

# THE LIMITS OF TRANSPARENCY

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*A Thinking Exercise in Flanders*

*KVAB Thinkers in residence programme 2017*

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## Preface

The topic “The Limits of Transparency”, chosen as annual topic by the KVAB, allowed to deepen some investigations I had been carrying out before (Alloa 2008, 2011, 2015, 2018a), make new connections with other forms of expertise and scholarship, and most importantly, making some first collective results available to a general audience, as stipulated in the mission of the KVAB's “Thinker's Programme”. Evidence could be gathered that transparency is indeed a main challenge for our contemporary time, and that it cuts across several fields, which makes it a convincing candidate for a cross-disciplinary investigation and a concept with critical impact on societal concerns.

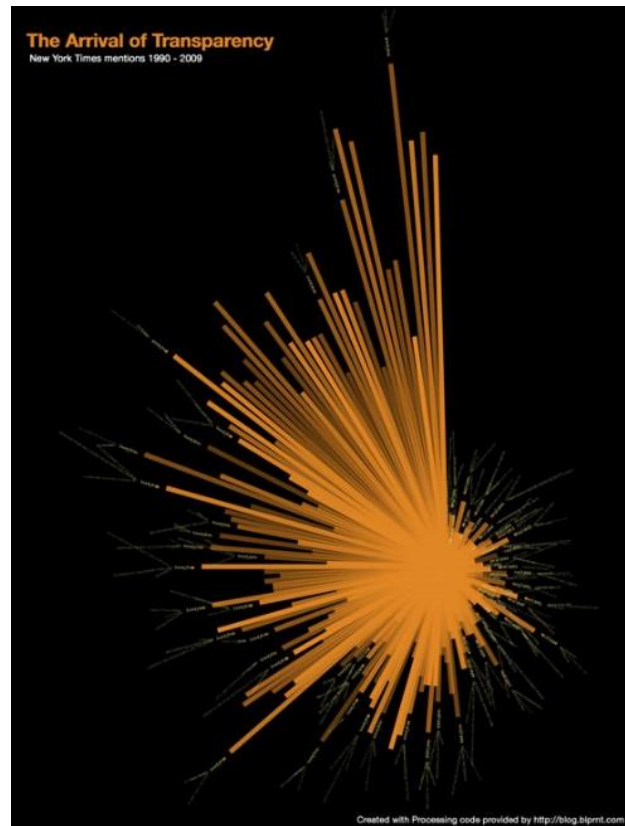
The activities were carried out in various forms:

- my own research during the periods in which I stayed at the Academy, which also enabled some stimulating exchanges with Flemish and other Belgian colleagues in the fields of arts, philosophy, digital studies and law.
- a semi-open seminar with invited speakers, to test first ideas and start a mapping of the various fields in which “transparency” and its ambivalent logics can develop criticality.
- a two-day symposium at the end, open to the general public, with prominent scholars from the field of Critical Transparency Studies also an artist talk with internationally renowned Swiss artist Thomas Hirschhorn. Some of the registered participants in the audience came from far away, from Israel (Roy Peled , Associate Professor, Haim Strik School of Law, Israel) or Italy.

Besides this report, the results of this research will be made available to the general public in forms of newspaper articles, scholarly articles in peer-reviewed journals and the proceedings of the symposium, which shall be published in the KVAB series at Peeters.

## The Limits of Transparency

Why is transparency of critical relevance for the present? Here are some elements that I presented also in the context of my keynote talk at the Symposium in December 2017. As turns out, these last years have seen 'transparency' becoming a highly fashionable catchword, and demands for more transparency have been voiced in domains as diverse as corporate or public administration, financial transactions, scientific research, sports contests, technology or media (A circular diagram which maps the occurrence of the word transparency in articles from the *New York Times* between 1990 and 2009 - fig. 1 - shows the exponential increase of its use, and the figures for the last years only yet confirm this tendency). At the same time, the ubiquitous presence of the word is inversely proportional to its conceptual clarity: used permanently as if its meaning were obvious and shared by everybody, the concept transparency has rarely been addressed in its own right. The idea presiding over the 'Thinker's Program' residency was to gather a research group which could start writing a history of the concept and clarifying its stakes.



In point of fact, transparency is credited with having a remarkably vast range of positive effects: it is said to increase the responsiveness of governments, improve accountability of individuals, allow for greater compliance, promote participatory practices, and even to prevent conflicts from emerging. In case it ever was a concept initially associated with the struggles from civil society for more openness at the level of top-end governance, as by now, it largely infuses the discourses of most public and private organizations. Most paradoxically, it is used by political figures considered by many as particularly opaque. During the American presidential campaign, Donald Trump, dubbed as the "least transparent presidential nominee in modern times" by news channel NBC, urged his rival Hillary Clinton to disclose information about her health condition "for the sake of transparency". On the other hand, newly elected President Trump has also been said to inaugurate a new era of transparency, with his twitter messages containing his most immediate reactions to domestic and international affairs. Authenticity and transparency are brandished as key selling points in the wake of a general distrust towards institutions. Although different in almost every other respect, Trump's predecessor Obama had already relied on the same values, even before the Wikileaks scandals and the revelations by Edward Snowden, he had claimed to make the increase of transparency a cornerstone of his presidency, with the introduction of initiatives such as the OGI (*Open Government Initiative*) and the bolstering of the *Freedom of Information* act. Many Western governments and parties are now increasingly integrating similar policies into their agendas.

An analogous tendency can be observed at corporate level: while this started in the technology sector, with Google publishing its first *transparency report* in 2010, an increasing number of companies is now releasing annual reports based on audits measuring the degree of corporate transparency. The same phenomenon takes place at the level of NGO's and intergovernmental organizations, where a minor industry of transparency initiatives has flourished: Whether non-

governmental organizations such as *Transparency International* which has been monitoring corruption in international development since 1993, intergovernmental initiatives such as the *Extractive Industries Transparency Initiative* (EITI), launched at the World Summit on Sustainable Development in Johannesburg in 2002, or the many initiatives on a corporate level, such as the 'Transparency Initiative' launched by the American Association for Public Opinion Research in 2014 or the *Asian Maritime Transparency Initiative* (AMTI): an increase in transparency is seen as a general remedy for many problems. In the US context, the Sunlight Foundation's aim is to 'make government more accountable and transparent' through the use of 'cutting-edge technologies and ideas', while other prominent Internet projects that fall under the banner of the transparency movement include *OpenSecrets.org*, which charts the relationship between financial interests and public policies, and *MAPLight.org*, a database showing the connections between campaign donations and legislative votes; in Germany, the portal *Netzpolitik* has played a similar role, while in Switzerland, the *opendata.ch* network acts on implement new types of data governance. The new digital architectures of transparency, as it were, have taken over the program of Jeremy Bentham's *Panopticon*, and we are faced with a new kind of 'algorithmic governmentality' (Berns/Rouvroy 2013).

However – and this aspect is crucial – the demand for more transparency is in no way restricted to political, institutional and corporate entities. When statistical studies show that 'transparency' is – alongside with 'authenticity' and 'competence' – the most used notion by CEO's in their annual addresses (Guo 2011: 4), this suggests that the line between corporate and personal identities has become blurry, since CEO's are meant to 'incorporate' the corporation, just as politicians are held to be 'representative' of the body politic. As it were, the ideal of transparency promotes a request for behavioral coherence which applies indistinctly to persons and to organizations alike. Not content with exposing previously latent practices, the very idea of transparency is to take out the barriers that could allow for future concealed operations and to make the actors publicly accountable for their actions.

One of the most renowned ethicists for instance, the Australian philosopher Peter Singer, holds that transparency and its correlate – the possibility of unrestrained inspection – represent "the perfection of democracy, the device that allows us to know what our governments are really doing, that keeps tabs on corporate abuses, and that protects our individual freedoms just as it subjects our personal lives to public scrutiny"; (Singer 2011: 31). As a non-coercive contrition, the transparency regimes – so their advocates assert – allow for a transferal of control from repression to self-control, which according to many studies is all the more effective. A general consensus holds that "transparency promotes accountability", not only at the level of the administration, but also beyond, at the level of individual moral life: a virtuous individual, as it were, is an individual who has nothing to hide. As a result, Christopher Hood argued, 'more-transparent-than-thou' has become the secular equivalent of the 'holier-than-thou' (Hood 2006: 3). Against critics who decried the loss of privacy which results from the permanent exposure and the digital tracking engineered by new technologies, Google CEO Eric Schmidt gave an answer which recaptures the moralizing promise inherent in transparency: "If you have something that you *don't want* anyone to know, maybe you shouldn't be doing it in the first place."

As a correlate to the auditing practices of corporate and public organizations, the public display of individual lives is believed to have an enhancing effect on demeanor: the possibility of being watched induces a self-surveillance which leads to self-restraint. For quite some time, the demand for public confessions isn't any more reserved to the class of political leaders or public figures; it concerns every single individual. Social networks require permanent self-expression, sharing and commenting which allegedly allow for participatory, self-reflective democracies, but also confessional practices induced by the automatized tracking systems revealing the details of social life in ever-finer infinitesimal detail (on the 'confessional' paradigm, see the research Team Two outlined in 5.1). The co-founder of Facebook, Mark Zuckerberg presented this new age of automated confession as a promise of undifferentiated equality, given that Facebook news feeds "treated all your behavior identically – in effect telescoping all your identities, from whatever context,

into the same stream of information" (quoted in Kirkpatrick 2010: 211). The result, Zuckerberg asserts, is a society from which duplicity, fraudulence and deceit will ultimately vanish: "Having two identities for yourself is an example of a lack of integrity [...] the level of transparency the world has now won't support having two identities for a person" (quoted in Kirkpatrick 2010: 199). Significantly, this demand of self-coincidence not only applies to the present, but over an entire lifetime: with the exorbitant capacities of data storage, individuals are likely to be confronted with statements they made years ago, and with which they must be consistent with.

To summarize, the evidence gathered suggests that transparency is not only a concept that is generally considered *neutral and non-partisan*, hence its availability for all sorts of claims and demands, but that it is also seen as *unconditionally positive* (one would be hard pressed to find advocates struggling for an overall increase in 'opacity'). Not for nothing has transparency risen to the status of a kind of post-ideological norm in contemporary moral discourses, although, as Byung-Chul Han stated, transparency could equally be seen as an "ideology" which "like all ideologies [...] has a positive core that has been mystified and made absolute" (Han 2012: viii). Only very recently has there been a beginning of an awareness for the 'dystopic' sides of transparency, notably stirred by fictional bestsellers such as David Eggers' *The Circle* (2013), an almost Orwellian vision of a near future of a totally transparent society. Like a windowpane whose glare decreases the more translucent it becomes, the notion of transparency signals a native non-reflectiveness, claiming for itself that there is nothing here to be seen. The perfectly transparent window is a window which completely diverts the attention from itself: the less we see the windowpane, the more we see through it. But if seeing through is synonymous with overlooking, it can easily be understood why transparency – as an operative concept – rarely became an object of theoretical reflection by itself.

What I started working on during the program, is retracing the genealogy of the concept of transparency, trying to understand its beginnings and the reasons for its fortune in classical modernity and even more so in late modernity (is it true, as Thierry Libaert has it (2003: 13), that transparency has become the "inescapable ideology" of our times?) If the concept of transparency proves to have a consistency of its own, then the parallel inquiry into both the demand for organizational transparency and the imperative of self-transparency could lead to a new understanding how to recapture the problem of the social existence. Indirectly, we gain a thoroughly different look onto modernity: while most prominent definitions of modernity were about the progressive differentiation and 'autonomization' of social fields, which follow peculiar logics (politics, law, morals, economy etc.), it became evident that 'transparency' fleshes out the 'de-autonomization' and cross-overs (where individuals are treated like organizations and the other way round). Moreover, while most theorists of modernity have stressed its 'dialectical' (Giddens 1991) or 'reflective' nature (Beck/Giddens/Lash 1994), we must now turn towards the fact that modernity is also traversed by a dream of unmediated, non-dialectic and non-reflexive reality.

The notion of transparency is over-present in academic discourses (as by January 2018, Google Scholar references more than 2 billion scholarly articles dealing with transparency issues in some way or another). In various academic disciplines, one witnesses attempts to structure the reflection about the topic: in political science (Hood 2006, Holzner/Holzner 2006; Pitseys 2009, Etzioni 2010, Götz/Marklund 2015), economy and finance (IMF 2007; Khagram/Fung/de Renzio 2013), organizational studies (Forssbaeck/Oxelheim 2015), journalism (Bowles/Hamilton/Levy 2013), law (Driessen 2008; Bianchi/Peters 2013), environmental studies (Gupta/Mason 2014), anthropology (West 2003), history of science (Joyce 2008), literary history (Schneider 2013), communication studies (Libaert 2003), digital studies (Brin 1998; Morozov 2013) or media theory (Jäger 2004; Rautzenberg/Wolfsteiner 2010). In parallel to these monographs or edited volumes, there have been efforts to provide students and scholars with an overview over the state of the art, with e.g. a reader offering a selection of canonical articles (Piotrowski 2010) or the first *Research Handbook on Transparency* (Ala'i/Vaughn 2014). Evidence suggests that concerning transparency research, one is indeed in presence of an "emergent field" (Götz/Marklund 2015: 242), which is confirmed by the recent creation of an *International Transparency and Secrecy Research Network* and the regularly held Global Conferences on Transparency Research.

However, some critical voices have remarked that this new minor industry of 'transparency research', which according to some just celebrated its 25<sup>th</sup> anniversary (Cucciniello, Porumbescu & Grimmelikhuijsen 2016) is mostly using the notion as an expedient, repeating – this time on an academic level – the general unreflected attitude towards transparency. As it were, 'transparency' still rather represents an *operative* concept than a concept that up until today would have been *thematized* for itself. As Christopher Hood has underscored, transparency "is commonly used to mean a number of different things, such as disclosure, policy clarity, consistency or a culture of candor" (Hood 2001: 701), whence concluding: "There is no classic modern treatise that embraces all those meanings" (*ibid.*).

Among a group of scholars who have founded what they call 'Critical Transparency Studies', the attitudes vary: some explain the 'difficulty for theorizing transparency' by its inherent fleeting nature (Hansen/Christensen/Flyverbom 2015: 118), others think it simply has become an empty signifier, divorced from the circumstances in which it is employed (Birchall 2011: 10), while still others call for a need to "complicate the notion of transparency" (Teurlings/Stauff 2014: 9). As Mark Fenster fittingly summarized the situation of academic research, transparency finds itself "in search of a theory" (Fenster 2015: 150). Since now, philosophy has been notably absent from these debates – except for Byung-Chul Han's book *The Transparency Society* (Han 2012), which should however more aptly regarded as a pamphlet than as an in-depth study. While most scholars linked to the 'Critical Transparency' movement have their expertise in the contemporary world, the program aimed to take a step back, so as to fully assess the historical constitution of transparency as a paradigm. This entails to track the emergence of the paradigm on stages where it does not yet have the status of a concept.

The guiding question that arose can be summarized as follows: why is it that of all the ideals fostered by the age of Enlightenment (autonomy, individuality, equality, self-determination, etc.), transparency is the only one that has not been fundamentally put in question in the wake of 20<sup>th</sup> century's history? On the contrary, it is as if transparency had emerged unscathed from this deconstructive sifter, and now towered above all ethical and political matters, as a general remedy for all concerns of the present time. Probes from various contexts (politics, finance, social networks, humanities) tend to confirm, there is to an overall consensus around the values of transparency: transparency is held to be *impartial*, *neutral*, *democratic* and *progressive*. As a matter of fact, transparency seems to share characteristics with so-called 'magic concepts' (Pollitt/Hupe 2011): its *broadness* (covering large domains and having multiple, overlapping, sometimes conflicting definitions), its *normative attractiveness* (given its positive connotation), its *implication of consensus* (diluting, obscuring, or even denying traditional social science concerns with conflicting interests and logics), and finally, its *global marketability* (being well-known and fashionable).

In contrast to these leading principles of Enlightenment that have started to shimmer ambivalently, transparency comes out of the experiences past almost intact; more so, it seems to have infinitely expanded on the grounds of the receding others, and now features as the ideal that must take over the unkept promises of the other ones. Today, transparency appears as fundamentally *undialectical*, bereft of any negative outside and as such, as unrestrictedly positive. In a society ruled by the paradigm of transparency, transparency itself represents the blind spot; when transparency ended up absorbing other forms of critique, there is no longer any outside left from where transparency could potentially be criticized. A lot of evidence starts to be gathered which confirms that the effects of transparency regimes often generate the opposite of what they proclaim, such as the fact that transparency regimes frequently favor demagogic argumentations in order to please and flatter the audience, while excluding arguments that might be sincerer, but less likely acceptable (Chambers 2004; esp. 393). Besides, they hardly ever restore trust: transparency as a trust-building measure is hardly ever efficient. Recent Experiments in Western European countries have shown that transparency is first and foremost a 'hygiene factor': it does not contribute towards higher levels of trust. In some cases, it eventually even lowers general trust scores as a result of a general disappointment after the disclosure of the inner proceedings of government



(Grimmelikhuijsen/Meijer 2014). Most importantly, however, transparency regimes suggest a dubious neutrality where the procedure would have no bearing on the content.

Although it might seem that the Class of Arts is only feebly connected to these matters, my aim was on the contrary to show how, on the backdrop of the knowledge gathered in art history, aesthetics and media studies, we can question some of the consensual ideas of our time. In the domain of arts, no one could seriously claim that it is possible to separate the medium from the content (there is no pure artwork which has no sensible concrete support), and the inescapable interpenetration of the material presence and the ideal meaning, so often stressed for artistic artefacts, should be understood to be a condition of the social and political field too, and especially in the wake of the new challenges raised by big data.

Big data is often presented as the solution for modern-day democracies, and a more open form of governance. However, this assumption rests on a fatal separation between medium and message. Data in general doesn't have to be meaningful, on the contrary, its efficiency precisely rests upon a disjunction of form and content and of syntax and semantics; the efficiency of the algorithm is directly dependent on its referential blindness.

All of this does not come as a major surprise and it weren't so much of a problem if the mechanisms undergirding this process weren't subject to a concomitant denial, which justifies talking of an ideological structure (per definition, ideologies are constricting frames that deny their constriction nature). The imposition of a unified standard – itself the condition of possibility of the subsequent general equivalence – consists in a formatting that at the very same time denies the importance of the format. Faced with the self-asserted *neutrality towards ideology*, this section will scrutinize what appears to be, in fact, an *ideology of neutrality* and its effects, both on the collective and institutional level and on the individual level. In order to counter the effects of such an ideology of neutrality, which assumingly lead to a conception of a totally unified, self-transparent I, a disregard for the influence of procedures on the content and a technocratic conception of democracy, the "Thinker's Program" allowed to ask a rather basic question again: which of the – still fundamental – demands of Enlightenment should be reclaimed today? In this respect, the project dovetails with a Kantian notion of *critique*, in both its descriptive and intervening aspect: as a technique of discerning, sundering, sifting and separating (what the Greek called the *krinein*), but on the other hand as the possibility of acting on the present. As ultimately, as Foucault convincingly showed, since Kant, the notion of critique began to yield more than just cognitive issues; henceforth, it stands for the open interrogation: "What precisely, then, is this *present to which I belong?*" (Foucault 1983: 87-88)

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