

Nigel Bowles, James T. Hamilton, & David A. L. Levy (Eds.), **Transparency in Politics and the Media: Accountability and Open Government**. New York, NY: I.B. Tauris & Co. Ltd in association with the Reuters Institute for the Study of Journalism, University of Oxford, 2013, 272 pp., \$28.00 (paperback).

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“Information wants to be free,” rings the battle cry of transparency and open government advocates worldwide. The aphorism is attributed to Stewart Brand who deployed it in his 1987 book, *The Media Lab: Inventing the Future at MIT*, primarily to illustrate the downward economic pressure upon information in an age when information is cheap (Clarke, 2000, p. 202). Several pages later, Brand adds that “information wants to be (politically) free” (ibid., p. 211). This latter political meaning has animated the “freedom of information” movement in recent years, although the former economic meaning might describe the phenomenon that has helped enable it.

Scholars interested in the historical, theoretical, and political dimensions of freedom of information legislation and open government initiatives would be well served by **Transparency in Politics and the Media**, published in association with the Reuters Institute for the Study of Journalism at the University of Oxford. This short volume, edited by Nigel Bowles, James T. Hamilton, and David A. L. Levy, offers a transatlantic perspective on the genesis, articulation, and impact of public policies that seek to promote government transparency and accountability. In their introduction, the editors distinguish representative democracies from direct democracies, and briefly discuss the informational imperatives when voters (“principals”) elect representatives (“agents”) to legislate on their behalf. In representative systems of government, the possibilities for discrepancy between principals’ interests and agents’ actions arise under conditions of either “hidden actions” or “hidden information” (p. xii).

“Voters in effect delegate power that can lead to their oppression . . . agents who go astray can ultimately deprive principals of liberties and their freedom, with little recourse for objection” (p. xiii). This is likely what James Russell Lowell meant when he famously stated that “Democracy is the form of government that gives every man the right to be his own oppressor” (as cited in Dillon, Thompson, Lawson, Murfree, Greenhood, Robbins, Metcalfe, et al., 1918). It is the body politic’s capacity for self-subterfuge that makes transparency “a highly valued instrumental good” within a democracy, while, as the editors point out, it is “also an intrinsic good for some voters” (p. xv)—perhaps, for instance, for those who proclaim that “information wants to be free.”

As the journalism scholar Michael Schudson teaches us in the first chapter, *transparency is not an important component of the United States’ political heritage*. The secret ballot and the confidentiality of journalistic sources are just two examples of how America has historically privileged privacy over

transparency. According to Schudson, the rise of transparency laws, such as the Freedom of Information Act (FOIA) signed by President Johnson in 1966, are consistent with John Keane's notion of a "monitory democracy" or a "post-parliamentary" form of democracy that began to develop in the middle of the twentieth century.

The question of whether transparency laws reflect fundamental or enumerated rights recurs throughout the book. Schudson points out that "there is no 'right to know' in the Constitution" and that "the most that may be claimed . . . is that the founders judged that the public had a right to know 'as an abstract political right' derived indirectly from the First Amendment" (p. 8). Patrick Birkinshaw, however, cites the 1946 United Nations resolution that declares, "Freedom of information is a fundamental human right and is the touchstone for all freedoms to which the United Nations is consecrated" (p. 67). However, as Birkinshaw observes of the UK, citizens' freedom of information is sometimes in conflict with—and almost always outweighed by—the rights of press privacy. According to Birkinshaw, only when the press is a "state organ" should people have a right to access information held by media organizations, since "government should be the subject of FOIA not the press" (p. 61).

Just as American democracy might be increasingly monitory and postparliamentary, British democracy appears to Birkinshaw to be growing more personalized under its transparency laws. His optimism is tempered by an ominous "feeling that personalizing democracy *undermines* democracy as a societal and indeed global activity—that balance between collective welfare and private interest" (p. 69). Prompted by this conclusion, this reader is left wondering whether the primary tension exists not between transparency and privacy, but between the *dueling conceptions of collective welfare and private interest inherent within each of these*. Put simply, do transparency laws and the press's right to privacy each individually serve, foremost, the collective welfare or private interests? The answer, I think, hinges on the helpful question the editors pose in their introduction: whether transparency and privacy are considered primarily "intrinsic goods" (in which case their mere existence predominantly promotes the collective welfare) or "instrumental goods" (in which case they are exercised by individuals or groups predominantly in promotion of private interests).

The first four chapters present a compelling comparison between the U.S. and UK transparency laws, and at least three commonalities can be detected. First, both gained political support amid—and perhaps in response to—a heightened climate of secrecy. Following the Watergate scandal of the Nixon administration, Senator Edward Kennedy promoted a bill that expanded and reformed the FOIA (and successfully overrode President Ford's veto) in what Senator Kennedy called "a concrete repudiation by Congress of both the traditional bureaucratic secrecy of the federal establishment and the special antimedia, antipublic, anti-Congress secrecy of the Nixon administration" (p. 9). Similarly, Peter Riddell acknowledges the perception "that Britain was historically one of the most secretive countries in the world" (p. 19) and cites its Official Secrets Act of 1911 as one example of a statute that the open government initiatives and England's Freedom of Information Act of 2000 sought to confront.

Second, both countries are home to an adversarial and skeptical press, and these traits manifest alternately in a liberal-democratic model (U.S.) and a tabloid model (UK). Third, and perhaps attributable to the adversarial nature of the press, the executive branch of both countries endorsed freedom of

information laws ambivalently. President Johnson was "reluctant" when he signed the original FOIA into law and, as previously noted, President Ford tried (unsuccessfully) to block its expansion. In Britain, Prime Minister Blair "described the passage of the [FOIA] as one of the mistakes of his administration" and thought the law had "become part of the battle between the government and the media and shifted the balance towards the media who used the Act as 'a weapon'" (p. 25). Even Prime Minister Cameron, who publicly supports transparency, speaks "of how [FOIA] can 'occasionally fur up the arteries of government'" (p. 43). Finally, the analyses of both the American and British statutes discuss how the freedom of information laws' successes in the world's most powerful democracies have inspired legislation internationally. In fact, there are "more than 90 countries with freedom of information laws today, 70 of them enacted since 1990" (p. 14).

The next four chapters (5–8) turn the focus from the freedom of information laws themselves to journalistic practice in a new era of transparency. John Lloyd demonstrates how, as the journalistic cultures in China, Russia, and India (and elsewhere) are increasingly liberalizing, the American and British prototypes of this liberal model are undergoing technological and economic disruptions that imperil their influence. He suggests that the "decline of the general newspapers weakens the liberal approach to news: and makes space for a different, even radically different, take on both transparency and the public interest, and the links between the two" (p. 78). The intrusion of the press into the private lives of public figures is no longer the sole purview of the tabloid press as the establishment press begins to sign on to a "version of transparency" that "believes the public has a right to know the private behavior of the political class" (p. 82).

Attendant with this "radical" interpretation of transparency, however, is a new ambiguity over who gets to determine whether certain behaviors are relevant or acceptable or, more to the point, newsworthy. Here, Lloyd chronicles the way in which user-generated media present journalism with an existential crisis. He cites *Guardian* editor Alan Rusbridger's lecture titled, "Does Journalism Exist?" which highlights the tension between the authority of the press and the involvement of its audiences, "the second challenging the first so effectively that the old concept of journalistic authority—we know, you don't—is now being demolished" (p. 88). In Lloyd's account, as the press cedes its social and political authority, the link between transparency and accountability weakens. Lloyd argues that, in order for transparency to engender accountability, "the claimed wrongdoing must be seen to be so, by society at large, the authorities, and the perpetrators" (p. 92). As the agenda-setting power of traditional media institutions atrophy, there is a possibility that apathy and ambivalence will fill the vacuum, and transparency laws will have been but a vanity exercise.

A few anecdotes plucked from various chapters echo the perspective that transparency laws are more attractive in principle than in practice. Helen Margetts notes that, despite the "almost ideological fervour with which new administrations in the U.S. and UK pursued the openness agenda," there is an increasing "sense of disappointment in the extent to which open datasets are actually used by citizens" (p. 169). The philosopher Onora O'Neill "has talked of transparency as a fetish," and "argued that the new mechanisms of accountability and targets have undermined the professionals on whom the public sector depends, and have created a culture of suspicion and low morale which may increase public distrust" (p. 29). In their empirical analysis of the impact of the FOIA in the UK, Benjamin Worthy and Robert Hazell

report that the law “has not increased public understanding of decision-making at central government and has little impact on public participation except via ‘proxies’” such as the media (p. 38).

Paul Bradshaw’s chapter—which kicks off three chapters that focus on the role of data in journalistic practice—reclaims the ability of freedom of information laws to compel accountability. It does this by distinguishing the process of *holding power to account* (i.e., “using the information in the journalist’s possession to ask tough questions of the powerful”) from the process of *making power accountable* (i.e., “making such information accessible in the first place”) (p. 160). From this perspective, even if Lloyd is right that the authority of the press is being jeopardized by economic and technological disruptions (thereby weakening its ability to hold power to account), the mere publicization of government data successfully makes power more accountable than it previously was. Like Lloyd, Bradshaw is attuned to the economic disruptions confronting traditional journalism. However, he describes the way in which reporters can exploit data sets and is optimistic about “the business case behind data journalism” (p. 158).

Helen Margetts also sees the proliferation of open data as more of an opportunity than a crisis for journalism. She suggests that journalists are best positioned to “present big data in an appealing and useful way” and defines “data journalism” as “finding data sources, interrogating them, matching up across datasets, and visualizing them” (p. 175). Margetts helpfully differentiates between open data and big data. The former is often made up of smaller samples of large data sets and the latter is usually proprietary and inaccessible by the public. She further clarifies that open data is typically “released” with “virtually no feedback loops between the data and the agency which released it” whereas big data “is something that is ‘there’ by virtue of administrative operations, and in this sense remains closer to the organization producing it” (p. 176).

I would add that open data is often treated inductively whereas big data is typically treated deductively. Whereas social scientists such as Margetts more highly value big data’s suitability for deductive analysis, journalists and political actors have typically drawn upon open data to draw inductive conclusions. This is evident in Vice President Biden’s refrain, “Don’t tell me what you value—show me your budget, and I will tell you what you value” (as cited in Horsely, 2014). As Margetts points out, however, big data sets (in contrast with open data) “are less likely to be used in a political way to berate public agencies” and may be “the better long-term bet for more substantively transparent government and even ‘open book’ governance” (p. 177).

When Benjamin Franklin exited the Constitutional Convention in 1787, he was asked by an anxious group of citizens what type of government the delegates had developed. He famously responded, “A republic, if you can keep it” (Beeman, 1998). Aside from his status as a statesman, Franklin was an active member of the independent press and was shrewdly aware that the success of a representative democracy depended upon an active and well-informed citizenry. More than 200 years later, in what has been characterized as an “information age” (Castells, 1996), new modes and methods of transparency have been deemed necessary for the maintenance of such an active and well-informed citizenry. In the end, the claim that “information wants to be free” might be replaced with a less concise but more precise claim that “democracies want (or require) people to be free to access (certain) information.”

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