracy Conference. We've got the upcoming conference coming up on May 19th and 20th. Are you planning to be there again at the upcoming Global Democracy Conference?

Patrick McQuestion: Yeah, I'm planning on it. I was at the first and the second one. I got to see Russ Muirhead present at the last one. It was one of my favorite presentations. It's just a great experience especially for someone like me in the program, but really for everyone. It's an open door. It's very easy to register and once you're there, you can make some excellent connections. You can meet new people from all different backgrounds. So I'm really excited to participate in the next one.

Justin Kempf: I definitely recommend for everyone to check out the Global Democracy Conference. We'll have a link in the show notes on where to check it out and to get ready to register for that. I know it's a few months away, but it's something that you should definitely mark on your calendars. I should note the

Democracy Paradox is made in partnership with the Kellogg Institute of the Keough School of Global Affairs at the University of Notre Dame. Patrick, thank you so much for giving me a few minutes to help me introduce Russ. Thanks again and we're definitely listening to your podcast, the *Global Stage Podcast*.

Patrick McQuestion: Thank you Justin, and thanks to the *Democracy Paradox*.

Justin Kempf: So, for now, here is my conversation with Russell Muirhead...

Interview

Justin Kempf: Russell Muirhead, welcome to the *Democracy Paradox*.

Russell Muirhead: So happy to be here. Thank you.

Justin Kempf: Well, Russell, I was very impressed with your most recent book *Ungoverning: The Attack on the Administrative State and the Politics of Chaos*. It's a fascinating book because it touches on democratic backsliding from a very different way. I mean, it's touching on it almost as an assault on the bureaucratic state. It's something that I don't hear many people writing about yet, although I'm starting to hear a growing chorus of people starting to discuss it from that vantage point. But I'd like to start out by asking you exactly what it is, because I'm sure that most people are not familiar with ungoverning. How is ungoverning different from a concept people are probably very familiar with, like neoliberalism?

Russell Muirhead: Ungoverning is the attack on the ability of the government to implement policies and even that's a little mealy mouthed. It's really an attack on the ability of the government to do most of the stuff that citizens expect their governments to do. One of the things we expect government to do is to respond to emergencies. Maybe a hardcore libertarian should say, we shouldn't expect government to do that. People shouldn't build in areas that are likely to flood or whatever. But we do. People do.

When a hurricane back in... Gosh, it was 20 years ago. This hurricane hits New Orleans while George W. Bush is president. The response is slow and it almost undoes the Bush administration as people across the country look to the White House, look to the administration and say, we expect you to respond. When people lose everything they have, when their lives are at risk, we expect you to

respond. I mean, look down in Texas right now at the summer camps that were flooded. Even in a libertarian state like Texas, people are now saying we expect the government to regulate summer camps, so when we send our kids to camp, we can be assured that there's a certain baseline, minimum standard of safety.

We expect the government to monitor the food supply to make sure that there aren't toxins in it that's going to make us sick. We expect the government to monitor the water supply. We expect the government to defend us against enemies. We could go on all day about what we expect the government to do. The part of government that does that, that actually does the work is this thing that people call the administrative state. It's a very mysterious part of government because if you're paying attention in eighth grade civics, you won't learn about the administrative of state. It's not there. You'll learn about Article I of the Constitution, the House of Representatives and the Senate, the legislature. You learn about Article II, the presidency. You learn about Article III, the judiciary.

All of that government, you could call it the eighth grade civics government, you can pretty much get in one room: 535 members of Congress; you can get the president and his 15 cabinet secretaries; you can get the nine justices of the Supreme Court; and you can get the vice president all in one room. You could see it in one glance. But those people, those 550-600 people, are actually not the people who do the work of government.

You pass a bill and it's on a piece of paper. Well, nothing happens unless somebody turns that into action. You can pass a bill that says buildings have to be accessible to people who are confined to wheelchairs. But that's just a piece of paper. You have to specify every building. Are these bigger buildings? Even small buildings? Where are the ramps? How steep are they going to be? Then you have to inspect them and make sure building owners are complying. So that's the administrative state and this attack on what we also could call the bureaucracy is basically an attack on the part of government that does the work of government. It's an incapacitation. That's what I call Ungoverning.

So Justin, you could be a conservative. You could want conservative immigration policy. We'll call it hard borders. You could want mass deportation. Well, that's a policy. It's got to be implemented. You could want a more generous immigration policy. That's also a policy. It's got to be implemented. So governing is not necessarily neoliberal or liberal. We're not saying the experts should rule in a neoliberal sense or that the economists should decide everything and people shouldn't have a voice. What we're saying is whether you're left, right, center, whether you're participatory, whether you're

small democracy, whatever you need, this tool called administration does the stuff that citizens expect their government to do.

Justin Kempf: I like how you point out it's a key part of government that's left out of civics because when I talk to political theorists who focus a lot on deliberative democracy, I feel like that's something that's left out. There's a lot of talk about legislation and how we should bring people together to deliberate and decide on what the laws should be. But there's not a real great explanation from the deliberative turn in terms of how you would actually implement those policies. That's a part of political theory that's oftentimes left out. It just assumes that if you pass a law, it goes into effect without thinking about the fact that you actually have to develop the machinery for it to work. Without it, there's really not much that democracy does or means or anything else because you can talk until you're blue in the face, but if you can't do anything, then what's there really to talk about.

Russell Muirhead: I'm with you on political theory for sure. It's interesting the way that the subject of politics developed. Law schools took possession of studying the administrative state and that's partly because there are lots of interesting legal issues that arise with respect to the regulatory function of the administrative state. These regulations get adjudicated in ways that get judges involved. So, anyone who's gone to law school has done a reg and leg class: regulation and legislation. They learn the nuts and bolts of administration. But nevermind my eighth grade civics, you can get a PhD in political science and never study the bureaucracy. You never even spend a week in your American government seminar on bureaucracy.

I've worked in really large political science departments with departments that had 50-60 professors in them. There'd be one person doing bureaucracy, just one person over in the corner or over in the shadows studying a part of government. Even the other professors of American government wouldn't quite know what that guy was up to. It's kind of mysterious to people who do public opinion, to people who study the presidency, to people who study courts, to political theorists who study the big ideas about democracy. So, this part of government is invisible to experts and ordinary citizens and that invisibility makes it inscrutable. It's illegible.

So, one of the things that a good political theorist, a good democratic theorist, should care about is legibility. Apart from whether citizens can control their government, are they participating, are they deliberating, apart from that is do they understand what their government is. Can they read it? Is it legible to them? This part of government administration is illegible to experts and

ordinary citizens and that makes it vulnerable. That's one of the reasons why I think we've seen this conspiracy talk about the administrative state. The administrative state is a deep state according to the deep state conspiracy. It's filled with elitists who are bent on opposing Trump and his constituents.

There's this conspiracy about the bureaucracy and also a frontal attack on it. It is that there's no way to do the people's business without destroying the civil servants who are working in the bureaucracy, trying to get them to quit their jobs, firing them when they won't quit and shutting the whole thing down. Kash Patel, the FBI Director, wrote a book saying that he thought we should shut down the FBI and should turn the Washington, DC office of the FBI headquarters into a museum of the Deep State. So, this is the guy running the FBI right now. I think one of the reasons you can say that and have it thought of as a plausible idea is because nobody knows what this thing is. It's invisible and it's illegible.

Justin Kempf: You said that governance is neither liberal nor conservative. It's not really ideological. You can be a conservative and have a conservative form of government. You can be a liberal and have a liberal form of governance. But what about libertarianism? Is that essentially a philosophy of ungovernance or is ungovernance different than libertarianism?

Russell Muirhead: Well, sure. You might be a small government person. You might say Our government is too large. It's taking on too many things. The kinds of areas that it's regulating and treading into are too comprehensive. It should pull back. I think part of any argument for that is that if it does, if we got government to pull out of this area, and this area, and this area, those things would go better. I don't think there's any libertarian out there who says, if we get the government out of regulating the securities industry, it's going to be a total shit show, but we'll all be more free. It's going to be chaos, but we'll all be more free. I mean, no libertarian says that. Libertarians say this is going to make the world better. Those are plausible arguments.

I think when somebody argues that we should strengthen the purview of what government takes responsibility for in order to better serve the common good, those are plausible arguments. That's not ungovernance. That's just a theory about government. I'll give you an example of that. Way back in the seventies, I think it was Ted Kennedy of all people led the deregulation movement in the realm of air travel. There was a bureaucracy called the Civil Aeronautics Board that had been around forever and it regulated everything having to do with airlines, including the types of sandwiches that were served for lunch on flights and regulated pricing, regulated routes. The idea was that if we deregulated the

airline industry, fares would go down and air travel would become a lot more accessible.

The classic old worry, the reason we had the Civil Aeronautics Board was the idea that we don't want too much competition in air travel, because one of the things airlines will cut is safety as they try to increase their profits. We don't want them to cut their investment in safety, so it's better to just regulate the whole industry and make sure that airlines are making enough money to properly invest in the safety of their fleet and their pilots and so forth. That's the classic argument. The libertarian argument of the late 1970s must have been shocking. People must have worried about the safety of the airline industry if the government stopped regulating prices and routes.

It was Justice Breyer who was a staffer in the Kennedy Senate office who was in the lead of thinking through the argument for deregulation. You got to call them, even if it's weird to call Ted Kennedy a libertarian, but in this area he was a libertarian and all that deregulation really did work. So even a policy that says, here's an area in which the government has been governing and it shouldn't be. It's not the same thing as ungoverning. Ungoverning is a comprehensive assault on what government does, even the stuff it does well. It's not saying here's something it's doing that it shouldn't do. It says we don't want it to do anything.

When Elon Musk said, 'I want everyone in the federal bureaucracy to quit. I'm going to get every civil servant an early retirement offer no matter whatever office they're in, whatever level they're at, whatever level of expertise. We want them out. We want them to quit.' That's not a strategic sensibility that says here's a specific area where we shouldn't be where we need to reform the federal bureaucracy or shrink it. They say we don't want any government at all and that's what ungoverning is as opposed to a much more rational, targeted, and ultimately sound libertarian arguments about what government should do.

Justin Kempf: So, a big part of neoliberalism was rolling back the federal bureaucracy. It was freeing up markets and really getting government out of certain aspects of the economic life of people. Ungoverning, I get the impression, is different than just the neoliberalism of Reagan, of Margaret Thatcher, but at the same time, it seems like ungoverning is the natural extension or maybe the natural evolution of that train of thought. Is that how you see ungoverning?

Russell Muirhead: I'm with you, Justin. I'm with you on that. In fact, in the book, Nancy and I point out that there's this famous moment in Reagan's first inaugural in the spring of 1981, winter of 1981, where he says government is not

the solution to our problems. Government is the problem. That one slogan, ended up becoming the whole of, I don't even want to call it conservatism, but the whole of a philosophy that is now taking over the White House and one party's approach to the federal government. That wasn't the whole of Ronald Reagan. Actually, if you look at that inaugural address, what he did say in a more complete way was in the present crisis, government is not the solution to our problems. Government is the problem.

By present crisis, I think what he meant was double digit inflation, stagflation, and a certain type of economic malaise. What he meant was we're not going to fix this through more regulation and more government intervention. We're going to have to use markets to try to fix this and get an economy that's not stagnating with high inflation at the same time. So that was the argument, but I think his followers have taken it out of its context. Reagan had other things such as a deeply moral sense of international relations. He had a sense of American greatness that didn't just say it was great once and was not great anymore. There are many aspects to Ronald Reagan's public philosophy that didn't have to do with just cutting government.

It's not even clear that he was opposed to the entirety of the New Deal state. What I would argue is that Ronald Reagan opposed the Great Society state. A lot of what was done in the 1960s, but he supported, for instance, Social Security. I think he supported Medicare. He once was a Democrat. He had been a New Deal Democrat before he became a conservative. At one point he said, I didn't leave the Democratic Party, the Democratic Party left me suggesting that he even had a kind of liberalism to his own understanding of government, but thought it got excessive in the 1960s.

So, I would say that if conservatives are true to Ronald Reagan, they wouldn't end up at Ungoverning. But they're distorting that legacy. Many of them have cultivated a profound hatred, not only of programs that they might oppose on principle, but of the entirety of government. They've put that idea that government is the problem right at the center of everything and inflated it and amplified it and distorted it to the point where it's the only thing they can see.

Justin Kempf: Now, I don't want to make this solely about American politics because I think that this concept can apply more broadly and can be something that we're thinking about from a bigger picture. But if we use Donald Trump as the archetypal ungoverning administration, he's not neoliberal the way that Reagan was in terms of reducing the size of government because he's expanding the government in some ways while he's reducing it in other ways. Does the expansion of government in some ways fit into the ungoverning narrative, or is

that something that challenges the idea of ungovernance within the way that you're thinking about it?

Russell Muirhead: The alternative to governing is ruling. That's the classic political verb. The first question of politics for classic thinkers like Aristotle is who rules. What group, what person gets to impose their way on the whole. Who rules? What modern political actors and thinkers came to believe is that it's possible to have a political community where no one rules, where no one imposes their way onto the whole. That's the idea of religious toleration. Even if you have a majority religion, it doesn't impose its religion on the whole. We're going to let people choose their own religion. So, in this new, call it liberal in the largest sense or constitutional democratic state, in this arrangement of politics, the idea is that no one rules. We're going to have a system of governing.

It's more of a system than the imposition of one person's will onto the whole or one group's, one tribe's way onto the whole. That system of governing gave rise to what we could call a policy state, a state that designed policies, programs that aimed at long-term goals. Let's establish an interstate highway system. Well, that's a policy and it has a justification. It collects and applies resources in a coherent way in order to reach a goal of building out tens of thousands of miles of highways. You get a policy state that can do things. A policy state can fight the Cold War. A policy state can build an interstate highway system. A policy state can use novel mechanisms like advanced purchase contracts to create vaccines to inoculate people against COVID and can come up with those vaccines in six months.

So, a policy state is a very, very powerful thing. The more primitive idea of politics is that it's not about policy that's administered impersonally meaning everybody gets the COVID vaccine, not just Democrats and not just Republicans, not just the friends of the regime in power. Everyone gets to drive the state highway system, not just those who have made contributions to my inaugural fund. The policy state serves everybody. What goes along with ungovernance is the creation of a new power or recreation of a very old kind of power – Ruling: The power to rule. It's invested in a person - Right now, the person of the president.

We have a new concentration of a different kind of power. I'd say the kind of power that the United States Constitution was meant to eliminate. The United States Constitution was meant to eliminate any kind of power of rule. But that's what we're seeing. We're seeing the recreation of that power.

Justin Kempf: So, you're saying that ungovernance represents a shift away from the rule of law towards arbitrary rule and even personalization of power?

Russell Muirhead: The heart of this is from when that kind of contrast first appeared and when people started to think let's go for a political community where you have governing rather than rule is in John Locke and John Locke's Second Treatise. John Locke said freedom under government, civil freedom, is the freedom from the unknown, uncertain, inconstant, arbitrary will of another man. Freedom under civil government would be subject to laws that are publicly announced, that are applied fairly and that are applied to everybody the same way. That's what real freedom is. So, John Locke imagined a political community where no one's will ruled, where no one was subject to the imposition of another person's will.

The will in Locke's view is arbitrary. What you want, what I want today, tomorrow, in 30 minutes, may not have any reason to it. It may not have any constancy to it. A person of character doesn't even in their own life follow their own will. They impose policies on themselves. They say even though I'm going to want 16 different things over the next two hours, I'm going to make myself study for this exam and I'm going to impose a policy of studiousness on myself in order to succeed. At both the individual level and at the political level, the regime of policies is much, much, much more effective. That's what constitutional government is all about. Ungovernance is destroying that. It's destroying that policy state, as you say, destroying that rule of law. It's creating this very, very huge and fearsome new kind of power, or old kind of power, a power of ruling.

Justin Kempf: So I really want to make sure that we distinguish between ungovernance and reforming government or even limiting government not so much because I'm advocating for limiting government, but because I want to draw the distinction for those who maybe feel that way, so they don't feel like we're simply saying that if you want small government, that that's undemocratic. Because I think that that's a dangerous direction to go down to tell people that the policy choices that you want are anti-democratic, because then the person doesn't feel that they're included in the democratic process.

So the question that I've got for you then is what's a more democratic way to approach government efficiency or reforming the administrative state if you do believe that government's too large? What's the distinction between a healthy approach to that policy direction and what you call a more toxic approach, which would be ungovernance?

Russell Muirhead: Nancy and I while writing the book *Ungoverning* took pains to distinguish ungoverning from these other sorts of things. We didn't want to say it's the same as small-government conservatism. It might be that in a distorted and amplified way, but it's not the same thing. It's not the same thing as where government might stop doing some of the things that it's done in the past. Let me give you two quick examples. First, think about the statistical function of government. One of the things that great government does, like the government of the United States and the United States government does this better than any other country in the entire world, is it measures stuff and keeps a record of the stuff that it measures. It creates measures.

One of the things, for instance, that we measure is how many jobs are created, what the unemployment rate is, and what the inflation rate is. These are not easy things to measure. They take enormous amounts of expertise to figure out. One of the offices that's filled with the experts who do that measuring is the Bureau of Labor Statistics. If you want good measures, whether you're a small government conservative or a huge government socialist you still want to know what's actually happening in the world, because you've got to calibrate your policies and your responses to what is going on. Are prices going up? Are they staying the same? Are they going down? Is the economy growing? Is it stalled? Is it shrinking? You want to know that stuff if you want to act effectively. You know you're going to want people who are real experts.

You're going to want the head of the Bureau of Labor Statistics to probably be a PhD in economics who cares about nothing more than measuring this stuff as accurately and consistently and reliably as humanly possible. Well, recently we saw the president of the United States reach out to fire the head of the Bureau of Labor Statistics because the president didn't like the statistics that were coming out of the office. He didn't like the jobs report and wanted to install a loyalist who would produce jobs numbers that were more to the president's liking. Well, that's powerful. That's what a ruler can do. But if the ruler's too successful, no one will know after a while what the basic facts of the economy are.

And no one whether you want small government, left, right, center... No one's going to be able to design good policies once we don't know what's actually happening in the economy. That's just an example of the difference between the different ideologies of government that might be small, big and the function of governing. Here's another quick example. There are two things recently that the President has asked the Secretary of Education to do. On the one hand, the President's asked the Secretary of Education to gather all kinds of data that the education department hasn't historically gathered about college admissions in order to impose the president's policy of race neutrality on universities. So, they

want lots more information about test scores and maybe even the racial identities of students than the Department of Education has ever collected before.

But on the other hand, almost at the same time, the president directed the Secretary of Education to shut down the Department of Education. I would just say they can't have it both ways. If they want to shut down the Department of Education, then they will not have an entity that can collect these statistics that are essential to them imposing their favored policies. So, they have a choice there. Do they want a policy state where they get to impose their policies, design policies, describe the policies to the public, let voters vote on them at the next election depending on whether they like or dislike these policies, but in the meantime, implement those policies using the tools of the administrative state. Do they want that, which is governing?

Or do they want to shut down the whole thing and concentrate power in the will of one person? They're not going to be able to have it both ways. Do you want the Department of Education that does the stuff you want it to do or do you want to shut it down?

Justin Kempf: So one of the themes in the literature on bureaucracies is the sense that the bureaucracy functions as an additional branch of government. It has become a fourth branch that's not present within the American constitution. But if we look at other countries, they do mention the bureaucratic state, the administrative state, within their constitutions. I believe Germany does. Do you feel that the administrative state should be a check on executive power or on other branches or do you feel that the administrative state is really the handmaiden of the executive, that it should just simply follow their orders? What's the relationship between the two in a truly democratic state?

Russell Muirhead: You know, there are two huge branches of the administrative state. One branch is the cabinet departments to just sort of simplify things. There are 15 cabinet departments. The classic ones would be Department of Defense, Department of State, Department of Treasury, and the president appoints the secretaries, the heads of those departments, and a lot of the people at the top layer of those departments. Those departments are meant to serve the President's agenda. If people in those departments obstruct the president's agenda, the secretary and the people who report to the secretary would be justified in rearranging the resources of their department or firing people. They're meant to be implementing the vision and the priorities of the elected leadership.

Then there's another part of the administrative state that we could call independent agencies. This is the part that's really, really important, but you're right, it is not in the constitution and it's created, for people like Justice Roberts, a lot of angst. These agencies are set up by Congress. Congress can create them and get rid of them anytime Congress wants. In that sense, it's not like they've been imposed on us by some outside alien force, but they're created in a way that makes them not directly responsive to the president or to Congress. Often the way that they're created is they're set up with a board. They're run by a multi-member commission, not by one head. The commissioner's terms are staggered so that no president can replace everybody on them all at once.

Justin Kempf: Let's give this a little bit more specificity. I'm thinking central banks. I'm thinking election commissions.

Russell Muirhead: You named it.

Justin Kempf: And this is not specific to the United States. We see these in other countries and oftentimes these other fourth branch institutions are oftentimes codified within the Constitution of other countries. In the United States, obviously, it's not included in our constitution.

Russell Muirhead: Grafted onto the Constitution. You're right. This is the part of the administrative state that no one really knows is there and maybe it needed an amendment to the Constitution to really fully legitimate it. It starts really in the late 1800s with the Interstate Commerce Commission. It gets going under Teddy Roosevelt with the Federal Trade Commission. It really gets going, of course, under the New Deal, under Roosevelt. Believe it or not, it's Roosevelt who wants to fire the head of the Federal Trade Commission so he can appoint somebody who's more friendly to the New Deal.

He's inherited somebody from Hoover and he fires this guy Humphrey. But Humphrey says you can't fire me. I have a set term. You can only let me go if I get convicted of a crime or something. He litigates it and it goes to the Supreme Court and the Supreme Court says President Roosevelt, you don't get to fire the head of an independent agency. These agencies have a special kind of status and you don't get to totally control them. In that case in which the Supreme Court said you can't totally control these agencies. It's called Humphrey's Executor.

It's back up before the Supreme Court right now and I think the status of these independent agencies like the Federal Reserve, the Federal Election Commission, Security Exchange Commission, the status of these is very much

up for grabs right now. Are they going to be considered a legitimate part of our government or not?

Justin Kempf: So you mentioned the term deep state earlier. That's a phrase that gets tossed around, particularly in American politics. My understanding is that it originated with Erdoğan over in Turkey.

Russell Muirhead: and maybe even before Erdoğan.

Justin Kempf: So the question that I've got for you, is ungoverning something that you see outside of the United States in other countries? Because I would think Turkey might be one example. It's difficult for me to untangle this from right wing populism in a lot of ways, because I feel like I see it in places with populist leaders oftentimes particularly on the right. But I'd like to get your thoughts on that.

Russell Muirhead: Yeah. Well actually I think the place where I would argue we've seen it in it's fullest sense is actually in a place that's suffered the rule of a populist leader on the left: Venezuela. I think this is what Hugo Chávez and Maduro have done to Venezuela. Chávez went after the experts. The heart of ungoverning is always going after expertise, eradicating expertise and replacing it with the power of the great ruler. The thing about an expert is they have a certain kind of claim to authority, even if it's not a statutory claim. That even when experts don't go around trying to have authority and imposing their authority, they have authority just by virtue of their expertise. That expertise is a threat. It's a threat to someone who wants all power.

So, we saw it in Venezuela. It destroyed the Venezuelan state. Here's a rightwing populist that hasn't really engaged in ungoverning, as best as I can tell: Modi in India, partly because he wants real results from the bureaucracy. I don't really know for sure, but I read everything I could read on that case and I was wanting to see it because it would've validated some hypotheses of mine about ungoverning. But I couldn't find it there. I don't really think Modi's doing ungoverning. I'm not sure that Orbán is doing ungoverning. Erdoğan is a trickier case.

So, you do see it in some other places. But the weird thing about it is it's not historically common for people to want to command a government in order to destroy that government. So, it's not something we see in great amounts in the annals of political history. It's very, very unusual though there are, as you point out, some analogs.

Justin Kempf: Venezuela came to my mind as well. It's a trickier case in a lot of ways because they clearly wanted to expand the size of government. But if you think about what Chávez did to PDVSA, the state run oil company, he definitely decimated the experts, replaced them with people that were party loyalists. That's part of the reason why they can't produce any oil anymore in Venezuela, a country with immense oil supplies, is because he got rid of all of the experts who knew how to actually run the state run oil company.

Russell Muirhead: If you look also at the turnover in his ministries, massive turnover. Any minister of any agency, any department who demonstrated any degree of independence from him would be fired. What he came to select for was just utter and complete submission. There's an anecdote about Chávez where his favorite color's red. So, his ministers would always show up in red. He wore red, red hat, red shirt. His ministers would imitate him. Wear red, red, red, red, red. One day Chávez shows up wearing yellow and the ministers all look at each other. They go into a panic. Like no one got the memo that said he's changed his favorite color. Within a day, all the ministers start wearing yellow and they come to all their cabinet meetings wearing yellow, just the same, yellow as Chávez.

Then after about a month of wearing yellow, he shows up again in red. And right away they like go home and change into red. In other words, what we see there is the quality that made somebody choice worthy as a minister was the quality of submission. Chávez would enact these submission rituals to both test their submission and remind them of what their number one quality was. So that substitution of submissiveness for expertise is at the heart of ungovernance.

Justin Kempf: Let's pull at the thread a little bit more because Venezuela is a country where they didn't necessarily want to do less. They wanted to do more. They wanted to do more redistribution, more expropriation, more taxation. And yet you're saying that this is a classic example of ungovernance. It sounds to me like ungovernance isn't about the amount of activity within the state. It's about how the governing actually happens.

Russell Muirhead: I really appreciate your line of questions from the very beginning right to this, because I think you're really nailing it for me. That's exactly right. It's not like ungovernance is itself the culmination of small government conservatism or libertarianism. It's an approach to governing that's somewhat independent of how much or how little you want the government to do.

So, you could have a regime that wants to radically reshape the nature of the economy and bring back manufacturing jobs and prevent US based corporations from moving facilities overseas. They might want to do a lot more than the regimes of say, George W. Bush or Bill Clinton ever dreamed of doing and in that sense, be extraordinarily ambitious. It might even want to regulate prices, might want to regulate rent and might want to make things affordable and not just let the market determine how affordable stuff is. Whether it's able to execute on those goals, large or small, depends on this other thing which we sometimes think of as competence. Can you develop policies? Can you marshal the right resources and deploy them in the right way, efficiently and effectively, to realize the goals you say that you want to reach?

That competence is what Nancy and I call governing. To attack that. Is just on one hand, totally irrational, unless Justin, aside from wanting to have great results in large domains, what you also want is to concentrate all power in the will of one person. Because if that's your goal, then ungoverning is a good way to get there. And ee think that that's really the purpose of it.

Justin Kempf: So the way that the argument is framed, it sounds like it's something that needs to begin in a democratic context to produce backsliding so that a leader can concentrate power. But is it possible for ungoverning to begin within an autocratic regime? At first blush, I wouldn't think that it could because an autocratic leader would want to increase the capacity of governance. But I want to put it out there because sometimes I find that things don't work out the way that I imagined them.

Russell Muirhead: So, here's an interesting thought. Governing, the kind of confidence at governing that we're talking about is not reducible or is not co-extensive with democracy. So nondemocratic regimes like Singapore could be well governed or badly governed and they too will have goals and they'll want to develop programs and policies to serve those goals. They'll either do it well or bad. Nondemocratic regimes like China will be well or badly governed in different domains. And obviously I think today when people look at China, with respect to building out high speed rail, with respect to housing, with respect to lots of other things that we think of as important things for government to do, China in some sense is pretty effective, even though it's not very democratic.

So, I think the dimension we're talking about, going from governing to ungoverning, is bad for democracy. But it's not just about democracy. You might see something like governing in a place that was never democratic. I think that the results are so bad, medium and long run, that no rational ruler would ever adopt this strategy. I put a little asterisk on that because one of the

things that ungovernance undoes in a democratic regime is election administration. One of the reasons a party or a ruler might choose an ungovernance strategy will be to not only corrupt things like the Bureau of Labor Statistics, but also to corrupt election administration, so as to render themselves immune to the prospect of being deposed in a subsequent election.

In other words, I think it can be a very, very potent part of democratic backsliding, even though ungovernance isn't something that needs to start with democracy. It could start in Singapore or China.

Justin Kempf: So your book looks at the ways that governance unravels and moves in an anti-democratic direction as a result. There's a book that I feel compliments your work that came out in the past year. It's *Abundance* by Ezra Klein and Derek Thompson. Just about everybody's read it. It seems to make the argument in the opposite direction. The idea of trying to improve governance and make government work better and they don't make an explicitly democratic argument, but it's kind of implied that democracy will become more democratic if we can govern even better than we currently do. I mean, does that line of argument appeal to you? I mean, have you thought much about abundance theories of governance?

Russell Muirhead: Yeah, I think one of the things that gives rise to a frustration with bureaucracy and with the administrative state is overregulation. Nancy and I describe a bureaucracy as necessary to doing the work of government, necessary to doing all the things that citizens want a government to do as an empowering thing. And yet they can be disempowered and they can create mazes of rules that once you enter, you can never get out of such that you never get the housing project approved. You just go into a web of rules from which there is no exit. So, I think the part of the argument against ungovernance has to be an argument for the effectiveness of governing, for the possibility that governing can actually be effective at addressing public needs and wants and frustrations.

And you know, that's what that argument's all about. So how do we actually build housing? How do we increase the supply of apartments and homes so that prices are more affordable on a massive scale? The examples that they call out in that book are often examples about housing. So, I view that as a very, very potent and essential part of the argument on behalf of government.

Justin Kempf: So, to bring it back to the idea of democracy, do you feel that ungovernance is a threat to democracy or do you think of it more as a

consequence of democratic erosion? How should we think about ungovernance in this era of democratic backsliding?

Russell Muirhead: I definitely think of it as a threat to constitutional democracy. In fact, I think it has the power to undo the most important achievements of constitutional democracy. I view it with real alarm and Nancy Rosenblum, my co-author, views it exactly the same way. We wrote the book out of a sense of alarm. We published this book before the 2024 election. We were studying the example of the first Trump administration. We anticipated a Trump victory and we predicted that this would be the theme of the second Trump presidency. We could have been wrong. We ourselves would've placed something less than perfect certainty on our own predictions. Nonetheless, I think the last nine months has validated our hypothesis.

So, what we're trying to do is give this a name so that people have both a concept to help them make sense and frame all of the different things that we're hearing about day after day after day after day. This is ungovernance. This is the undoing of an apparatus that allows people on the right, left and center to govern when they're elected. Putting it all back together again is not going to be easy and it may never happen. So we're calling that out. We're trying to get people who identify as Democrats or people who think of themselves on the left and are already in opposition. But we're trying to help them by saying it's not just one thing after another.

It's a politics of chaos. It's a purposeful chaos. The chaos has a form and it's called ungovernance. We're also trying to get the attention of our friends on the conservative side of things and cause them to look in the mirror and say is this what we want? Is this really what conservatism is about? Is this what libertarianism is about? Is this what low regulation, pro-market, pro-business politics on the Republican side are really about? We don't think so. We're really trying to make an argument to the Democratic public that this is what's going on. We think you won't endorse it when you understand what's going on.

Justin Kempf: Russ, thanks so much for joining me today. The book, once again is called *Ungovernance: The Attack on the Administrative State and The Politics of Chaos*. It's really a fantastic book. I've been a big fan of your work and Nancy's work for a long time, so thank you so much for joining me today. Thank you so much for writing the book.

Russell Muirhead: Justin, it's really an honor to be on the podcast. Your praise means a lot to me. Thank you very, very much for those questions. I really

appreciate those incisive questions. They really got me thinking about my own book in a more trenchant way, so thank you so much.