

The presence of more parties in a governing cabinet can encourage greater transparency

By Democratic Audit UK

*Secrecy is often assumed to be a guiding value of governments, with parties in office tending not to prefer opening up the fullness of their record to public scrutiny, with single-party governments particularly seen as likely to follow this secretive path. **Gregory Michener** argues that this impulse can be tempered by the presence of more parties in the Cabinet, which create incentives towards greater transparency.*



The Brazilian Palace of Justice (Credit: Ben Tavener, CC BY 2.0)

We have witnessed an unprecedented surrender of secrecy around the world over the last few decades. Terms such as ‘transparency’, ‘openness’, and ‘access’ or ‘freedom of information’ have become synonymous with good government; and more than two-thirds of world’s 100 freedom of information (FOI) laws now in existence have been enacted over the last decade and a half.

Do politicians and bureaucrats really prefer secrecy?

Despite these advances, our baseline understandings about politics still cling to the assumption that politicians and bureaucrats are inherently secretive – that secrecy is the equilibrium preference. Sure, politicians yield to transparency mechanisms such as freedom of information (FOI) laws, open budget statutes, and political finance disclosure regulation because of reputational concerns or because they are forced to do so when opposition parties control the parliament, but secrecy is still assumed to be the dominant paradigm.

In effect, the experience of single-party governments, such as those in the UK, US, and Canada, among others, provide us with robust support for this assumption: openness tends to wax when chiefs of state lack control over parliament and wane when they control majorities. After all, the benefits of keeping secrets ‘within the party’ are greater than the costs of opening up government to augmented public scrutiny.

A paper I recently published in the journal *Governance*, “How Cabinet Size and Legislative Control Shape the Strength of Transparency Laws”, begins to question this paradigmatic *Weberian* assumption.

The paper was motivated by the observation that many countries simply do not conform to the 'politics of secrecy' assumption. Countries such as Brazil, India, Chile, and Slovenia – among many others – have enacted robust transparency mechanisms such as freedom of information laws even while governing parties controlled parliament. If chiefs of state seek to minimize the costs of transparency, why would they enact strong transparency laws that maximize the possibility of public scrutiny, especially when they have the parliamentary means to resist them?

The argument

The paper's principal argument is that as the number of parties in a cabinet increases, leaders will begin to view transparency less as a burden, and more as a useful deterrent for keeping allied parties in check. In other words, as the number of parties in a cabinet increases, the benefits of transparency laws as monitoring mechanisms begin to outstrip the costs of surrendering secrecy. The 'politics of secrecy' gives way to the 'politics of monitoring'. The basic idea at the heart of this argument originates in the literature on delegation, and particularly the literature on inter-party parliamentary monitoring. Theory-generation is the paper's purpose, and although it draws on anecdotal examples from around the world and a brief congruence test of cases throughout Latin America, the principal analysis centres on Brazil.

Brazil's political system is an extreme example of large multiparty cabinets. Enormous voting districts (the states) and open list proportional representation have resulted in extreme competition, expensive elections, and partisan fragmentation – over thirty parties are currently represented in parliament. In order to ensure support for the government's program in Congress, cabinets have included upwards of seven parties and now provide for close to 40 portfolios.

While it may be plausible to build trusting relationships among two to three ideologically similar parties, cognitive and sociological studies show that both mental thresholds for 'keeping track' of agents and trust diminishes as group numbers increase. In short, coalitions with a larger number of parties often result in vicious cycles of distrust and maladministration. When allied parties mal-administrate their respective portfolios or, in the worst of cases (all too common in Brazil), connive political finance donations, kickbacks, or even engage in various forms of embezzlement, the probity and administrative competence of the chief executive's party is thrown into question.

Heads of state who preside over large multi-party cabinets thus have good reasons to invest in transparency. Transparency serves not only as a deterrent, but can help bring clarity and targeted blame to the sorts of internecine conflicts and scandal-mongering that researchers such as McGill's Manuel Balán have shown characterize governments with large coalitions and cabinets.

Delegation dilemmas and monitoring in Brazil

As the *Governance* paper documents, Brazil's leaders have invested heavily in transparency and monitoring mechanisms over the last decade, even despite attempts by coalition allies to weaken them. These measures include an award winning 'Transparency Portal' that includes all expenses of Brazil's governments in twenty-four hour real-time, the establishment of a toothy Comptroller General, a large increase in the number of political appointees used to monitor ministers, in addition to a large number of constitutionally guaranteed 'controls' over the executive branch.

The paper's argument holds that success in expanding Brazil's transparency infrastructure owes itself largely to presidential control over parliament. Without this control, transparency legislation would likely be weakened by coalition parties unwilling to accept intrusive monitoring in their respective portfolios. This argument stands in stark contrast to the assumption that parliamentary control serves to encumber transparency, an assumption that works best within the bounds of small-coalition and single-party governments.

The argument furthermore proposes that presidents must not only control parliament, but need advance a 'justifying narrative' to render the idea of transparency legislation sufficiently palatable to assure coalition support.

The example of Brazil's Freedom of Information law

The specific case analysis focuses on the enactment of Brazil's FOI law, which stands among the strongest in the world in terms of its legal integrity. I show how President Luiz Inacio Lula da Silva introduced a relatively weak law into Congress in order to gain the acquiescence of the ministries of defense and foreign affairs. Once in Congress, however, Lula and his predecessor, President Dilma Rousseff, employed their party's leadership in the Lower House to strengthen the FOI bill. Its passage through the Senate was not as felicitous, as the allied-controlled Senate leadership acceded to the delaying tactics of a committee chair and ostensible coalition ally of the President's.

Yet parliamentary support for the president's FOI bill was buoyed by a compelling justifying narrative. First, credible allegations of corruption in six ministries (only one from the President's party) erupted in Rousseff's first year, leading to resignations. Second, Rousseff accepted President Barack Obama's invitation to co-chair the Open Government Partnership and promised to enact a FOI law. And third, the Inter-American Court decided against Brazil in a critical landmark case of human rights (Gomes Lund v. Brazil), ordering the government to institutionalize a "right to truth" (i.e. a FOI law). In the end, Rousseff was able to marshal sufficient support from her coalition to fend off the attempt at weakening the FOI bill.

The Brazilian case clearly provides support for the idea that chiefs of state are likely to support greater transparency when they confront acute delegation dilemmas, such as those encountered in multi-party cabinets. The paper makes no claims about when leaders will view the benefits of monitoring as greater than those of secrecy – it depends not only on the number of parties in a given cabinet, but also on factors such as ideological distance, fiscal conditions, and much more. What is clear is that coalition governments are becoming ever more common, such as the one currently governing the UK. Within this context, our assumptions about the incentives for secrecy and openness, much less other political dynamics, need be re-evaluated.

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