ABSTRACT

My dissertation examines the concept of political transparency. I am primarily interested in two broad questions. First, is there a concept of transparency? How did this concept crystallize, and what issues does it make important? Second is a question of normative theory and institutional design: Why, from within the framework of modern constitutional democracy, should we care about transparency in the first place, and what counts as sound transparency policy in particular institutional settings?

The research presented here forms a portion of my chapter on transparency in representative assemblies. I advance three objections to the existing paradigm for thinking about legislative transparency. Next, I step back to evaluate the various normative grounds on which transparency is defended. Finally, I suggest an alternative conception that avoids the problems of existing approaches.

The argument proceeds as follows. (1) According to the dominant conception of transparency, the legislative process ought to be rendered perfectly visible, if possible by video broadcasting. (2) But this is problematic for a number of reasons, including that it would tend to harm the prospects for deliberation and compromise. (3) Supporting this dominant conception are some putative normative grounds for transparency that they themselves dubious. (4) By contrast, the normative rationales that I argue we should endorse suggest a different conception of legislative transparency, one that eschews the goal of maximum visibility. (5) On this more plausible account, legislative transparency would involve familiar measures such as publishing parliamentary documents in this manner of parliamentary documents, but it would also preserve spaces for confidential deliberation throughout the policy process.

The Dominant Conception and Its Problems

Popular discourse, as well as activist and some academic discourse, reveal a dominant paradigm for thinking about political transparency, which I call “transparency as visibility” (TV). TV has two salient features. First is its focus on rendering institutions and official activity visible. In this vein, Jeremy Bentham wrote that state institutions should be made subject to “the superintendence of the people.” The second important feature of TV is its implicit maximilism. Transparency is an absolute good that one can see perfectly through transparent, as opposed to translucent or opaque, material. That absolute character has led many to assume that in politics, too, perfect (optimal) transparency is perfect (complete) transparency.

In the legislative context, these two features suggest that every activity of representative assemblies and their members should be brought into public view. Woodrow Wilson claimed, for example, that “[t]he light must be let in on all processes of law-making.” Modern advocates of this view add that technologies such as live video broadcasting (e.g., C-SPAN) make such transparency feasible. But there are significant problems with this approach, including that:
1. The elimination of spaces for confidential discussion among legislators would harm prospects for deliberation and compromise, two central legislative functions;
2. The focus on visual representations tends to promote a phony, shallow politics; and
3. The emphasis on “watchdogging” reinforces excessive distrust of government.

Examining Transparency’s Normative Grounds

Normative defenses of legislative transparency fall into two broad categories. Some are instrumental, locating the value of transparency in its tendency to promote a distinct good. Others are non-instrumental, understanding transparency as required by some antecedent ethical or political principle.

The dominant conception TV seems to rest on three main ideas, as shown in the highly stylized figure here. I consider those claims, along with three other rationales that need not support TV, in my research.

i. Transparency promotes civic education
   • I accept a thin version of this rationale, according to which legislative transparency promotes an informed citizenry. But I argue that we should reject thicker claims about transparency’s educative function (cf. Bentham and Hegel), because they are unsupported by evidence.
   • The thin version need not support a maximal conception such as TV.

ii. Transparency promotes citizen participation
   • Among contemporary theorists, Philip Pettit, among others, has endorsed this claim. I argue that it is basically sound, at least with respect to informal modes of participation (e.g., persuasion, protest), which are difficult to pursue when target institutions are opaque.
   • However, the participatory rationale does not provide a basis for TV in particular, and suggests a less absolute conception of transparency.

iii. Transparency is required because government information is publicly owned
   • I distinguish “public accountability” from “representative accountability.”
   • I accept a thin version of this rationale, according to which legislative transparency promotes an informed citizenry. But I argue that we should reject thicker claims about transparency’s educative function (cf. Bentham and Hegel), because they are unsupported by evidence.
   • I see both types as democratic goods, but reject as implausible any representation of rep. accountability that would demand absolute transparency (e.g., a pure delegate model).

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An Alternative Conception

In my dissertation I advance an alternative conception of transparency that rejects TV’s problematic features—its focus on visibility, and its implicit maximilism. I am tentatively calling that alternative “transparency as intelligibility” (TI).

Conclusion: The Promise and Limits of Transparency

• Legislative transparency can promote citizens’ information participation, and legislatures’ accountability, but is not sufficient to secure these goods.
• It is also an important expression of respect for citizens’ rational agency.

Beyond these, institutional transparency policies are concerned purely with delivering promises respect for citizens’ rational agency.

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As Visibility (TV) shifts the focus from groundings for transparency, whereas real intelligibility also requires a rich ecosystem of (competing) mediating narratives, which illuminate, interpret, and give meaning to information. It is in entertaining and interrogating such narratives that we can really learn something about what the state is up to.

Finally, a transparent state is not necessarily a just state, as utopians claim.

References and Acknowledgements

Making Sense of Political Transparency: The Case of Legislatures

Jonathan R. Bruno

Ph.D. Candidate in Political Theory, Department of Government, Harvard University, Cambridge, MA
Democracy Fellow, Ash Center for Democratic Governance and Innovation, Harvard Kennedy School, Cambridge, MA