

## Democracy and Transparency

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Democratic institutions are generally expected to be transparent. By transparency, broadly understood, we refer to the fact that the operation of such institutions takes place under the eyes of the public. This will typically entail the possibility for (groups of) citizens to access documents produced by representatives or civil servants, or the possibility to witness deliberative processes in action, e.g. in parliamentary assemblies. Yet, the precise effects of transparency and the exact function it plays in such a democratic setting are still not entirely clear, despite the fact that the public generally tends to consider transparency as having globally positive effects on democracies.

In the academic literature most relevant to political scientists, there are at least four sets of focus points. First, there is an extensive legal literature on “Freedom of Information” or “sunshine” laws, devoted to the mechanics on such complex regimes, i.e. their scope in terms of right-holders, the interpretation of the various grounds justifying temporary or permanent denial of access (trade secrets, privacy,...), the ways in which one can accommodate different conflicting rights in this context (e.g. Eagles, Taggart & Liddell, 1992 for a legal source and for a recent public administration approach: Roberts, 2006). Second, the growing literature focusing on corruption has some papers on the connection between transparency and corruption (see e.g. Linstedt & Naurin, 2005 focusing on the “free press” dimension). Third, there is some literature dating back to the nineteenth century on whether voting by citizens should remain secret or become transparent. Whereas the debate was lively at that time, involving contributions of major figures such as James Mill (1830) or John Stuart Mill (1861) there is hardly any recent literature on the topic, with the notable exception of Brennan & Pettit (1990) (See Gosseries, 2005 on this “secret ballot” debate).

Finally, there is some recent literature on whether going public influences the quality of deliberation in a democracy. One of the hypothesis in this respect is Elster's (1998) idea of the “civilizing force of hypocrisy”, referring to the conjecture that politicians would tend, through a variety of mechanism including the reduction of cognitive dissonance, as well as the operation of normative expectations among the public, to develop more civilized discourses when operating under public scrutiny. Naurin (forthcoming) has however recently provided evidence such that going public would *not* necessarily entail that actors would express themselves in a more principled manner, and in one that would refer more to the general interest. Moreover, other effects of going public have been hypothesized in the past, including by James Madison (1787), emphasizing the difficulty of publicly changing one's mind in the view of new arguments once one has already committed oneself in public to a given position. Such a phenomenon, if confirmed, would tend to threaten the deliberation's true spontaneity and interactivity, and transform it into a succession of pre-prepared statements. Other worries include the risk of publicity pressing deliberating actors to leave aside more personal and particularistic reasons to adopt a given position, to the benefit of sometimes more shallow arguments (Chambers, 2004). These constitute examples of a literature conjecturing a set of effects of publicity on the nature debates or even on the possibility of genuine deliberation. It is central however to both test the empirical validity of such arguments and to assess their full implications for those who value deliberation in

democracies. The papers presented in this debate aim at making further steps on each of the four literature trends identified above, with the exception of the third one (vote transparency).

### **Transparency, publicity and the evasion problem**

In the first paper, Naurin proposes a distinction between transparency and publicity, insisting on its relevance to empirical and normative research. He contrasts transparency, understood as the mere accessibility of an information, with publicity, referring to whether an information is actually being accessed by citizens. Education levels are clearly a factor that will determine whether people are able to understand (and hence act upon) the information made available. A paradigmatic example of how Naurin draws the distinction in the press context is the following: while measuring *media access* by the people will give us a measure of *publicity*, offering an index of *press freedom* will tell us how much *transparency* there is in a given state.

Moreover, Naurin makes clear that transparency only “increases the chances of publicity”. Cases may indeed obtain in which too much transparency would actually *reduce* publicity because of informational flooding. This is also why the press plays an essential role. For, on top of making the information accessible to people, it also *selects* among all the information available what the people should look at first. Moreover, in some cases, well-structured transparency mechanisms are not even needed for publicity to take place, as the case of leakages illustrates. In any case, the distinction draws our attention on the requirements that need to be fulfilled before the information has actually been brought to the people.

For a transparency regime to have implications at all, not only do we need to make sure that the available information is actually brought to the people in an accessible manner. We also need to ensure that the information be made available in the first place, be it in a format requiring further treatment before the content would be accessible. There is a risk of transparency-evasion however, that can take at least two forms. Some actors may lobby to resist the adoption of sunshine laws or other transparency-enhancing regulations. Once enacted, there may also be great resistance to the full implementation of such laws. Let us mention here the risk of shifting from written deliberation or recorded phone conversations, to informal face-to-face discussions, whenever civil servants or policy-makers want such debates to take place in secret.

The story that Rosendorff and Doces tell us in the second paper aims at finding out why policymakers would not oppose the adoption and/or the implementation of transparency enhancing measures. For the latter put them at risk whenever they happen not to manage resources as efficiently as they should, or whenever they abusively put money in their own pocket. However, by making their activities more visible, transparency may simultaneously render them less vulnerable to *unfair* eviction, understood as cases of eviction from office due to causes that are beyond the control of policy-makers (e.g. an adverse conjuncture in the world economy). The hypothesis is then that policymakers would prefer to reduce their room for rent-extraction (i.e. increase the risk of fair eviction) provided that transparency will help them to reduce the risk of unfair eviction. This is tested against two predictions. First, democracies are more likely to be transparent, since in non-democratic regimes, policy-makers do not need to fear unfair eviction. Second, one should expect that while tenure in office would tend to diminish with the degree of electoral accountability, it would rise however with transparency. Data are provided and analyzed in this respect. Note as well that if Rosendorff and Doces are right, their hypothesis will also tell us something about the

conditions under which civil servants and policy-makers could be actors of publicity and not just of transparency, in Naurin's sense.

### Transparency and the quality of deliberation

Let us assume now that we have a transparency regime that is clearly effective in bringing the information to the citizens. Besides issues regarding the *possibility* of transparency, broadly taken, there is also the one of its *desirability*. What is the impact of transparency on the quality of *deliberation*? MacCoun in this debate provides us with a rich overview of the insights from social psychology on the matter. We may expect publicity to force people to shift from what he refers to as a system 1 mode of reasoning to a system 2 mode. The former involves associative, holistic and automatic cognitive processes whereas the latter is characterized by rule-based, analytic and controlled modes of reasoning. Drawing upon this distinction, MacCoun substantiates two sets of claims, one belonging to the "possibility of transparency" sphere and the other to the "desirability of transparency" one. The first set of claims involves the question whether it is always psychologically possible to shift toward more transparency. One of the elements is the difficulty encountered by many of us to accept the idea of trade-offs, once they are being made explicit, hence the idea of "taboo trade-offs". The second set of claims contained in MacCoun's contribution has to do with psychological factors that are relevant in studying the impact of transparency on deliberation. Among the relevant findings of social psychologists, let us emphasize one: having to be *explicit* about – as well as being expected to *list* the reasons that justify one's position may introduce a strong bias in favour of considerations that can be more easily be articulated, even if they could turn out not to be the most important ones – a point to be linked to Naurin's emphasis on "clear objectives" in his paper.

As to Meade and Stasavage, based on data on deliberation at the US Federal Reserve's Federal Open market Committee (FOMC), they confirm one conjecture and identify a new effect. The conjecture dates back to Madison (see above), and has to do with the idea that once people have defended one view in public, it is quite hard for them to publicly revise this view at a later stage, even if there are good reasons for that. The underlying mechanics is not entirely clear though. One guess would be that citizens will generally regard people changing their mind as being less "committed", hence less able to defend the interests of those they represent. Besides this "posture effect", they identify a second type of effect. Rather than with the possibility of "changing one's mind", it has to do with the risks involved in dissenting with a well-known figure. They found that the level of dissent by FOMC members with the Fed's authoritative chairman (Alan Greenspan) had gone down since the meeting transcripts started being published and were known to be so by the FOMC members. Hence, transparency may make it more difficult for deliberating people to change their mind despite good arguments raised in the course of such deliberation, or to dissent whenever there is a prominent figure taking part in the debate.

### The methodological challenge

These four papers invite us to further pursue rigorous research on the transparency issue. Yet, there is a methodological challenge specific to any research on transparency– and that may explain in part the little data we still have: whenever something takes place in secret, it is usually difficult to get data on it. Hence, it is a hard task to compare e.g. deliberation taking place in secret and in public. Yet, two of the studies from this debate suggest ways of doing so. One can be referred to as the *diachronical* strategy and is illustrated by Meade and

Stasavage's paper. This strategy is available whenever researchers seize the opportunity offered by transparency-oriented reforms, making institutions transparent in case in which they were not so before. The other strategy could be referred to as the *proxy-based* one, and is illustrated by Rosendorff and Doces's paper. Here, the idea consists in working directly on intermediary variables that are likely to be strongly correlated with publicity and on which data are more easily available.

Moreover, the idea of transparency evasion is interesting here. It can of course be treated as a real transparency issue, to be studied as such, as the paper by Rosendorff and Doces does. Yet, it can also be seen as a methodological challenge, as Meade & Stasavage's paper exemplifies. For, when identifying that the level of dissent within a given committee has been reduced, one needs to ascertain whether this level of dissent hasn't just shifted from meetings to pre-meeting informal discussions. Dealing more systematically with transparency evasion as a methodological issue should thus be part of our research agenda as well.

### **Bridging empirical and normative research**

Besides such methodological questions, there is a set of substantive questions that should be answered. Rather than offering here a fully-fledged research program, let me point at four *types* of questions that should attract our attention for further investigation. First, there is definitely a need to engage in a systematic examination of the various hypothesis at work when it comes to the empirical issues addressed above. Take for example the paper by Rosendorff and Doces. We could raise the following challenge to the "fear of unfair eviction" hypothesis: could we exclude that policy-makers be actually tempted, in implementing transparency regimes, to go for something like *selective transparency*? For they could very well fully comply with transparency whenever it comes to alleviating risks of unfair eviction, while at the same time ignoring its demands whenever it may increase fair eviction based on mismanagement or misuse on their part.

A second type of issues worth further investigation is the factual link between transparency and other social dimensions that are normatively relevant. We looked at the impact on the quality of deliberation. What about the impact of transparency on solidarity? For one of the things that could be made more transparent is the amount of net transfers among people in a state, be it among individual citizens or between the federate entities within a federation. Take social insurance schemes for example. Of course, more transparency would allow citizens to decide more freely on these matters. Yet, such a gain at the "informed consent" level may well come at a cost from the perspective of distributive justice, were it to turn out that making net transfers more transparent would lesser the willingness of the wealthiest and/or luckiest to contribute as taxpayers. The latter effect will not be straightforward, as transparency might as well increase the taxpayer's confidence in the way budgets are actually being managed, the "confidence effect" possibly dominating in some occasions the "aversion to net transfers" effect. We do not dispose of many data on such effects though (see e.g. Schokkaert, 1998). This is certainly an area worth further investigation, together with other ones that are directly relevant from a normative point of view, such as whether making wages more transparent would tend to reduce or increase wage inequalities.

A third interesting set of questions arises once we consider the fact that transparency requirements apply not only to directly accountable institutions - the findings of Rosendorff and Doces on the tenure-transparency-accountability link being especially relevant here -, but also to institutions that exhibit from a high degree of independence, in which people have life

and/or non-renewable appointments, such as central banks. These institutions are the focus of both Meade & Stasavage, and of Naurin in this debate as well as of e.g. Keohane & Nye (2003). In those cases of independent institutions, the very function of making them more transparent needs to be rethought.

If we take central banks as a paradigmatic case – civil servants constituting more of an intermediary case –, there are at least two ways of looking at transparency. The first one consists in showing that members of independent bodies are only temporarily or partially independent, e.g. because they may have to find another job once their mandate comes to an end. This may explain why they care about their reputation, as in Meade & Stasavage's paper. The second avenue is that even if the members of such bodies were totally independent, both politically and financially, they would *still care* about the public, about making their policies explicit enough, etc. (see Naurin's paper). In other words, they could still consider themselves accountable while being completely independent. In the latter case, it may be relevant to pin point the effects on these people's behaviour (including their deliberating one) that would be both positive and relevant despite their institutional independence.

Finally, we need to develop a primarily normative methodology to assess under which conditions and to what extent transparency in a given context is a desirable requirement, all things considered. Imagine for a minute that we would have a full picture of the key effects of transparency on the quality of deliberation. We would probably have to achieve two additional tasks. First, we would need to assess whether, once all effects are considered, transparency can be considered a good thing from the perspective of the quality of deliberation. Second, whenever the balance weights heavier on the negative side, should we necessarily conclude that we should shift to secret deliberation? For example, some people are not convinced about the centrality of deliberation in a democracy. They may consider e.g. that the latter is rather about people being able to vote on the basis of their pre-existing preference in a manner that is as informed as possible about what policy-makers think. From this perspective, transparency could still be desirable, despite its – ex hypothesis – overall negative impact on the quality of deliberation. Moreover, there might be cases in which, despite having a positive impact on the quality of deliberation, transparency could be detrimental in terms of solidarity, i.e. of people's willingness to contribute to compensate for disadvantages suffered by others due to no fault of their own. In such a case, we would have to decide about the articulation of democracy (especially its deliberative component) and justice (understood here in the distributive sense). These are just two examples of the importance of articulating factual conjectures (and findings in some cases) with explicit normative assumptions on the theory one has about what is most central in a democracy (e.g. deliberation and/or other features), how to arbitrate conflicts between democracy and justice, but also for example what view one should have about what representation means in a democracy (see da Silveira, 2003, on the latter).

As the reader will have realized from these introductory lines, there is still room for a very substantial amount of research, both at the empirical level and at the level of normative principles. We hope with this debate to fill in some of the existing gap and invite further interest in this fascinating topic.

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