Chapter 87
Corruption in the Public Eye:
From Transparency to Publicity

Elitza Katzarova
University of Trento, Italy

ABSTRACT

What role is there for publicity in the global anti-corruption debate? This chapter introduces the concepts of "transparency" and "publicity" as analytical tools that account for differentiated channels through which the availability of information can induce social change. Two case studies provide insights into the role of traditional media in comparison to new social media. The first case analyzes the role of Western news coverage during the negotiations of the OECD Anti-Bribery Convention in the mid-1990s and the threat of publicity as a negotiation strategy. The second case investigates the role of social media platforms such as Twitter, Facebook, and YouTube in the success of the anti-corruption strike carried out by Indian social activist Anna Hazare in 2011. By introducing and further applying the conceptual toolkit of "transparency" and "publicity" to both cases, this chapter argues that transparency requires publicity or in the case of the OECD negotiations–the threat of publicity–in order for the anti-corruption campaign to be successful. The chapter concludes with a discussion of the ramifications for transparency and publicity as tools for social change.

INTRODUCTION

Transparency is a concept that is heard ever more frequently in public and academic debates. While 'more transparent-than-thou' has become synonymous with 'holier-than-thou' (Hood, 2006, 9), the fervor of some proponents of transparency often obscures the ideological instrumentalization of the term as a tool for promoting less regulation (Etzioni, 2010). Transparency is heralded by some of its avid supporters as a social empowerment tool

that will almost completely extinguish the need for government regulation. It is noteworthy that the concept of transparency is heralded by both corporations and anti-globalization activists, by proponents of stringent government regulation and their laissez-faire critics. Its promotion as a substitute for regulation by the latter group is based on the assumption that due to policies of disclosure, well-informed citizens will take on the role of public regulators in a world where less and less government restrictions will be needed

for democratic and efficient governance (Etzioni, 2010). This hypothesis, while sometimes bracketing the transaction costs of processing disclosed information, recreates a 'harmony of interests' in which information equalizes power asymmetries and empowers citizens as guardians of the public interest.

This chapter argues that transparency and publicity form a constant couple. Publicity is required both for 'furthering' and 'activating' transparency. Publicity as a social tool is indispensable in pushing for further transparency because it addresses the problem of power asymmetry in state-society relations. Once further transparency through a successful anti-corruption campaign or reform has been achieved, publicity is also necessary to 'activate' the benefits from the reform. In order to differentiate transparency and publicity, the article repackages the concepts, by taking away characteristics that are assumed to be an inherent part of transparency and investing them in a refurbished concept of publicity based on a Habermasian reading of the public sphere. Two case studies are discussed that reveal the use of publicity in furthering transparency. The first case analyzes the role of Western media coverage during the negotiations of the OECD Convention on Combating Bribery of Foreign Public Officials in the mid-nineties and the threat of publicity as a negotiation strategy. The second case study investigates the role of social media platforms such as Twitter, Facebook, and YouTube in the anti-corruption strike carried out by Indian social activist Anna Hazare in 2011. By introducing and further applying the conceptual toolkit of ´transparency´ and ´publicity´ to both cases, this chapter argues that transparency requires publicity and that successful anti-corruption campaigning in order to further transparency depends on publicity. The two cases take place at different levels of analysis and are selected for providing insights about the role of traditional media in comparison to social media.

FROM TRANSPARENCY TO PUBLICITY, AND BACK?

Transparency is a multi-faceted concept, which comes in weaker and stronger varieties. More broadly transparency can be defined as 'increased flow of timely and reliable economic, social, and political information' available to the plurality of stakeholders (Kaufman & Vishwanath, 2001, p.42). Public transparency refers to the provision of public access to the dealings and structure of a given institution. This could be a governmental body, a transnational corporation, a public school, or a private hospital (Heald, 2006). Another side of the definition of transparency has to do with evaluating performance and concerns 'the release of information by institutions that is relevant to evaluating those institutions' (Florini, 1999, p.5). This chapter stresses the passivity of the availability of information in both weaker and stronger definitions of transparency and delimitates policies of transparency as potentially positive, yet passive in nature, with publicity being the 'activating' agent for transparency reforms.

Transparency is a multi-faceted concept that also appears to be multi-directional. Heald (2006) proposes a typology of transparency along vertical (upwards and downwards) and horizontal (inwards and outwards) axes. In a societal, rather than organizational context, downwards transparency allows citizens to observe authorities and demand accountability and upwards transparency allows the authorities to observe the public.[1] Thus for citizens a constant negotiation between surveillance as a form of transparency and privacy is at hand (Brin, 1998). The 'visibility' in a hypothetical 'transparent society' goes both ways - from the citizens towards the authorities and from the authorities towards the citizens. Therefore, an ongoing struggle exists for civil society to keep the right balance. What is sometimes neglected in the transparency debate is not only its upward manifestation in the form of surveillance but also

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