

TRANSPARENCY: THE KEY TO BETTER GOVERNANCE?

Christopher Hood and David Heald (eds)

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Transparency is a 'Good Thing' that all right-thinking citizens and government officials are constrained to support, even as many scramble to secrete 'crown jewels' from public gaze. All the more reason, then, to cast light on the concept and its embodiment from several disciplinary directions, and to raise awkward fundamental and practical questions. This volume mainly succeeds in doing that, adding some unusual dimensions to our understanding of 'transparency'. It is the fruit of a January 2005 workshop that coincided with the implementation of the Freedom of Information Act 2000 in the UK. Its publication is timely as FOI enters British government.

A doubtful note is struck in Christopher Hood's overview of the etymology and history of 'transparency', not a new word or concept bearing upon the conduct of states and firms. He points up challenges to transparency that sustain his claim that '[t]here is no doctrine of governance without its counter-doctrines' (p. 20), which sets the 'pro and con' tone of much of this collection. David Heald then disaggregates transparency into many analytical categories, usefully sharpening the analysis and avoiding simplistic omnibus scores. Obviously, the value of the typology will only be tested through further research. But the outcome of this pigeonholing exercise is to nuance the making of normative judgements.

Some, like Patrick Birkinshaw, see transparency (or FOI) as an intrinsic human right, 'fundamental to all other human rights', to one's 'membership as a full member of the human race', and to one's 'position as a citizen and a human being' (p. 56). This somewhat overheated appraisal contrasts with Heald's construction of transparency as an instrumental value juxtaposed to many other opposing and intrinsic values, with which there may be trade-offs or synergies. This disaggregation of the value landscape helps in exploring various relationships and trade-offs. It points up transparency's limits, and shows that the design of a transparency system must pay attention to the several kinds of transparency and value constellations that Heald identifies.

Scepticism that transparency has led to either trustworthiness or trust, two of its main rationales, is aired by Onora O'Neill. She claims, forcefully, that inattention to crucial elements of communication processes and speech acts is fatal for transparency, and has perverse effects. Ethical and epistemic norms or standards are needed for the audience to be able to complete the communication process by using information but, currently, disclosure can have no bearing on increasing public trust. One presumes, however, that if the faults are corrected, as they could possibly be, the grounds for scepticism may weaken, for her position seems less one of principled hostility to transparency than a complaint about deformed communication. Andrea Prat asks whether a principal's (for example, citizens or shareholders) surveillance of an agent (for example, government or CEOs) results in better performance, therefore justifying transparency. Her economics-based analysis rehearses arguments for and against full transparency, which is her preferred default; it is observed in FOI legislation but not in corporate governance. Her conclusion, that '[n]ow that the principle of open government has been accepted, the next frontier is open governance' (p. 102), lays down a marker for further exploration.

Chapters by Alasdair Roberts and Andrew McDonald deal with FOI. Roberts doubts how far FOI promotes trust or culture change. Governments deploy knavish tricks to resist while formally complying; a useful *caveat* as systematic research on British FOI experience gets underway; in fact, clever FOI games are already apparent. As with O'Neill, but for different reasons, Roberts does not see FOI as and of itself improving trust in government, because it is not trust's main determinant. Moreover, released information may damage government's reputation. The conflictual processes that tarnish FOI's aims may outweigh public gains. Roberts laments the trust-corroding 'rhetoric of secretiveness' by which the media misrepresent FOI implementation weaknesses as evidence of deliberate secrecy. McDonald endorses this criticism of the rhetoric, but ends on an upbeat note concerning FOI in the UK. He first speculates on explanations for FOI's worldwide spread, given that there is no global template. He highlights FOI laws' articulation with privacy and data protection; this is an important topic; the privacy issue, however, weaves in and out of several chapters without adequate conceptual treatment. McDonald explains FOI's implementation difficulties, but raises serious questions about measuring progress against either prosaic or grand targets. An important research agenda can be drawn from this witty and insightful discussion.

Next, James Savage views EU Member States' budgetary transparency in the Economic and Monetary Union through a detailed case study of arduous efforts at improvement through a variety of instruments. This institutional study shows how Eurostat has somewhat unexpectedly risen to play a crucial role. Savage's Greek case points up the transparency challenges, posed by disclosure and interpretation over many years, with which Eurostat has had to cope. Another EU chapter is David Stasavage's case study of the European Council of Ministers, in which he asks whether transparency has made a difference. The game-theoretical beginning of the chapter seems a bit gratuitous, but the subsequent discussion of costs and benefits of transparent deliberation and decision making, using interesting illustrations, provides useful reflections on both sides of the question.

Jean Camp's focus upon free software and open source code might seem an odd contribution, the more so as her exposition is often difficult for non-specialists. However, in the 'information age', it is indeed relevant to examine the means by which information can be made available, as well as the less well understood rule-making properties of technology ('code'), as Lessig and others have demonstrated. Camp shows that open

source code itself can be a manifestation of, and an aid to, transparency. Regimes and political processes for governing code are therefore an important topic, although a clearer elaboration would have helped. Helen Margetts considers how digital government can aid transparency by assisting FOI and by codifying administrative rules, thus reducing discretion and decisional opacity. Yet, she says, technological complexity is off-putting to most, who cannot make their way amongst codes and rules, and the sheer quantity of information confuses. Greater familiarity over time, improved interfaces to clarify coded rules, and better, 'joined-up' paths, through information can help. 'But in the end, digital government requires digital society to understand it' (p. 206); many societies are not yet substantially online, and even among the 'haves', government needs to know about the differences of needs and wants of the Internet users.

Christopher Hood concludes this important book by persuasively knocking conventional wisdom: 'the rise and rise of transparency' is countered by other trends, including privatization of information and confidentiality (although the brief mentions of privacy and data protection need better grounding in a typology of information). Explanations for increases in transparency in terms of the power of interests, new cultural patterns, and adaptation to new organizational habitats, confront mixed evidence. Seeing what transparency affects is also complicated, as the earlier discussions of trust and knowledge-gains show, exhibiting perverse and jeopardizing effects as well as futility. Nor is the instrumentalist view unproblematical, because the analysis of trade-offs is fraught. Moreover, given an unreformed bureaucratic 'culture', transparency may be waylaid by tokenism, perverse results, and absorption into the blame-game, thus undermining a worthy move to found it on a basis of democratic theory. Hood assimilates the study of transparency to that of regulation and policy generally: 'the devil is always in the bureaucratic detail' (p. 224) and he seems to have the best tunes, putting Habermasian ideal communication in the shade as well.

Charles D. Raab

Professor Emeritus, University of Edinburgh