



‘Mr Rules’: Keir Starmer and the juridification of politics

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Abstract

Keir Starmer’s moniker of ‘Mr Rules’ captures his deep investment in a rules-based form of politics that seeks to uphold established standards of probity and competency in public office. Rather than a mere tactic of opposition politics, we argue that it is symptomatic of the juridification of politics. By this we mean the ceding of the terrain of politics to the seemingly superior and separate domains of law and administration. Drawing upon and extending existing analyses of depoliticisation and unpolitics, the juridification of politics marks the abandonment of consciously values-based politics in favour of a reliance upon legal and quasi-legal (i.e. rules, norms, conventions, procedures) means to address substantive matters of public policy. Crucially, we locate this trend as a consequence of the neoliberal way of politics in which the task of governing in a post-ideological age is reduced to administration. This is significant, we conclude, because such an approach is incapable of responding to the intersecting crises confronting national and international politics.

Keywords The Labour Party · Keir Starmer · Juridification · Depoliticisation · Unpolitics · Neoliberalism

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Introduction

At the heart of Labour's opposition to the Conservative government is an emphasis on upholding established standards, conventions, and rules. Over the past four years, the Labour leader has consistently made calls for probes and inquiries into the conduct of government, often culminating in demands for resignations. Boris Johnson and Rishi Sunak 'must both resign' (Rea 2022) for breaking laws relating to the Covid-19 lockdowns. Matt Hancock was 'right to resign' for similar offences but Johnson 'should have sacked him' (Helm et al. 2021). If Starmer were Prime Minister, Priti Patel 'would have been removed from her job' (Stewart and Murphy 2020) for breaching the ministerial code. In response to Dominic Raab offering his resignation following charges of improper behaviour and conduct, Starmer suggested that Sunak displayed a 'double weakness': 'he should never had appointed him in the first place... and then he didn't sack him' (Gye 2023). During Prime Minister's Questions, Starmer denounced Liz Truss for pursuing an agenda of 'fantasy economics' that violated basic principles of 'economic credibility', leading him to ask: 'why is she still here?' (Starmer 2022a). Rishi Sunak was told that 'he should sack' Suella Braverman for a security breach because 'that would be the strong thing to do' (Whannel 2022). On a separate issue, Starmer suggested that Braverman 'should be investigated', adding 'I think if she's breached the ministerial code she should go' (Quinn 2023). In July 2022, this approach reached a peak when Starmer called for Johnson's entire cabinet to 'act in the national interest and resign' (Salisbury 2022).

To an extent, this is unsurprising. Some of the drivers of this focus on probes, inquiries, and resignations can be found within the opportunity structures of parliamentary opposition (Ball 2005; Kaiser 2008). A key role of opposition parties is always to scrutinise the government and identify areas of practice or policy in which certain standards or conventions have not been met. Moreover, at this stage of an electoral cycle, an opposition that presents a range of alternative policies always runs the risk of its most popular proposals being adopted by the government of the day (such as Chancellor Jeremy Hunt's recent adoption of Labour's pledge to abolish the non-dom tax regime). Limited public and media attention is also primarily concentrated on the detail of what a government is currently doing, rather than what an opposition would hypothetically do.

Alternatively, a litany of misconduct and fiasco invites an approach centred on probes, inquiries, and resignations (Berlinski et al. 2012; Walker 2023). The Conservative government has clearly struggled to demonstrate an ability to govern either effectively or responsibly. Since the 2019 election, Labour has faced three Prime Ministers, including Liz Truss whose forty-nine-day administration has been widely denounced as an egregious episode of economic mismanagement. Moreover, a range of revelations relating to the personal conduct of senior government figures, particularly during the Covid-19 pandemic lockdown restrictions, has been seen as heralding a new era of Tory sleaze.

While there are clear merits to these explanations, our argument is that the terms of Labour's opposition are symptomatic of the juridification of politics. By



this, we mean a process through which the political terrain is ceded to what are regarded as the superior domains of law and administration. Our approach seeks to extend existing conceptions of juridification as merely the 'increase of formal law' (Benbow 2019, p. 294; Croce 2021; Sumption 2019), in terms of the breadth and intensity of the law's application to new and expanding areas of social life and judgement. By contrast, our primary emphasis is not on the extension of legal institutions or the realm of justiciability. In this article, we develop an account of juridification as a broader sensibility that can exist independently of formal law, through an aesthetic of, and conviction in, the legitimacy and authority of rules, conventions, processes, and institutions. As a result, juridification reconfigures the sites and means through which political judgements are authorised, rationalised, and legitimated. Our argument is that juridification marks an important trend in the constitution and contestation of values in contemporary British politics.

Our argument proceeds across three sections. In the first section, we demonstrate how juridification defines the way that Starmer's Labour Party approaches politics and the political. For Starmer, the primary emphasis of his opposition to the Conservative government has been to highlight and denounce moments in which they have transgressed established standards. Through this rules-based, rather than values-based approach to politics, the task of government is reduced to the dual imperatives of maintaining standards of probity and competency in public office.

In the second section, we articulate our account of the juridification of politics as something which extends beyond the character of both Starmer and Starmer's Labour Party. In so doing, we distinguish our approach from existing scholarship on juridification, whilst also drawing attention to the connections with a range of existing (and often overlapping) scholarship on depoliticisation (Burnham 2001; Fawcett et al. 2017) and unpolitics (Robinson 2023; Taggart 2018).

The final section locates juridification within the historical and geopolitical contexts of both neoliberalism and the crisis of the liberal world order. Here, we elaborate our concern that such an approach to politics tends to focus more on restoring established forms of conduct rather than seeking forms of political renewal or reimagination (Johnson 2017). As the contours of an incoming Labour government begin to emerge, it is unclear whether such an approach to politics can meaningfully respond to the series of reinforcing crises it will be tasked with tackling: from the climate emergency to the cost of living. The challenge for Labour is to make sense of a political moment in which problems arise as much from the following of established rules as their transgression.

Probity and Competency

Labour's opposition to the Conservative government has focussed upon questions of probity and competency. Labour's emphasis on probity was most explicit during Johnson's tenure as Prime Minister. For Starmer, what made Johnson so singularly unfit to govern was that he had 'been responsible for lies, scandal and fraud on an industrial scale' (Middleton 2022). Animating Labour's opposition during this period was less a concern with the policy agenda of the Johnson administration and



more a concern with the varied, detrimental consequences of its improper conduct. A supposed lack of integrity was not only causing ‘immense damage to public trust’ in government, it was also identified as the root of tangible failures in the administration of government. During the Covid-19 pandemic, for example, Starmer argued that ‘the way the Prime Minister conducts himself creates chaos, makes for bad government and has deadly consequences for the British public’ (Coles 2021). Such quotes illustrate how Labour is presenting moral failure as the root cause of failures of governance.

Through this emphasis on probity, Labour have been keen to establish a basic and critical point of political difference: the Conservative Party are rule-*breakers*, the Labour Party are rule-*followers*. Hence, Johnson and Sunak were lambasted by Starmer for being ‘busted yet again thinking that the rules we are all following don’t apply to them’ (Coles 2021). By contrast, Starmer has affirmed his belief ‘in honour, integrity and the principle that those who make the rules must follow them’ (Fletcher 2022). Indeed, Starmer’s allies have publicly given him the nickname ‘Mr Rules’.

Tellingly, while often described as equivocal, one of Starmer’s most emphatic moments as leader of the Labour Party was his promise to resign if he was fined for breaking lockdown rules as part of the so-called ‘Beergate’ scandal. Speaking on the matter, Starmer affirmed his commitment to honesty, integrity, and following the rules that are set. In his words, the British public ‘deserve politicians who hold themselves to the highest standards’ (Doherty 2022). In this approach to politics, to govern well is to govern with propriety; it is to ensure that rules and standards of conduct are properly adhered to.

With the resignation and departure of Boris Johnson, a Labour source told *The Times* that ‘we’re going to need a change of approach because [we] haven’t got the probity card to play’ (Wright et al. 2022). Whilst Labour would soon bring this card back out of the deck—for example, to criticise Sunak for failing to uphold the ministerial code—Labour’s opposition to the administrations of Truss and Sunak has focussed more on the principle of competency. The shift in Labour strategy from a focus on probity to a focus on competency remains defined by the sample basic concern with rule-following. It is less what the government is doing, and more how they are doing it—or, to be precise, that they are not doing it properly.

Labour persistently denounces the Conservative government for its incompetency. Government, it claims, isn’t working as it should; it isn’t taking effective—particularly *cost-effective*—action, it hasn’t fixed a series of clear and obvious problems. Consider Keir Starmer’s statement following the resignation of Truss. The emphasis was on describing the Conservative government as a ‘revolving door of chaos’, which had both ‘trashed our institutions’ and ‘crashed the economy’. Labour, by contrast, seek to provide a ‘fix’, to ‘sort out their mess’ (Chappell 2022). To restore Britain’s international standing and economic credibility, the public have been urged by Labour to ‘send off the clowns’ (PA Media 2022). In Labour’s terms, amongst other flaws, the cardinal sin of the Truss and Sunak administrations is that they lack the technical expertise to oversee the effective management of the state.

The centrality of this emphasis on competency is clearly demonstrated by the ongoing debates on immigration and asylum policy. The Conservative



government has pursued a range of policies aimed at deterring asylum seeking, including the Illegal Immigration Act, the Rwanda deportation scheme, and the use of offshore accommodation such as the Bibby Stockholm barge. A persistent feature of Labour's opposition to such policies is that it appears more comfortable talking about efficacy than ethics, processes not principles.

For example, Shadow Home Secretary Yvette Cooper's opposition to the Rwanda scheme was primarily on technical grounds. Cooper has described the policy as 'a total mess', 'unworkable', 'unenforceable', and 'extortionately expensive'. Whilst noting that the policy was 'unethical', that Labour initially refused to clarify whether they would reverse it, suggested they were more concerned with highlighting the policy as 'shambolic' rather than 'shameful'. Similarly, while human rights organisations have sought to characterise the offshore accommodation policy as 'cruel and inhumane', Labour has preferred to depict the policy as symptomatic of the 'complete and utter chaos and shambles of the Tory asylum crisis' (Simons 2023).

Furthermore, when asked on *BBC Breakfast* whether he would, in principle, support demands by public sector workers for pay rises that meet soaring rates of inflation, Starmer (2022b) responded: 'in these pay negotiations obviously there are different bodies around the table with well-established procedures for deciding how to come to an agreement. I want that to play out'. Labour's inclination when a political dispute or decision arises is to stand back and 'trust the process'.

This approach cannot simply be regarded as a strategy of opposition. As Labour prepares to pivot from opposition to government, they have committed themselves to the continuation of Conservative policy, albeit implemented in a more honest and effective manner.

At times, Labour is keen to appear as the reluctant inheritor and administrator of Conservative policy. For example, Shadow Immigration Minister Stephen Kinnock recently stated that Labour had 'no choice' but to continue the current government policy of housing asylum seekers on barges (Rogers 2023). While this prospect made him 'personally deeply unhappy' and was 'the last thing we would want to be doing', Labour was bound to continue this policy due to 'the complete, chaotic, shambolic mess that the Conservative government will have left us'. This posture is also clearly articulated in Wes Streeting's (2023) sobering claim that as Labour prepares for power: 'False hope is worse than no hope'.

At other times, however, Labour appears keen to emphasise elements of continuity as a sign of their seriousness, pragmatism, and readiness for government. An incoming Labour government is committed to maintaining Conservative policy on areas such as immigration and policing, whilst also operating within the existing levels of tax and spending. In a recent speech at the Progressive Britain conference, Starmer remarked that if this agenda for government 'sounds conservative, then let me tell you: I don't care' (Neame 2023). Such comments position elements of continuity within Starmer's Labour beyond a logic of reluctant inheritance. Instead, attacking the current government for being 'unconservative', Labour under Starmer is positioning itself as the true inheritors and willing custodians of a particular form of small-c conservatism in British politics.



According to the slogan, Labour is now: ‘Under new management’. This can, of course, be simply read as part of an electoral strategy that seeks to create a decisive break with the Corbyn-era. Our argument is that this slogan is symbolic of an embrace of a particular notion of management itself. Labour is now a party that explicitly privileges ‘common-sense, practical solutions over ideological purity’ (Starmer 2022c). In this conception of politics, the record of government can be judged as either working or not working. Labour is offering to get to work because, under Conservative management, government isn’t working. But can ideology be so easily dismissed? The claim that we live in a post-ideological age is, of course, profoundly ideological (Mouffe 2005; Žižek 1999). Our argument is that this approach to politics must be characterised and located within the history of the so-called post-ideological era.

The Juridification of Politics

The origins of this approach to politics extend beyond the character of particular elements within the Labour Party. While it is tempting to draw parallels between this approach and Starmer’s background in law, the more insightful way to situate it is within an intellectual history rather than a biography. Simply put, it is an approach that extends well beyond both Starmer and the Labour Party. How then are we to characterise this approach?

Following Starmer’s debut appearance as leader of the official opposition at Prime Minister’s Questions (PMQs), several Labour MPs went to great lengths to characterise Starmer’s performance and leadership style as ‘forensic’ (Lothian-McLean 2020). This was a callback to Starmer’s pre-Westminster career in criminal law, culminating as Head of the Crown Prosecution Service. Crucially, it was also a celebration of a particular kind of scrutiny associated with the courtroom: careful probing of who did and knew what and when. It is an approach that is perfectly suited to his emphasis on probity and competency, since these principles are judged against the kinds of evidentiary standards and thresholds of proof that define legal truth and justice: the demonstrable lie, the blatant omission, the negligent act. At face value, the implication was that Starmer engages with politics like only a former lawyer can and this is championed by the shadow cabinet as a strength over a succession of law-breaking, chaotic Conservative governments.

Our argument is that Starmer’s ‘forensic’ style, with its associated emphasis on probity and competency, should be read as a continuation of a global trend in the juridification of politics, that signifies a reliance on judicial and quasi-judicial means to address substantive ethical and political matters of public policy (Hirschl 2013). This phenomenon is criticised by some, most recently Lord Sumption, as an abandonment of politics and, correspondingly, a misuse of law. Sumption (2019, p. 4) complains that we are witnessing ‘the decline of politics and the rise of law to fill the void’. For Sumption, the expansion of the domain of law into areas previously governed by techniques of personal or political judgement has led to the assumption that where there is controversy or a sense of wrong, a legal remedy can and should be sought. How one judges and resolves political conflicts and dilemmas



are therefore increasingly left to questions of legal judgement and administration. It is to legal and quasi-legal sources (i.e. rules, norms, conventions, procedures) of decision-making that one turns in order to determine and settle political outcomes. In short, it is an approach to politics which stands back and lets the law, the rule, the procedure decide. While Sumption maintains a clear distinction between law and politics, we are, by contrast, seeking to illustrate an approach to politics which takes on the appearance of law, it is an attempt to make politics feel like the application and operation of legal and administrative processes. It is an approach in which politics is made *law-like*.

Paradoxically, this can be read as both a demise and a reassertion of politics. From one point of view, it is a demise of politics because law is ostensibly a non-political realm. In this sense, juridification marks 'the growing use of law as a medium to tackle a variety of social and political issues that were traditionally addressed by legislative and administrative action' (Croce 2021, p. 1025). Such an understanding of juridification emphasises the distinctiveness of the seemingly separate realms of politics and law: it is the process of making the law political. For Mariano Croce (2021, p. 1038), this trend presents new opportunities for citizens, as 'conscious law-users', to 'revis[e] state regulation in a more effective and inclusive manner'. By contrast, for Sumption, the use of law in this way to address political problems amounts to an overextension of the juridical realm. The concept of 'justiciability' encapsulates the idea that law exists separately from politics: it is for the political realm to produce principles and policies and for the law to make decisions on the proper use and application of them. From this point of view, law should be insulated from politics. Instead, the juridification of politics has inverted the normal logic of justiciability in that the sphere of politics is increasingly seen as unfit for the purposes of governing. Instead, it is now for law to preside over matters of the political.

From another perspective, law is deeply political: protecting and preserving particular social interests ranging from private property to human rights. While Sumption argues that the law has become 'the continuation of politics by other means', this suggests that law has always been beholden to the political values upon which law is made. Here, to rely on lawfulness—or rule-following—as the political standard *par excellence* is to simultaneously abandon the political terrain whilst reasserting the political values that organise a particular social order. Put simply, to 'trust the process' is not an assertion of a faith in process over principles. Rather, it is an implicit affirmation of the principles upon which a process operates.

There is a parallel here between our analysis of the juridification of politics and extensive scholarship on the concept of 'depoliticisation' (Buller and Flinders 2005; Burnham 2001; Fawcett et al. 2017; Wood and Flinders 2014). While its meaning and usage is varied, depoliticisation tends to describe a governing strategy which places 'at one remove the political character of decision-making' (Burnham 2001, p. 128). As with juridification, depoliticisation does not mean 'the removal/evacuation of the political' (Burnham 2014, p. 195). To place at one remove aspects of economic governance—through, for example, the role of independent central banks in monetary policy—does not imply that the management of the economy is no longer, or indeed, could ever be non-political. What depoliticisation seeks to achieve



is the appearance of separation, in this example, of politics from economics, which conceals and denies the inevitable character of political economy. Such strategies of depoliticisation play a role in ‘denigrat[ing] ideology while functioning to obscure the irreconcilability of antagonistic interests, to discourage challenges to powerful vested interests, and to maintain relations of inequality’ (Weltman and Billig 2001, p. 380; see also Warner 2020). Both depoliticisation and juridification thus entail not the abandonment of politics, but rather its reconfiguration—through displacement (Fawcett et al. 2017, p. 9)—into new forms.

There is more than a conceptual family resemblance between juridification and depoliticisation. The current trend towards juridification must be situated within wider histories of depoliticisation in the Labour Party, and British politics more generally. It is, for example, significant that the principles of probity and competency were also central concerns of New Labour as they sought to demonstrate the credibility of their economic programme and to communicate a decisive break from ‘Old Labour’ (Burnham 2001; Hay 1997). As Peter Sloman (2021, p. 366) has argued,

The fiscal rules which Gordon Brown established in 1997 provided a basis for reassuring voters and markets that Labour could maintain control of public spending, reflecting a global trend towards the use of policy rules as a precommitment device and a form of ‘depoliticisation’.

More recently, Sloman (2023, p. 34) has sought to demonstrate the central importance of costings to Labour’s policy reasoning in opposition, arguing that since the 1980s a series of Labour leaders have used ‘costings as a means of prioritisation and reassurance’, an approach that ‘is justified by reference to past election defeats and perceived fiscal necessity’. Such strategies are situated by Peter Burnham (2001, p. 134) within the broader transformation of ‘politicised management’ (which characterised the discretion-based approach to UK economic management between 1945 and 1976) towards ‘depoliticised management’ (which characterised rules-based forms of economic management which predominated in the early 1990s).

There is also a parallel between our analysis of the juridification of politics and recent scholarship on the concept of ‘unpolitics’. Emily Robinson (2023, p. 306) defines ‘unpolitics’ as the ‘claim to stand morally outside and above’ the sphere of politics. This concept is commonly drawn upon to describe the ingrained ambivalence of populist movements towards established political institutions, which they see as ‘inherently corrupting’. As a result, such movements often seek to achieve political outcomes through other means and modes, such as ‘conspiracy theories, war, and religion’. It might appear that forms of politics that valorise the registers of legal and technical rationality are the inversion of populist forms of politics that are often understood as relying upon appeals to emotion and other forms of unreason. Counterintuitively, we argue that these seemingly diametrically opposed forms of politics both conform to Robinson’s definition of unpolitics.

In short, the juridification of politics is unpolitical in that it seeks to stand above the political sphere and realise political outcomes by means other than politics. It does so through the conspicuous abandonment of the terrain of politics and the reification of the seemingly superior and separate spheres of law and administration.



To be clear, the juridification of politics extends well beyond Starmer's Labour Party, capturing a broader trend within centre and centre-left politics in which progressive political outcomes are increasingly sought with recourse to the law. The rise to prominence of figures such as Gina Miller and the Good Law Project (2024)—which describe themselves as an 'organisation that uses the law for a better world'—are symptomatic of a political moment in which significant political constituencies are waiting for law to come to the rescue of politics. The juridification of politics is not simply to pursue good politics through good law, it is to reduce and equate good politics to good law.

While we must be careful here about the varied uses and meanings of politics and the political, if both populist movements and more technocratic styles of politics have both lost confidence in politics, then it is interesting to consider who exactly is left doing, or even advocating for, politics?

The rise of juridification has not gone unnoticed. The Conservative government clearly understands that the most concerted and effective opposition to their policies in recent years has come through law, not politics. In response, Conservative rhetoric has been defined by attacks against the institutions that administer 'the rules': human rights lawyers, Supreme Court and European judges, civil servants, Treasury orthodoxy, and the so-called 'left-wing economic establishment'. More recently, the Popular Conservatism movement has criticised how 'Statists want to give... control to a swathe of international lawyers, unaccountable bodies and treaties, anonymous unelected civil servants, quangos and central government departments' (Littlewood 2024). One of the few currently available pieces of news and comment available on their website is an article, entitled 'Why Judges Have Too Much Power', which details Jacob Rees-Mogg's account of how Parliament is being 'eroded' by an 'activist judiciary' (Beckford 2024).

Conservative government ministers repeatedly attack these professions and institutions for frustrating their agendas, precisely because their proposed policies are a radical challenge to political, social and economic values that are so well established that they are entrenched within national and international law. Meanwhile, Labour's engagement with these issues has been characterised by a reluctance to engage in the politics.

The Overseas Operations Act 2021, for example, was presented by the government as a direct challenge to the 'judicialisation of warfare' (Goldie 2021), with earlier versions of the bill clashing with international legal standards on the investigation and prosecution of war crimes. Labour voted against the Overseas Operations Act because it 'does not do what it says on the tin' (having sacked three junior shadow ministers who voted against the bill's second reading on moral grounds).

Similarly, the Illegal Migration Act 2023 places the UK at odds with international human rights and refugee law. Labour opposed the Illegal Immigration Act on the grounds that it was unworkable, unaffordable, and unethical—but the claim that the bill was unethical was underpinned by the High Court's determination of a risk of refolement (i.e. the forced removal of refugees to countries where they will be at risk), rather than a substantive claim as to the ethical principle of offshore detention.



Furthermore, and outside the law but still within the realm of ‘rules’, Truss sacked the most senior civil servant in the Treasury in an attempt to escape an ‘orthodoxy’ that opposed her plans for large and unfunded tax cuts. Mirroring the symbolism of New Labour’s first legislative act being to enshrine the independence of the Bank of England (Burnham 2014), Starmer’s Labour has pledged to strengthen the role of the Office for Budget Responsibility (OBR) as an independent economic watchdog on government (Brown 2024).

These terms of opposition are described by the Conservative Party as the frustration of politics through legal and quasi-legal methods. Put simply, for the Conservative government, this form of opposition is best characterised as politics masquerading as law. It is in this way that Starmer and his approach to politics is described as: ‘just another lefty lawyer standing in our way’ (Sunak 2023).

These examples further demonstrate the value of thinking through the politics of juridification. The decision to strengthen the OBR reflects a commitment to *govern at arms-length* by allowing an ostensibly non-political institution to bind Labour’s fiscal decisions. By contrast, in the case of the Overseas Operations Act and Illegal Immigration Act, Labour are reluctant to engage at all with the substantive values and norms related to the use of military force and refugee policy that are expressed within, for instance, the ECHR or the 1951 Refugee Convention. While Conservatives are explicit in their objection to the status quo on normative grounds, Labour, through their implicit deference to these conventions, are *keeping politics itself* at arms-length.

The Neoliberal Way of Politics

If, as we have argued, the juridification of politics extends beyond both Starmer and the Labour Party then how are we to locate its emergence?

The juridification of politics should be understood as symptomatic of the neoliberal way of politics. William Davies’ (2017) account of neoliberalism offers an important foundation for how we approach the character of this politics, although we also seek to depart from this analysis in one crucial regard. Davies (2017, p. 14) defines neoliberalism as ‘the disenchantment of politics by economics’. It is an approach to politics defined by ‘the elevation of market-based principles and techniques of evaluation’ over more consciously political forms of judgement. Such an account departs from definitions of neoliberalism which foreground particular policy measures, such as deregulation, privatisation, the shrinking of the state, or the expansion of free markets. For Davies, neoliberalism is a broader *sensibility* that seeks to radically transform sites of political authority and to reconfigure the appropriate means of political rationality, thereby bounding how we can know, value, and make political judgments. Specifically, political authority and legitimacy in the neoliberal era derive from its adherence to an economised vision; the political sphere should aspire to becoming *market-like* or *business-like*. It is through the expansion and consolidation of this sensibility that ‘neoliberalism has sought to eliminate normative judgement from public life to the greatest possible extent’ (Davies 2017, pp. 9–10). It is important to note that Davies (2017, p. 10) regards



this project of eliminating normativity as underpinned by 'an implicitly normative agenda, which makes certain presuppositions about how and what to value'. As we have argued of juridification and depoliticisation, this is not the elimination of normativity but rather its reconfiguration into new forms.

Our account of the juridification of politics intersects with and extends this formulation of neoliberalism. Here, we define juridification as *the disenchantment of politics by law and administration*. It is an approach to politics defined by the elevation of legal and quasi-legal principles and techniques of evaluation over more consciously political forms of judgement. Political authority and legitimacy in this approach to politics derive from its adherence to being *law-like* and *rule-following*. As we have described, to be *law-like* is not reducible to a set of policy measures, such as governing 'at arms-length' through legal institutions or the expansion of the terrain of justiciability. Rather, it is a *sensibility* that often exists independently of formal juridical apparatus through a broader aesthetic of and conviction in the legitimacy and authority of rules, conventions, processes, and institutions.

What unites both definitions is the abandonment of the terrain of politics through the pursuit of the higher spheres of economics and law respectively. For Davies, politics is exhausted of energy, overtaken by the forces and dynamisms of markets and competition. In our formulation, there is no politics left to be done; all that is left is to govern according to established principles of law and administration. It is important to note that these are not mutually exclusive formulations. Rather, they are interlocking components of the neoliberal way of politics.

There is a considerable intellectual history that can explain this conception of the redundancy of politics. Francis Fukuyama's (1992) *The End of History and the Last Man* is often lauded for capturing the pervasive political atmosphere of the post-Cold War era. In general terms, the book provides an account of how the end of the Cold War signified not simply the end of a moment of superpower rivalry, but rather the end of history itself. Here, Fukuyama understands history to refer not to a procession of events but rather the dialectical struggle between competing ideas, visions, and principles for the organisation of society. From this perspective, the end of the Cold War is not primarily the triumph of states or alliances, but rather the triumph of an idea: liberal democratic capitalism. This triumph heralds a post-ideological era in which politics is effectively settled: there are no better ideas left to be had. Politics must therefore be repurposed from advocating for a desired vision of society, to the indefinite administration of a final settlement.

A lesser-known but telling aspect of Fukuyama's analysis is his treatment of the figure of Alexandre Kojève. What draws Fukuyama to Kojève is the way in which his biography logically reflects the consequences of this understanding of politics. According to Fukuyama, having come to the conclusion that history had indeed ended, Kojève left academia in order to become a bureaucrat in the European Commission. Through Fukuyama, Kojève is made to embody the full meaning of the juridification of politics: he resigns from philosophy because there is no philosophical work left to be done. The remaining task of politics, inasmuch as



one would consider this politics, is the task of administration.¹ To govern well at the end of history is to oversee a largely settled political terrain with probity and competency.

There are considerable parallels between the political projects of Kojève and Starmer. Content to preside over a political terrain that he seems to largely conceive of as settled, Starmer's approach to politics struggles to extend itself beyond the meticulous policing of principles of competency and probity. What his allies conceive of as his strongest attribute can also be read as a symptom of an approach to politics that appears singularly unsuited to the challenges that await the next government.

Conclusion

This article has situated the Labour Party under the leadership of Keir Starmer within a broader trend towards juridification. The originality of our contribution is that it extends the concept of juridification beyond existing approaches which tend to focus on the expansion of 'formal law' into areas previously ruled over by forms and mechanisms of political judgement. Instead, we argue that juridification is the process through which politics is made *law-like*: a commitment, above all else, to ensuring that rules and standards of conduct are properly adhered to. In sum, juridification is a sensibility that abandons a consciously values-based politics in favour of legal and quasi-legal (i.e. rules, norms, conventions, procedures) means to address substantive matters of public policy. Crucially, as we have argued, juridification does not signify the absence of values. To insist on maintaining the rules of a political order is to uphold the values which underpin them, as well as the social interests that are maintained through them. In this sense, juridification is always a conservative form of politics.

Our argument is both significant and urgent because this political sensibility is ill-suited to the domestic and international challenges that a future Labour government will face. Increasingly, we are told that we now live in an age of both *polycrisis* (Tooze 2021) and *permacrisis* (Brown et al. 2023): a migrant crisis, a cost of living crisis, a climate crisis, to name but a few. Such crises are moments in which our established political values and ways of life appear unsustainable (Johnson et al. 2022). While crises are nothing new, the peculiarity about our present is a deep-seated anxiety that the so-called liberal order has sown the seeds of its own failure (Peoples 2024). Climate change, for instance, is not the result of a malfunction of order, a result of rules not being followed, but the outcome of a system that is working all too well. The urgent and existential dimensions and stakes of such an issue are both illegible and irresolvable through a politics that extols 'common-sense over ideology'. At some point, new ideas will need to not just be imagined but

¹ This echoes Davies' (2017, p. 9) account of Hayek and his followers whose 'technocratic turn' sought to 'divert the attention of the liberal away from moral or political philosophy and towards more mundane technical and pragmatic concerns'.



realised. If politics is to be nothing more than ensuring adherence to the rules and policing their transgression, then what are we left with in an age in which the rules themselves appear to be the problem? To return to Wes Streeting, our fear is that it offers 'no hope' at all.

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