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# The Science of the State. A comparative analysis of Statistical National Offices in the European Union

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## ABSTRACT

*Statistics was established and accompanied the existence and formation of state in the modernization process. Understood and used as a science born not within the civil society, but within the heart of the modern state, statistics has functioned for centuries as a very ideological social knowledge process controlled only by the state. This paper based on neo-Weberian approach points out that what had been wide-known in modern times as being political becomes nowadays more bureaucratic due to various political processes such as the European Union integration or New Public Management reforms, challenges that directly affect the place of national official statistics within the European governance system<sup>1</sup>.*

**Key words:** *governance, statistics, post-democracy, political representation, European Commission.*

**JEL Classification:** *H11, H77, N4.*

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## 1. INTRODUCTION

Liberal democracy does not seem to look as it did. As Frank Vibert (2007) and many others observe the rise of the unelected bodies challenges democracy itself as a political regime. On one hand, we have a growing number of institutions, servants and procedures that are not part of the core government as such and that function on strict professional and political independence. They are also pulled out of the core government and transformed into non-majoritarian institutions (hitherto we use the concept of “non-majoritarian institutions”, as coined by Giandomenico Majone, which, by design, are not directly accountable to voters or to their

1. A draft version of this paper was presented in *The International Conference in Economics and Administration, ICEA-FAA 2015, June 5-6, 2015.*

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elected representatives (see Majone, 1989), populated by experts instead of politicians and bureaucrats.

On the other hand, the civil service is getting more and more professionalized, as governance becomes a more complex phenomenon. If we take into consideration the European Union, the tendency becomes clear as an unelected body such as the European Commission is placed right in the center of the European governance along with over thirty other unelected European bodies established in the last decade.

As the non-majoritarian institutions play a central role in the governance process, political institution tends to decline their traditional roles and to exert less control over experts. Parliaments not only do not control governments as they do not have the necessary expertise and experts, but furthermore they do not appear to control the unelected bodies created by them and accountable to Parliament. The tendency is visible also in the ministries where the ministers do not control the experts and some of the policies. Within this framework famously described by British social scientist Colin Crouch as post-democracy we will analyze the place of National Institute of Statistics of Romania (onwards NIS) within the European Union governance system using a neo-Weberian approach. Our main hypothesis is that the European governance de-politicizes the national states by moving the political decision away from the national governments and closer to Brussels. The aim of this article is to reveal how the national governance systems are reshaped in the context of the European Union integration. The research was conducted based on several scientific methods as content analysis, systematization and comparative analysis.

## **2. LITERATURE REVIEW**

We have chosen for our analysis the official statistics field because it involves an odd paradox. Statistics was established along with the modern states as the science of the state (Scott 1998). Etymologically, statistics means the knowledge of the forces and resources of a certain state (population, territory, different categories of individuals, natural resources – mines, forests, etc.). It has been for four centuries a science absolutely necessary to the sovereign in order to govern: “In all the aspects of government work, two forces are entwined: knowledge and power. The rise of specific technical knowledge can be traced to the transformation of the state from the personal possession of a sovereign to an institution whose purpose is to protect and care for its citizens. Once governing started to be about something other than the person of the sovereign (“the prince”), it required collecting and analyzing information about the population in order for the state to be effective in carrying out its primary duties. The word “statistics” dates from the emergence of the state’s need

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for accurate knowledge. Knowledge without power, however, is helpless. The state has to have the power to shape its population and the factors impinging on it so that society runs well. Citizens become, in a sense, natural resources for the fashioning of an effective state. Bringing knowledge effectively to bear requires means-ends calculations, which put statistical information and analysis to work to achieve the goals of the state. Governing is no longer about the prince and his personal skills and wisdom (or lack of them); now it is about knowledge and power as they are put into practice by a governing apparatus” (Stivers 2008). In the context on New Public Management governing means not only making regulations, taxing, but also entering into contracts, seeking for effectiveness and efficiency, communicating, interacting, etc. (Lascoumes and Le Galès 2007; Lapuente and Van de Walle 2020). What this means is that, although today we might understand statistics as a being part of mathematics or econometrics, statistics is, in fact, a social science that uses mathematical language and tools in order to produce knowledge on social realities. William Petty (2008[1690]) writes in 1671-1672 one of the first studies in statistics entitled “Essays on Mankind and Political Arithmetic” proving that we do statistics from the point of view of the state itself who has different goals than society, the people, individuals, firms etc. The interest of the state, as Machiavelli and the reason of state tradition points out, is to stay, to keep its status and not to vanish along with individuals, people, private affairs etc.

In the neo-Weberian approach, state decision-making becomes not so well-defined or examined and based on the interplay of interest groups (Saks and Adams 2019, Saks 2020). We assume a neo-Weberian approach meaning that we see the state separated from society and the political regime separated from the state. As a consequence, in liberal democracies, elected politicians are separated from non-elected bureaucrats and very often they find themselves in conflict to each other as politicians have a short term (usually four or five year) while bureaucrats have a long time (usually they have lifelong work agreements) to work on policies. Moreover, the pressure of elections felt by the politicians is not a concern for bureaucrats. Using the described approach, we will do a short political history of the Romanian National Institute of Statistics and Eurostat and afterwards we will do a cross-country comparison and analyze the European Governance System on statistics through the Weberian lens of the relation between legitimacy and efficiency.

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### 3. NATIONAL INSTITUTE OF STATISTICS OF ROMANIA – A SHORT HISTORY

The Romanian National Institute of Statistics (hereinafter – NIS) was established from its very beginnings (1859) as a political endeavor having the task “to enforce, on real basis, the use of civil and political rights” (Bujoreanu 1866). The efforts of building up a national statistics institute belong to a technocrat, Dionisie Pop Marțian (he is known as the establisher of official statistics in Romania. He was a student of Lorenz von Stein in Vienna and advocated for a National Institute of Statistics since 1857), but also to a politician, namely Nicolae Kretzulescu, the minister of Home Affairs (*Departamentul din Năuntru*) who was “convinced that statistics was for every government what are the five senses for humans” (Xenopol 1915). In 1925 the Romanian official statistics was attached (*pe lângă*) the Ministry of Industry and Trade and headed by a Superior Statistics Board dealing with methodology issues (Legea 1927). Besides a short period of time NIS has always functioned as a ministry or being part of a ministry: 1937 the law on functioning of official statistics provided that the head of Central Institute for Statistics should had been a public servant and a statistician as well (In 1937 the law on organizing official statistics in Romania provided that the Central Institute for Statistics shall be headed by a director under some very strict conditions: he/she shall be a statistician, public servant. The law keeps quiet when it comes to the procedure of appointment/ dismissal/ nomination; the institute was attached (*atașat*) to the Ministry of Interior, meaning that some sort of independence was provided (Ministerul Interneleor, 1937).

Since its establishment, the NIS was more or less an administrative institution, having a political head and the corpus of bureaucrats/experts in statistics. The role of the political was to enforce the methodology desired by the state (WHAT to do?) while the role of bureaucrats to apply the methodology and do the statistical inquiries (HOW to do?). Excepting the Communist era when the political regime had adopted “the double language” (Barbu 2009) in all its action, so even in statistics, the downfall of communism has got the NIS closer to the European Union in terms of negotiation for the admission of Romania in the EU that happened in 2007. Starting 2007 onwards the NIS is part of the European Statistical System headed by Eurostat, the directorate-general of the European Commission dealing with statistics.

The European statistical office was established in 1952 and operates as the core unit of European Statistical System with the target of harmonization of statistics within the European Union. Members of European Union have invested decades to this statistical regime before it became commensurable and comparable (Alastalo 2018). Eurostat works under the rule of the

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European Commission Decision on Eurostat 2012/504/EU which enforces the professional independence of national institutes of statistics, statistical confidentiality, impartiality and other principles from the European Statistics Code of Practice. The head of Eurostat is a director-general, also informally known as Chief Statistician, whose main duty is to steer the planning and coordination of other statistical activities within the European Commission.

The framework under which Eurostat operates underlines the core principles of the European Union as a constitutionalized single marketplace. *Regulation (EC) No 223/2009 of the European Parliament and of the Council on European statistics* is the legal framework for the development, production and dissemination of European statistics. The Regulation states that European statistics shall be developed in conformity with the statistical principles set out in the Treaty on the functioning of the European Union and further elaborated in the European Statistics Code of Practice, namely, that: “1. Without prejudice to Article 5 of the Protocol on the Statute of the European System of Central Banks and of the European Central Bank, the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall adopt measures for the production of statistics where necessary for the performance of the activities of the Union. 2. The production of Union statistics shall conform to impartiality, reliability, objectivity, scientific independence, cost-effectiveness and statistical confidentiality; it shall not entail excessive burdens on economic operators” (*Consolidated version of the Treaty on the Functioning of the European Union*).

Furthermore, Eurostat aims:

- “to provide other European institutions and the governments of the EU Member States with the information needed to design, implement, monitor and evaluate European policies;
- to disseminate statistics to the European public and enterprises and to all economic and social agents involved in decision-making;
- to implement a set of standards, methods and organizational structures which allow comparable, reliable and relevant statistics to be produced throughout the EU, in line with the principles of the European Statistics Code of Practice;
- to improve the functioning of the ESS, to support the EU Member States, and to assist in the development of statistical systems at an international level” (*Eurostat and the European Statistical System*).

Being a directorate-general within the European Commission, Eurostat is not a political institution as such, but a bureaucratic one, whose head is a statistician, appointed by the EU Commissioner for Taxation, Customs, Statistics, Anti-Fraud and Audit. Nevertheless, its role is quite political as

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“Eurostat is expected to lead and drive the interests of European statistics and provide a platform for ESS actors to collaborate. This gives Eurostat different functions:

1. Leadership: initiate and develop the multi-annual and annual work programs, speak on behalf of the ESS, develop professional and ethical standards, adapt the governance structures as needed.
2. Management: facilitate cooperation between NSIs, cooperate with the European Central Bank (ECB) and the European System of Central Banks (ESCB) and other systems involved in official statistics, be a platform for the dissemination of good practices and innovative techniques for more comparability or less burden, coordinate official statistics within the Commission, organize the production of European statistics for specific policy purposes” (ESGAB 2014).

In short, we face two institutions that deal with statistics in a process that can be simplified as it follows: Eurostat establishes the statistical methodology on a basis of scientific knowledge and political will of the European Commission and NIS implements the methodology, makes the statistical inquiries and disseminates the data to Eurostat a day before anyone else can have access to the results. It is a relationship of subordination in terms of methodology or a relationship between a principal (Eurostat/the European Commission) and agent (NIS, part of the Government of Romania). This means that NISs have a significant degree of professional independence from the national governments, an indicator that points out towards the agentification of NIS.

#### **4. THE PHENOMENON OF AGENTIFICATION**

The process of filling up public administration with unelected bodies begins in the United States of America in the 1930s under the New Deal on the model of central banks that have a tradition of functioning apart from governments (Verhoest et al. 2012). Different terminology is used to name them, but the most common abbreviation is *quasi autonomous non-government organization* (QUANGOs). Their common encounter is that, although different, they all operate somehow apart from the democratically elected institution. The QUANGOs can be service providers such as central banks or the British Broadcasting Corporation which was “granted a royal charter in 1927 in order to detach the power of broadcasting news from the power of politics” (Vibert 2007, 21), risk assessors - institutions that manage some types of social risk mainly in health, food, climate change, environment, etc., boundary watchers of the markets in relation with the state (Autoritatea pentru Supraveghere

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Financiară), inquisitors which are separated from politics (Consiliul Național al Audiovizualului, Consiliul Național pentru Studierea Arhivelor Securității, Consiliul Național al Audiovizualului) and whistle-blowers. However, all the agencies have some common features apart from a certain degree of political independence as they operate in areas where a highly technical knowledge is necessary. They can use funds from the government, but also from other shareholders or even the markets.

They form what Peter Haas (1989) calls “*epistemic communities*” meaning they share the same knowledge, skill and expertise and they use a highly sophisticated language unbearable for public at large: “When they talk, they talk to each other. Central bankers talk *at* financial markets but they talk *to* other central bankers; economic regulators talk to other economic regulators, competition authorities to other competition authorities and auditors talk to other auditors. The reason for this is that they see themselves operating in similar settings, facing similar problems and having similar experiences to share. They often share a common intellectual approach and procedural disciplines. When there are lessons to learn, they are likely to be learnt from each other. Often, as mentioned later, the peer group will be international in character rather than national or local. The unelected are prime movers behind the formation of policy networks” (Vibert 2007, 32).

The agentification phenomenon has also reached, due to New Public Management reforms, the field of official statistics, pulling out the NISs from the governments and transforming them into independent agencies. For example, the UK national institute of statistics case was debated in November 2005 with the help of UK Chancellor of the Exchequer in order to give the institute the necessary political independence to gather statistics and disseminate to the public in a professional manner.

The agentification phenomenon empowers the Parliament and eases the Government. The executive branch cedes territory to the unelected bodies and the agency operates under delegation of powers by the Parliament. Therefore, governments are more decentralized by creating more and more QUANGOs, relieving themselves from many of their traditional duties. The core executive is divided into a variety of institutions and practices, as we face a shift from government as an act of exercising political power towards governance, as a quasi-consensual administrative formula (Marinetti 2007, 59).

In order to grasp the agentification phenomenon in the European Union we should look at its historical roots which are anchored in a technocratic vision, not a democratic one. As Sergio Fabbrini (2005, 11) points out in the case of EU we should consider we are dealing with a compound federalism similar in some stances with the political design of the American constitutional

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regime in its beginnings in 1787: “Both the US and the EU have the features of a system with fragmented sovereignty, which was defined by James Madison in Philadelphia as “compound republic”, where segmentation and separation of powers concerns both the horizontal and the vertical level of the system”. Basically, a compound federalism means that there is no single government as a single institution.

Thus, in Aristotelian typology the European Commission is the monarchical element, the Council is the aristocratic element and the European Parliament is the democratic element, transforming the EU in an unfinished federal entity: “Indeed the Council is notoriously an arena in which national executives may exploit the EU tier of governance to evade national Parliamentary control and/or to circumvent blockages to policy reform at national level - and then blame the EU for tying national hands that have in fact been willingly so tied. The European Parliament is directly elected, but rarely consequent on campaigns infused by European, rather than national, debates and its relative invisibility insulates it from pressures to exercise a restraining influence on expanding competence. National Parliaments, as the losers in this pernicious process, may be expected to blow the whistle” (Watherill 2009, 33).

Thus, The European Commission is a hybrid-type institution, unelected, but appointed, following a consensual procedure in which the major players are The European Council, the nominee president of the College of the European Commission and the European Parliament. The role of the European Parliament is not actually a major one (as for instance in a traditional liberal democracy), as it is only called to decide if agrees with the common proposal of both the European Council and the nominee president of the College. It has the role of the people in a plebiscite. No government can exercise authority over its commissioner whose only head it is the President of the Commission.

The Commission combines administrative and executive powers, but it is not designated by the treaties as being or acting as the executive branch of the European Union as such. It means we cannot call the European Commission the government of the European Union, and as a consequence the European Commission does not govern. It has the unique role of steering, being nevertheless it is at the center of the European governance system.

The European governance includes a whole range of agencies, which are nevertheless bodies governed by the European Union law, but separated and distinct from the Commission or from the Council of the European Union and the European Parliament starting with the European Central Bank established in 1992 by the Maastricht Treaty. Nowadays there are over thirty such institutions. As it is impossible to draw a line between the political and



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the administrative elements of the European Commission we have to assume that any action of the Commission is simultaneously both administrative as well as political.

The democratic deficit is suggested by many scholars in the last two decades. Kristin Roos, as well as many others, suggests that even the Treaty Establishing an European Constitution was rejected by the people because of the lack of democratic control: “It was purposefully drafted, in other words, to communicate to voters through its very form that it was best to leave such complex matters of governance up to the experts, the technocracy” (Ross 2011, 34). Therefore, the European Union political regime seems to head towards what Jürgen Habermas (2012) calls “bureaucratic executive federalism”.

We have performed a comparison between 40 NISs worldwide in order to see if the trend to transform them from parts of public administration to independent agencies is real. Although the selected countries are worldwide and match different criteria such as EU/non-EU membership, belonging or not to the ex-Soviet space, from the American continent and so on, it is difficult to do a quantitative or statistical inquiry. Some of the NISs have become independent agencies, but in order to establish if the institution was de-politicized at all, it was needed to have access not just to the law on which they function, but also to the informal procedures of the appointment/recruitment of the heads of NISs. We have searched but one single criterion, namely “How political are the appointments of NISs head?”. Although we used a neo-Weberian filter in order to separate the political appointment from the recruitment on merit basis, we were dealing with many traditions of public administration in the EU countries, which made very difficult to use a quantitative analysis. Our assumption is that if a politician intervenes in the appointment/recruitment process we are dealing with a political appointment of the head of NIS. On this consideration, based on the conclusions of the peer review report of Eurostat from 2007 and 2015, we have counted only four countries where the appointment can be considered non-political (Belgium, Cyprus, Finland and Sweden), all of them countries in which NISs are all independent agencies. No pattern emerges from, but it reveals the trend of depoliticizing the official statistics in EU countries.

## **5. PEER REVIEW – THE POWER DISCOURSE**

Eurostat have performed two peer review processes in Romania, in 2007 and 2015, based on the European regulations and especially on the European Statistics Code of Practice. Considering the head of the institution, Eurostat is very interested in sheltering the head of NIS from any political pressure and provides us an ideal professional portrait: he/she should be a well-

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known statistician, a PhD holder in economics or statistics and with no political affiliation, meaning that he/she should be a technocrat. Nowadays in Romania, under the current legislation and government practice the head of NIS is appointed for a five years term. Moreover, the peer review final report suggests that this is not a political appointment, but an appointment for professional merits: “NIS is headed by a President who is a Secretary of State but he/she is not a Member of the Government. The appointment (and dismissal) of the President is made by the Prime Minister and the relevant act is published in the Official Journal of Romania. The President of INS reports to the Prime Minister through the General Secretariat of the Government; this arrangement is regarded as better than reporting to a Minister because it ensures greater stability, neutrality and continuity in the relations of INS with the Government. The President is present in the media and he is a recognized public figure. While - in the law currently in force - there are no specific provisions regarding the qualifications of the President, in practice, all Presidents since 1990 have been PhD holders in Economics, and the majority among them had substantial relevant professional experience” (Peer review 2008).

Moreover, in order to the head of NIS is accountable to the European Statistics Code of Practice, European regulation and to the Romanian legislation which should be further amended according to the observations of the European Commission. Another observation should be made here: the report uses terms such as “uses” and never “citizens”. In short, the head of NIS is, in the eyes of the European Commission, becomes more a mandated of Eurostat than a national politician. The technocratic vision of the European Commission makes deliberately equals political independence and professional independence contrary to the well-known Weberian administrative model. Furthermore, a step ahead will be to define within national law the profession of statistician as independent experts and as auditor of the state within its two traditional areas of knowledge, the territory and the population. What happens is that on one side, Eurostat follows wheater the head of NISs have direct access to the cabinet and if they are major policy maker, on the other side they should not be politicians, but notable public figures. They should be statisticians enough as statistics is very technical and it is becoming more and more a mathematical science then a social science: “Independence from political and other external interference with production and dissemination of European statistics and an objective choice of methods, sources and techniques seem to be ensured in practice across the ESS. However, stronger legal underpinning of professional independence in 13 cases (indicator 1.1) and more explicit safeguards of the statistical authority’s objectivity in four countries (indicators 6.1 and 6.2) might add to the ESS’s credibility. This holds true in particular,

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albeit not only, in cases where the statistical authority is administratively attached to a policy department. Peers identified provisions in the statistics law of four countries as good practice. Establishment of a high-level scientific or methodology committee, detailed methodological guidelines endorsed by a well-defined procedure or guidelines on professional ethics or a national Code were identified as additional safeguards of statistical authorities' objectivity and impartiality" (Commission 2008, 4).

Another relevant example to explain the steering political power of the European Commission comes from a statistical inquiry on international migration. As the EU is so interested in the knowledge of labor market especially after the financial crisis from 2008 and the still ongoing pandemic, Eurostat had requested a statistical inquiry in international migration based on Regulation (EC) No 862/2007 of the European Parliament and of the Council: "an emigrant is a person who, having previously been usually resident in the territory of a Member State, ceases to have his or her usual residence in that Member State for a period that is, or is expected to be, of at least 12 months; an immigrant is a person who establishes his or her usual residence in the territory of a Member State for a period that is, or is expected to be, of at least 12 months, having previously been usually resident in another Member State or a third country" (NIS 2014). By defining an emigrant/immigrant as an individual that is resident for more than 12 months in a member state of the EU, Eurostat assumes that the people that are part of this cohort are those who can sustain themselves on daily basis, thus those who have a stable job. For example, an Erasmus student does not reside more than 12 months overseas, so it should not be considered an immigrant. This inquiry is very significant for the relation between the European Commission and member states government. NIS currently estimated that 3.3-3.4 million Romanians should be considered immigrants worldwide (Institutul Național de Statistică 2019). The results of the inquiry are highly important for the European Commission and not necessary for the Romanian Government. This leads us to the observation of political scientist Claus Offe (1984, 113) who coined out the idea of the scientization of politics, defined as "the authoritative participation of scientific experts in the development and evaluation of political programs".

Therefore, the paradox is that while national governments are recommended to stand aside and to shelter the political independence of their national statistics institutes, the European Commission which is the core provider and enforcer of policies not just at the European level, but also national, regional and local level can establish methodology for the NISs in the name of the same principle of political independence.

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## 6. CONCLUSIONS AND DISCUSSION: DEMOCRACY IN DISGUISE

The case study on official statistics in the context of European governance is due to point out that politics no longer seems to be assumed as in the era of mass democratization. Along with many others patterns of post-democracy, the relation between the state and the political regime on one side, and the politicians and bureaucrats on the other side shows that we are facing a new era in terms of political regimes patterns. Is this a completely new era? Or is a return towards a pre-democratic era?

What we are dealing with is the fact that public policies in statistics are established increasingly more in Brussels and only implemented in national countries describing the phenomenon of scientization of politics. This is a post-democratic phenomenon as in democratic regimes science was subordinate to politics, as the will of people is more important than what science can say today and deny tomorrow (Sartori 1978). Claus Offe (1984, 113) argues that science is used “to provide “efficient” and “effective” realization of social policies. Therefore, scientization is due to unburden the system of political decision-making both socially (the demands and interpretations of reality of anyone who cannot establish their “scientific legitimacy” can be placed to one side) and temporally (while information is gathered and alternative programs weighed, a temporal buffer zone can be interposed between the identification of problems and the enactment of problem solutions; more importantly, those affected can prepare themselves for possible trench-warfare and impending changes in their position and power prospects)”.

More important, this poses the question on how is political freedom defined in the context of post-democracy. What means to have a good governance in terms of statistics? Is there any place for the *demos* in this administrative-political arrangement? The neoliberal approach towards *good governance* is defined as freedom from politics: politicians and political institutions should not intervene in the marketplace and even in the public policies as they are framed, established, implemented and monitored by experts. Thus, political freedom is negative: freedom from interference of the state in the corporate and private affairs. The relationship between the governments and citizens is mediated through non-governmental agencies and it becomes contractual instead of being representative: “Advocates of new governance defend reliance on the market, but are blind to the role government plays in stabilizing it. They see contracting and deal making as preferable to the dead hand of bureaucracy. Administrative agencies are seen as tangled in red tape. An overabundance of regulations stifles innovation,

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increases the cost of programs, and reduces freedom - the freedom to do as you like. Instead, relations between governments and private entities are to be negotiated so that mutually acceptable agreements are reached. Market control, to the extent that it is necessary, will be achieved by means of these agreements rather than by policy decisions or regulations. Hence the emphasis in the new paradigm on seeing governance as what goes on in networks of public-private arrangements rather than in government itself” (Stivers 2010, 110).

The entire governance process tends to be depoliticized as the debates over basic democratic values have been eliminated: “the cross-fertilizing interplay between different agencies and experts, private and public alike [...] the propensity of the public institutions of government to secrete within themselves their own multiple spaces of partly autonomous authority; the different forms of delegation represented by the [non-governmental organization], municipal privatization and the renewed mobilization of the voluntary sector in social services” (Stivers 2010, 144).

Thus, European governance brings into arena a completely new approach towards the relation between knowledge and power. At first sight, knowledge belongs to the European Commission and power to the sovereign states. But if we were to assume that knowledge is a synonymous for power in the EU establishment, this means we are facing a new approach towards democracy.

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