Balancing democratic and technocratic argumentation. The case of Estonian State Reform

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There is ongoing search for sustainable contemporary governance approaches both on theoretical and practical level. Turbulent times of different crisis only accelerate the discussion of what and how needs to be reformed to improve governance capacity. One of the focal question among others is balancing the expert-driven technocratic side with the inclusive and deliberative democratic side. The main challange here is to bridge them in ways that acknowledge their differences.

Acknowledging the lack of empirical input on the topic the article sets out to offer empirical insight by discussing the case of Estonian state reform. Applying argumentative analysis broadly based on Toulmin's (1984; 2003) model and legitimation strategies, the authors discuss how the deliberative and technocratic approaches are conceptualised and legitimized in policy argumentation. The analysis shows how various strategies, tools and arguments are often blurred and mixed with each other against the logic of different approaches. The paper provides input for further discussion on the topic of balancing democratic and technocratic practices and also on policy argumentation and its important role in policy-making and legitimation.

1. Introduction

Reforming a state is an ambitious initiative. It makes us think about the definition and functions of the state institutions as well as citizen's expectations towards the state. Another interesting question that tells a broader story of governance practices is who and how defines the concept of a "better state". The choice of arguments and the logic of presenting these arguments helps us to go beyond separate policy issues and analyse the prevailing ideas, rationales and justifications in contemporary governance.

One of the central discussions that a state reform cannot abstain from is the search for a balance between technocracy and democracy. These approaches run parallel in contemporary governance and there have been interesting discussions for long on how to balance technocratic thinking with deliberative democratic practices or how to integrate expert knowledge and evidence-based policy-making into democratic modes of decision-making. There are articles emphasising the value of evidence-based policy making, expert decision-making and seeking the proper boundaries between politics and science (Collins et al 2010; Esmark 2017) and also those arguing for transparency and deliberation in the first place, trying to integrate expert opinion into fundamentally political ways of decision-making (Gutmann, Thompson, 2004; Bevir, 2010; Forsyth, 2011; Urbinati, 2006). On the one side there is the risk of deliberation without political action but on the other there is the risk of institutionalised practices without actual deliberation.

Technocratic thinking is not just a mode or toolbox of governance but rather a wider rationality. "A mode of governance highlights the manner or medium through which governance takes place, while a rationality of governance emphasizes the logics and ways of reasoning guiding the act of governing" (Andersen, 2020). Our article follows a similar logic. Balancing technocracy and democracy is not just aligning different tools but also conceptualizing different logics of reasoning and argumentation. This is especially important considering that neoliberal thought has been a prevailing one for decades in most of the contemporary democracies (Davies, 2014) favouring technocratic rationality, managerial leadership and efficiency as the main policy goals. Such way of thinking easily leads to frame problems narrowly and seek technical solutions for all the different kinds of problems. A recent article about technocratic rationality and Danish employment services (Andersen, 2020) shows how despite the aims of decentralization and increasing local self-governance the technocratic rationality tends to prevail and both centralize and control practical decision-making in politics. Such mismatches often reflect the prevailing thought patterns and highlight the need to go beyond habitual thinking to tackle the issues from another perspective as well.

It has been discussed that "democratic reason" and "technocratic reason" are epistemologically different (Landemore, 2012) and it is also visible how these different rationalities shape legitimation and argumentation. Democratic side focuses more on the political input and the political process of policy-making whereas technocratic rationality relies more on policy outputs and citizen satisfaction with ready-made policy products. According to Nadia Urbinati (2006:6), democratic representation should be a circular process of a comprehensive filtering, refining and mediating of political will formation and expression which also helps to depersonalize the claims and opinions. Technocratic thinking, on the other hand, often visions citizens as clients and tries to justify political decisions by procedural and instrumental capacities.

Therefore, acknowledging the differences of technocratic and democratic rationality, it is crucial to understand how balancing these different sides needs thorough consideration. If not balanced thoughtfully, these different approaches might pull policy-making in contradicting directions and harm state-citizen relations through decreasing political legitimacy. The main aim of this article is to examine the underlying logics of the technocratic and democratic justifications and how they are connected in practice. They differ from each other and yet, need to be bridged together in contemporary governance. Some challenges and important lessons are drawn from the case of Estonian state reform and argumentative analysis which shed light to governance renewal processes and bottlenecks.

2. The rationalities of performing and legitimizing state reform – technocratic and democratic approach

A state is understood differently depending on the culture and societal context and the ideas about how to make the state better and what that "better" means. While the term and concept of state reform are prevalent in Estonia it is less used in Anglo-American or broader international practice and thus merits some elaboration. Being broadly similar to the concept of administrative or governance reform it complements the administrative dimension with additional emphases on the constitutional and legal arrangements and representative politics. In this sense it is a broad reform agenda encompassing all the main aspects of the state apparatus. More precisely it encompasses three three main clusters of reforms (Kalev 2020).

- Adjusting the basic architecture of the state, i.e. the institutional and procedural arrangements
 for democratic politics and governance such as the variety and competences of the main
 institutions, the democratic enactment of popular sovereignty, rule of law, etc. (see e.g.
 Congleton, Swedenborg 2006; Reynolds 2011; Rosenbluth, Shapiro 2018). The central issue here
 is to keep the democratic state as a system in balance.
- 2. Enhancing the state, governance, administrative and policy capacity (see e.g. Hood 1998, Bell, Hindmoor 2009; Pollitt, Bouckaert 2011, Rothstein 2011, Peters 2018; Wu et al 2018; Howlett 2019). Here the focus is on the practical operation of the state institutions, especially on their abity to achieve desired political and governance outcomes.
- 3. Enhancing political representativeness, responsiveness and citizen-centredness (see e.g. Hay 2007; Mouritsen, Jørgensen 2008; Beckman, Erman 2012; Hurenkamp et al. 2012; Stoker 2016; Cagé 2016; Tănăsescu, Dupont 2019). Here the interest is to ensure the vivid operation of representative democracy, public sphere and deliberation, democratic citizenship, civil society and political parties and other aspects of a common political space and citizen political agency.

There are different ways and means to reach these goals and in the current article we draw attention to how the choice of more open and deliberative means is bridged with the efficieny-based tehcnocratic means. When initiating such a wide-scope policy as a state reform it has to be considered that it will frame the choices and guide the way for succeeding policies which makes it especially important to deliver initial ideas in a way that they would not hamper the developments. As Mark E. Warren has proposed (2009) the content that the government provides storngly influences what follows.

The approaches of democracy and technocracy do not necessarily contradict each other but there are some basic differences to be kept in mind. The efficiency-based or technocratic approach today mostly relies on the output perspective and assumes that there is an objective welfare or state-management

model and the expectations of the citizens are rather fixed external variables to consider in the policy making. Technocracy, i.e. the use of technical or some other type of external expertise is the basis for sustainable policy-making and the well calculated outcome will operate as a legitimating force.

Technocratic thinking relies on a smaller circle of people who due to having expert knowledge in some field are considered as more competent to operate in issues and questions of the respective field. As Frank Fischer (1990) brought out expertise pertains especially to knowledge and skills that further the development of modern "decision technologies". As he puts it, politics is increasingly reduced to the technically oriented task of keeping the machine running". Economic and political guidance becomes more a problem of planning and management than an issue of public deliberation and, as such, is seen as a job for which only the experts are uniquely equipped (Fischer 1990:16).

Many researchers (e.g. Hay, 2007; Crouch, 2011; Davies, 2014) have suggested that since neoliberal paradigm has been sustainable and successful in governance for half a century already then it continuously tends to pull policy-making towards technocratic tools. Such instrumental approach is managerial in its essence and tends to focus on seeking efficiency and optimizations rather than wider deliberation in policy framings and proposals. It attributes a rather technical and managerial role to the state, especially in the context of globalization (Hay 2007:130), therefore it is not surprising that citizens are seen more as consumers of public services than considered as substantial partners and input-giving discussants in the policy-making process.

The democratic deliberation is more focused on the constitutive process of decision-making like the transformation of inputs into a collectively acceptable demand or the democratization of institutions and policy-making. Such approach makes the individuals and collectives targets and partners of political decision-making and bearers of democratic self-determination (Blatter, 2009:62). That is an important notion in the era where political identity is witnessed to be liquid and easily suasible by any kind of political and non-political actors.

Claudia Landwehr (2017) argues that democratic deliberation is the fundamentally political mode of interaction in which contingency is faced both individually and collectively. The contingency aspect enables deliberation to function well in the representative forms of democracy as it accentuates accountability and cooperation between different stakeholders and their representatives on the community as well as parliamentary level. And deliberation in such approach is much more than just empty talks. As Franz H. van Eemeren has put it (2010:3), it is necessary to make a distinction between "discussion" as a serious attempt to have a regulated critical dialogue aimed at resolving some social issues and "quasi-discussion" that is in fact a monologue calculated only to win the audience's consent to one's own views. At its best, democracy should always promote a critical discussion of standpoints as a central aim when trying to enhance the quality of democracy.

Understandably, reforming a state in contemporary times requires addressing many challenging issues and complexities of contemporary society and there is both, the need for expertise and efficiency as well as deliberation among and between state institutions, non-governmental stakeholders and citizens to be able to build networks for sustainable governance. In the following chapters we discuss some aspects and possible responses to such challenges.

3. Legitimation of different approaches

Political legitimacy as a concept is increasingly present in the debates about governance. There are academic as well as everyday discussions about political disenchantment, political alienation of citizens and even emergence of anti-politics movement (Hay, 2007; Blühdorn, 2009; Kriesi et al., 2013; Fawcett, 2017 etc). The contemporary societies within their multi-actor and diverse context challenge democratic legitimacy. Since legitimation revolves around justifications and arguments it is relevant to elaborate on which ways of legitimation are commonly used and how these connect with deliberative democratic and technocratic approaches.

It is also important to note that arguments and their presentation are crucial since what counts as justified belief and valid knowledge sets limits to the kind of questions and information that are acceptable in the political debate. The main societal discourse determines not only who is allowed to the halls of decision-making but also designates what is considered a legitimate political argument and ultimately, what kind of society we envision ourselves living in (Hajer, Wagenaar, 2003: 13). As Mark E. Warren (2009) has proposed, governments can drive democratization and much of it depends on whom they empower and which deliberative opportunities they support and also create. We suggest that the scope of different framings and ideas is strongly influenced by how the initial arguments and reasoning are developed and presented by government institutions. Here the developedness of arguments is an important aspect since only those justifications that follow some structured logic and are explicitly presented enable to improve democratic deliberation.

There are also different models for analysing the basis for legitimation but mostly these do not consider policy dynamics neither go beyond the old cyclical model of policy-making. One of the models that follows a dynamic design approach and also combines earlier models of input-throughput-output legitimacy (Scharpf, 1999) is that of legitimation and policy dynamics (LPD) approach (Cruz-Rubio, 2012). The model distinguishes legitimation patterns and justifications based on different rationales. Firstly, justifications fall into the category of **administrative** or **political** rationale and the focus on **processes** or **outcomes**.

Political justifications mainly rely on the pursuit of shared beliefs and finding evidences of consent. Political category assumes deliberation on the policy content and input from stakeholders that are expected to participate. Administrative justifications focus on procedures, operations, performance and legal conformity. Here the procedures of policy-making often are given more attention than the content and questions of input. As Cruz-Rubio suggests, procedural justifications can also feed into "the political" side if they focus more on how public consent about competing ideas is turned into policy decisions by the procedures but if the main focus is on legal procedures and jurisdiction of policy making then such legitimation deals with administrative technicalities. Justifications relying on the definitions of public value can be more political if shared beliefs are at the core of discussions and more administrative if some type of performance or outcome is proposed as a standard for public value.

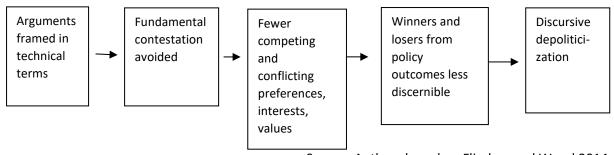
The distinction of rationales focusing on process versus outcome also considers the logic of Scharpf's legitimacy model. Cruz-Rubio (ibid) suggests that procedural and operational rationales can be linked to "legitimating by process" that also considers input-oriented approach. Here the focus is on explaining the process and how different inputs are turned into policy decisions. The outcome-based legitimation is mainly concerned with results or policy outputs focusing more on ready-made solutions and their applicability. Generally, democratic legitimation mostly relies on political rationales discussing the

content and process of turning the input into policy decisions. Technocratic thinking relies mostly on outcome meaning that policy-making might be considered legitimate by satisfying outputs and well-working solutions regardless of who was excluded from or included in delibrations and decision-making processes.

Legitimation of these different approaches, especially when analysing democratic and technocratic tendencies, also connects closely with the notions of politicization and depoliticization. The notion of politicization mainly revolves around societal issues becoming subject of deliberation, decision-making and human agency where previously they were not. Politicization is seen as a promising or even necessary direction by many authors from deliberative democratic approach (Gutmann, Thompson, 2004; Hoppe 2010; etc). Also the various contemporary network governance theories (Kickert et al 1997, Vasudha; Stoker, 2008; Rhodes 2008) presume some level of politicization. Democratic politicizative practices entail inclusion of citizens, different preferences, interests, arguments, various target groups and experts as well as inclusion of different topics and policies. Inclusion here does not suppose that the broader public engagement, the more democratic the process of policymaking but suggests that wider forms of political participation and deliberation are considered important. As Nadia Urbinati (2006) suggests, deliberative approach is a good mediator for representative democratic practices since it requires argumentation from both, the representatives and the represented ones.

Depoliticization, on the other hand, is seen as the set of processes (including varied tactics, strategies and tools) that remove or displace the potential for choice, collective agency and deliberation around a particular political issue (Fawcett; Flinders et al 2017; Flinders, Buller 2006; Hay 2007). According to Flinders and Wood (2014), there are three main and mostly interconnected types of depoliticization: *governmental, discursive and societal.* **Governmental depoliticization** depends on the institutional setting of governance arenas and institutions. Also, the lack of willingness of elected bodies to effectively steer or coordinate the policy process may refer to governmental depoliticization. **Discursive depoliticization** is described by such legitimation strategies and argumentation that impedes public deliberation and competition of ideas. It is mostly apparent in the nature of policy debates and might happen as follows:

Figure 1. Steps of discursive depoliticization



Source: Authors based on Flinders and Wood 2014

Societal depoliticization has to do mainly with the absence or hampering of a broader public debate. There are factors of governmental and discursive depoliticization that lead to societal depoliticization. If there is such institutional organization and set of governance arenas (governmental depoliticization) that the debates remain mostly inaccessible and policy debates are highly technical-analytical, the

public (and also media) might easily remain insensitive and also surrender their potential "watchdog" function.

Technocratic approach tends to be depoliticizative or exclusive since the decisions are reduced down to optimizations and calculations and those included with their input-giving function are mostly the professionals, experts, external advisors and policy analysts. The variety of accepted ideas and methods decreases and discursive change takes place when the terminology and discourses get too technical or when arguments are not fully developed presuming that every reader understands the context and problem-solution linkages similarly. Such tendencies easily result in depoliticization and in many cases democratic deliberation is unintentionally avoided.

Considering the role of the experts and technocratization of the political decision-making, Frank Fischer (1990) discusses the role of the expert that should rather be to help citizens decide not the make decision on their behalf. Majone (1989) has also emphasised that although some authors and even more so, practitioners consider political choices as the most reliable when based on the technical character of an instrument, we still cannot overlook the fact that instruments are never ideologically neutral. Choosing a policy tool is not a technical exercise that one can entrust to an expert but rather an exercise that integrates all the dimensions of public policy – political, moral, technical and cultural dimensions.

Therefore, considering the importance of argumentation and the tendencies that democratic and technocratic legitimation typically rely on, we can say that there are immanent differences between these wo logics and respective justifications. The neoliberal thinking with its technocratic tendencies might be the habitual one but democratic deliberative aims require different justifications. Matching the two approaches is therefore tricky but ineluctable in contemporary governance practices. The following argumentative analysis helps to discover how these logics are matched in practice and discuss options for improvement.

4. Case selection and methodology

4.1 Context of the case

In Estonia, the state reform has been on the public agenda for roughly a decade. The agenda has been initiated and developed by lawyers, entrepreneurs and public servants, and has the contextual background in the German style continental legal tradition and the authoritarian rearrangement of the state in the latter part of previous independence (1934-40). In the last 5 years there have been more specific written proposals and plans for change. This makes the current Estonian state reform a coherent and interesting case to analyse.

The main practical state reform initiatives and activities in Estonia have been as follows (Kalev 2020):

- 1. Activities of the State Reform Foundation financed by entrepreneurs in 2018–2019, resulting in the concept of state reform submitted on 21 November 2018 to the national parliament (Fundamentals of State Reform and Good Administration).
- 2. National government activities led by the Minister of Public Administration, which have been based on the state reform action plans approved on 11.05.2017 and 01.08.2019 and that are outlined in a number of overviews and other materials currently available on the website of the Ministry of Finance.
- 3. Activities of the Problem Committee for the Development of the State Reform Development Directions of the national parliament (Riigikogu) in 2017–2019, resulting in the final report

approved on 11.02.2019 and the parliament resolution adopted on 20.02.2019 on the basics of state reform and good administration together with an explanatory memorandum.

In this article we will not study the reform proposals in entirety. Based on our research interest we will focus on the orientation and reasoning of the reform in the explanatory documents of the parliamentary resolution on state reform. This is based on the fact that it is the highest existing official document so far and thus provides the guidelines both for various other state institutions and also acts as communication and legitimation towards citizens (it is published in the official State Gazette and is available online). Although the resolution document itself is rather vague, the explanatory memorandum and the report of the committee add details and, as we will see, reveal some interesting contradictions.

4.2 Methodological approach

We will analyse how the conception of a renewed state is presented and which arguments are brought to support such vision. The main interest is whether the parliament offers reasonable and logical argumentation for its state-making decisions that would enable democratic deliberation and reasoned understanding for other state institutions and politically interested groups in society. We focus on argumentation as a way of legitimation which is especially important in democratic and deliberative ways of justifying the choices. We will employ argumentative analysis that is about systematic reconstruction of the context, message, logic and meaning and enables to dig deeper into the logic of justification and developedness of the arguments.

The article focuses on explanatory memoranda as the main object of the study proposing that although much of the political competition and justifications are visible in verbal debates the written documents are the final considerations of argumentation. When applying analysis to written documents the main focus is on *logos*. According to Krabbe, although Aristotle is well known for his rhetorical triangle of *ethos*, *pathos* and *logos*, "in his works logos constitutes the core-business of rhetoric" (2002:33), ethos and pathos are not argumentative in their essence but can provide content. Since the State Reform in Estonia has already evolved so far that the initially proposed ideas have gone through the phase of parliamentary discussion and decision the formal explanatory documents are well suitable empirical data for deeper, *logos*-based argumentative analysis. The developedness of different topics and arguments on democratic deliberative versus technocratic side enables to see how and which side of argumentation has been developed deeper. Also the presentation of various topics shows whether and how the explanations predispose inclusion of different stakeholders and different opinions or whether the topic is reduced to certain dominant understandings of the phenomena and depoliticised both discursively and societally.

Firstly, the analysis focuses on the general profile and developedness of the arguments. The analysis is based on the Toulmin's (1984) model of argumentation focusing on the procedure of argumentation, the argumentative elements and their connection which each other and the context. Toulmin's model is well applicable for the analysis of written explanatory documents. Stephen Toulmin's model for argumentation (1958) and the subsequent elaborations by himself, van Gelder and William Dunn (2018) consist of seven distinct but interlinked units. Claim is the core element that is sought to be proven by the argument (possible distinctions of designative, evaluative or advocative claims). Evidence entails all the justifications that help to prove the claim. A warrant shows how the evidence is connected with the claim. Backing is the grounds that warrants rely on. Often backings are used to

describe how, when or where in the wider context the proposed connections between the aim and evidence prove relevant. **Objections** are counter claims to the initial claim that might be also provided with some evidence, warrants and backings. **Rebuttals** are objections to objection that explain why and how the initial claim still functions. Also **qualifiers** can be applied to explain which level or certainty can be expected in which situations. As Toulmin has proposed, there are such levels as (a)certainty, (b) probability, (c) plausibility, (d) possibility and (e) uncertainty that qualifiers can accentuate.

Although rejecting the idea of universal formal norms for sound argumentation, Toulmin still emphasizes that the conduct of arguments needs to be in accordance with valid procedure (systematic construction of argumentative elements and their linkage) and also in conformance with the specific soundness conditions of the field or subject concerned (Van Eemeren, 2010:75). The reconstruction of sound argumentation ought to clarify the initial arguments and reduce vagueness and hereby argument analysis often reflects the quality of the arguments based on how they are analyzable.

Secondly, the analysis focus on legitimation and its different logics of justification discussed in previous paragraphs. The practices of political and administrative as well as process and outcome-based justifications (Cruz-Rubio, 2012) are mapped in argumentation. Also the tendencies of politicization and depoliticization (Flinders and Wood, 2014) are analysed that help to explain the effect of different types of legitimation. It is discussed how the different types of argumentation contribute to democratic deliberative or technocratic approach and whether they balance or contradict each other when approached as they are in Estonian case.

5. Empirical findings

Typically, the first chapters of explanatory documents set out the general aim and apply some broader frames for the topic that the further justification follows. In Estonian case, the parliamentary resolution and its explanatory memorandum (Riigikogu, 2019) of Estonian state reform are presented as a holistic visionary move towards better quality of governance and with four focal conceptional aims laid down as the building blocks for the whole state reform.

- State reform as making state management more efficient and sustainable
- State reform as narrowing the state decrease of the state intervention in the fields of
 economics, labour market and managing societal actions as well as decreasing bureaucracy
 in order to enhance free market economy
- State reform as attuning constitutional institutions reconsidering the functions and mandate of political institutions
- State reform as enhancing democracy alleviating the trend of political alienation and increasing civic activity and engagement in politics to ensure greater political legitimacy

The problem committee report explicitly states that often the debate on state reform has grown complicated due to the confusion between these four conceptions. The committee proposes that it is important to acknowledge the difference of these conceptions and ensure clarity in definitions and meaning-making in the planning and implementation process. Policy methods and evaluation tools

have to be in accordance with the respective aim. The main problem is that although appealing to clarity, the rest of the document repeatedly shuffles between democratic and technocratic aims and arguments without explaining how some proposed governance tools and practices would make governance more sustainable and which functions and activities of the constitutional institutions ought to be reconsidered.

5.1 Profile and developedness of the arguments presented

One general feature that characterizes the explanatory memorandum of the State Reform is the proportion of arguments and their developedness in the text. Most of the explanatory memorandum consists of specific problems named and activities brought out as the solutions without any line of argumentation. There are 45 different explicit and often narrow problems named in the document and 51 solutions presented and there was no explicit connection made between the framed policy issues and proposed policy solutions. Also, considering the numbers of the policy issues and solutions brought out, it is noteworthy that there are only 13 structured arguments (passages that had some argument structure, distinguishable argumentative elements) found in the whole explanatory act. Two thirds of the text consist of plain claims or evaluations without no explanations. Such discursive approach embodies the depoliticizative notion of removing the possibility of deliberation from wider interest groups and publics.

The arguments were analysed according to the development of argumentative units. The "developed arguments" had at least the units of a **claim**, **evidence**, **warrant** and in most cases also **backing**, **rebuttal** or additional contextual information. Partly developed arguments constituted at least of a **claim**, **evidence** and **warrant** but usually the logical linkages were not that strong and the inner logic was more subjective. The underdeveloped arguments had mostly only a **claim** and in some (better) cases some other argumentative unit as well that was not very well linked to the claim itself.

Table 1. Examples of the developedness of arguments

	Developed arguments	Partly developed	Underdeveloped arguments	
		arguments		
Contextual	-Necessity of the reform	-Political will	-The concept of "good governance"	
category	-Framing the concept of	- Former activities and		
	the "state reform"	their contribution		
Policy			-Policy problems were only named	
problems			with references to other studies. No	
•			longer explanation was provided.	
Policy	-Stability of	-Clear chain of	-People-centred development	
proposals	constitutional norms	accountability	-Adaptable Estonia	
	-Clarity and lucidity of		-Lessening administrative overload	
	jurisdiction		-Efficient public administration	

Source: Authors based on the analysis of explanatory memoranda

Categorizing the arguments and looking at the contextual category of the reform, there are well-developed arguments prevalent in explaining the necessity of the reform. There are some semi-developed arguments about how the former activities were necessary steps and they are also a proof that political support for reforming the state is sufficient. It is somewhat contradictory that the need and will for a change is argumentatively well developed but the direction in which to go is not. The concept of "good governance" is argumentatively underdeveloped and it remains unclear how the goal should be recognized when achieved. Policy problems that should provide evidence for the necessity of such reform are only mentioned in the document with references to different studies but

no policy problem is argumentatively opened in the explanatory documents. In the category of policy proposals only those connected with jurisdiction and constitution are argumentatively developed ideas. There are detailed efficiency-seeking proposals such as lessening administrative overload and enhancing public administration with strong claims and qualifiers that still lack content and are argumentatively weak. The proposals of people-centred development and adaptability of governance are argumentatively underdeveloped and presented in a vague manner.

Analyzing how the contextual part and policy proposals are brought together we see the *warrant* is missing between those two parts in sense that there is no logical connection of how and why these policy proposals are considered relevant or respective to the policy problems brought out. The justification part is therefore missing since that would have required some kind of warrant to bridge the context and the proposals (Toulmin, 2003: 91). Such legitimation can be considered depoliticizative since where justifications are not provided, discussion nor deliberation cannot happen and the choice of alternatives remains hidden.

The most developed arguments are the procedural ones and half of the most undeveloped arguments are those addressing complex societal issues. Since the first initiators of the state reform are practicing attorneys it is logical that their focus is on bottlenecks of the existing procedural and legal aspects of the state reform. Procedural and legal changes could very well contribute to the democratic side of arguments if, for example, the question of political input, transparent and inclusive decision-making processes were the basis for change. But in Estonian case these arguments do not discuss or explain the input and content of policy proposals but revolves around making the administrative procedures more efficient. If democratic open governance is set out as one of the central aims for the reform then it has to be considered that such procedural approach is often depoliticizing (Urbinati, 2006; Hay 2007; Landwehr, 2017) and does not contribute much to the deliberative democratic practices.

6.2 Ways of legitimation

The second layer of the analysis focuses on legitimation, its main rationales and connection with politicization and depoliticization. According to Cruz-Rubio's model of legitimacy and policy dynamics (LPD) we can say that although the aims of the reform accentuate the importance of political rationale and processual thinking beside administrative and output-oriented logic then the outcome-based and administrative rationales dominate. In many proposed principles there are detailed outputs described but the process of choosing these exact ones remains covert. It is mostly unclear where the proposed policy solutions originate from, which alternatives were discussed and who participated in the decision-making processes. The question of input in the processes remains vague but this is what democratic deliberative approach considers essential. The same arguments that fall into the category of outcome also perform as administrative arguments. They focus on legal norms, optimal management of operations and technological improvements rather than on the content of political decisions and shared beliefs.

There are also two policy principles out of seven that are partly political in their essence and describe the input side and deliberation in the policy process. In the first one (citizen-centered development) it is discussed how the citizens need to be engaged in the co-creation process of public services and how local administrations need to engage them in policy-making. It is noted that the state needs to serve the people. The idea of optimizing management and measuring the results is brought in to that principle as well and it is not clear whether the citizens are welcome to deliberate and provide

grassroot input or only to react to satisfaction questionnaires. The citizens are framed only as service consumers in these arguments which refers to technocratic thinking in combination with some deliberative democratic tools.

Extract 1: The state serves its citizens. The state allocates its attention and resources for provision of public services.... The results will be assessed by measuring people's satisfaction with the quality and accessibility of public services and services will be standardized if necessary. Before the development on new services, systematic evaluation will be organized, management operations optimized and technological solutions provided in horizontal cooperation. Citizens as end consumers will be consulted in every phase of service development. These solutions presume moving in the direction of network governance where the whole world is moving towards. One of the central aims of such approach is inclusion of citizens, their participation in decision-making that affects them which means co-creation of public services. These principles must be adopted also by the local governments. (Explanatory memorandum to the parliamentary resolution "Fundamentals of State Reform and Good Administration")

As for the warrant for such claim it is proposed that Estonia needs to move towards network-based governance which is the preferred direction in many states but here the main problem is that network-based governance attributes much bigger role to the stakeholders and citizens than being service customers. The warrant here is therefore misleading and narrow conceptualization of the role of the stakeholders and citizens is inclusive in a very narrow sense that does not support actual partnership.

The clearest forms of political rationales are used in arguments that speak about parliamentary capacity to deliberate with other institutions and improve democratic quality. It is mainly noted that the functions of parliament are weak and need strengthening but the reasoning how such conclusions are reached remains vague. It is noted several times that such a situation is partly inevitable in a proportional parliamentary system but still something should be done to increase the parliament's capacity to determine the political directions of the state. The problem is mostly assigned for the parliament to solve through transforming itself according to societal and global changes. Some additional suggestions brought out are of managerial nature that tackle mainly the aspects of budgetary decisions and necessity to engage experts into the discussions of parliamentary commissions.

Extract 2: Estonia as a parliamentary democracy needs to steer that the parliament's capacity to ensure parliamentary democracy would be in accordance with its general capacities and resources. The parliament's capacity of participating in a dialogue with the government presumes the inclusion of experts and external competencies if necessary as well as procurement of research and analysis from independent stakeholders. It has to be noted that the parliament needs to adjust its operations, increase transparency and expertise according to societal and global developments. (Explanatory memorandum to the parliamentary resolution "Fundamentals of State Reform and Good Administration")

Table 2. An overview of the policy proposals according to different ways of legitimation

Policy proposals	Short description	Outcome/process	Administrative/political	Politicization/depoliticization
1.Citizen- centred development	Citizens seen as service consumers, wider public engagement in every phase of service design and measurement of consumer satisfaction with public services	Mainly process but ideas to measure specific outcomes	Mainly administrative (procedures for inclusion and measuring satisfaction) but also political (focus on the input of the people)	Societal and discursive politicization
2.Stable constitutional norms	Constitutional norms are claimed as sustainable basis that remain untouched. The constitutional functions of parliament are brought out and the need to increase its capacity by engaging external expertise.	Outcome regarding constitutional law, process regarding parliamentary actions	Mainly administrative (procedural and legal), political in the sense of raising parliamentary capacity for deliberation	Governmental politicization regarding parliamentary capacity, depoliticization regarding constitutional law
3.Adaptable Estonia	Proposal to transfer state institutions out of the capital to avoid marginalisation of border regions. Standardized and more equal service provision in all the regions.	Outcome – government institutions transferred to different regions	Administrative – procedural steps described	Discursive and societal depoliticization – lack of explanation and no linkage of policy problem and solutions
4. Less administrative overload	Minimization of regulations and bureaucracy, suggestions for data management	Outcome – detailed description of technical solutions and norms	Administrative – technological systems and legal norms described	Discursive and governmental depoliticization – ready-made technical solutions, no explanation for choosing them
5.Clarity and lucidity of jurisdiction	Clarification of law-making normatives and revision of the necessity of regulations by the government	Mainly outcome (legal standards) but also the process of reaching them described	Mainly political (consultations with the parliament and the government) but also administrative (legal standards)	Governmental politicization – deliberation called for improving jurisdiction
6.Efficient public management	Reduction in the number of state officials and in the cost of administration	Outcome – smaller number of state institutions and officials	Administrative – legal and procedural steps described	Governmental depoliticization – institutional reductions with no deliberation
7.Clear chain of accountability	Centralization, bringing decision-making back to ministries, introduction of evaluation models	Outcome – institutionally centralized system	Administrative – procedures for decreasing the number institutions and civil servants	Governmental and societal depoliticization at large, politicization of central government institutions

In Cruz-Rubio's legitimation model (LPD), the focus on process versus outcome can vary regardless of whether the legitimation falls into the category of political or administrative justifications. The justification with outcome focus can also be rather political than administrative when it focuses on shared beliefs and the outcome reflecting democratic input. Political justifications can be outcome-based as well when they focus on how the legal aspects only or on the process of creating regulations and applying technical solutions (Cruz-Rubio, 2012:18). In Estonian case we can see that there is no pure process-based and political legitimation used. When explaining the inclusion of the people (proposal 1), the administrative steps are still in focus and the citizens are attributed the role of consumers. When explaining how the parliament and the government should evaluate legal norms (proposal 5), the "good outcomes" are already prescribed.

When it comes to politicization and depoliticization, both approaches are visible but there are interesting tendencies found. Mostly the tendency of depoliticization is apparent in discursive and societal forms. Although the first policy principle speaks of the citizens as co-creators of public services then the only method mentioned for engaging them is feedback questionnaires. Generally, there is the understanding that citizens need to be engaged in contemporary governance and some sort of politicization needed but so far they are positioned as service consumers only. The finding also deepening societal depoliticization is the lack of fully developed arguments and usage of technical terms. For example, there are many detailed technical ideas for ensuring transparency and deregulation which are presented as the best options but there is no room for deliberation and competing ideas since there are strong claims with missing explanations.

Extract 3: The state will not burden its people, enterprises and public sector institutions with excessive bureaucratic requirements, reports, duties and overregulation. The state will diligently proceed with revision and zero-bureaucracy actions. The state applies the principles of transparency, weighed privacy and once-only principle asking the citizens and private enterprises to insert their information only once....The state will maximally use every database in its hands for precautionary and automated service provision, using relevant technological opportunities. The prerequirements of "digital by default," "data first," and "no leacy policy" will be applied for service platform development. The state optimizes every level of the state and applies measures for that such as choosing the high officials respectively and decreasing the volume of inefficient and unreasonable requirements from European Union bureaucratic practices. (Explanatory memorandum to the parliamentary resolution "Fundamentals of State Reform and Good Administration")

There are tendencies of governmental politicization as well as depoliticization visible that mainly circle around the idea of centralization – central governmental institutions will be politicized and many others depoliticized. There are ideas to reduce the scope and costs of public sector and to optimize its functions which assigns deliberation and policy-making to main governmental institutions only. The parliament and local governments are considered responsible and sufficient for mediating democratic deliberation and policy input. There is also the suggestion of engaging more external expertise in the elected bodies. The decision-making process and political deliberation in the renewed state conception are seen to be much more in the hands of external experts. The main problem here is that politicization of central institutions only does not accord with the ideas that the memorandum started with – the need to consider contemporary directions of democratic practices in governance.

In conclusion, the main findings considering legitimation of Estonian State reform are that most of the arguments are built up from the standpoint of technocratic rationality. There are deliberative democratic goals described what concerns the inclusion of citizens and capacities of the parliament

and also the overall aim of enhancing democracy and alleviating civic alienation but the argumentation follows the logic of technocratic thinking, societal and discursive depoliticization. The case well exemplifies how the necessity of deliberative and socially inclusive practices has been noted and written in the formal documents but these ideas are not fully developed and their legitimation is sporadically built upon contradicting rationalities. It is, therefore, important to pay special attention to democratic rationality alongside the technocratic one or otherwise it easily gets diffused into technocratic thinking that tends to be the dominant thought pattern.

6. Discussion and conclusions

Governance in contemporary times comes with its complexities but also opportunities. There is the simultaneous search for efficiency and evidence-based policy making as well as legitimate democratic governance practices. The article discusses the importance and practices of balancing these approaches. We argue that although there are increasing number of governance tools, methods, and technologies in governance then all of these tools represent some kind of rationalities that need attention and thorough consideration when matching them together.

Acknowledging that a better quality of deliberative democratic governance is an aspiration for many contemporary states, there are some general lessons and examples to draw from the Estonian case. As we brought out, the rationalites for reforming a state are usually connected with the adjustment of state apparatus, procedures and jurisdiction; enhancing the governance, administrative and policy capacity; enhancing political representativeness, responsiveness and citizen-centredness. Compressing it all into one holistic policy might prove to be challenging since there are different logics and necessities behind these aims. As we can see from the Estonian case, even if different policy problems are addressed, the logic of reasoning tends to eminate from one type of thinking.

In Estonian case the overall aims of the reform addressed both the democratic side (alleviating the trend of political alienation, increasing civic engagement in politics) and technocratic side (making the state management more efficient, reducing costs, optimizing state activities). The solutions proposed for all types of policy problems relied mostly on technocratic thinking – managerial and technical solutions (evaluations, cost reduction, calculations etc). Legitimation relied mostly on justifications focusing on procedural aspects (regulations, legal options, technical solutions, institutional management) and outcome rather than explaining the process and input of policy proposals. This brings us to important notion – since technocratic thinking is widely incorporated and habitual today then the democratic side needs special attention and contribution to balance the technocratic side.

This is the same with politicization and depoliticization. Politicization is recognized as a promising direction for increasing democratic input and deliberative capacities of potential stakeholder (Gutmann, Thompson, 2004; Hoppe 2010) but technocratic thinking often favours depoliticization. The tendency of societal and discursive depoliticization alongside with politicization of central government institutions is visible in Estonian case as well as elsewhere as the analysis of Danish governance reforms shows us (Andersen, 2020). If the citizens or other potential stakeholders are not perceived as important and functional contributors by the government then the public servants are often reluctant to engage them (Elbrecht; Kalev, 2021). But some level of inefficiency is ineluctable for being able to enhance policy learning among different stakeholders. Involvement of external experts and professionals only results easily results in societal and discursive depoliticization and alienates from fundamentally political modes of decision-making (Urbinati, 2006).

The other important point of discussion concerns the quality of justifications. Political legitimacy depends on justifications and arguments. When trying to alleviate political alienation and increase legitimacy it is crucial that reforms and policies were argumentatively well developed and logically connect its aims with proposed means. In Estonian case, the proportion of arguments (containing at least the central argumentative units) was low considering the volume of the explanatory document. Policy problems, for example, were only named and referenced, not explained. An interesting finding was that although the necessity for the reform and the vision for good governance were argumentatively well developed then most of the proposals were underdeveloped. Some of the underdeveloped policy ideas were specific technical proposals with strong claims but missing content and some were vague discussions on how democracy should be strengthened. It is brought out by different authors (e.g. Zittoun, 2014; Stone 2002) that there is no self-evident or fixed connection between political problems and solutions since these are always question of political framings. Raising quality of argumentation is one central solution for increasing the quality of policy-proposals and their legitimation. Well-developed arguments follow an intact logic and are easier to follow or deduce even if all argumentative units are not written out explicitly.

Therefore, the main suggestion for balancing the democratic and technocratic approach is to pay more attention to the democratic side in policy-making and legitimation. Both approaches are useful but the technocratic side is better supported by the neoliberal thinking and practices that have been institutionalized during previous decades of governance practices already. Democratic and technocratic rationalities are and will be based on different logics and therefore they do not enable diffused approach but require thoughtful balancing. It is easier to balance those approaches if the arguments are well developed. Increasing the quality and intact logic of argumentation helps to detect the possible bottlenecks and mismatches of different logics. It also enables wider circles of stakeholders and citizens follow the process of policy-making and provide their input. Such notions are relevant for most of the contemporary governance systems trying to reform the state or transform governance practices into more efficient but also more legitimate and democratic ones.

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