A good man but a bad wizard. About the limits and future of transparency of democratic governments

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Abstract. Computer-mediated transparency is seen as a powerful tool to attain policy goals and to transform government. This is based on the idea that transparency is something good in itself, which can be attained by using ICTs eventually improving government and citizen relations. This article claims that although transparency of government is necessary, scholars and practitioners tend to overestimate its positive effects and underestimate its negative effects. There is no reason to believe that transparency is always a good thing. Further, ICTs are not necessarily an effective means to increase transparency; there is an increased risk of information overload, cyber propaganda and inadvertent information release. Transparency might even drive citizens away from government as it gives way to a 'gotcha' media culture and political cynicism. Moreover, transparency has potential wide scale unforeseen and unintended consequences which eventually may affect society and economy. This is not a plea against transparency, but this article gives several pointers that the risks involved with disclosing information are much more complicated than the literature has yet fully acknowledged. This article concludes that the future of transparency may be twofold: more transparency of quantifiable performance indicators, but increased control of information flows that are at the heart of governments.

Keywords: Transparency, demystification, ICTs, democracy, government

1. The pro-transparency argument

> Wizard of Oz: *"Do not arouse the wrath of the great and powerful Oz..."*
> Dorothy: *"If you are really great and powerful, you will keep your promises."*
> Wizard of Oz: *"Do you presume to criticize the great Oz?! You ungrateful creatures! The great Oz has spoken!"*
> After the exposure of the wizard by accidentally drawing a curtain behind which the voice and projection of the Wizard of Oz is controlled, the wizard turns out to be an old and fragile man. After his exposure the Wizard of Oz tells Dorothy and her band: *"Pay no attention to that man behind the curtain ... I am not bad man. I am a good man, but a bad wizard."*

The abovementioned scene from the classic film 'The Wizard of Oz' conveys a powerful message: instead of being a great wizard, Oz appears to be an old fragile man behind a curtain. Instead of being seen as powerful and special, government organizations are demystified by transparency.

Transparency is often seen as a powerful tool to transform governments. It is supposed to be a panacea for all kinds of 'diseases' in the public realm, such as low citizen trust, corruption, bad performance, low accountability and power abuse by public officials. Barack Obama's Open Government Initiative,

for example, relies heavily on the use of new technologies to provide citizens with information about government agencies [34]. These kinds of initiatives are based heavily on highly positive normative conception of transparency. Generally the pro-transparency argument is based on the following three premises: (1) transparency will have positive effects on government (2) therefore it should be encouraged preferably by using ICTs, (3) this will forge closer connections between citizens and governments. Transparency is a moral high ground and therefore it is hard to be against the pro-transparency argument. In this article this line of argument will be examined and criticized.

The first part of line of argument discusses the question whether transparency is always a good thing. The political philosopher Leo Strauss' highlighted the idea of the 'necessary lie' [36]. Those in power should rule and be aware of the actual state of things while keeping the people happy in their 'blessed ignorance'. Strauss wondered whether politicians can at the same time be completely honest and attain the best goals for society. For example, transparency can bring honesty, but this can also be abused by sections of the media which bring out only the newsworthy aspects of government information and which consequently lead to one-sided negative coverage. This may erode citizen trust and legitimacy of government in the long run and lead to destabilization of democratic government institutions.

The second critical question is to what extent ICTs really enhance transparency? The common argument is that the calculative capacities of ICTs enables huge amounts of information to be stored and disclosed. Further, ICTs increase the accessibility of information. Websites help to disclose relevant information and data about decisions and policies. Information is available 24/7 and is accessible from any place in the world. Critics question this assumption: ICTs by themselves do not cause transformations and hardly provide the type of information necessary to hold governments to account [13].

Third, it is said that transparency helps people become more familiar with government, brings them closer to government and creates understanding. Nye et al. [20] emphasise the beneficial effects of the information technology revolution which may help government reach this goal. I will argue that transparency does have some capacity to transform, although not necessarily in a positive way. Transparency may even have wide scale unintended and negative effects on societies.

This article is not plea against transparency, but intends to show that the positive effects of transparency tend to be overestimated, whereas the negative consequences or often underestimated.

2. Transparency does good

The first part of the transparency argument is that it will bring only good things. It reduces corruption, power abuse and so forth. But can we have too much of a good thing? Even the most committed of transparency proponents will admit that certain information should not be out in the open, for example information whose availability threatens national security or the privacy of individuals. However, the 'trouble with transparency' goes deeper than that [1]. Transparency is said to have a healing effect on government, yet the unwholesome effects of transparency are largely neglected. Crucial behind the idea that transparency does good is that information can be interpreted and processed correctly and that this will have the intended positive effect. In this section these two assumptions are examined.

First, the assumption of interpretation and understanding of information is questioned. A particularly salient issue of interpretation is by press coverage. According to Finel and Lord [8, p. 320] "information made available by transparency is often conveyed by the press, which systematically distorts signals toward the 'newsworthy'". In other words, the majority of the public will only hear about internal government processes through the medium of the press and this information tends to be negative. This means that increased transparency triggers increased blaming of government. According to scholars, in

almost every public event, a fault of government can be found. If citizens, media and politicians use transparency for their own gain with no restraints, this can result in the 'politics of scandal' [3,25,26,35]. Transparency focused on blaming could give rise to the risk of an 'inquisition democracy'.

Fung and Weil [10] even argue that transparency that exclusively focuses on accountability creates a 'gotcha game', in which information is used by journalists and advocacy groups to only uncover things that go wrong. As such *"the current discourse of transparency...produces policies and platforms that are particularly sensitive to government's mistakes but are often blind to its accomplishments."* [10, p. 107].

The risk of a gotcha culture is part of a wider phenomenon of – deliberate or accidental – misinterpretation of data due to lack of contextual understanding. Most people find it hard to process even rather simple information [7, p. 399]. However, policy-making and decision-making is often based on rather complex information. Making this information public could lead to misinterpretation in the following way. To be understandable by the public this complex information has to be simplified. However, if government transparency is to do what it is supposed to do, for example to serve accountability or to inform citizens, too much simplification can be undesirable. This entails a doubled risk of misinterpretation: misinterpretation of complex information by citizens or misinterpretation by overly simplified information.

An often heard counterargument is that intermediaries can solve this deficiency of transparency. They can be considered 'smarter' and check certain information for citizens. For example, an environmental organization is holds an environmental agency to account by processing complex and voluminous policy reports and documents. However, it is unclear to what extent these intermediaries, or the information they produce, is any more reliable than the actual 'raw' information or data [7, p. 401]. Mass media or also mentioned as important intermediaries. The same problems apply here, and in addition there is the 'gotcha culture' that was discussed already.

A second risk is related to the inadvertent release of information. When WikiLeaks released the *warlogs*, which contained the names of soldiers and Afghan informants, people's lives were put at risk. Besides these important issues of security and privacy an unintended consequence is the impact of transparency and inadvertent release on decision-making. Public servants and politicians who know that all information that is recorded may at some point be released inadvertently are likely to act defensively and to censor themselves [1,21]. Further, "the brilliant dissent is never heard" and "some politicians will seek to shift blame to public servants. Politicians may not wish it to be on the record that they were given contrary advice, and the ability of public servants to speak truth to power will be undermined." [1, p. 16]. A fear for the outing of dissent encourages conformal thinking and the deliberation on discussion to less transparent stages [30] or dissent is only shown when a deliberation is 'off the record' [1]. Transparency and especially the looming inadvertent release of records may thus lower quality of decision-making.

Inadvertent transparency may not only cause lower quality of decision-making, but may also lead to further erosion of decision acceptance. If people can see all mistakes behind the scenes of government, they may become disenchanted with it thus decreasing both the trust in and legitimacy of governments. In the end this may become a spiralling problem in which the fear for increased unintentional release contributes to less dissent and lower quality decision-making, and when this comes out legitimacy and acceptance decreases resulting in even more defensive and conformist decision-making.

3. ICTs increase transparency

The second assumption regards the potential positive influence of ICTs on transparency. Originally, transparency was practiced only by open meetings of parliaments and local councils so people could

access and assess the decision-making process. As technological developments have advanced, so has the disclosure of and accessibility of information of decision processes [18]. The literature on informatization has stressed the increase of transparency through the use of ICTs right from the beginning of the Internet era [2,37]. According to Bekkers [2], transparency is one of the intrinsic characteristics of ICTs. In addition, Meijer [17] and Davenport [6] argue that transparency increases the amount of data that is registered, and the opportunities to analyze data in multiple ways. ICTs have increased capacity to carry out calculations and process large amounts of data. As a result, it is possible to perform more complex tasks, computations and extrapolations.

Thus there are two underlying types of transparency: intentional transparency and unintentional transparency [38]. The first form of transparency refers to transparency as an intentional action or goal; for example an organization or person deliberately chooses to disclose information about its internal workings. Unintentional transparency concerns one of the intrinsic characteristics of ICTs. ICTs enable complex calculations to be carried out and large amounts of data to be stored, which increases transparency by definition, not necessarily because an organization is more transparent by intent. Hence, because ICTs are used in organizational processes, information about these processes is tracked. This is not done with the *a priori* idea to make these more transparent, yet the information can be and is stored nevertheless, because data storage and calculation is intrinsic to ICTs. In other words, data are stored and disclosed simply because they *can* be stored and disclosed.

Furthermore, ICTs are often used to disclose quantified and measurable outputs. The use of ICTs to become more transparent has been applied by governments in the spirit of the New Public Management (NPM) ideology, which advocates 'running government more like a business'. Policies to make government more transparent have been implemented in many countries, and in the NPM spirit these policies mainly entail the construction and disclosure of quantifiable output indicators. According to Van de Walle and Roberts [33, p. 211] "we live in an age of quantified performance". Quantified performance indicators are easily stored in databases and disclosed to a broad public who can now use this information cheaply and conveniently through its availability on the World Wide Web. Disclosure of performance indicators makes the public sector more like a real market: public goods can now be assessed based on results in a similar fashion as in the private sector. It is therefore unsurprising that under NPM transparency and the privatization of traditionally public markets go hand in hand. For instance, in the Netherlands the health care sector has been partly privatized and many output indicators have been constructed with the aim to better inform citizens and to help their decision-making. Given the rise of technology and the NPM ideology since the 1980s this form of transparency has become a significant and notable one. Etzioni's critique on the comprehensibility of transparency especially applies to NPM-type transparency. For instance, transparency of indicators of health care quality is very complex, and is likely to be very difficult for citizens to process [7, p. 399].

The assumption that ICTs enhance transparency by definition is contested. Certainly more information is available on the Web nowadays, but that does not necessarily equate to more transparency. First, there are scholars who stress how governments misuse ICTs to 'drown' people in information. For example, Heeks [13] points out that the Internet is mainly being used to disclose detailed information about how to request public services and to what regulations government organizations are subjected. Governments use the Internet to spread all sorts of positive press releases. Heeks stresses that all this information diverts the attention from the actual problem namely that government information systems hardly produce any information that can be used to hold government to account. In a similar fashion Bekkers [2] points out the risk of information overload. People are, deliberately or not, drowned in information by governments.

O'Neill [21] also states that the Internet makes it possible to disclose a great deal of information, which not only leads to a flood of information, but also to a flood of misinformation. This causes

more uncertainty and results in confusion. Misinformation, according to O'Neill, is inseparable from transparency. Further, officials who know that information will become public can 'massage' the truth. In short, citizens can become lost in misinformation which results in less trust, allowing a 'culture of suspicion' to develop [21, p. 77].

Besides the issue of information overload, ICTs increase the risk of inadvertent release. WikiLeaks released a quarter-million cables and thousands of warlogs on the Internet. Although the idea behind WikiLeaks is not that new – whistle blowing and leaking of secret information has occurred for many years – transparency such as that delivered by WikiLeaks involves "rejecting all the arcane lines between information that has to be released and information that stays secret" [14, p. 635]. The downside of inadvertent release was already discussed in the previous section.

Some might say that WikiLeaks itself is an example of the power of ICTs to force secretive institutions towards 'radical transparency'. However, the effects of WikiLeaks on transparency tend to be overstated. Roberts [27] argues that technologies have indeed made it easier to leak documents (it is now simply a matter of clicking and dragging instead of copying physical documents). However, he goes on to say that:

> *"Boosters of WikiLeaks have overestimated the scale and significance of the leaks. They have also overlooked many ways in which the simple logic of radical transparency – leak, publish, and wait for the inevitable outrage – can be defeated in practice. WikiLeaks only created the illusion of a new era in transparency."* [27, p. 117]

Roberts provides two main arguments to underscore this claim. First, the breach was not as big as WikiLeaks led people to believe. The number of documents released does not tell us anything about the total number of sensitive documents that exist. Although advances in technology enable much larger scale releases of documents, the total number of documents stored in the internal systems of government organization has expanded exponentially because of these same advances. Second, disclosure of documents as such is not enough to cause any change. Raw data needs to be processed, digested and interpreted. Next public attention and political action is needed. Even after collaborating with a media consortium that helped to browse through all documents and interpreted them to make a coherent story out of it, and there was no public outrage. Wilkileaks founder Julian Assange and his affiliates assumed that the public would do 'the right thing' in interpreting this information. However, there was almost no public outrage and collective action hardly occurred.

4. Transparency will bring governments and citizens closer

Even *if* transparency does bring good things and *if* this is catalyzed by ICTs it remains unclear if this will bring government and citizens closer. It is more probable that increased transparency will actually distort this relation. Transparency leads to demystification of government, a development that is catalyzed by the rising expectations of citizens. Furthermore, transparency can have unintended consequences on society at large.

4.1. Demystification

The idea is that transparency will help to forge a closer connection between citizens and government, yet what if behind the scenes things do not run as smoothly as people expected? Once people look behind the scenes, government operations are not as rational as they may appear from the outside. Despite the

irrational and incremental nature of public decision-making, it is presented to the public as if it is rational, and the model of 'rational choice' is being used.

Advocates of the concept of bounded rationality criticize the idea of rational behavior in general by describing it as a simplification of reality; people in normal life are rational to only a limited extent. The idea that people are not completely rational is long established and bounded rationality emphasizes that individuals and groups simplify decision-making problems because of the impossibility of considering all alternatives and information [16]. Since public officials are part of the human race as well, the idea of bounded rationality also affects those working for public institutions. Decision-makers lack the ability and resources to find the optimal solution so they apply their 'rationality' only after having greatly simplified the choices available. Decision makers aspire to develop satisfactory, but not necessarily optimal, solutions, a process known as 'satisficing' [29].

Public decisions are almost never completely rational as administrators or council members rarely have complete information. Public decision-making has been famously characterized as a process of 'muddling through' by Charles Lindblom [15]. The work of Stone [31] refutes not just the ideas of rationality, but even those of bounded rationality and goes one step further. She argues that decision-makers are by no means rational and that the public decision-making process is purely a political one.

Public awareness of the true nature of decision making could, therefore, have profound consequences on how the public perceives government, if they are able to take a look 'behind the scenes'. Building on Stone's idea, the general image of public decision-making as being rational, or at least partly rational, is threatened if citizens use transparency of decision-making to 'check reality.' If, when this reality is exposed by the extensive disclosure of information, this shows a much less rational, less smooth and messier way functioning of government organizations [10,12] demystification of government is one likely consequence.

4.2. Expectations

A related development reinforces demystification. Although ICTs as such do not necessarily reinforce transparency, websites have made available large amounts of information and data in a way that was impossible before. Catalyzed by the emergence of the Internet, people's expectations and demands regarding access to government data have been on the rise [28].

Simultaneously expectations regarding government tasks are high too. For example, Orren [22] and Pollitt and Bouckaert [23] argue that the expectations of citizens about what government can or should do have vastly increased in the last few decades. While expectations rise, societal problems become harder to solve (so-called 'wicked' problems), knowledge about the problem and potential solutions is lacking and are not commonly agreed upon, and many interdependent actors are involved in the problem [5].

If the demand for transparency is met it is likely to dash expectations about the policy itself, since transparent information also sheds a brighter light on the uncertainties, failures and complexities in policymaking. Thus increased transparency might backfire, as it exposes the limitations of decision-making, actions and performance. These increasing demands have thus caused governments to be trapped in a difficult dilemma: they have to participate in the rate race toward more transparency, knowing that this potentially exposes more and more information about complex policies and policy failures. It is near to impossible to get this right.

4.3. Unintended consequences

Intended and benevolent actions may lead to unintended and negative consequences [19]. The wide scale impact of unintended consequences of transparency can be profound. These consequences have

a wider impact than only the negative effects of transparency within the system itself, for example by organizations that game the numbers to polish up their figures in order to look good in rankings. Transparency may or may not reach its policy goals, e.g. improving quality of schools by making performance of school transparent, but next to that transparency can unintentionally affect (local) communities or economies at a wider scale.

For instance, unintended economic and societal consequences may occur when public outcomes such as neighborhood safety or public services such as school performances are made transparent. Citizens prefer to live areas with the best schools and lowest crime rates. If figures are made available on the Internet at large, as has happened in many countries, demand and supply of housing in neighborhoods may be affected. This is nothing new: the social and economic state of a neighborhood affects housing prices, but this effect is unintentionally catalyzed by computer-mediated transparency. Transparent crime maps have the goal to help to reduce crime, school transparency has the ultimate goal to improve school performance (e.g. [9]); not intervening with the housing market by branding neighborhoods as either 'good' or 'bad'. Affluent citizens move away out of neighborhoods that provide low quality schools and have high crime, the less affluent ones are locked inside, which reinforces the downward spiral in housing prices and neighborhood livability, resulting in higher crime, worse schools et cetera. In itself, this is nothing new, since for long citizens have been able to get this information through other channels of information, such as through word-of-mouth. Computer-mediated transparency, however, amplifies such behaviour.

Another example of purposeful transparency having unintended consequences becomes clear from a case study in India [32]. In 2001 land ownership records in the south Indian state of Karnataka were digitized and thus made available to a broader group of people with the goal of increasing efficiency. However, a report on this issue shows that the digitization of land records:

> *"led to increased corruption, much more bribes and substantially increased time taken for land transactions. At another level, it facilitated very large players in the land markets to capture vast quantities of land at a time when Bangalore experienced a boom in the land market."* [3, p. 3]

This is not to say that the risk for unintended negative consequences should be an unconditional reason to keep information away from the public. However, these examples do show that the risks involved with disclosing information are much more complicated than the literature has yet fully acknowledged.

5. The limits and future of transparency

The idea behind transparency is that it reveals the 'truth', this revelation of truth is catalyzed by ICTs and will bring a public call for change. This article brings out two important messages that nuance this view, and maps out a potential future scenario for transparency.

5.1. Limits of transparency

First, the positive impact of transparency should not be *over*estimated. Though transparency may offer a look behind the scenes, often it confirms what people already believed was going on. In the case of WikiLeaks only so-called 'open secrets' were revealed: things we know we do not know [27]: it was not surprising that the Afghan war was dirtier than the US government made us believe. Of course this might be different if 'deep secrets' are disclosed, however, one might wonder how long these secrets really hold in democratic societies. Thus the fundamental question shifts to the premise of purposeful

deception of democratic governments and the knowledge of people about what is going on, even if things are not (yet) out in the open. To what extent can democratic governments be deceptive?

The sobering answer is perhaps that most critical political decisions are already taken out in the open by elected government officials and politicians. This means that by and large the people know what and how things are going on in government. In a modern democracy it is very hard to take large-scale decisions in secret. However, here we should distinguish between political and administrative decision-making. Once major decisions have been taken they have to be implemented by the administration. There is considerable freedom in the implementation of policies and one might say it that is the implementation where the actual decisions are made and influence our daily lives [24]. At this level, on the sideline of politics and media attention, bureaucrats have considerable autonomy even though major decisions have been taken at the political level. Numerous decisions are made by people who have not been elected and are not part of the political system. If transparency is lacking here, it is relatively easy to conceal mistakes or to abuse power. In the future, technology-driven transparency may be more interesting and necessary to check administrative behavior at this level of administrative decision-making.

The second message of this paper is that the negative unintended impact of transparency should not be *under*estimated. In some cases transparency can indeed be a powerful instrument for change. But sometimes we can have too much of a good thing. Not only because of issues of privacy or national security. The potential negative impact on society is more complicated than that. Transparency may further a gotcha culture in which media are only out to 'get' government. Also it may have wide-scale unintended consequences on society and economy. Transparency should therefore not be seen as an absolute end-state of government. From a democratic point of view more transparency is nearly always desirable, but there are also other goals that may not automatically align with transparency goals.

5.2. Future of transparency

What will the future for transparency look like? Up until now traditional Freedom of Information Acts seem to have failed to create a more open culture [35]. It seems that existing power structures remain in existence and are only marginally changed by regular transparency. On the other hand, in 'WikiLeaks World' [14], inadvertent releases might force government institutions to be more open in order to prevent future leaking: if less (sensitive) information is kept secret there is less need to for whistleblowers to leak information.

It seems that on the level of performance data and performance indicators, many governments are creating more openness. See for example the opendata.gov initiative of the US government. Another instance is the open data project initiated by the Dutch government aimed at releasing government-owned datasets. Several authors highlight this rise of this type of openness [18,33]. While such open data is to be welcomed, these datasets are hardly useful to hold government itself to account since the government owned data is mainly related practical decisions of citizens (traffic, weather, public transportation) and/or is information about other organizations, for instance data about emissions of factories.

An alternative scenario is one in which governments try to tighten control flows of information to the public. In anticipation of information leaks government may focus more heavily digital security of confidential information. More fundamentally, the battle over control of (confidential) information is likely to shift to more centralized stages in government. Technology has the potential to at the same time centralize and decentralize control of information, and those in power will struggle for centralized control of information release. This means that information will be controlled in higher echelons of government, limiting the risk – or opportunity – for information to be disclosed.

Not only control of the release of information is expected to shift, the importance of spin in these flows information is increasing [14,25]. Several uses of spin exist to divert attention or to counter transparent information: diverting attention by releasing stories or more subtly by crafting a story containing highly positive interpretations backed by valid statistics. These kinds of tactics, e.g. creating diversions and releasing different stories, become ever more important in an age where it keeps on getting harder for government institutions to control information flows.

While a more centralized and spin controlled flow of information looms, at the same time technology makes it more and more difficult to take secretive decisions at any scale. It is hard to think of a situation in which important decisions are made without any record since ICTs increasingly enabled tracking and storing: intentionally and unintentionally. The larger the scale and importance of the decisions, the harder it gets to prevent the information from becoming public.

Despite the current overestimation of positive effects and underestimation of negative consequences of transparency, this is not to say that transparency should be limited per se. The parable of the Wizard of Oz helps to understand this point of view. Democratic governments are much like the Wizard of Oz. The people know that important political decisions are made by fallible politicians. And sometimes we get to peek behind the curtain of the administration where the levers are switch and pulled. In most democracies these levers are generally though not always controlled with good intentions, although every now and then the wrong handle is switched. We need transparency to reveal these mistakes. However, the assumption that transparency will reveal an 'instantaneous truth' that brings us only good things is a naive one.

Acknowledgements

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