TRANSPARENCY AND OPENNESS OF QUALITY DEMOCRACY

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Proverb or Valid Principle?

Many years ago Herbert Simon wrote a famous chapter on “proverbs of public administration”. Indeed, there is a serious danger of being captivated by “slogans”, instead of seriously facing hard issues. A good illustration is the term “sustainable”, which started with the slogan of “sustainable development” but moved on to many other areas, including the non-sense term “sustainable governance” – as if maintaining the same point or moving on the same linear curve is desirable and possible.

Ideas such as “dynamic non-catastrophic development” and “high quality governance” are much more valid for guiding action. But it is very difficult to overcome “Idols of the Market Place”, as Francis Bacon called widely accepted but misleading catch phrases.

“Transparency and openness” are serious norms. But they must not captivate thinking. They are what the Greek called a pharmacon, that is a material which, if taken in correct dosage, heals, but is poisonous if taken in too large quantities. If applied carefully, transparency and openness are valid recommendations, normatively as well as instrumentally. However, it is a gross error to think that the more transparency and openness the better.

To apply correctly the principles of transparency and openness, four steps among others are necessary: First, the nature of transparency and openness as values and as instruments must be clarified. Second, some pathologies of transparency and openness must be diagnosed in order to be prevented. Third, some pre-conditions of moving towards more transparency and openness need exploration. And, fourth, increasing transparency and openness must be considered and reconsidered within upgrading of capacities to govern and moving towards “quality democracy” as a whole.

Adequate examination of these and related issues requires a book. Instead, I will proceed in leaps, moving concisely through the four steps

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and adding at the end some recommendations and principles, further to clarify the proposed approach.

Norm and Instrument

Transparency and openness partake of a double nature: They are both a norm and an instrument.

As a norm, transparency and openness are part of the value systems of liberal democracy and of human rights, which provide for a right of citizen to know what is going on in governance and for a duty of government to be transparent and open.

However, it should be noted that these are not unconditional or absolute rights and duties. Therefore, they have to be considered in relationship with other rights and duties. And, in case of conflict, value judgment is needed on the normatively correct “value-cost-benefit” evaluation and the resulting mix of rights and duties to be realized or not to be realized.

For example, citizens have a right to privacy and governments have a duty to arrive at as good policies as possible. These can easily conflict with transparency and openness. When this is the case, a value judgment is necessary on how much of transparency and openness to sacrifice as against privacy and policy quality.

In order to prevent arbitrariness in such value judgments and protect them against misuse, legislation should set down criteria and determine who shall exercise discretion in applying the criteria to specific cases. Judicial oversight is essential, but it may well be that it should be put into the hands of administrative tribunals that have expertise in governance and not only in law and that have access to internal governmental material without necessarily putting it on the public record.

Transparency and openness are also an instrument making for more efficiency and effectiveness, by forcing governance to be more careful so as to stand public scrutiny.

But requirements of efficiency and effectiveness are not automatically served by more transparency and openness. There is a danger that governance may be swayed by too much transparency and openness to act more “by the book” and in ways which protect it from criticism, instead of serving the public in substance and weaving the future for the better. Also, transparency and openness may contradict some other requirements of high quality governance, such as frank advice to be given by advisors –
which may be impossible if their papers are sure to reach the public and be used in political competition.

Therefore, a balance is needed between different norms and requirements in advancing transparency and openness.

A different emphasis is necessary in countries with a tradition of closed governance. In such countries, the rule should be to increase transparency and openness, without hiding behind sophistic arguments and pseudo-calculations. However, in these countries too, prudence is needed not to let fully justified efforts to overcome anti-democratic governance traditions and embedded bureaucratic habit go too far, and endanger other citizen rights and requirements of high quality democratic capacities to govern.

**Pathologies**

A short discourse on some pathologies of ill-considered expansions of transparency and openness will provide further perspectives on the proposed relativistic approach.

A main pathology is one of letting “blowing of bubbles” dominate substantive achievements. Contemporary democracies have a strong tendency to put emphasis on “image building”, because of the pervasive influence of the mass media and the increasingly appearance-dominated nature of political competition. Undue amounts of transparency and openness can further increase the weight given to “image engineering”, thus impairing substantive quality.

This pathology can take a number of grave forms, such as “double record keeping”, with documents being prepared to be transparent and open, in contrast to the “real” material. This is not only wrong by itself, but has contagious effects by legitimizing corrupt practices.

Another serious form of this pathology, already hinted at, is repression of serious staff work, which necessarily involves consideration of unpopular alternatives and professional critique of pet ideas of politicians. If there is serious danger that such material will reach the public and be used as weapons against the government in the political arena then the natural reaction is to inhibit frank discourse and serious staff work in governance, with grave consequences for the quality of choice.

An additional dangerous pathology of overdoing transparency and openness is to motive governance to avoid dealing with difficult issues, to avoid revealing lack of good ideas.
This pathology is aggravated by the fact that transparency and openness are mainly used not by interested citizens, but by investigative mass media and interest groups. Investigative mass media can help a lot to upgrade democracy by exposing corruption and fiascoes. But they can also push governance into too much of a defensive posture, including avoidance of justified risk taking, and leaving subjects which should be dealt with by governance to “hidden hands”. Furthermore, interest groups, however often beneficial, may undermine the public interest if exerting disproportional influence through selective use and misuse of governmental material.

The last pathology of exaggerated attention to transparency and openness, which I would like to mention here, is one of distorting administrative reforms. Increasing transparency and openness is an important and even essential dimension of administrative reforms, especially in countries with “locked” governance traditions. But often other improvements should come first. Thus, building up a professional senior civil service should be a priority endeavor.

**Pre-Conditions**

Nothing that has been said should be understood as opposition to transparency and openness. But, to advance them in beneficial ways requires not only a balanced approach, but also satisfaction of at least five pre-conditions:

1. Governance must, first of all, achieve some measure of quality. When governance is dismal in main respects this will be obvious, transparency and openness will not help, and efforts should first focus on rebuilding governance.

2. Differentiation between domains with which citizen are directly concerned and other activities of governance, such as long-range policy thinking. In respect to the first, transparency and openness cannot really be overdone and should be advanced energetically. However, in domains with which citizen do not interface significantly, there is scope for intra-governamental processes which are not unconditionally transparent and open.

3. Upgrading of public discourse on governance. If most of the public completely misunderstand the nature of governance, if public discourse is dominated by dogmas and wild political competition, if narrow interest groups and “Mafias” overwhelm public discourse – than increasing
transparency and openness may open the door for more misuse rather than informed democracy and protection of citizen rights.

4. Transparency and openness of politics should come first, otherwise transparency and openness of public administration will be nothing but a sham.

5. One of the best ways to advance transparency and openness is to increase participation, especially in domains with which citizen are directly concerned or where social actors have much to contribute to governance. Therefore, increasing participation is often a pre-condition for deep transparency and openness.

The recommendations with which this paper will end will operationalize these pre-conditions and add to them. But, before moving to recommendations focusing on transparency and openness, the subject must be put into the context of moving towards quality democracy as a whole.

**Integration into Advance towards “Quality Democracy”**

Increasing transparency and openness is a significant component of trying to move towards quality democracy. Therefore, to understand better what is involved in transparency and openness, let me mention some main dimensions of quality democracy and point out the role of transparency and openness in them.

This is all the more important because of my view that contemporary democracies, some more and some less so, are on a slippery slope towards populistic mass-media democracy, with grave dangers for crucial future-weaving capacities. Hence, the urgent need to redesign governance and politics so as to exit the present trend and move towards what I propose to call “quality democracy”.

Accordingly, the fit of transparency and openness into quality democracy must be examined and strengthened, as indicated in the following.

**1. Highly moral**

Quality democracy should be highly moral, in its goals, ways of action and personal ethics of politicians and civil servants.

Transparency and openness well fit in with this requirement, encouraging moral governance and serving it. However, there is more to it. The requirement for highly moral governance serves as the main justification for transparency and openness and their congruity with quality democracy.
This is the case because transparency and openness are themselves norms of democracy. Therefore, quality democracy, in striving to be highly moral, should also strive for much transparency and openness.

However, too sanguine a view of the fit between highly moral democracy and more transparency and openness may be premature. A major dilemma facing the endeavor of governance to follow a higher morality involves the content of values, which should serve as goals and standards. Thus, a crucial component of higher morality for governments may well be the requirement to give more weight to *raison d’humanité* at the cost of *raison d'état*. Doing so may well require governance to be more moral than its citizens, at least for an interim period till our publics mature. If so, some non-transparency and non-openness in select domains may be necessary for highly moral governance.

**Future-committed**

This crucial dimension of quality democracy raises some similar problems in respect to transparency and openness. Unless large parts of the public share a commitment to the future and are willing to accept present costs for the benefit of coming generations, making future-commitment of governance very visible may be counterproductive.

Therefore, some limitations on transparency and openness in respect to long-range policy thinking may be essential, inter alia in the form of locating such thinking in units outside the public and political arena. A more constructive approach is to increase the policy-enlightenment of the public and facilitate social support for future-commitment, but this cannot be relied upon in the near future.

**2. High-energy, but selective**

Taking into account the predicaments, opportunities and dangers facing humanity as a whole and all societies and countries in particular, governance must be high-energy. But in many domains governments are not the best actor. Therefore, high-quality democracy is selective in what it deals with.

This dimension of high-quality governance raises only one significant problem with transparency and openness, namely the danger that too much of limited governance action capacities will be devoted to building images and facades in order to cope with pressured produced by transparency and openness. However, high-quality democracy can contain this problem
by communication activities that are compartmentalized, so as not to influence unduly substantive operations.

3. **Deep thinking**

   In contrast to the growing tendencies of contemporary governments to “surf” on the surface of problems, quality democracy tries to deal with the core of issues, basing its choices and actions on a deep view of historic processes.

   This requires capacities and willingness to cope with complexity with the help of complex thinking. However, trying to do so may produce tensions with public opinion, unless governance is skillful in explaining its policies and large parts of the public are able and willing to follow and evaluate demanding chains of reasoning. Therefore, transparency and openness may be problematic in pushing towards over-simplifications, until public policy enlightenment and governmental communication abilities are much improved.

   However, transparency and openness may also help improve governance thinking, by encouraging inputs of diverse views and multiple types of values, knowledge and experience.

4. **Holistic**

   Quality democracy takes a holistic view of issues, rather than an atomistic one. This requires quite radical redesign of governments. But what is important for our purposes is the danger that more openness and transparency pushes towards a “pragmatic” approach to issues, dealing with every painful spot without much concern for relevant systems as a whole.

5. **Learning and creative**

   Learning and creativity are critical for high quality democracy in an epoch of rapid change. These involve, inter alia, revaluation of accepted policy orthodoxy, a good measure of scepticism on “common sense” views and quite some “creative destruction” of obsolete institutions, processes, structures and entitlements.

   Here, again, quite some tensions with transparency and openness are to be expected. Thus, knowing plans of governance in advance may sometimes make them impossible to realize, because of mobilization of vested interests against them before governance policies are crystallized. Therefore, some
policy innovation processes need protection against transparency and openness, till their products are ripe to stand against “the tyranny of the status quo”.

6. Pluralistic

Quality democracy should be pluralistic, taking into account diverse views and multiple perspectives. Here, transparency and openness can be of much help, by stimulating public reactions to governance thinking and thus providing a larger input of multiple views.

7. Decisive

Decisiveness is essential for quality democracy, because of the need to cope with novel opportunities and dangers which, in part at least, require determined action reaching a critical mass of interventions with historic processes.

Transparency and openness can help in achieving decisiveness and can hinder it. On one hand, democratic support for serious choices depends on public knowledge and understanding of the policies and their underlying reasoning. On the other, as already mentioned, advance knowledge may help opposition to freeze policies without regard to their merits.

Conclusion

The overall conclusion is mixed: Transparency and openness clearly realize norms of democracy and human rights and can help to advance some dimensions of quality democracy. But transparency and openness also can hinder realization of some important dimensions of quality democracy. Therefore, our additional analysis seems to lead to three conclusions, reinforcing what has been said before:

One, increasing transparency and openness are desirable normatively and can help instrumentally. But their advancement requires selectively and should be accompanied with additional measures.

Two, the effects of transparency and openness depend largely on the quality of the publics in considering thinking and activities of governance. Therefore, increasing transparency and openness is undoubtedly desirable on matters with which salient parts of the public are directly concerned and on which they may well have better knowledge and understanding than governance.
Three: a main additional measure needed for increasing transparency and openness in ways advancing quality democracy is to facilitate better public understanding of governance activities and main policy issues. This can be facilitated both directly, by appropriate presentation and explanation of main governmental thinking and choices; and indirectly, by better “governance issue enlightenment” of the public through pluralistic offerings in the education system, the mass media and cyber-space. But much care must be taken to prevent such endeavor from becoming “propaganda”. Therefore, independent bodies that reflect different perspectives and views should be in charge of them.

**Operational Recommendations and Principles**

Let me conclude, first, with six operational recommendations illustrating concrete implications of the analysis proffered in this paper. Then, I will bring the paper to an end with reiterating four overall principles that are suggested as fundamental for advancing transparency and openness as part of a serious effort to move towards quality democracy.

First, six operational recommendations illustrating operational implications of our analysis:

1. Governments should publish documents clearly explaining their thinking, plans and decisions on main issues. Green Papers and White Papers, as common in some countries, provide relevant experiences.

2. Advancement of transparency and openness should be accompanied by broadening and deepening public participation, both in policy consideration and on “street level” issues.

3. Strengthening bodies that exercise oversight over governance and publishing their findings is a main way to advance transparency and openness. Different forms of Comptrollership and Ombudsman illustrate possibilities.

4. Governmental communication should be improved so as better to explain governance operations, but with care taken not to engage mainly in “marketing”.

5. Within governance, units and processes should be institutionalized which draw lessons from public reactions to material made accessible through transparency and openness, so as to encourage learning instead of defensiveness.

6. Much attention should be given to protecting civil servants against undeserved accusations following increased access to governance material.
by the public, the mass media and interest groups. Thus, taking of justified risks by officials should be explained, defended and rewarded when attacked by parts of the media and the public.

Leaving additional recommendations to another opportunity let me conclude with iterating four main principles tying in increasing transparency and openness with advancing towards quality democracy:

One. Increasing the transparency and openness of politics is essential for meaningful openness and transparency of public administration.

Two, increasing of transparency and openness of public administration should be integrated into overall reforms of public administration.

Three, increasing citizen understanding of the problems that governance is coping with, and of governance itself, is essential for increasing the positive effects of transparency and openness and reducing negative ones.

Four, increasing transparency and openness should be tied in with overall upgrading of the quality of politics and governance, as a dimension of progressing towards quality democracy.