

The Rise of Transparency

By Erik Neveu

An in-depth study of the recent history of the right to know in the United States traces the origins of the rise of transparency back to practical, anti-bureaucratic demands rather than to any ideological claims made by the generation of 1968.

Reviewed : Michael Schudson, *The Rise of the Right to Know, Politics and the Culture of Transparency (1945-1975)*, The Belknap Press. Harvard. Cambridge, Mass, 2015.

Michael Schudson is Professor of Journalism at Columbia University and one of the most highly regarded journalism specialists in the world. He is not, however, just an outstanding “specialist of his specialism”: the intellectual stimulation of his contributions also stems from the fact that by addressing a plurality of subjects he is able to bring problems and authors back to their origins, where they are least expected, and open cross-disciplinary investigations. His fields of interest include popular culture, commercial advertising and definitions of the “good citizen”. His latest book on the recent rise of the right to know in the United States thus lies at the intersection of issues he has explored in the past: processes of media coverage and advertising, political culture and the role of journalists.

A French reader’s initial reaction might be a defiant cry of “We’ve done this before!” For the subject of transparency has often been a vehicle for oversimplifying discourse. On the one hand lies the idea that access, whether unauthorised or guaranteed by law, to the records of decision-making processes or stocks of big data heralds a new dawn for democracy in which the secrets (fiscal, banking, business) of those in power are revealed. On the other hand, there are ritual imprecations over the negative effects of a transparency that subjects opinion, affection and consumption to a publicity that may be limited or consented but is still threatening nonetheless. *The Rise of the Right to Know* shows how, even on subjects that may appear to be saturated, a rigorous study of social science produces something other than the simplifications of essayism.

This book, which encompasses a wide variety of fields, could be condensed to a core proposal: the recent emergence of a right to know and the development of transparency are in no way the product of an ideology or of any coherent project originating in the critical mood of the 1960s. The study focuses on the United States, but its scope may be expanded. We shall first examine this key proposal before looking at one of the bases for its arguments relating to journalism. That will enable us to discuss how the right to know has been reintegrated into the debate on the crisis and the revitalisation of contemporary democracy.

Independent causal series

How do laws and mechanisms emerge that establish in positive law and as common sense the idea that secrecy and silence should be the exception, that there exists a right to know that can be opposed, both in civil law and in the functioning of public services and market relations? A liberal tradition anticipating the responsibility of public officials and the public nature of political decisions provided a basis for this expectation. However, in practice the experience was far from the ideal. The same was true of the functioning of the committees of the United States Congress until the 1970s: it was normal not to know how each elected member had voted. The congressmen themselves might have some difficulty in knowing when and where a subcommittee's vote was taking place which could stop the passage of a legislative text. In more mundane terms, the art of packaging introduced consumers to products measured in mysterious units such as the "jumbo pound" or the "full gallon", disguised by "visuals" unrelated to the contents, to the point that a laboratory experiment that sent some housewives with a college education to shop in a supermarket (p.71) proved the practical impossibility of behaving like a rational economic agent on account of the incomparability of the labelling placed on or omitted from packaging.

The right to know scored its first point with the adoption of the Freedom of Information Act after a ten-year battle. With a considerable number of restrictions (commercial and military secrecy, respect for privacy), it established that every citizen or elected official had the right to obtain the documents used by the government in the decision-making process as long as that request was specific. Half a century later, there are 4000 FOIA officers responding to requests from citizens, associations, sometimes academics or novel writers in need of documents. Food labelling was another battleground. A group of Democratic senators and grassroots campaigners linked to the trade union movement raised this issue, resulting in a series of laws that imposed constraints on the intelligibility of physical goods (weight, volume), ingredients, nutritional value and use-by dates. Yet another battle was waged in Congress to put an end to the ludicrous system of seniority and "ragging" that made access to strategic positions dependent on longevity, giving a privileged group of southern conservative, segregationist Democrats a life-and-death right over all liberal legislation. The Democratic Study Group waged a prolonged battle to reform the procedures, challenging the conservative

gerontocracy and a set of opaque mechanisms that supported it. A fourth area for the deployment of transparency measures emerged in 1969 with the NEPA (National Environmental Policy Act) vote, led by a coalition of elected Democrat officials, academics and organisations that were more environmentalist than ecologist. The text was part of the slow growth of legislation that aimed to anticipate the consequences of public and industrial facilities on the natural environment. There was thus a new obligation to produce reports on these issues and make them available to the public.

Critical spirit of the 1960s? Or pre-1960s modernism?

The tradition of retrodictive readings (the individualistic and hedonistic meaning of May 1968 explained by the state of France in 1988) gave these various dynamics a clear coherence. This was, for better or for worse, the legacy of the 1960s (or, in the context of France, of 1968). Anti-institutional feeling, triumphant individualism and the belief that secrecy only served to conceal shameful domination – this was the formula that gave rise to the right to know! The appeal of empirical study lies in derailing the heavy, lazy machines of interpretation by throwing a factual spanner in the works. In most of the cases described here, transparency is never put forward as a virtue or objective in itself. It is a means, a detour – often almost involuntary – in the service of practical aims: putting an end to the way in which bureaucracies resist legislators’ demands for explanations; breaking the lock that blocks all liberal legislation in Congress, making possible the rational exercise of consumer activity. In the case of NEPA, far from expressing any doctrine of transparency, public access to documents on environmental impacts was an element that was scarcely even anticipated. The clause arose from a compromise between Senators Muskie and Jackson, who were leading the bill; Muskie conceded this provision in order to satisfy Jackson’s refusal to allow federal agencies to self-assess the effects of their decisions.

Those involved were hardly baby-boomers: John Moss, the driving force behind the FOIA, was born in 1915, and Esther Peterson, born in 1906, was the linchpin of the legislation that aimed to keep consumers informed. While the shadow of Ralph Nadar hovered in the background, the actions of agents of change that culminated in this period gained momentum in the late 1950s. And the values that drove them were not those of the “Movement” but rather the defence of Congress’ rights, the thawing of intra-partisan hierarchies, the development of a “consume better” platform and not the critique of a consumer society. Esther Peterson was active in the labour movement in the Roosevelt era and then worked in consumer services with the distribution chain “Giant”. This was a far cry from the radical students of the SDS, who drove on-campus protest movements.

Here, Schudson invites us to contemplate the “pre-sixties” (p. 101-2), a time that could be called the modernist period of the 1960s. Some legislators tried, without challenging the American way of life, to go after the archaic institutional mechanisms and rationalise the economy. The pre-sixties were critical but not anti-systemic, a time when institutional procedures were questioned on behalf of traditional liberal logics (checks and balances, reliability of economic transactions). These were still the 1960s, in which real changes took place, but minus the irreverence, the impatience for results, the slogans forged in the lexicon of anti-systemic ideologies. These were the American pre-sixties, but their contrast with the second half of the decade is also relevant to France if one thinks of the issues raised by the modernisers (Club Jean Moulin, the Mendésist galaxy) studied by Delphine Dulong in “*Moderniser la Politique*” (L’Harmattan, 2000). While this analysis leaves open the question of the later uses and transformations of legal mechanisms and transparency discourse, it invalidates the dual mythology – that of the totalitarian panoptic and that of the major lever of emancipation – that situates their point of origin in the confrontational, radical space of the 1960s.

What was the role of the media?

There was a fifth area, overlooking all the others, in which the right to know was deployed: the media. The media was a powerful tool for transparency, but not for the reasons spontaneously cited: hubristic unveiling and aggressiveness, the race for media exposure justifying any transgressions. Schudson uses facts to remind us of the news media’s deferential, forgiving attitude towards elected representatives and institutions up to and during the 1960s. He revisits other more in-depth analyses conducted for previous studies (*Discovering the News. A Social History of American Newspapers*, Basic Books, 1981) in order to show that it was more the feeling of being manipulated by the army of public relations officers and encountering resistance to release information on the part of the authorities, whose moral virtue was increasingly being contested, that fuelled a more confrontational attitude among journalists and publications. He highlights the role of whistleblowers such as Daniel Ellsberg, who divulged the Pentagon papers, and Peter Buxtun who was stunned to discover that a federal health administration was using part of the African American population as human guinea-pigs to research the effects of syphilis, although his internal disclosure merely resulted in an invitation to keep quiet. Schudson shows that the media’s change of tone was not the result of any aggressive intentions but rather the dynamics at work between public (and private) authorities skilfully managing the press as a loud-speaker and, on the other hand, the critical reaction of many journalists, developing a highly reflexive reading of the media-events and photo-opportunities which aimed to instrumentalise them. Another facet of Schudson as a media analyst comes out here: he shows that, while journalism is a profession with a division of tasks, competences and routines, we should still conceive it in terms of its finished products and question the social origin of its genres and formats. He then develops an elaborate typology

with Katherine Fink, showing how in the American daily news media there was a shift in the centre of gravity of the types of article being written. The old “conventional” model (Who, When, Where, What?), centred on an immediate, isolable event, gave way to “contextual” articles. These prioritised the “why” aspect, using wide angles of analysis and focusing on files and facts that could not be reduced to the instantaneity of the event. Questioning and searching were not part of some voyeuristic game but were consistent with the desire to explain, understand the other side and show empathy for the most socially excluded. Although these trends were boosted by the confrontational attitude of the 1960s, with the underground media and New Journalism, they were deeply rooted in the widespread rise in education that awoke another kind of public, other demands and a generation of journalists who were better educated and more socially diverse.

Which democratic model?

The last two chapters expand the analysis towards a questioning of the transformations of democracy. They make for ambitious, stimulating reading, but they may also leave the reader unsatisfied. This is a structural frustration for some Schudson readers, myself included: there is a frequent imbalance between dense, sharp, counter-intuitive analyses and caution as regards normative positions that is sometimes reminiscent of Voltaire’s character Dr Pangloss – the eagerness to suggest that the state of the world as it is is not so distressing.

Schudson stresses the fact that, having been a kind of tool on which legislators and politics “stumbled”, like an unexpected means of achieving other ends, the right to know and transparency gained recognition as instruments that were politically liberating in themselves. They promised control over the authorities through the uses professed by Assange and the champions of “leaks” via the web. The culture of unveiling and Internet-based control was integrated into a new political model – a “post”-representative model that could be fuelled with the analytical framework of “counter-democracy” as explored by Pierre Rosanvallon or the “monitorial democracy” theorised by John Keane (*Democracy and Media Decadence*, C.U.P., 2013). A multitude of institutions and groups measure, assess, monitor and objectivise public and private action. The citizen is no longer merely an individual who votes and mobilises. She now uses judicial remedies and helps to produce indicators that clarify the meaning and performances of public action. She gives warnings and continually reacts through surveys. In a statement that is illustrative of the caution mentioned earlier, the author notes that all of this does not necessarily prove that democracy is improving but implies that it should be evaluated differently. Certainly. But how? It would have been nice to see authors such as Hay (*Why We Hate Politics*, Polity, 2007) and Mastropaolo (*Is Democracy a Lost Cause?*, ECPR Press 2012) included in the debate. They explore a sociology of the closure of decision-making spaces, of the social recruitment of leaders and of mechanisms that restrict the space for voluntarist choices, questioning the advent of a democratic “afterwards”, not according to the Tocquevillian

method of peaceful authoritarianism but through repeated removals of political choice from the *demos*. It would also have been preferable to see a connection between the dynamics of visibility and those, conversely, of the reconstruction of the opaque corridors of social, economic and political life. John Urry outlines this in his recent work *Offshoring* (Polity, 2014) in which he presents offshoring as a general mechanism for avoiding transparency. The offshoring of tax havens, the social offshoring of “supply workers” stripped of their labour rights and the offshore dumping of industrial waste shipped silently to countries that have no means of treating it.

Drawing people’s attention to things that are visible but unnoticed is the hallmark of a good social sciences book. This analysis thus shifts our gaze from the confrontational attitudes of the 1960s to the modernist pre-sixties, from the influence of a coherent ideology of the virtue of transparency to the groping emergence of the use of publicity and free access as responses to serialised issues, and from retrodiction to genealogy.

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