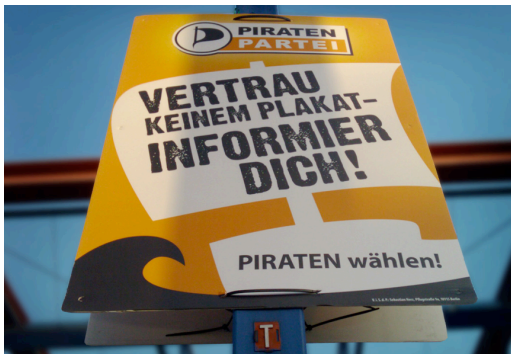# The fallacy of transparency

Why radical openness is not enough to restore democracy

by *David Eickhoff*

1. The coming of post-democracy and the quest for radical transparency

One of the huge and most urgent problems of modern post-democratic politics is its intertwinement with powerful economic interests and the resulting loss of autonomy. Colin Crouch has pointed out how in a neo-liberal setting "*the economic actions of government become distorted by lobbies with privileged political access*" (Crouch, 2004, xi).

This distortion amounts to downright extortion where – as is common in the current globalized economy – large corporations "*have frequently outgrown the governance capacity of individual nation states*" (ibid., 29) and have thus been enabled to not only have a say in national politics as equally represented stakeholders, but to influence government decisions in such a way as to make them dependent on the consent of a narrow board of executive officers. If a country's fiscal or labour politics do not satisfy these corporations' needs, "*they will threaten to go elsewhere*" (ibid., 32).

Thus globalization is taking away from local and national decision-makers their capacity to act, in other words, their capacity to exercise the powers and authorities vested in them by an act of popular will. The contention is between "*those seeking to reduce inequalities of wealth and power* [and] *those wishing to return them to levels of the pre-democratic past*" (ibid., 22f.). Which way the balance is tipping can be seen in "*the welfare state*['s] *gradually becom*[ing] *residualized as something for the deserving poor rather than a range of universal rights of citizenship*" (ibid., 23).

This ousting of the popular will from sovereignty, which amounts to a veritable deformation of democracy, often occurs in places where public attention is scarce while at the same time in the arena of party politics competition *seems* to be as fierce and real as ever. Therefore it has been proposed that a new approach to transparency might help resolve this problem. If governments are held accountable for their every step and decision, the argument goes, then embezzlement and other forms of corruption can be revealed by the mass media, and the electorate can act accordingly, e.g. by deciding not to cast their vote for corrupt politicians in the next general election.

The idea that in a democratic society power should be transparent is not new. Efforts to gradually abolish the so-called *arcana imperii,* i.e. the principle of the secrecy of public authorities' decisions and operations, are as old as democracy itself. A fundamental feature of every democratic government or authority is, indeed, its accountability to the electorate. If some government policy is marked classified, or is inaccessible for some other reason, there is not, and cannot be, any such responsibility since the public has no notice of it.

Nevertheless, the current revival of transparency seems to be quite effective in some places, less so in others, depending on highly variable standards in public ethics. Germany in March 2011 saw the forced resignation of the incumbent Minister of Defence, Karl-Theodor zu Guttenberg, due to mounting pressure on account of allegations that he had copied long passages of his doctoral thesis from various sources without quoting correctly. In Italy, on the other hand, it is generally known that far more serious trespasses often go unpunished. According to Gomez and Travaglio (2008) the probity of a number of Italian parliamentarians is questioned by some minor or major legal claim against them.

Therefore, I will argue that "[t]*ransparency is necessary but not sufficient for accountability*" (Clark *et al*., 2003, xxiii) and, what is more, not even the capillary control made possible by modern technological solutions can offer any credible solution to the basic problems of post-democracy in the twenty-first century.

2. The German Piratenpartei as a case in point

My case in point is the German *Piratenpartei,* a new political formation of net activists, which in the September 2011 municipal and state elections in Berlin won an unexpected 15 of 149 seats in the *Abgeordnetenhaus*. The Pirates promote the use of the social media and of web-based mechanisms of decision-making in order to remedy the flaws of traditional politics. The movement – born in Sweden in 2006 and rapidly turned transnational – has as its central aims the fight for transparency and direct democracy under the "open government" principles of free access to public data (OpenData) and free access to publicly funded works in research and development (OpenCommons). Radical openness is supposed to prevent corruption and irresponsibility on the part of the ruling class. Furthermore the Pirates aim at instituting an electronic petition system (elektronisches Petitionswesen) in order to be able to ascertain and process the people's will more swiftly. This qualifies them as offshoots of the e-democracy movement.

In order to read the Pirates' claims in the light of the current state of democracy, we need to clarify some basic matters. According to Clark *et al*.,"*transparency refers* […] *to public access to information about institutions and their actions, while accountability is widely understood as referring to those institutions' public answerability for their actions*" (Clark et al., 2003, xxiii). In Crouch's categories, calls for more transparency belong rather to the "*negative model* [of citizenship that] shares the idea that politics is essentially an affair of elites, who are *[…] subjected to blaming and shaming by an angry populace of spectators*." (Crouch, 2004, 14). From there is it still a long way to the positive citizenship that Crouch conceives of as "*represent*[ing] *democracy's creative energies*" (ibid.) and that decidedly affords a different kind of activism.

But such claims are also expression of a reasonable suspiciousness of the State as a potentially "totalizing institution". Accordingly, in the Pirate Party's programme radical transparency in the public realm is juxtaposed with an emphasis on the protection of privacy when it comes to people's personal rights. This libertarian stance is reflected in the differentiated treatment of two controversial items in German political debate. On the one hand, the publication of confidential diplomatic and secret service documents by *Wikileaks* was fully endorsed by the German Pirates as an anti-system and anti-elite action. When the platform's servers were temporarily shut down, the party's website was one of those that hosted the obscured contents in an attempt at defending the right to free information. On the other hand, the Pirates naturally took quite a different stance towards the European Union directive on obligatory data retention by internet providers (*Vorratsdatenspeicherung*), which they opposed by lending their support to a petition asking the German *Bundestag* to outlaw preventive data retention.

This is modern civil liberties discourse at its best and its relevance is strengthened by the observation that since the 2001 terrorist attacks on the WTC, "*in the USA and Europe alike, there have been, on the one hand new justifications for state secrecy* […], *and, on the other, new rights for states to spy on their populations and invade recently won rights of privacy.*" (Crouch, 2004, 14). In addition to the examples cited above, protests have flared in mid-2011 when Germany's National Security Council was to hold secret deliberations on selling tanks to Saudi Arabia. The illegal abduction of Khaled El-Masri, a German citizen, in connection with allegations of terrorism by the CIA aroused protest back in 2005.

However, these examples of flaws in the seemingly democratic system are *symptoms* only. *Causes* are to be sought elsewhere. If we want to give credit to Crouch's line of argument, the cause lies exactly in the intermingling of politics and the economy. Put bluntly, transparency is the claim of the people to be eligible to know what is going on behind the scenes. But without a substantial *critique* of the nature of the transactions taking place in that sphere, such knowledge appears politically useless by itself.

3. Politics in a time of liquid and manipulable identities

Identities in the post-democratic world are much more artificial and less solidly connected to the material world than were classical democratic identities. Whereas in the past robust and sometimes slightly cumbersome organizations like the trade unions and mass parties were rooted in the common material background of its members belonging to the working class, it has since become easier for groups to gather around objectives even across class borders.

The notion of class has lost political efficacy in post-democratic societies, which are even proud of being "post-ideological", i.e. free from political discourses related to class conflicts in particular and to social conflicts in general. This is true especially for the kind of activism we can now witness on the web where information can be exchanged, protest organized and alliances forged and severed without even knowing the social status of the persons one is interacting with. This kind of "openness" has its dark sides: having lost their material appeal, identities are far more subject to manipulation. Modern politics has long understood this and has organized the electoral circus accordingly, offering on the opinion

market what the moment demands, while creating at the same time specific needs and expectations.

Political competition in post-democracy thus tends to become a *façade* operation only, and its outcome to hinge largely on the expectations created by authoritative polling institutes. Under these circumstances, a politician's actual performance is deprived of any significance. What is important is for them to find the one political item – an idea, a slogan: think, for example, of US presidential hopeful Cain's "9-9-9" – that is best received by the population, viz. best sold on the electoral market. In a way, being a politician has become the equivalent of investing in a highly speculative market: Putting all your stakes on a single policy item might be your lucky one, that is, if enough people come to believe in your vision and buy into it through their vote.

This is one reason why it has become easier to manufacture consent around populist goals. "*Constructed though identities are, the consequences of successful identity formation are very real* indeed. If people are encouraged to form their identity on the basis of opposition to certain racial groups, or to public employees, […] politics will become focused on these targets, and other issues will be ignored" (Crouch, 2004, 119). The identities thus created are artificial indicators and this is the very essence of speculation. Generating belief in the value of a certain entity (e.g. a commodity) and acting upon expectations. If a sufficient number of economically potent individuals engage in the game, the fictitious value will have been created and the very fact that someone is willing to bet on it, will justify its existence.

Likewise, if we put the lack of transparency at the centre of attention, politics will readily jump in to occupy this niche and serve this newly arisen, all but secondary need. Unfortunately, this diverts general attention from core issues such as, for instance, the future of social, environmental and intergenerational justice and the menace of wars in the current systemic crisis. The post-democratic evolution causes the very concept of transparency to ring hollow, since we may legitimately ask: Do the things that politicians are held accountable for by the mass media's lust for sensational headlines tell us something about the *qualities* we really want to see in our politicians, or about *the real meaning of the policies t*hey promote? Or are the revelations and scandals only well-engineered bits of the "tightly controlled spectacle" of post-democratic politics? (Crouch, 2004, 4).

Thus with the Pirates, who have espoused the cause of transparency in an attempt at garnering political support. They are post-democratic social entrepreneurs in that they engage in the game playing by its rules. The fact that they refrain from naming any real grievances they are set to fight (apart from the lack of transparency, of course) seems as quirky as their reluctance to fix a political agenda and their declaring themselves mere *vehicles of change*. Nothing indicates that this is the way to combat neo-liberal distortions in European and world politics.

The Pirate Party's major element of distinction is certainly their anti-elite attitude. In the 51 pages of their 2011 electoral programme there are indeed a few appeals to equal opportunities (for refugees, in gender politics and in education), but these fall far short of the egalitarian discourse inherited from democratic tradition. The word *Gerechtigkeit* (justice) does not occur. It is therefore not clear why the Pirates should be immune to

commixture with the dominant economic lobbies. Instead the Pirates have made of the techniques of e-democracy and of transparency a brand whose image they cultivate and which eventually earns their leaders a living as members of the *Abgeordnetenhaus* of Berlin. Crouch knowingly asserts: "How much easier would the work of governments be if they needed to cultivate only their brand and image" (Crouch, 2004, 102).

4. Risks and opportunities of a new "direct democracy"

Under post-democratic conditions, opinion polls have become politicians' favourite instrument of knowing – but also orienting, by means of ajority-seeking behaviour – the voters' will. The ever more sophisticated techniques of surveying public opinion have made redundant the politicians' efforts to (physically) keep in touch with their electorate, and have helped the development of showcase political campaigning – increasingly trough *facebook*, *Twitter* and other interactive web applications.

It is true that eliminating the intermediary work of pollsters – a task a fully developed e-petitioning system would probably accomplish – would move the people closer to the places where decisions are taken. But it would not remedy the distortions of a *polity perceived and organised as a market place*. Quite the opposite is true: the way in which social media are subject to advertisement and to the presence of commercial interests is truly impressive. Walmart, the world's largest corporation according to the Fortune 500 ranking, boasts an impressive 10,572,325 likes on *facebook*. Ferrari and Mercedes are slightly trailing at 5,296,683 and 4,265,673 respectively. Sports apparel manufacturer Adidas tops them all with more than 11 million likes. And to think that these are voluntary adhesions people decide on in their free time.

What impact a radically increased number of popular referenda would have on a community's political choices is difficult to assess. It also depends on the *quality*, and not just the *quantity*, of the available information, and on the diffusion of critical attitudes and hermeneutic capabilities in the population. These competences are crucial in order to articulate the "real" and the "virtual" dimensions of being and communicating, i.e., to elaborate, select and make sense of an overwhelming amount of exchanges and information, some of which is of questionable origin.

However, it is to be doubted that under current circumstances truly substantial decisions, such as a reconfiguration of the economy, would be relegated to popular vote. As we have seen with the first planned and then cancelled Greek referendum on European austerity measures, lobbies are yet too influential to allow for a popular whim to jeopardize their schemes. And finally we mustn't forget the severe setbacks of direct democracy, the risk, that is, of falling prey to demagogues and being transformed into a dangerous "mobocracy" (literally, "the power of the mob") where disputes are settled by the sheer mass of people.

As for mass opinion polling, so for e-petitioning: On the one hand, they may contribute to questioning the active party members' "*claim to interpret the voters' stances*" (Crouch, 2004, 71) and in general to overcome the difficulty of knowing the *vox populi*. On the other, they lend themselves way too easily to facile manipulations.

In conclusion, the concept of transparency alone does not even come anywhere near to exhausting the range of necessary checks and balances that make democracy work. Rather, the radical transparency advocated for by the Pirate Party is a minimum requirement (and should be a matter of course, anyway). The Pirates' proposal to radically expose each single step in politics to the scrutiny of an ever alert community of digital natives working and surfing around the clock is certainly a meritorious attempt at exploiting the potentialities of the new media, but it does not reach the core of the problem, i.e. the subtle monopolization of the realm of politics on the part of a global financial and economic elite.

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