

Franci Demšar

Transparency in Science and the Effects on Public Policy

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Abbreviations

CEE	Central and Eastern Europe
CERN	European Organization for Nuclear Research
COBISS	Slovenian Bibliographic System
ENQA	European Association for Quality Assurance in Higher Education
GERD	Gross Domestic Expenditure on Research and Development
HR	Human Resources
ISO	International Standardization Organization
IT	Information Technology
NATO	North Atlantic Treaty Organization
NIH	National Institute for Health
NSA	National Security Agency
NSF	National Science Foundation
R&D	Research and Development
SICRIS	Slovenian Current Research Information System
WoS	Web of Science

Chapter 1

Introduction



Abstract The introduction of the book highlights the pivotal role transparency has played in shaping the trajectory of science over recent centuries, leading to unforeseen advancements for humanity. Transparency in scientific endeavours hinges upon the clear dissemination of research results, alongside verifiable methodologies and transparent allocation of research funds. Over time, academia has cultivated a culture of transparency, gradually translating these principles into legislative frameworks. However, the public sector typically operates with less transparency, though it has made strides in adopting commendable practices. To address this disparity, we advocate for a proactive approach, advocating for legislative reforms mandating public institutions to adopt transparent data-sharing practices akin to those embraced in scientific research. Moreover, we recognize civil society institutions as drivers of exemplary practices, which could serve as models for legislative solutions. While our focus lies on transparency within the public sector, the insights gleaned from our examination are applicable to the business realm. Furthermore, we briefly delve into the realm of privacy, suggesting that the state should transparently communicate to citizens about the collection and usage of their data by both governmental and private entities.

Keywords Transparency of results · Transparency of procedures · Financial transparency

The term *transparency* evokes a wave of associations and questions. The first question was what the word actually meant. The transparency that we talk about does not imply the physical quality of being translucent, but the clarity that allows one to see into the heart of the matter, to see things for what they are. The term *unambiguous* can be also used, but many things can be highly unambiguous and still kept away from the public eye. Strictly confidential reports of secret services, for example, are written in a very unambiguous manner, but they have nothing to do with transparency—just the opposite. Transparency grants insight into the heart of the matter to everyone; that is, the public at large (Alloa 2022). Transparency could serve as a

practical contemporary substitute for the hidden all-seeing eye, discussed by the English utilitarian Jeremy Bentham a few centuries ago (Pozen in Chudson 2018). The internet is an easily usable and effective tool for making some of our actions visible to everyone. Transparency is the transfer of information about an activity (of an individual, a group, an organisation, an institution, etc.) to the public at large, not just to individual recipients (Demšar 2013).

But transparency is not just about the transfer of information, it is about how that transfer takes place and how it affects society. This is not a new concept. Once out in the street, we quickly realize that we have made a deliberate choice of what clothes we will wear as well as how we will behave because we are putting ourselves in plain view. When in our own bedrooms, however, we adapt to the one who is looking at us there. In this volume, we discuss services financed by taxpayers' money, the public sector. Let's illustrate this with an example from the public sector. I had been Minister of Defence for a month when I was informed on surprised unusually high costs of representation of the Ministry, including 80 bottles of whiskey on a regular monthly basis. The approach taken to reduce unusual expenses was using existing form for planning the representation budget for the following month, except that only one form was used for all staff members who could incur these costs. Prior to this, each staff member had separately completed a representation budget plan. Of course, this meant that everyone could see everyone else's entries too, which surprisingly ended up with zero bottles of whisky being ordered that first month and every month thereafter. When people come to believe that they are no longer in private, but that their actions are now in the public eye, they begin to behave in a completely different manner. This example shows that transparency results in more ethical behaviour, which at the same time makes the institution more efficient (Appendix 1, Chap. 1). This is what this book is about.

The first question the book seeks to answer is whether the instances of transparency are mere accidents or whether humanity has developed an activity that has transparency written into its very essence. In the second chapter, we show how science has developed successfully as and when transparency became its basis. A review of the development of science over the last three centuries shows that science has succeeded in using the wide possibilities of the invention of printing to establish the principles of scientific publishing. Since the first scientific journal was published in 1660, science has had a publication system that makes it possible to verify the results of scientific activity, the processes that led to them and, last but not least, the amount of work, the materials and apparatus used and other financial inputs. In addition, universities also developed an early system of habilitation, which makes the recruitment of teachers and other researchers dependent to a large extent on their publicly recognised (published) scientific achievements. Habilitation also requires the fulfilment of the condition of adequate teaching competence, which ensures that the higher education teacher is able and capable of transferring his or her scientific excellence to the students.

In the last century, funders have had to take a similar approach, forming research agencies, which have emerged as a specific interface between government institutions (ministries) and research. Their job was to select the best projects and funding programmes that deliver the biggest and best results for taxpayers' money. These

are also reflected in scientific excellence, demonstrated by previous results and the ability of the promoters and implementers to successfully carry out the projects and programmes submitted on the basis of these qualities. Peer review, a system of evaluation by equally qualified peers, plays an important role in assessing this performance. Peer review thus became the gold standard for measuring the quality of research, reflecting the belief among scientists that only someone who is a scientist themselves can judge the quality of scientific research. This method of evaluation was established for the evaluation of articles and publications in scientific journals, and this system of evaluation was extended to two other areas where it was also necessary to select on the basis of quality—recruitment and promotion in research institutions, mainly universities, and the selection of submitted research programmes and projects, i.e. funding.

Both types of institutions (universities and research agencies) can only be successful if they have autonomy for their work, which is also expressed in legal provisions. The rapid advancement of science has driven the development of technology and, consequently, the business sector. The social sciences and the humanities have used the same principles to resolve ethical dilemmas, laying the foundations for social change that has led to a better quality of life. The chapter on science concludes with an example of how the research agency works, showing how each element of transparency leads to a measurable impact. It turns out that the transparency of research outputs, made possible by a carefully managed public bibliographic system, has stimulated a level of scientific activity that could otherwise only have been achieved with a doubled science budget. Due to the transparency of the project selection process, around 20% of the funding recipients were successful researchers. Financial transparency is also highlighted from an ethical point of view, in relation to the trust that researchers have in this social subsystem.

The remarkable development of science and its impact on the functioning of other subsystems of society logically leads to another question: could this principle of transparency be introduced in other activities? The way scientific publishing is organised is a key building block of transparency in science, as it ensures transparency of results, processes and finances. Other parts of the public sector do not have this practice, but are scrutinised by the mass media, online portals and social networks. So, in other parts of the public sector, the role of academic journals is being replaced by the mass and social media, which generally do not follow the three key principles of transparency. For the most part, the public sector has not been driven by the same autonomy as science. This is the theme of the third chapter. An analysis of the flow of information from institutions to the public shows that relatively little information is leaked to the public, even though the internet has made this transfer technically and financially feasible. This also offers new opportunities to develop transparency. The book presents a range of good practice examples from the US, the UK, Sweden and Croatia, where civil society institutions often play an important role, in many cases successfully replacing or even surpassing state regulation. For example, the International Consortium for Health Outcomes Measurement, which compares the performance of different clinical practices, is a good example of the impact of transparency of results.

The fourth chapter deals with proactive transparency in public sector. We propose to increase transparency in the public sector through legislative proactivity and autonomous civil society institutions. A start toward transparency is Public Information Access Act, but it is only the first step. It should be accompanied by a law on transparency that should encompass all key elements of transparency (procedures, results, and financing) while ensuring information support, archiving, and financing analytical non-government institutions. Even more radical change could be achieved through amendments to constitutions. Psychosocial factors must not be neglected in dealing with such problems. Modern technology is a source of new opportunities for the development of transparency, as already mentioned, but also of pitfalls. Taiwan has tackled one potential pitfall—the phenomenon of fake news spreading on the internet, especially on social networks—with a system of user-friendly regulation of social networks that curbs the spread of fake news using an approach similar to that used by science to cite works. With this, social networks have become a much more reliable source of communication in Taiwan. A similar path to universities and science may be through independent civil society institutions that will establish good practices and later complement legislation.

The present book does not deal much with transparency in the private sector, except in the conclusion, in Chap. 5, where the question is asked which governance should we follow—the example of the economy or science. Public opinion leans towards the economy or the private sector, which is ascribed greater productivity, a higher work rate, better measurability of results, and more effective organization. Nevertheless, we argue that industry could attain better results by leaning on transparency, and also contribute more to general good and long-term solutions. Finally, we conclude that the industry could also benefit more from the application of transparency principles. This can be achieved in cooperation with science and state.

In connection with privacy, we emphasize benefit to citizens, not control over them. Citizens must know what the state and corporations know about them. Often neglected in the privacy debate is the discussion that a public service information request is important not only for insight into the workings of the state, but also for an overview of who is monitoring citizens online (which companies, which state authorities) and when. Therefore, in addition to providing citizens with a transparent view of their activities, countries should also transparently communicate to citizens what is held in their databases about citizens' activities. Private life, for example, can only be made public to the extent that one allows it to be, whereas the use of information technologies to secretly collect personal data amounts to plain espionage rather than transparency. Privacy is in a way sacred, although modern times and young generations tend to define and perceive it in drastically different ways than older ones. Tools such as Facebook and other social networks are eliminating privacy, and their users are voluntarily renouncing it. Public exposure of intimacy is no longer a threat, but a desire. Whether this desire was created by Facebook and reality shows or vice versa is the chicken-and-egg problem of future generations.

Some readers may be a little surprised that *Transparency*, as a book aimed at experts in the field, in Appendix 1 illustrates its arguments with the author's personal experiences and even anecdotes. This, of course, is no coincidence. Author moved from academia to public sector management and politics, and in these roles, worked to put the principles of transparency into practice. In doing so, author faced a number of challenges—the basic idea of transparency was put to the test of feasibility and limitations. The appendix, therefore gives examples of author's professional career, showing how science and public administration experience could lead to gradually developing a new model of public sector operations that is based on the same principles as science.

Apart from general examples of transparency, the volume also presents several cases from Slovenian public administration that are taken from author's experience with science management and the Slovenian Research Agency and Ministry of Defense. That is why the book includes a number of examples from Slovenia, but not with the aim of giving the reader an insight into how author's little country works, what problems it has and what it has achieved. Quite the contrary, we believe that they are universal enough to occur in any developed country—as they in fact do, in one form or another. Readers may therefore find them very relatable, even though they come from a different cultural environment. Moreover, they may find Slovenia much more familiar than they might have thought, thanks to the enormous progress that the internet has made over the last 20 years in bringing countries closer; this progress has also given a major boost to transparency in practice. Slovenia was part of communist Yugoslavia, but since the early 1990s it has been an independent, democratic country and a member of the EU. The experience with both systems is also valuable in terms of transparency. It is also the experience with both systems that offers a more complex insight into the principles of transparency. There are a number of examples in the book, drawn from the Slovenian experience but with wider relevance, including the issue of media outreach, which in one form or another occurs in other EU countries and the US, as well as in developing countries. Or the performance of the Slovenian Research Agency as an example to many public institutions anywhere in the world (and an incentive to managers) on how to introduce the core principles of transparency (results, processes and finances) into a public institution that demonstrably improve the performance of the institution based on measurable qualifiers. What about the description of politically motivated staffing in Slovenia? (Appendix 2). Some readers may find it interesting precisely because they may find it quite special. But it isn't. A similar situation is found in all Eastern European countries and in the countries that emerged from the former Soviet Union. In these countries decisions were made within the closed circles of the Communist Party; that is, following different procedures than in democratic states. Having inherited this system, they now tend to exhibit a lower level of transparency than countries boasting a longer democratic tradition. Yet this is precisely what makes shifts toward transparency more notable and their examples more illustrative. Furthermore, there exists a spectrum of autocratic nations globally, alongside certain democratically-rooted countries veering onto an autocratic trajectory.

We are also convinced that Scandinavian readers, spoiled by ideals of transparency, will therefore appreciate them even more for providing an explanatory insight into the problem that remains concealed in their own environment and as such perhaps undetected by the public.

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Chapter 2

Why Has Science Been of Crucial Importance for Human Development in the Last Centuries?



Abstract In this chapter we deal with science. Why is science so influential and what is the reason for its rapid development in recent centuries? A crucial characteristic demonstrated by its history is that science has always aspired toward openness. Science has developed a system of scientific publishing that requires scientific research to be reproducible, which is only possible by transparently stating all the procedures and tools that led to the results. Universities have played a key role, greatly helped by their autonomy backed by legislation. Universities and other research institutions have taken publicly recognised scientific achievements into account when promoting new PhDs and habilitating professors. Bibliographic databases thus play an important role in the orderly and transparent evaluation of results, and research agencies, the funders of science, are an additional pebble in the mosaic, selecting research projects in a similar way to scientific journals when deciding on the publication of scientific articles, i.e. on the basis of transparency in three areas: clearly proposed results, the verifiability of its procedures, and the transparency of its funding. The chapter concludes with an analysis of the Slovenian Research Agency that has put the principles of transparency at the heart of its work.

Keywords Science publishing · Research universities · Bibliometrics · Research Agency

Science is an activity with which people improve and organize individual kinds of knowledge to explain the unknown and foresee what the future will bring (Lawton 2014). Science, of course, is only one of many human activities; compared to other areas, based on data on investment in research and development, the percentage of budget funding allocated to science or the number of researchers with respect to all employees, amounts to a few percent of financial investment, depending on the country, but no more than 5%. However, is the social impact of science equally modest? Of course not; scientific discoveries have, not least of all, a direct impact on technologies, which directly affect the economy. It can be clearly seen from Eurostat data that countries which invest more in science or research and development (i.e.,

gross domestic expenditure on R&D, or GERD) have a higher GDP per capita and are more developed (Eurostat 2023). Not all investments in R&D transfer to higher GDP, some for example, discoveries in medicine, have a direct impact on health and thus on the quality and length of life. Because science is the basis of many activities, similar examples can be provided for other areas. Nevertheless, the connection between knowledge and the success of society as a whole only became more evident in the last 300 years (Russell 2016). Why? Let's have a brief look at the history.

During the ancient era of oral communication, the transfer of information and hence scientific innovations was extremely limited; information would often be lost, or individual groups would keep it to themselves rather than share it. Human development was therefore relatively slow. Faster changes began to unfold after the invention of writing. Its origins, Sumerian cuneiform and Egyptian hieroglyphs, date to 3000 BC. Two thousand years later, Chinese logograms developed independently. With the emergence of writing, the accumulation of knowledge was organized in an entirely new way, which ensured wider availability of findings and their lasting preservation. (Daniels and Bright 1996) Writing therefore became the first important tool of a broader transparency.

Ancient writing has been preserved on a variety of materials, including stone, clay, bark, and metal plates. A very important role was also played by Egyptian papyrus. The oldest preserved papyrus volumes in the form of scrolls were produced about 2000 BC. After serving for a long time as the most widespread writing medium, papyrus was replaced by paper, which was invented by the Chinese in 200 BC (Tsuen-Hsui and Needham 1985). Papyrus and paper became the treasures of knowledge that inspired ever-new generations. The dilemmas of Greek dramas still confound us and fuel our reflection—without writing and paper, they would have remained completely unknown to us. Aristotle's philosophy truly came to life during the Age of Enlightenment, which would not have been possible without books. An invaluable role in the preservation of knowledge was, and still is, played by libraries. It is still unanswered, how many of the books lost in the destruction of the largest ancient library in Alexandria, which held more than half a million scrolls, were lost temporarily since some of those books were stored in other libraries as well (Ovenden 2020).

Apart from writing, the invention and use of paper were two historical steps that augmented access to knowledge and opened new opportunities for better social transparency.

Further progress was ushered in with printing, invented in China at roughly the same time as paper. Printing was initially used for reduplicating paintings and only later for book printing, with the Chinese writing system proving to be rather inconvenient (Tsuen-Hsui and Needham 1985). The major milestone was Johannes Gutenberg's invention of the printing press in the fifteenth century, which was used to print the fundamental book of the western civilization: the Bible. With Gutenberg's printing press, books quickly became accessible in hundreds of copies, mostly to the wealthy, who could afford to buy them, whereas other influential and educated people—if permitted—could read them in libraries. Technology was suddenly one step ahead of social development by ensuring unprecedented dissemination of

knowledge, especially in a society that, caught up in the war between Protestantism and Catholicism, was burning invaluable book treasures. However, this could not stop the development of printing—and transparency, whenever it makes its first strides, is not always welcomed with enthusiasm. Whereas in the following centuries, the printing drastically accelerated the development of knowledge and humanity itself, even faster progress has most recently been made possible by the internet, representing the latest technological stage in information transfer (Stewart 2000). Only a few decades have elapsed since the first trial web-based computer networks and the current large-scale, sustained, and increasingly addictive use of the internet (Briggs and Burke 2002).

The history of humanity is inextricably linked to the development of communication. Humanity’s progress rests on language and invented media that convey it, ranging from writing to paper, and from printing to the internet. Each invention rendered knowledge more accessible to wider circles of people and allowed it to spread and improve at an increasingly faster rate. One might say that human history is nothing but the continuation of the history of life, with DNA being the crucial comparative advantage of living over non-living nature—a molecule that makes possible the reproduction of living beings and saves the naturally created stage of development from oblivion. When a new species emerges, genetics will make sure to keep it alive (Christian 2018).

Throughout the centuries, humanity’s evolution has rested on its communication abilities expressed through ever-new ways of transmission. However, is this all there is to it? Not really. To better understand the story, it is necessary to retrace the flow of information within science itself, tap into the history of universities and scientific publishing, and the role of scientific information databases and science financiers—that is, research agencies.

2.1 Scientific Journals: “Publish or Perish”

The year 1660 was a milestone in the development of modern science. Universities across Europe had by then operated for 600 years, books had been printed for 200 years, and academic publishing had been in circulation for 100 years. However, despite its tireless efforts in the search for the new, science still had not established interactive mechanisms of communication between scientists and the public stakeholders. The year 1660 saw the founding of the Royal Society of London for Improving Natural Knowledge, an association of scientists mainly specializing in mathematics and natural sciences, which introduced an important change. Whereas until then scientific knowledge had been disseminated through lectures at universities and book publishing, the Royal Society introduced weekly meetings at which scientists openly discussed new ideas that they also demonstrated with scientific experiments. Meetings became harbingers of the activities performed by national academies of sciences and other professional associations, with scientific communication at congresses, seminars, colloquia, and regular meetings today being a

self-evident feature. In 1665, the secretary of the Royal Society, Henry Oldenburg, decided to take a step further regarding the transparency of communication and the presentation of new scientific findings by printing the lectures of regular weekly meetings in a brochure that he titled *Philosophical Transactions of the Royal Society*. Printed every month ever since, the brochure still circulates today, and it is considered one of the world's first two journals devoted to science (a few months before it, the French *Journal des sçavans* was published). The very next year, Isaac Newton published his study on the refraction of light through a prism in the journal (Mack 2015).

Today, academic journals are by far the most widespread way of publishing scientific findings. Although decreasing, it is above all the humanities that still publish scholarly books; a special category similar to that of scholarly volumes also includes theses—doctoral dissertations or works as qualifications for university instructor appointments. Nevertheless, scholarly volumes and theses tend to resemble academic journals, with theses sometimes even being little more than collections of articles, and volumes assume the form of miscellanies containing contributions that feature all the characteristics of articles. Today, 30,000 academic journals circulate worldwide, annually publishing more than two million articles—on average, the numbers of journals and articles doubles every 20 years. The total number of articles published so far is 50 million. Most academic journals are specialized, and very few publish findings made in all areas of science and research; the best-known and highest-quality such journals are *Nature* and *Science* (Jinha 2010).

What is it that from the very beginning, but increasingly so over time, has distinguished scholarly articles from other articles, and what makes scholarly volumes different from other books? The key difference is in the transparent presentation of results, which must be conveyed in a manner that allows everyone to verify the procedures that led to them. Each scientific article also contains data on material used and the extent of data collection therefore giving insight into what financing is needed. This is how the very first contributions were conceived, which primarily focused on empirical findings while leaving little room for interpretations and theories. Initially, articles were not formally structured or divided into sections. These features were introduced in the eighteenth century and firmly established in the nineteenth: contributions were organized into introductions, bodies, and conclusions, and an important place in the presentation of arguments was accorded to the interpretation of results. Research methods were described in detail, and the research procedure that led to the results was eloquently illustrated. New academic journals embraced these principles and developed them further. To avoid any possible manipulation, a strict system of citing and peer assessment was introduced. In the eighteenth century, citation of sources that importantly contributed to the creation of a scholarly article became a common practice, and from 1731 onward also the institution of anonymous reviewers that read the article, recommended it for publication, and demanded amendments or presented arguments for its rejection. Such a system was first introduced in the journal *Medical Essays and Observations* issued by the Royal Society of Edinburg (Mack 2015).

Peer-review was established in evaluations of all scientific works to improve the quality of publications as well as to avoid fraud and duplication. The sociologist Robert K. Merton counted as many as 92% of discoveries being parallel in the seventeenth century; in the eighteenth century, this percentage dropped to 72%, in the nineteenth century to 59%, and in the first half of the twentieth century to 33%. First instances of fraud already occurred in the first century of publishing scholarly articles; a well-known example was an article from 1679 on the man’s ability to fly like a bird (Monsieur Toyard, “An Account of the Sieur Bernier’s Way of Flying,” *Philos. Collections* N° 1, p. 14). A special category of fraud is parallel discoveries; that is, discoveries that were falsely proclaimed as such, with authors either being unaware of this or having withheld the information (Merton 1938). Whereas in the seventeenth and eighteenth centuries, articles only exceptionally cited formulas, they had contained illustrations from the very beginning, and they gradually started to add graphs in the nineteenth century. In the same century, it also became common for authors to state the names of fellow researchers and acknowledgments for their contributions (Benos 2007).

Three hundred and fifty years of scholarly publishing have led to the development of a concise, impersonal presentation of results. Today, a simple IMRAD standard applies for scholarly publishing in most areas, which is an acronym for the structure of an article: Introduction, Methods, Results, And Discussion. Journals were and still are freely accessible in academic libraries (Sollaci and Pereira 2004) even if today their access is entirely determined by online internet access.

As we have seen, science used media like all other segments of society, including politics, and the same holds for the internet. Unlike other kinds of literature, newspapers, and journals, the academic press followed carefully formulated rules that have continued to improve ever since the emergence of the first academic journal. The rules provide a guarantee for clear procedures and verifiable results with financial constraints. In other words, the authenticity of the results procedures and resources needed underpinning scholarly articles are accomplished through consistent application of transparency rules.

The aphorism “publish or perish” has been repeatedly encountered within the academic milieu of universities in the United States. Scholars are aware that publishing in eminent academic journals is a crucial criterion for evaluating scientific excellence and an indispensable element in gaining greater visibility within the research community. Moreover, because a prolific scholarly bibliography is also of paramount importance in decisions regarding funding universities and research institutions, the developed world adheres to this slogan with an almost religious zeal. The excellence of a university is often reflected in a more stringent approach toward meeting this criterion. Most often, scholarly publication itself is not enough; what equally counts is the prestige of the journal in which it is published, and a third parameter is the citation score as an indicator of the quality or impact of an article, a researcher, or a research group. Universities and research institutions expect their researchers to develop ideas to the degree that they can present them in the form of scholarly publications or patents for highly applicable ideas. The quality of published articles is safeguarded by academic journals and their competent, strict

reviewers, whose comments, suggestions, and warnings ensure the high quality of publications and eliminate those that fail to meet their standards (Weingart 2005).

Whereas science has always transcended national borders, interactions among researchers from all over the globe was given an additional boost in the second half of the twentieth century. Conversely (and almost paradoxically), the increasing internationalization of scientific groups also encouraged nations to establish their primacy in scientific development. Many developed countries started to prioritize the growing number of scholarly articles in international academic journals. Unfortunately, the competition for the best and brightest has also resulted in more frequent publications of suspect quality and fragmenting articles into parts, whereas constant pressure has led to occasional unethical conduct, with quantity taking precedence over quality (Michalska-Smith and Allesina 2017). Of course, like every system, the scientific information system has its shortcomings. One can read about many articles that were rejected by one academic journal and published in another and then lauded as major breakthroughs, with some of the authors even becoming Nobel laureates. In the 1960s, *Physical Review Letters*, for example, rejected a study on the Invention of laser, which was then published by the prestigious English review *Nature*. However, even *Nature* itself has a history of lapses in judgment. In 1937, for instance, it failed to take interest in the discovery of the Krebs cycle, which is regarded today as one of the most important reaction sequences in biochemistry. The article was subsequently published in the journal *Enzymologia*, and its author Hans Adolf Krebs received a Noble Prize for his discovery. A few years ago, the chief editor of *Nature* justifiably deplored the journal's rejection of publications that later won a Nobel Prize. This almost happened again in 1973, in relation to magnetic resonance imaging. When the professor and a future Nobel Laureate Paul Christian Lauterbur submitted his first article on what is today the omnipresent method of medical imaging to *Nature*, the journal initially turned it down, but ultimately published it on his insistence and presentation of sound arguments. In one of his lectures, Lauterbur later stated: "You could write the entire history of science in the last 50 years in terms of papers rejected by *Science* or *Nature*." (Henning and Gunn 2012) When scientists are forced to rewrite and answer tough questions, the quality of their papers improves. The practice of resubmitting a paper rejected by one high-profile journal, such as *Science*, to another, such as *Nature*, may also play a role, since it increases the odds that the paper will still end up in a relatively high-profile journal (Calcagno et al. 2012).

Far from complete and constantly evolving, the system of academic publishing has undergone two major shifts in the last decade. The first one was opening access to journals, which has changed the business model in journal publishing. Publishing articles under the old model is free, and journals cover the costs of circulation and derive their main profit from sales, which usually take place within the framework of electronic access to a group of journals that libraries purchase with the use of university funding. The shortcoming of this model is that free access is only given to university employees and students, and that the selection varies, depending on university funding. Enjoying free access to scholarly contributions, universities usually fail to notice that readers outside their sphere are only granted payable access

to academic publications. A step toward ensuring better transparency of research results is to put readers first and grant open access to online academic journals to everyone. Resources for the circulation of such publications are provided by both universities and research funding. The new model therefore ensures free publications, but no longer free publishing of contributions. When such a method of academic publishing will predominate remains unclear because the most respected and top-ranking journals are owned by major commercial publishing houses, which have yet to embrace the new approach (Pinfield et al. 2022). The second shift in the system of academic publishing was rendered possible by open access to research data. Research yields a multitude of results; however, not being contained in published articles, many results are often lost, which is a great shame. Numerous journals thus require that scholarly articles cite links to specific websites presenting all the results of the studies. A host of experimental data employed in some social science, biochemistry, and astronomy research can provide great inspiration or even assistance to other researchers. Open access to data is therefore an important step closer to transparency in science (AlRyalat and Momani 2019).

Throughout history, science publishing obeyed the main rule of transparency, that all important information of its work is visible by the readers. The structure of all scientific publications was organized so that three main pillars of transparency of scientific achievements are clear: procedures used, finances needed and clear and reproducible results. Like every system, scientific publishing has its shortcomings, but as the central tenet of this system over the last three centuries, transparency has given an enormous boost to scientific development and progress. Its effectiveness and success are sufficient reasons for ideas and solutions in terms of informing the public on the operations of state institutions to be sought precisely in science, which is made possible by the similarities between both information flow systems—that is, the public-administrative and scientific.

2.2 Research Universities

Let us look back to 1088, when the University of Bologna was founded as the first European university, followed over the next centuries by the Sorbonne, Oxford, Cambridge, and others. Rulers began to create universities with a view to developing skills with which graduates would administer the state on their behalf (Borisiewicz 2019). Later, universities transformed into institutions whose mission was to pass along knowledge and the latest findings to new generations, which would accelerate the development and progress of society and enable it to compete with or outperform neighbouring nations. Interestingly, universities were not established on the same foundations as diplomacy, where the most crucial deliberations take place behind the scenes, or the military, which builds its armament systems in secrecy. On the contrary, they are built on the open-door policy. From a very early stage, universities included in their design the right for teachers to freely visit and exchange information with other universities. Scholars knew very well that

knowledge would develop at a much slower pace if contained within national boundaries (Ruegg 2004).

Another factor with an important impact on the principle of transparency is the university environment in which scholarly articles are produced. Universities not only encouraged both professors and students to conduct research, but they did so in an atmosphere of academic freedom and autonomy. It was on this basis that transparency could be established in the first place, rather than falling prey to pressures of pragmatic lobbies (Reilly et al. 2015). The form of autonomy of universities has changed throughout history, so that, for example, most university campuses no longer have university police to prevent “intrusion” by state authorities, but universities have autonomy in the choice of their rector and their teachers in research and teaching. University autonomy, including its legalisation—supported by many laws around the world—and the fundamental principles of transparency, are among the key building blocks that enable excellence in science and teaching and create the right environment for science to flourish. Fundamental shifts require autonomy, which protects the freedom of creation—big ideas should not be impeded by small-minded politicians that cannot see five steps ahead. What is referred to here is the autonomy that grants universities independence from political influence. The first universities gained their independence from judicial authority and persecution for their students and professors. Universities elect their chancellors without the interference of other institutions, which is not to the liking of the state and private university founders, who, in the desire to exert their power over universities’ decision-making, started to enforce their interests through university funders (Borisiewicz 2019). It is not only universities that have historically benefited from autonomy, but churches would also find it difficult to maintain their mission if states did not grant them a certain degree of autonomy (Weinberger 2023) the same applies to central banks, institutions of national importance, which need independent experts to operate and certainly not political interference (Arunachalam 2019).

At the end of the seventeenth century, the English universities of Oxford, with the leading scientists of that time Robert Hooke and Robert Boyle, and Cambridge, with the famous Isaac Newton, determined research and the launch of the first academic journals as the core mission of universities. The Enlightenment was in full swing, and the rule was established that a good professor should also be a good researcher. In 1808, the German Wilhelm von Humboldt, considered the father of research universities, was entrusted with instituting a reform of the Prussian (German) education system. Under his influence, the relationship between students and professors changed; university teachers were no longer merely teachers, and students were no longer merely passive listeners. Instead, students were to conduct independent research and professors were to assist them as mentors or advisors. This practice became the basic principle underpinning the function of universities (Josephson 2014).

The Prussian (German) education reform was first embraced by the American university system, followed by its French and Russian counterparts. A uniform European university system gradually evolved, based on research performed by both students and professors in seminars and in laboratories, in accordance with the

requirements of strictly scientifically conceived doctoral dissertations. Having spread across the Spanish, English, and French colonies, the system became a global model. The structure of doctoral dissertations and scholarly volumes increasingly resembled that of scholarly articles. Universities continued to mushroom, with their number in Europe reaching 30 at the end of the Middle Ages, 150 at the end of the eighteenth century, and about 19,000 universities across 186 countries today (WHED 2019).

A similar procedure applied to qualifications for university instructors—habilitation procedures. Rather than having separate procedures for obtaining the teaching titles of assistant professor, associate professor, and full professor, some countries (e.g., the United States) developed a single procedure linked to candidacy for a position. In most European countries, these two procedures are separate, whereby the qualifications for university instructors in many ways resemble the procedure leading to the doctoral degree. The major difference between the two is perhaps in that most doctoral dissertations are independent publications that only exceptionally appear as a collection of the student's scholarly articles, whereas the qualifications for university instructors usually merely require a presentation of a bibliography of the candidate's research.

The evaluation of doctoral theses and candidates for university instructor positions could be compared to evaluating the suitability of scholarly articles for publication. Evaluators everywhere raise the same questions: what are the candidate's findings, what relevance do they have for the development of research, how significant are the results within the wider social context, how is the scholarly work written, is it methodologically undisputed, and are the procedures verifiable? However, unlike in the case of articles, evaluators of candidates for university instructor positions also verify the impact that their scholarly work has had after publication. Has it been incorporated into new achievements? Has it been cited? Are these citations numerous and indicative of a major breakthrough? Is the impact also visible in technology, in the transfer of knowledge to, say, medical practice, or in a wider social or cultural environment?

With the monitoring of professors' scholarly production through promotion and habilitation procedures becoming an integral component underpinning the work of research universities, these universities base their operations on three essential elements of transparency in a very similar way as journals for scientific publishing: transparency of results, transparency of procedures and transparency of finances. Thus, they crucially contributed to promoting and strengthening transparency, with their purpose being to facilitate not only optimum performance of research activity but also optimum management of other activities. This is how the principles of transparency made their way into the administration system. These elements have improved the effectiveness of the university system, not in the sense of short-term formality (many external observers might find life at the university rather too comfortable) but in the sense of long-term effective performance, which set the basis for crucial breakthroughs that have taken place in the world over the last centuries.

A university that fails to abide by such good practices can meet the same fate as the University of Belgrade. When Mileva Marić of Serbian origin was looking for

work for herself and her husband Albert Einstein, who had not been satisfied at the patent office in Bern, she also tried her luck at the Serbian University of Belgrade. The university is still flabbergasted by how it could have rejected one of the most famous scientists of all times (Krivokapić 2009).

2.3 Databases (Web of Science—WoS, Scopus, COBISS)

The growing number of articles, the diversity of research areas, and the multitude of research opportunities for individuals led to the issue of whether qualifying as a university instructor can be based on peer assessment of the candidate's research work, or whether the decision requires additional information. Access to additional information led to the development of bibliometrics. In 1960, Eugene Garfield established the Institute for Scientific Information. The institute was bought by the corporation Thomson Reuters in 1992 and is currently owned by Clarivate Analytics, which maintains the international WoS database. The bibliographic database contains data on scholarly articles that have been published in the last 50 years and more, including data on citation or the impact of scholarly publications. Because the impact of scholarly works is usually proportional to their quality, the use of the WoS database makes possible statistical monitoring of researchers' production and quality, the capacity of research areas, and the quality of academic journals, universities, cities, countries, and so on (Weingart 2005).

It turns out that some articles score several thousand or even several tens of thousands of citations (with the record-breaking "Protein measurement with the folin phenol reagent" written by Oliver H. Lowry, Nira J. Rosebrough, A. Lewis Farr, and Rose J. Randall, published in the *Journal of Biological Chemistry* in 1951, which currently counts over 300,000 citations) (Nicole Kresge et al. 2005). This is crucial information not only for the authors of articles, who can thus check the prolificity of their findings, or for obtaining information on materials that discuss a certain topic, which is useful in teaching and searching for appropriate scholarly literature, but also for measuring quality. The number of citations speaks to the importance and relevance of a scientific achievement, to its exceptional character. When interpreting the data, it is, of course, necessary to be mindful of the fact that research areas differ significantly in terms of citation count and time dynamics.

Listing about 14,000 academic journals, a substantial number of collections of scholarly articles, and as of recent also scholarly volumes and patents, the WoS database offers a classification of publications regarding the citation impact of their contributions. It provides the most complete data for natural sciences, whereas its database for social sciences has still not been systematically and its database for the humanities is notably lacking in academic journals in European national languages. Even more progressive is the rival institution Elsevier with its database Scopus, which contains over 20,000 academic journals, but it does not reach as far back as WoS, only listing contributions published after 2004. Scopus offers more reliable data on research in the social sciences, with its database covering a significantly

large number of European academic journals, including humanities journals published in languages other than English. This allows impact measurements, which WoS cannot perform in this area. Furthermore, due to its connection with the global scientific publisher Elsevier, the Scopus database is cheaper than WoS. The other database worth mentioning is Google Scholar, being less reliable and systematic (Bartol et al. 2014).

By ensuring greater transparency of results and their global comparability, all these tools provide excellent support to universities. How do they function in a small country like Slovenia, with a population of two million? In such cases, small turns out to be an advantage because projects that in larger countries are feasible only within the domain of universities can be implemented at the national level. One such project is COBISS (Co-operative Online Bibliographic System and Services), launched in 1984 as an original bibliographic system. It matured by 1991 to the degree that the government transformed part of the centre specializing in bibliographic information into the independent institute IZUM. Unlike other global bibliographic systems, COBISS integrates a series of safeguards that prevent errors in bibliographic data and ensure that every publication is attributed to the researcher or the group of researchers that wrote it. Connected to the WoS and Scopus databases, it offers not only information on all published contributions (articles, books, miscellanies, lectures, patents, etc.) by all researchers, but also data on their citation score and on altmetrics. Because this applies to every publication and every researcher, respectively, the data reveal the impact or performance of individual projects or other research groups, faculties, universities, and institutes. Moreover, the system also provides comparisons between different fields and the relative impact factor. Having proved to be a reliable and useful bibliometric tool in practice, COBISS facilitated in 1999 the creation of SICRIS—the system that provides an ongoing track record of research activities—containing basic information on every researcher, research group, or research organization (Curk 2019). Their presentations offer contact data, such as phone numbers and websites, current and completed projects with summaries and standardized outstanding achievements, and links to databases allowing insight into integral research texts. Access is also provided to video presentations that researchers have at their disposal. Although the single format for researchers' bibliographies, established through COBISS, admittedly serves as a valuable evaluation tool, it does not convey enough information regarding concrete research results, which are of interest to the general public and even more so to the potential users of knowledge; for example, companies. Because apart from containing a list of over 20,000 systematically presented researchers, SICRIS also contains substantive information on projects, it lends itself as an effective addition to the bibliographic COBISS system and is becoming more important and indispensable each year, as also attested by the rapidly growing number of visits to the website. Therefore, what role do bibliographic databases play in transparency in science? As we can see, they make an important contribution to the transparency of scientific results and allow the monitoring of the impact of research based on citation data. This also means that, if used responsibly, they are an important tool in evaluation processes (de Rijcke et al. 2016).

2.4 Research Agencies: Science Financers

Autonomy, as has already been observed, is one of the key principles of university life, which is not to the liking of the state and private university founders, who, in the desire to exert their power over universities' decision-making, started to enforce their interests through university funders. And money, as we know, makes the world go around. After the Second World War, researchers effectively responded to such attempts by establishing research agencies as independent science financers. Money from the budget, which is by far the most important source of funding science, was therefore not granted to universities directly from ministries, but via research agencies to guarantee their financial autonomy as well as transparent use of money. The establishment of research agencies ensured better conditions for effective transparency in both science and its management (Braun 1993).

In the United States, the role of research agencies was assumed by the NIH (National Institute of Health) and later the NSF (National Science Foundation), which were entrusted with the coordination of research, the selection of top-quality research projects, and their funding. In 1944, the NIH introduced external evaluators into the decision-making process and gradually developed a precise selection procedure in which the crucial role was played by peer review and the project application itself had to comply with the structure of a scholarly article (Harden 2016). It was to indicate the specification of methodology, the envisaged results, and the applicant's scientific achievements. Therefore, reviewers play a similar role in selecting research projects as reviewers in selecting research articles for publication or as university boards in awarding academic titles. An important innovation is project feasibility, assessed in relation to the amount of funding sought. Research agencies have thus incorporated into their practices not only the two basic principles of transparency (results and procedures) as mostly analysed within the framework of academic journals and universities, but, with this criterion, they have also stressed another crucial one—the transparency of financing.

After the Second World War, such a method of research funding became prevalent across the globe and embraced by practically all European countries, which began to establish their own research agencies (Braun 1998). Under the umbrella of the European Science Foundation (ESF) and its successor Science Europe (SE), research agencies unified most funding procedures for the European countries, until their activities were ultimately assumed and further improved by the European Commission, which funds research projects according to the same principles as the countries themselves (Science Europe 2023). The European method of integrating and exchanging good practices of science funding as well as the US principles of selecting project principal investigators strictly based on excellence are increasingly spreading around the world with the support of the Global Research Council international association of science funding agencies, bringing together not only European countries and the

United States, but also China, India, Australia, and many Asian, Arab, Latin American, and African countries (Global Research Council 2023).

Funding research projects is a very demanding task. A comparison of research and, say, construction projects reveal that research projects bear substantially greater risks than construction projects. Their objectives are usually a matter of projections and hypotheses, and therefore uncertain. For this reason, if they fail, researchers are not required to return the funds. The selection of research project operators is a serious task, and what further adds to its complexity is that, apart from the project idea itself, the applicant's references are of vital importance as well. After completing a selected project, researchers can compete for the next one—however, only if they have brought the previous one to a successful conclusion. In this regard, a project is not necessarily considered successful only when the applicants achieve the set objectives, but also when they arrive at a completely different discovery. As attested by many major accomplishments, this is a more common occurrence than one might think. The birth of the World Wide Web, for example, was more or less coincidental, triggered by the need to exchange an immense quantity of data in basic particle research conducted at CERN; the discovery of nanomaterials was a byproduct of research on spectra from the universe, and the invention of laser was a result of the search for amplified sources of light (Mazzucato 2013).

Columbus, too, discovered America while trying to find a shorter passage to India. And how did he secure funding for his expedition? Gregory A. Petsko selected the following invented situation as the starting point of his parody, in which he mocked research agencies' selection procedures by mirroring them in the decisions that the Spanish court made on the fate of Columbus' expedition (Petsko 2012).

- **Ferdinand:** Now who's next? Oh, yes, Captain Columbus. I assume you're here to appeal the decision about your proposal.
- **Columbus:** Yes, Your Majesties. I don't understand why my request for support was turned down.
- **Isabella** (*leafing through some documents*): Let's see, let's see—oh, here it is. 'Finding a New Route to the Indies by Sailing West.' (*Looking up at him*) You're serious, right? I mean, this isn't some sort of joke ...
- **Columbus:** Of course, it's no joke! I propose to test the hypothesis that the world is both small and round. If the hypothesis is true, I should be able to reach the Orient much faster than the current route around Africa.
- **Ferdinand:** And if the hypothesis is wrong, you'll fall off the edge of the earth.
- **Columbus:** Possibly. But even if it's wrong, by going where no one has gone yet, I might bump into something really interesting.
- **Ferdinand:** What you'll bump into is the edge of the earth, and you'll fall off.
- **Columbus:** I agree that there is risk involved, Your Majesty, but consider the impact if I'm right. In the guidelines for obtaining funding, you specify that impact is a major factor in determining if a proposal is funded.

...

- **Ferdinand:** That's not *our* problem. Money is so tight these days that we can't fund anything that isn't guaranteed to work. I mean, what if the Inquisition found out we were wasting money?
- **Columbus:** But you have to have some failures if you're doing anything innovative or creative. New ideas don't always work.
- ...
- **Isabella** (*kindly*): I'm sure this is disappointing for you, Captain, but the criticisms in this statement are very constructive, and I think after this conversation you should be able to revise your proposal so that it has a much better chance of being funded the next time.
- **Ferdinand:** Yes, just reduce your budget to one ship, propose an easily achievable Specific Aim like discovering Lisbon, and accumulate enough preliminary data by actually *going* to Lisbon so the panel can be certain you know how to get there. Then there's a very good chance you will get the money you ask for, and you can use it to go even farther than you propose.
- **Isabella:** That's right. With funding like that, you might actually reach, oh, I don't know, maybe the western suburbs of Lisbon. Wouldn't that be wonderful!
- **Ferdinand:** You run along, now, Captain, and start working on that revised application. You just missed the next deadline, I'm sorry to say, but there will be another one in 6 months, so if you're successful the next time, you ought to be able to get started by early 1494 or so. Follow what everyone else is doing, and you'll be fine.
- (*Head down, Columbus slowly walks away. After he is out of the throne room, the King turns to his consort*)
- **Ferdinand:** Well, Liz, what do you think?
- **Isabella:** I'm not sure, Ferdie. What if he's right? What if the world is small and round and you really can sail –
- **Ferdinand:** Preposterous! Everybody knows that's not true. Imagine, paying good money just on the off-chance conventional wisdom might be wrong.
- **Isabella:** But if there's even a small chance ... I mean, think of the impact. Maybe we should have taken some money and let him try.

With this comic passage, we wanted to confirm the rule, to which there are always exceptions. Weighing up the decision on the fate of the Columbus expedition, with which Petsko parodied the selection procedures of research agencies, can be taken as a starting point for reflection on improving the conditions for the development of science, while at the same time embracing the principles of transparency. The financial aspect, around which the conversation more or less revolves, is of course very important for the development of science, and it is particularly important that research which scientists believe has a high potential for new insights is funded. The state, as the direct funder, does not provide this, only an independent research agency can. Research agencies are therefore an important part of the autonomy of scientific activity.

2.5 Example: Science Management in Slovenia

Before the introduction of COBISS, listing of bibliographies in the country was up to research organizations themselves, which devoted enormous amounts of time and attention to monitoring the research publications as well as research itself. This resulted in bibliographies being incomplete, unreliable, vague, and also exaggerated. Verifying references contained in bibliographies was a time-consuming and complex task. Moreover, due to unreliable information, based on which decisions were made as to which project would be granted state funding and which not, the transparency of selection was only an apparent one. Everyone was aware of that, creating much indignation, both justified and unjustified. COBISS, on the other hand, ensured a centralized, systematic, precisely, impartial, and transparent system of bibliography listing. It led to the production of a uniform typology and criteria for classifying publications, and the responsibility for monitoring and systematizing these data was transferred from research institutions to competent librarians. COBISS also enabled the unification and detailed determination of verification procedures, ensuring transparency as well as the possibility to use bibliography as a fair criterion in appropriating public funding. Thanks to COBISS, evaluations started to rely on the use of standardized extracts of bibliographies, which further facilitated comparability of candidates and thus greater objectivity of evaluations. And one more bonus—COBISS introduced the possibility of free access to the bibliographies of all researchers, regardless of whether the interested searcher comes from the academic sphere or not.

In the first, trial period, bibliographies were entered into COBISS on a voluntary basis, but in 1998, when the system also proved its theoretical advantages in practice, entering research results or researchers' bibliographies became mandatory. This step facilitated further development of evaluation mechanisms. Having accumulated over two million bibliographic units in less than a decade and a half, COBISS now contains an enormous bibliographic database that not only aids committees in their evaluations and distribution of funding, but also serves as a tool for researchers in planning new research. Not everyone can boast such a bounty of knowledge.

It is interesting to look at the cumulative growth of scholarly publications (WoS database) in comparison to data for Slovenia versus central and eastern Europe (CEE), calculated per million population. The common curve for central and eastern Europe (Poland, the Czech Republic, Slovakia, Hungary, and the Baltic countries) shows a linear growth in publications, as expected. The number of publications in CEE has grown in accordance with the number of publications on a global scale. The growth rate can be explained with the global trend in the increasing number of scholarly publications. What makes the Slovenian curve peculiar is the sudden and persistent rise of the curve in 1998. The extent of this rise is illustrated through the comparison between the actual number of articles

published and the intermittent line representing the envisaged growth in the number of publications if Slovenian activity in this area had followed global trends or if it had strengthened at the same rate as in CEE. Thus, in 2007, the actual number of publications was substantially higher than it would have been had the growth continued at the envisaged rate. The comparison of the increase in the number of publications after 1998 shows that Slovenian researchers are twice as productive each year than their counterparts from comparable countries (Demšar and Kontler-Salomon 2020).

A detailed analysis of the WoS database revealed slight variations in the upward publishing trend among individual scientific disciplines, which can be attributed to differences among disciplines themselves; in certain areas, Slovenian researchers perform better, and, moreover, not all disciplines pursue the same practices in terms of publishing research results. However, the differences that occur among individual disciplines also do not occur among institutions; the number of publications within one scientific discipline does not differ much regarding the type of institution because both universities and institutes achieve very similar results. Although there are many more points of interest that surface during a careful examination of this important database, what seems more relevant for this volume is the question of what suddenly triggered such an explicit rise. There are several possible reasons for this.

First, their improving position in the international scientific community may be attributed to the government's increasing investment in research. This argument also goes hand in hand with the increasing number of researchers; a simplest mathematical calculation reveals that more money means more research, more research means more researchers, and more researchers undoubtedly means more scholarly publications. The second reason may be sought in the relative recentness of WoS. Developed only 50 years ago, the bibliometric database continues to expand the selection of publications in its listing, which has significantly increased its coverage in recent years. Therefore, there is a theoretical possibility that the actual growth is not occurring in the number of publications, but rather only the number of those detected by WoS. While considering the reasons for the growing presence of researchers in the database, one cannot overlook the enhanced possibilities of international collaboration and integration. Apart from these having been a global trend for a while, by joining the European Union, researchers have been presented with further opportunities to establish connections within the European community (Demšar and Južnič 2014).

Although an increase in research funding has been Slovenia's long-term strategic priority, the growth in state investment in research conducted within the public sector between 1998 and 2007, measured in the real value of money, was barely noticeable. Nevertheless, the number of publications in that period doubled. Two countries that witnessed a rise in publishing due to increased state funding were Denmark and Estonia. From this perspective, it can hardly be said that the growing number of publications has been due to a boost in investment in research and development. One further observation might be that the number of researchers has not increased either; however, let us look at concrete data.

Cumulative growth in the number of published works certainly requires an increase in the number of researchers. A developed society needs a certain critical mass of researchers to augment the quantity of publications, and the heightened competition that this entails also ensures an increase in the quality of research and scholarly publications. When assessing the number of researchers, the primary focus was on researchers from universities and institutes. Whereas the by no means negligible number of researchers working in industry undoubtedly form an important part of the research system, their research is largely dedicated to solving concrete problems as well as to developing patents and innovations to be used in industry. As such, they rarely result in scientific publications, which are of secondary importance to the sector. Therefore, because the main interest is in researchers whose works appear in the WoS database, this study concentrated on them. Despite all logical expectations, the growth in the number of researchers turned out to be about 10% and, as such, negligible in comparison with the growth in publications, and certainly too small to explain the dramatic increase in Slovenian research activity. Since 1998, there has been no major investment in research and there has been no significant increase in the number of researchers. The reasons for the publication growth should therefore be sought in the actual increase in productivity or effectiveness of researchers.

What also needs to be borne in mind is that the activities of researchers have remained more or less the same, only that they are now more noted than a little over a decade ago. The WoS database, continuously expanding its list with new journals, undoubtedly affects the increase in the number of publications recorded per year. This is potentially significant and worth detailed consideration. The first reservation that comes to mind is that the number of works published by Slovenian authors is increasing at a faster rate than the number of publications written by authors from other countries. Given that the WoS database does not augment its listing selectively, by country or discipline, the growth in scientific publications analysed may be applied only to the part of growth that encompasses all countries, which has not even remotely exhibited the same drastic rise that Slovenian science achieved in 1998. The cumulative number of publications by authors from CEE does not reflect accelerated growth, even though these authors should have reaped the benefits of enhanced inclusion of scientific publications in the database as well as a greater number of published contributions in new journals launched to raise the profile of some publishing houses and their editors. If the number of publications had grown merely on account of considering a larger number of journals, the share of publications should have grown in proportion with the number of newly listed journals in the WoS database. However, the share of Slovenian publications grew at a much faster rate. Just as smaller publication growth in proportion to the increasing number of journals listed would imply a negative trend in Slovenian research activity, the reverse situation with the share of Slovenian publications increasing at a significantly faster pace than the database leads to the conclusion that the successful performance of Slovenian researchers has less to do with the expansion of the database than with the actual growth in the number of publications exceeding the average growth in the international environment.

Because the analysis of internal reasons did not deliver convincing answers regarding what caused the sudden growth in the number of publications by Slovenian authors, attention is turned to the last of the possible reasons; that is, improved opportunities for international collaboration and integration. As already mentioned, despite all the attempts that countries and corporations have made to gain ownership of their results, researchers have always transcended borders in search of similar minds across the globe. With the development of information technologies having given an unprecedented boost to such integrations, today nearly all significant research takes place at supranational level, making enhanced globalization of research one of the crucial external factors that tailor modern research systems. For Slovenia, the most important external factor is undoubtedly integration into the European Union. Developments in Slovenian research at the beginning of its accession and especially after it obtained EU membership cannot be analysed properly without also examining them through the European lens.

Slovenia's integration with and then actual accession to the EU paved the way for its scientists to obtain funding from the European Commission, which currently amounts to nearly 10% of total public investment in research and development. Of course, this has led to new ideas and approaches that crucially contributed to the invigoration of the national science system. Slovenia underwent this overhaul together with many CEE countries because, despite different social circumstances, all newly admitted member states underwent a very similar process of opening their national systems to the EU. All of them received the same assistance, and all of them entered the European research map at identical points. In this regard, Slovenia therefore cannot be discussed as an isolated island. The similarity of paths taken by countries that joined the EU at the same time as Slovenia also confirms some other changes that all took place at about the same time. Researchers from all new member states, for example, assumed the same role. In the initial period, when these countries were still considered newcomers, the share of WoS-indexed publications was relatively small and gradually grew across the board. The only difference was that the share of Slovenian researchers grew at a faster rate.

Thus, if not even objective changes in Slovenia (e.g., the increase in funding or the growing number of researchers) or international circumstances (such as the global integration trend and accession to the EU ensuring enhanced connectivity and a higher number of indexed journals) can explain the above-average progress in the performance of Slovenian scientists after 1998, where can one still look for reasons to explain this phenomenon? Given that Slovenian researchers wrote increasingly more than their counterparts from CEE, there must have been something that set Slovenia apart from the CEE countries in the landmark year 1998. As becomes good researchers, the search will be carried on until a proper explanation is found.

All analyses have shown that the number of researchers and the amount of public research funding were increasing at a slower pace than the number of scholarly publications in prestigious international journals. Left with even less manoeuvring room for coming up with a creative explanation, the only logical reason for the increased production that one may think of is a more effective use of available

resources—which is quite hard to imagine in the light of what has now become proverbially complex and expensive European red tape underlying all international economic, art, and research projects. Yet this seems to be the only possible explanation. The more effective use of funding would, of course, also entail a more effective and fairer distribution of available resources. However, have we truly made such a giant leap in such a short time?

What could then be the reason for the landmark year of 1988? It was the ‘transparency of results’ tool. Just before research activity underwent an overhaul in 1997, Slovenia introduced a seemingly innocent institutional innovation to provide an important boost to the publishing activity of Slovenian researchers. More specifically, in 1997, Slovenia made mandatory the use of the COBISS system, which is now taken completely for granted, even though not much time has elapsed since its introduction. The introduction of the COBISS system eliminated much of the relativity that also plagued the academic sphere. Suddenly, a researcher’s “weight” took on a more concrete meaning. With an overview of published scholarly articles, COBISS ensured a fast, transparent, and reliable evaluation of the significance of researchers in their own spheres.

The information regarding what and how much researchers do, and how they do it, is now available to everyone, be it a layperson or a professional. Such exposure to the “scrutiny” of their peers and the public has made researchers significantly more motivated to publish their articles in international journals, as well as to more proactively integrate themselves into international research projects.

Given the above, the introduction of the COBISS system thus triggered a genuine revolution, especially regarding researchers’ attitude toward publishing and their evaluation based on their published works. Combined with new information tools, the mandatory entering of researchers’ bibliographies into COBISS as a basis for evaluation and funding led to substantial changes in the manner and scope of publishing. Because researchers could now compete for funding by only listing works typified in COBISS, the database expanded incredibly quickly. Within barely 3 months, the number of entries increased by 20-fold, and today researchers count more than two million entries in COBISS.

The introduction of a transparent information system maintaining a standardized and easy-to-use format of listing all information made possible insight into the work of individual researchers and established more realistic relations within the research community itself. Supported by the latest web solutions, the system also provided researchers with an overview of the research production of their peers. Open accessibility of information and enhanced visibility of results spurred researchers’ motivation to publish in the most prestigious journals. In other words, transparency entails not only making it more difficult to hide shortcomings but also quality. Thanks to both, an individual’s positioning now predominantly rests on his or her successful performance in the research sphere rather than loose criteria, which also means that researchers’ ranking on the scientific excellence scale is much more realistic today than it was a few years ago.

Transparent publishing in research circles also yielded many other positive consequences, including the gradual introduction of new qualifications for university

instructors that relied more consistently on candidates' results. Although this, of course, did not completely eliminate unjustified favouritism, it did at least guarantee that partiality was no longer of decisive significance. On the other hand, the ministry responsible for science and later the Research Agency started introducing improved evaluation procedures for selecting research project leaders and implementers. The new COBISS-based evaluation system changed the relations within research institutions by allowing faster appointments, owing to which Slovenia now has one of the youngest average ages of researchers in Europe, which in turn also created a greater presence of women in research.

All this was made possible by the introduction of COBISS, which no longer allowed the appointment of researchers and evaluation of their qualifications to be based on subjective or general evaluations, but on reliable, standardized, and quality data. Today, the bibliography of an individual researcher is accessible to everyone: potential research partners and students. With the quality (and quantity) of published works having a substantial impact on decisions regarding collaboration or (for students) advising, no one takes scholarly publications lightly.

The system of transparency brought about important and tangible results. It is to its merit that Slovenia—which, along with other countries in the region, enjoys several additional entrance conditions, such as available funding, the number of researchers, and the scope of international connections—now has a decisive advantage over others. Transparency facilitates good results, for which researchers are also rewarded through public recognition, with the information system presenting their accomplishments to the broader public. The success of Slovenian science did not happen without resistance, some embraced it more willingly than others (Appendix 1, Chap. 2, Sect. 2.5 (a)).

However, the story about COBISS not only testifies to scientific accomplishments, but it also documents how transparency, ensured by the introduction of such an information tool, can drastically change the culture of a certain activity in a certain environment—in this case, the culture of conducting research. Of course, COBISS is not a magic wand for scientific excellence; although the data for Slovenia are indeed promising, quite a few countries boast better scientific performance. Transparency is probably much like sports: an athlete (e.g., a basketball player) must first prove himself in front of his schoolmates, then in a basketball club, and finally in a national team or the NBA league. And, once he proves to be a good athlete in the NBA, he can compete, just as playing in the All-Star Game. The effectiveness of transparency is by no means self-evident, but dependent on innovative and consistent improvements of mechanisms that enforce transparency in a given environment.

The COBISS system has a strikingly similar effect as the whiskey mentioned in the introduction, only the form is different. And because, to be honest, whiskey and scientific excellence share very little in common, a more suitable comparison between the two can be made by translating them into a form that everyone can relate to. The introduction of transparency in procurements made for the purposes of the personnel at the Ministry of Defence led to savings of €700 a month, which is quite a fine number. On the other hand, the distribution of effective funding for

research at the state level involves hundreds of millions of euros. If we look at the expected and actual growth in the number of publications of Slovenian researchers between 1993 and 2007, if the former system of publishing had remained in place for the entire period, in 2007, when its budget was about €160 million, Research Agency would have secured Slovenian researchers over 4000 publications fewer through its project financing. In other words: to ensure the actual number of publications in 2007 with the former system still in place, Slovenia would have required a budget of €260 million. Given what has become a tendency globally and in Slovenia to look at everything through the eyes of the taxpayer, it can easily be said that the introduction of transparency in scientific research saved Slovenia €100 million of taxpayers' money in 2007 alone in 10 years it already accounts for a billion and that is a lot of whiskey.

For a versed reader, the number of publications is a simple bibliometric indicator of a country's scientific quality; he or she can obtain more information from the number of citations. The citation score of an article usually indicates that the work is interesting enough, and that it can be incorporated into the contributions of other researchers—the higher an article's citation count, the stronger its impact. In terms of citation count, in the last decade Slovenia has exceeded both the EU average and the Mediterranean countries, and it has shown a 100% better performance than other eastern European countries. Slovenia has been ranked tenth out of the twenty-seven EU countries—together with Germany and France—having achieved 60% of the average of the most developed northern European countries (Demšar and Kontler-Salomon 2020).

What about transparency of procedures? In implementing all public competitions in which state funding is distributed, such mechanisms are especially necessary in order to break open the circles that are inaccessible to young researchers that have just started their careers and do not have backing from influential parents. After establishing of Research Agency in 2004, a comprehensive reform of the evaluation procedures was initiated. Prior to this, the agency had a system under which research project proposals were assigned to one or two international reviewers. Their opinions and evaluations went directly into the hands of the national coordinator, who sometimes, by merely glancing at them compiled a list of approved projects worth several hundred thousand euros. The course of the procedure was never published, there was no evaluation sheet, and no one knew the criteria by which reviewers were selected.

Indignation over such an attitude toward not only public funding but also researchers' ideas, work, and knowledge gave sufficient motivation to immediately set the ground for change. The first reform step was to prepare the methodology of evaluation procedures and make it public. The national coordinator lost the discretionary power of decision, which was relegated to international reviewers. Then followed the introduction of a standardized evaluation of results accomplished in the previous five years based on strictly bibliometric indicators. For its entire duration, the reform was accompanied by a heated debate within the agency's bodies responsible for research activities, which often spilled over into the public sphere through articles featured in science supplements in the daily papers. Nearly 100

researchers that covered all active research fields for the agency helped redraft the rules. Path to change was guided by complete openness to correct the evaluation procedure as well as consistency in preparing detailed methodology of evaluation to ensure better comparison among individual projects on the publication of results and to limit the number of appeals to the administrative level. This was the best way to avoid pressure and lobbying from researchers.

In the following years, Research Agency's bodies improved competition and evaluation procedures, organized the work of expert committees, and, maintaining an open system, borrowed other good practices from EU countries. Even though such an evaluation system is used in all developed countries, it is nevertheless important to ask: First, is the procedure transparent in all its stages, and, second, does the procedure exclude conflicts of interest? Recalling that the devil lies in the details, it is possible to say the following about evaluation procedures: Systemically faulty evaluation procedures do not make all the details public and they do not guarantee the elimination of conflicts of interest or subjective evaluation.

The names of members of every committee taking part in the evaluation procedure are published on the agency's website, except for the names of reviewers, which are published with a one-year delay and without stating the area of expertise. This decision was made to protect the reviewers from any possible pressure, even though reviewers from European countries and the United States participate in all significant evaluation procedures. In this way, the agency has made public a host of data regarding the course of evaluation procedures while deliberately drawing a line on the reviewers' anonymity, which, if necessary, can be adjusted (or shifted) in the future. With researchers not knowing who evaluated their work, it is possible to avoid conflicts of interest, which could arise due to possible pressure on reviewers both in decision-making and at later stages. Some opponents warn that reviewers' anonymity could serve to conceal their incompetence and that reviewers have too great an influence on the distribution of public funding to remain anonymous. In my opinion, the selection of reviewers, just like the selection of research projects, most crucially rests on transparency. By preventing pressure on reviewers, the protection of anonymity also reduces influences that could lead to systemic distortion.

The question that had to be asked at some point was whether all the well-intended changes to the system of selecting research projects also led to an actual shift for the better or merely an imagined progress that could not withstand a practical test. Scientists have this crazy thing about evidence where feelings do not count. Therefore, the agency compiled a list of precise indicators for scientific and professional performance that included the number of publications, the relevance of academic journals or publishing houses where individual researchers published their work, the citation impact of scholarly publications, researchers' involvement in international cooperation, the economy, contracts with the state—and the list goes on and on. The agency applied these criteria in three public calls for project proposals; namely, in 2002, 2005, and 2008.

By doing so, the following fundamental question was addressed: Who would perform successfully in calls for project proposals if the selection were based not on international reviewers and decisions made by the national coordinator or

international expert committees, but strictly on researchers' performance in the last five years with respect to their references (bibliometric indicators and technical data regarding their contractual involvement with their environment)? The theoretical test, in which the content of individual projects was completely left out of consideration, demonstrated that the actual results for 2005 and 2008 fully corresponded with the quality of researchers with respect to their references, but deviated significantly for 2002. In 2002, when the decision on selection was in the hands of the national coordinator and the evaluations of international experts had a merely informative value, fewer than half of the selected researchers would pass the strictly bibliometric criteria.

In 2005 and 2008, a selection procedure was already in place, according to which decisions were primarily based on an evaluation by a group of carefully selected prominent international researchers without any employment or research contact with the applicants. In these 2 years, the share of researchers that would successfully compete solely with respect to their references amounted to two-thirds.

Although the data are clearly far from complete and cannot fairly detect all the distinctions of individual researchers, they reflect the fact that researchers with a track record of successfully prepared and implemented excellent projects in the past will most likely initiate another excellent project. On the other hand, the one-third that did not pass our trial evaluation of project results for 2005 and 2008 can optimistically be ascribed to much less experienced junior researchers, whose excellence cannot be attested by their past work, but who nevertheless proposed good projects.

Because reliable and constant publication of data was of paramount importance for the effectiveness of its amendments to the terms and conditions for the calls, Research Agency achieved this with a special article in its regulations that was passed by the government. The agency's web portal must ensure access to the envisaged time frames for all calls held in the current calendar year that are subject to public funding. In addition to annual announcements of instruments, on opening the call, the Research Agency website must make available all data on activities that follow the submission of proposals. It must publish the timetable of the selection procedure, methodologies with evaluation criteria, and a detailed description of the selection procedure (Južnič et al. 2010).

Strict adherence to the transparency of procedures sparked lively discussions in the research community about the agency's work or its newly set terms and conditions for the calls. As has just been documented in detail, the correction of evaluation procedures—eliminating conflicts of interest—led to an almost 20% improvement in the evaluation process and, of course, similar financial effects measured in tens of millions of euros annually. When changes are real not everybody is happy and some researchers try to make shortcuts with political pressure (Appendix 1, Chap. 2, Sect. 2.5 (b)).

Because transparent and reasonable use of public funding fundamentally legitimizes every system, financial transparency is annually materialized in the white paper on funding. In Slovenia, the beginnings of ensuring financial transparency reach all the way back to 1958, with the publication of the first financial report,

which turned into an annual practice. The next landmark year was 1997, when the white paper on science and research funding was first published online. Although the progress made by the online publication seems insignificant compared to the preceding printed edition, today everyone appreciates the benefits of broad accessibility ensured by the new media. Whereas the online publication provided potential users with a straightforward and far more affordable access to reports for any chosen year, modern tools ensure easier and faster searches as well as comparison of desired results. The next step toward transparency was made in 2006 by incorporating into the online white paper regular reports on the allocation of funding that accompanied monthly payments. The published tables inform any potential stakeholder which institutions or project leaders were granted state funding for their research, how much money they received, and how much they have already spent.

Such a transparent and regularly updated list mainly serves two purposes. It most crucially benefits researchers by giving them clear insight into their relationship with their research institutions—that is, it allows researchers to regularly monitor all financial transactions related to their work. In the vast collection of data listing about 5000 annual contracts, they can easily find information on how much money they have received for their projects, which facilitates their planning of the further course of research.

Researchers can, of course, also detect irregularities occurring at their institutions. At one faculty, junior researchers noticed that the funds earmarked for them were spent to increase the faculty administration; project leaders at another institution lost a major share of funding allocated to cover the material costs of their projects, which was then used to cover the costs of teaching; and another institution could not explain where its project funding had gone.

Research Agency institutional audits revealed that several hundred thousand euros of dedicated funding were returned unused every year. Although saddened by the findings, the knowledge that researchers themselves were carefully monitoring the misuse of dedicated funds and punished it together with the agency led to a significant effect: a thorough improvement in earmarking, from about 30% of misused funds to only a few percent of deviation. On the other hand, insight into the scope, distribution, and use of financial resources also benefits the professional community and general public, which can use the combination of financial data and research results (accessible in the section “transparency of work”) to more easily and rapidly form a more realistic image regarding the effectiveness and success of research work in general. Based on a regular overview of research financing (an online white paper), every month the agency publishes on its website all information regarding the transfers of funds broken down by item, scientific discipline, research provider (research organizations and private researchers), and type of research operator (public, higher education, business, private or non-profit sector, rest of the world, other), and by lead investigator applying for public funding under the applicant institution (Kastelc Selan 2010).

In summary, the Slovenian Research Agency has incorporated the main principles of transparency into its activities: monitoring results, processes and money. It detailed the impact of the public, up-to-date and transparent publication of the results of Slovenian scientists—the value of indicators of both the quantity and quality of scientific production has doubled in the 10 years following the introduction of the transparency principles. If the Agency had done nothing, Slovenian science would have to double its public funding to achieve the same result. The transparent publication of financial data and project selection procedures also indicates additional financial savings. However, the financial implications described above should not be overlooked, as should the ethical aspect of introducing transparency. Public opinion surveys in Slovenia include, among other things, a question on which activity in Slovenia you have the most confidence in. It turns out that over a period of several decades, it has always been sport. We Slovenians are very proud of our athletes, but right behind them is science, which has also seen the biggest rise in trust in recent decades (Toš 2016).

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Chapter 3

What About Transparency in Other Areas of the Public Sector?



Abstract Mass media, such as newspapers, television, and the internet ensured major progress in the development of transfer of information from various sources to general public. Public sector represents an important part of human activities and since it is paid by taxpayers, it is in their interest to know what public sector do. In this chapter, the degree to which the media mirror the authentic reality in public sector is analysed. These data show that transfer of information is insufficient and mass media do not play a role in public sector which is comparable to the role of science publishing which is making science transparent. Nevertheless, the development of the internet which is cheap and user friendly opened new possibilities of direct communications between public sector and general public. The chapter illustrates that the three underpinnings of transparency (procedures, results, and funding), which function well in science and its management, can be transposed to other segments of the public sector. Several successful examples of such attempts are presented from US, Sweden and Croatia. The ethical aspect is particularly important, as transparency of procedures greatly reduces corruption risks.

Keywords Public sector · General media

The story of mass media tailoring the image of the world reaches back to the 1920s, when technology made the dissemination of press and radio content drastically cheaper. Then followed television and, in the most recent period, the internet. By addressing a multitude of topics spanning the economy, politics, crime, sports, and weather, the mass media are the only guide for most people in shaping their relationship with their living environment and the challenges they face as a society. Although this may be indicative of the pivotal role that the media and, of course, journalists play, the belief in their power as well as objectivity and credibility is ebbing. Their diversity notwithstanding, all media function in a similar way by partly aiming to entertain and partly to inform their audiences, with an increasing frequency of doing both at once (Prasher 2009).

As the fourth estate of democracy, the media expose irregularities to the public, and with their sheer scale can then crucially contribute to eliminating these (Splichal 2005). The idea that journalists can change the world for the better by using the media was most clearly confirmed by the Watergate scandal, in which two journalists disclosed the illegal workings of the US administration and brought down US President Richard Nixon, who was the most powerful politician of that time. The Watergate affair was a huge lesson for both politicians and journalists (Bernstein and Woodward 1974).

On the other hand, there are numerous examples of spins in the mass media, which are different forms of propaganda that involve the creation and diffusion of a specific interpretation of an event, a campaign or a policy with the aim of creating consensus and public support (Croteau and Hoynes 2018). Politicians and journalists have always been and will remain merely human beings. No moralization will ever change that, but it is easy to notice that there are big differences between the principles that govern mass media and the scientific press, which is one of the cornerstones of transparency in science. Of course, not all articles in the mass media are commissioned and not all of them are factual; on the contrary, some of them heroically reveal information that is important for citizens. In general, however, the operation of the mass media is far removed from the principles on which the scientific press operates (Appendix 1, Chap. 3).

The question that we ask here is not how to make individuals want to keep up with the latest most crucial information served by the media, but rather the extent to which interested individuals can, in fact, obtain this information. Is the public adequately informed to have a realistic opinion about the workings of state institutions? Leaving aside the general media's sloppy reporting, which stems from the vicious cycle between the steadily declining standard of living and increasingly less demanding audiences, one can focus on the problem encountered all too often while noise occurring between state institutions, which should provide information, and the media, which should convey this information (upon thoughtful consideration, verification, and, when necessary, further investigation) to the public.

3.1 How Much Information Actually Reaches the Media?

Let us say, strictly hypothetically, that all journalists are honest, good, and devoted to their work. If they obtained enough information, they would be able to use the media to convey an accurate image of reality. With this assumption, let us look at a few specific pieces of data from the Slovenian Ministry of Defence (1999–2000) that corroborate this thesis. At that time, the ministry was obtaining the ISO international quality standard. Let me explain: ISO is an international organization for standardization that develops standards for managing quality systems and sets them up in a way that they may be applied to every company, organization, or group, regardless of the type or size of the organization and regardless of the product or service provided. In other words, ISO issues quality standards and organizations

complete forms demonstrating their commitment to these standards, upon which ISO verifies the validity of documents submitted and grants the certification, officially attesting to the quality of organizations' management. Meeting and recording these standards are a rather demanding and time-consuming task, as part of which the Ministry of Defence also compiled a list of all its work processes. After all, this is how it attained the aforementioned detailed descriptions to provide clear answers to nearly all the questions that public stakeholders or media representatives might have—if they had only known the ministry's operations well enough to know what questions to ask in the first place. The ministry is divided into departments, and within these into long-term and well-defined work processes that usually repeat every year and altogether constitute the lion's share of the ministry's activities. Even though some were nevertheless clearly more exposed to the public eye than others, in day-to-day work they were all given about the same amount of attention. One would have rightfully expected that the media would show about the same interest in all processes and that they would keep the public more or less equally well informed about the activities performed at the Ministry of Defence. Well, it did not turn out that way. According to the analysis, altogether 160 long-term work processes were taking place within the ministry. The media coverage of these processes was analysed as follows: the first group, classified as "several times," encompassed processes that were mentioned in at least three different kinds of media, at least twice in each. The second category, classified as "qualified," included processes that were reported on once by at least three media. The bronze medal winners were processes, designated as "mentioned once," which were reported on once by one single medium. Whereas one would certainly also welcome further qualifiers, such as the number of news items that made newspaper or TV headlines, a brief glance at the table below dispels this ambitious dream and brings it all down to earth. The media reported once on only one-third of a total of 160 long-term processes that were taking place at the ministry. A little over 20 processes appeared in newspapers twice, and fewer than 20 received coverage in three different media at least six times. This means that 12% of the ministry's work received broad coverage (i.e., by more than one medium). No matter how one turns the results to find at least a shred of consolation in them, nothing can alleviate the despair that takes hold with the realization that the public has no information whatsoever on more than two-thirds of processes that are taking place at the institution (Demšar et al. 2013).

Most information on what public servants do remains hidden from the public. Information on what public servants do is mostly kept secret, and this holds not only for the Ministry of Defence. Although other segments of public administration do not have such a ramified system of confidentiality, they use other mechanisms to achieve similar results: the information that finally reaches the media is insufficient and often incomplete. Yet, at least in principle, there is no reason for this because every ministry employs a relatively detailed description of its work processes that can provide a very clear picture of its operations. Although some public authority bodies are more organized than others, the basic data are available across the board in public administration. Therefore, no question concerning the operations of public institutions should be left without a completely unequivocal answer (Appendix 1, Chap. 3, Sect. 3.1).

Therefore, no question concerning the operations of public institutions should be left without a completely unequivocal answer. With the media obviously ignoring most of the ministry's activities, one must wonder whether the discussion on informing the public makes any sense at all. If the share of information that seeps through to the public does not reach a certain threshold, one cannot talk about an informed public. The answer is clear and simple: No. Until such white noise is eliminated, no effective discussion on supplying information as well as its quality and distortion will be possible. Let us now take a closer look at the mass media and their impact on the transparency of the areas they cover.

3.2 Little Secrets: Does the Blame Lie with the Media or the Ministry?

However, should the blame really be placed squarely on ministries? The journalist and writer Goran Vojnović predicted in one of his books that the best answer the journalist could give to the question "How can you write untruths?" would merely be "I have my sources and I won't disclose them." However, if the journalist were to answer the question in confidentiality and off the record, he might have explained why he was doing what he was doing, and why in the way that he was doing it. Then, one might get an earful "about the independence of the media and their right to critical reportage," followed by something about the number of readers and viewers as the only thing that counts, and finally hear a few words about the prices of school supplies, the astronomical costs of his wife's cosmetics, and the extortionist tourism taxes on the Croatian coast (Vojnović 2022).

Whereas the examples above suggest that the blame lies with both the media and public institutions, generally finger-pointing is a time-consuming task and most often a senseless one. Although it is clear that everyone should take responsibility for their mistakes, thinking about progress and positive change in the future is surely more productive than constantly dwelling on past injustices that, no matter how hard one tries, can only be corrected to a certain extent. Therefore, in the "government services–media–public" information chain, despite the public's disinterest and journalists' resignation, neither the first nor the second link can be blamed for the disastrous failure to provide citizens with adequate information (Appendix 1, Chap. 3, Sect. 3.2).

Both public relations services and the media should join forces to determine whether the media exercise adequate and appropriate control over the operations of public institutions. Complementary control mechanisms, established with the use of the internet, could bring an end to concealing information as well as the media's disinterest or incompetence in providing overall coverage of operations performed by public institutions. Perhaps their activities could be further improved with legal commitments to inform the public in a prescribed and standardized manner, so that the sieve separating vital from trivial information could, instead of the commonsense of the ministry's employees, represent a predetermined and

impersonal mechanism. Nonetheless, it is doubtful whether this in isolation would result in an enhancement of the overall situation. Sometimes one can be so absorbed in the workings of a system (as well as identifying and eliminating its errors) that one forgets about the existence of the world outside the system; one forgets that, although they are separate and largely independent from each other, the internal and external worlds share certain commonalities that connect them like a circulatory system, nourishing both with the same blood (Fairbanks and Plowman 2007).

All social groups abide by rules, whether they are public institutions, companies, families, classes, hockey teams, research teams, auto mechanic teams, and so on. Whereas some are written or based on a clear consensus, most rules that underlie all kinds of human relations remain unwritten (Fehr 2014). Although these rules differ in many aspects, all systems contain patterns of behaviour that are considered completely ordinary, and they would not have emerged without participants knowing that information on their conduct is publicly accessible. As we intend to demonstrate with examples, the chaos plaguing the state administration could be eliminated with a systematic approach; however, employees prefer to conceal (relatively harmless) irregularities. People are inclined to preserve as much privacy as possible (even though this belief seems to have been eroded by reality-show TV), be it in their personal or professional lives. No one likes to have other people meddling with their affairs, and, whenever possible, people prefer to do things their own way. This is made possible by the general weakness underlining both normative regulation of processes as well as information support in the state administration, which renders state control mechanisms seriously ineffective.

The current situation can above all be improved with the introduction of various elements of transparency and their systemic incorporation. A decade ago, much of what is now taken for granted was considered impossible, and perhaps it is also time to modernize our expectations regarding transparency in a way that will make it compatible with the possibilities provided by new technologies.

3.3 The Beauty of the Internet—New Pathways to Information

In the traditional understanding of the relationship between the public and an institution, the media serve as the basic channel of transmitting information. A medium (television, radio, or the press) selects, forms, and presents channelled information at its own discretion and in accordance with its capacities. As a result, the public is given only partial, limited, and one-sided information. The statistics, as already mentioned, have shown that at least two-thirds of the work performed at the Ministry of Defence has never received any media coverage. This is most probably due to the editorial evaluation of the audience's interest as well as perhaps journalists' poor understanding of the topic they are reporting on. After all, the only way to become

acquainted with the ministry's tasks and operations is to see them firsthand or on-site; no one teaches us this in primary school or high school, and for the most part not even at college.

However, apart from journalists, top-level state officials also demonstrate a lack of competence in this area. Practically all government workers can be said to only be familiar with the internal system of their own institutions, whereas their understanding of the workings of all other institutions barely exceeds that of an ordinary citizen whose knowledge is based on the one-third of the content that reaches the media.

Although thorough investigation into a topic of interest, commenting on it and interpreting it, as well as putting it into a broader perspective are in principle the positive sides of the media, the nature of their work—that is, emphasizing new features, changes, problems, and irregularities—prevents them from substantively contributing to greater transparency. All the professionalism and engagement cannot outweigh journalists' bias and the narrow selection of information within a limited space. This is their dark side. With the use of modern information-communication technologies, this problem could be solved to facilitate the existence of the traditional media and further enhance their positive sides while also opening the door to establishing a parallel information channel through which interested individuals would be granted access at any time to most information regarding the operations of public institutions. Such an arrangement would take the monopoly over information transmission away from the traditional media, which are still striving to maintain their central social function in the changing media landscape. The internet offers promising solutions for direct and unfiltered access to all kinds of information, except that which is justifiably designated as confidential, because its disclosure could disrupt the normal functioning of an institution or it could cause damage to individuals or parts of communities. Such a method of publishing information is simple and requires minimum cost (disregarding start-up costs).

Whereas in the past, the idea of transparency was much more difficult to put into practice, today the internet presents a simple and practical solution. This innovation should be embraced by the state administration, which is sometimes too eager to rely on long-outmoded circumstances.

The aforementioned study of the Ministry of Defence clearly shows that the media convey only a minor portion of information to the public, which is not enough to form an overall and realistic perception about its work. The reasons for this lie in capital, political, or other interests, in the media's and public disinterest, as well as in the white noise occurring between institutions and the media. After all, journalists cannot report on matters that they themselves are not familiar with. Illustrating the traditional system of transmitting information, we can see that actual amount of information available to the media and consequentially the public is much smaller than the actual scope of operations of the institution. Indirect access to information also entails a great possibility of distorting information and leaving it to the media to assess and decide how they will tailor public opinion and understanding

regarding the operations of institutions. In addition, it often leads to a misperception of processes and their long-term functions. Information may be distorted by both the public relations department of a certain institution and the media in how they select the information they receive, how they interpret it, and how they feed it to the public (Demšar et al. 2013).

Although the media play the central role as a watchdog of public interest and a mechanism of controlling the operations of state institutions, there is an obvious need to establish parallel mechanisms of information to bypass the media as mediators. This would ensure public access to the entire bounty of information while leaving the selection, interpretation, and use of this information to the discretion of every individual. The modern model of information flow ensured by the internet allows that we can see all information available to public directly or through media as is the actual scope of operations of the institution (Demšar 2013).

Making information universally available to both professional journalists and the public at large is what distinguishes this model the most from its traditional counterpart. Although such access is unlikely to prompt non-journalists to fact-check information, it would nevertheless produce a handful of people that will take an interest in every piece of information. After all, as citizens, they have the right to know what is happening in their country. Furthermore, and perhaps even more importantly, such a model would perhaps change the manner of media reporting because the accessibility of sources and easily verifiable information would most likely force editors and journalists to do their job more effectively and with greater responsibility. Such a direct approach, unlike the traditional one-way flow of information, would also allow information exchange and direct communication between institutions, the media, and the public at large.

Technological opportunities therefore exist, but that is not enough. Disclosing information relevant to national defence is perhaps a more sensitive issue than in other government areas. The interweaving of different interests makes it much more complex, and the far-reaching consequences of its operations stir direct interest in media coverage. The state administration is obliged to put in place mechanisms that will not only enable but also support it, and, above all, it must adopt all appropriate laws that will commit institutions to extending maximum support to the media in performing their fundamental task. In this way, the systems of transparency will ensure future control over the operations performed by both the media and state institutions and thus improve their efficiency. A multitude of possibilities provided by the internet can be developed to ensure appropriate and effective appropriate control.

However, even though technological solutions for this issue have already existed for a while, things are not moving fast enough in the right direction. This may be due to a lack of social support and deep-rooted practices in state institutions. Although some partial solutions have already yielded positive results, more visible effects and substantial change still necessitate an integral system that will provide both public stakeholders and the media with transparent, easy, and convenient access to undistorted information. Nevertheless, it is precisely the integrity of such

a system that poses the central problem, resulting not only in an uninformed public but a poorly functioning democracy. Moreover, the public does not show any special interest in being better informed. How could it? How can one want something when one does not even know that it exists? The media, on the other hand, merely cater to their audiences: instead of reality, they feed them what they want, which for the most part does not include reporting on the operations of state institutions. However, because state institutions are responsible for implementing government policies and the government is indirectly elected by voters, the lack of information on their work prevents voters from regularly checking whether the selected leaders are abusing their trust or not. The circle of responsibility between the citizens and the state as an institution is therefore broken.

Access to information and the amount of information communicated on the government sector's operations should not be left to the discretion of individual institutions. These two pillars upholding a well-functioning democracy should be legally determined to guarantee long-term stability as well as proper quality and quantity of information conveyed. The internet is an ideal medium for providing a straightforward and affordable supply as well as monitoring information. Thanks to its technical characteristics, it can ensure that the public obtains better information on the workings of the public sector and thus facilitate a more effective democracy. Knowing that no steps have been made in the desired direction, even though proper technology has been in place for quite some time, leads to the inevitable conclusion that such improvements urgently require an appropriate legislative basis. Transparency has two key functions: on the one hand, a proper flow of information that would enhance the trust in the governing structure, and on the other hand, it would have a stronger impact on state institutions. Greater public scrutiny would impel state institutions to reorganize their work processes and procedures to attain better efficiency. Establishing and consistently implementing transparent and fair practices in communication is the foundation for building, maintaining, and restoring good relations, which can only be founded on trust. Such a relationship with the media and the public should be one of the basic objectives of contemporary institutions (Meijer 2003).

An analysis of the communication between the state authority and the media revealed that the amount of information on the activities of the state authority was very limited. Communication between state authorities and the public, which of course includes the media or journalists, usually takes place through public relations officers. But for the most part, neither the authorities nor the media are very interested in consistent, orderly communication. State authorities do not systematically compile and report data to the public, and the public media, unlike scientific journals, have not developed a system to systematically report on the performance of the public sector, the processes that regulate its operations and the finances behind all activities. The development of the internet in recent decades offers cheap and efficient options. Can we still find examples of good practice in the public sector?

3.4 The Three Pillars of Transparency (Results, Procedures, Finances)

One of the topics discussed in the previous chapter on science was scholarly publications and principles underlying the operations of academic journals. Academic journals are a medium through which science communicates its results. The rule that applies to them is in line with what applies to science itself: transparency of all elements that are of paramount importance in the creation of knowledge. According to the analysis of science performance and management in research institutions (universities) and research funding institutions (agencies), transparency is effective if implemented in trinity—three closely interrelated areas: procedures, results, and financing.

Rather than academic media, people tend to maintain daily contact with newspapers, television, and the internet. Are these media also subject to the principle of transparency? One can quickly find that the standards pursued by general and academic media differ substantially. General media are diverse in terms of their thematic content and genre, and their working principles are different because many depend on political or private interests; they tend not to disclose their financial connections, and their professional standards are adapted to their target audiences, so that the tabloid press employs different standards than engaged media, which employ different standards than independent media.

Let us look at an example of successful transparent sharing of medical results. More than a decade ago, when the Swedish professor Stefan Larsson was searching for a way to measure the quality of health services, he was quickly faced with an issue that occurs within every health institution: more money, more results. Every colleague that he talked to complained about insurance companies' increasing economizing of healthcare, preventing physicians from acting in their patients' best interest. Is the success of a healthcare institution merely expressed through the cost-effectiveness of its services? Is mathematics really that simple? An insurance company pays for 100 hip surgeries; therefore, the cost of surgery—or, rather, the resources granted—must be multiplied by 100 to obtain the result. At first glance, it seems logical, but it really is not. Let us look at why. The deep-rooted global doctrine of “evidence-based medicine” transfers scientific results directly into clinical practice (Prasad 2013). Several decades ago, doctors compared the results of hip replacements among different hospitals in Sweden. They found that the surgical procedure critically relied on the proper sequence: cement needs to be applied to the bone before implanting the metal prosthetic. After a years-long debate, they arrived at a unanimous conclusion: this is the most successful method of hip replacement. Every year they published and compared the performance results of hip replacement at all clinics across Sweden. By conducting transparent comparisons of procedures among hospitals, Sweden has become the world leader in this field. Based on international comparisons regarding the need for a repeated procedure after 7 years, the relationship between Sweden and the United States is one to three. When reflecting

the costs, this piece of information opens a completely different perspective by pointing to actual savings (Larsson 2013).

Quality therefore entails cost reduction that benefits all—patients, doctors, and taxpayers. Hospitals, as international research shows, differ significantly in terms of the quality of individual services provided. One year ago, for example, data were published on surgical treatments for prostate cancer. In Germany, which is well known for its excellent healthcare, the probability of suffering incontinence after such a procedure is 50%. Or, to put it in layman's terms, if you have surgery for prostate cancer in Germany, you have a fifty-fifty chance of spending the rest of your life wearing diapers. Except at the Martini Clinic in Hamburg, where this negative side effect of surgery only affects 5% of patients—that is, one in 20. This and other such deviations encouraged the development of the International Consortium for Health Outcome Measurements (ICHOM), led by the central Swedish medical institution, the Karolinska Institute, which lists an increasing number of medical centres from around the world every year. Transparency of results can therefore lead to greater improvements (ICHOM 2012).

This is also attested by an entirely different but very illustrative example related to our everyday life or, more specifically, our own street. When we leave our apartment, we first step onto the street, which is the first zone surrounding our personal space. What happens on our street is the first thing we notice in our environment and by which we judge our local administration and the state, respectively. It is no coincidence, then, that the splendid project FixMyStreet was launched in the United Kingdom at the initiative of civil society to make their streets better. This is one of the projects under the umbrella of MySociety, promoted by the organization UK Citizens Online Democracy. Visiting the website FixMyStreet.com, one quickly notes that it represents an incredibly well-thought-out elementary link between citizens and authorities. People simply enter their location, report a problem needing attention, suggest possible solutions, and then wait for a response from the responsible services. The success of the project is confirmed by data on over 15,000 problems reported and 4000 problems solved every month, totalling more than half a million solutions since the website launch. This project—which, among other things, has also facilitated the conversion of abandoned homes into housing—has received several awards, with FixMyStreet ranking among the best websites according to opinion polls (Sifry 2011).

Transparent procedures are key to lowering corruption. Let us look at a few examples. Readers are probably familiar with the unhappy disintegration of Yugoslavia, with a war lasting several years in Croatia and Bosnia. Instead of delving into the reasons for the war, we would like to direct attention to the events that transpired in its aftermath. Most countries emerging from war tend to compensate their citizens for their brave struggle, usually by granting them the status of war veterans entitled to certain material and healthcare benefits, and their status document also grants them certain privileges in other parts of the world. Although the status of war veteran is a laudable compensation for brave fighters, it can also pose an issue, as illustrated by an example that occurred in Croatia in relation to

suspected corruption. The register of veterans from the Croatian War of Independence (1991–1995) lists Croatian citizens, including members of the Croatian army, police, and volunteer units that took part in the war. The status entails state aid and an internationally recognized status. After 2000, the register triggered intense public discussion and criticisms, especially with the revelation that in 2003 this status was held by a little over 400,000 people, whereas in the following decade their number rose to 501,666. Part of the public believed that the list largely reflected compensation for political rather than wartime merits, and they called for the register to be cleaned up. The easiest way to do it would be by making it public (Sifry 2011).

The discussion unfolded at the highest level. Setting clear criteria for obtaining the status of war veteran and disclosure of the list of names was championed by Croatian President, a representative of the Social Democrats, and opposed by Prime Minister, a representative of the political right. She argued that the publication of names would pose a threat to Croatia's national security or to persons on the list, who could then face persecution in Serbia and Bosnia, which took part in the war following the breakup of Yugoslavia. The public discussion was primarily built on the following five assumptions:

1. Disclosure of the list would cause divisions among war veterans. Veterans and politicians that opposed the disclosure emphasized unity as the main value of the war for independence and maintained that the publication of meritorious citizens would unnecessarily turn the discussion into a competition over merit for independent Croatia. The supporters of the disclosure argued precisely the opposite, that it would separate the wheat from the chaff. Made public, the list would set those that participated in the war longer and contributed more apart from false veterans.
2. The published document would contain personal data, which could be detrimental to the veterans. The opponents claimed that disclosing the veterans' addresses encroached on their right to privacy; on the other hand, omitting the addresses would cause perpetual speculation about the actual identities of the persons listed. The supporters of the idea maintained that the manner of publishing personal data should be stipulated by law.
3. Registers of Second World War veterans, deserters, and other groups should be compiled first and only then a register of veterans of the war for independence. According to the opponents, the public knew nothing about the other side—the Serbs or members of their secret services—and these lists should be published first. If the veterans fought on the front lines defending their homeland, why would they not also spearhead the struggle against corruption and war profiteers?
4. The disclosure of the register would entail publishing the names of all shareholders of the veterans' fund. The opponents stressed that the fund had the status of a public limited company and that publishing the disclosure of names could send the fund's shares tumbling and threaten the payment of social payments to veterans. The supporters, on the other hand, maintained that the number of the fund shareholders was limited and manageable.

5. The disclosure of the register would provide an effective tool for identifying false veterans. The opponents claimed that internal supervision was functioning effectively, that 1800 false veterans had been removed from the list over the last 3 years, and that there were judicial channels in place for eliminating false veterans. The supporters emphasized that it was impossible to report persons with a false status without first identifying them in the register.

The opponents have invoked this argument frequently, and the supporters have dismissed it as groundless. Amid the heated discussion in 2010, the website appeared on the internet, listing the names and military units of persons that participated in the war. The unknown authors of the website justified the publication with their intention to put an end to the practice of obtaining veteran status through corrupt means. The disclosure of the incomplete list, which did not include the members of the police force, sparked vehement reactions. Prime Minister labelled it as part of underground espionage, and the perpetrators faced up to 3 years of prison. The Croatian blogger and computer expert Marko Rakar was arrested and eventually released due to insufficient evidence.

However, the matter did not end there. Following the change of government in 2012, a law was passed that led to the publication of an official list containing detailed data on all participants in the war, including the number of active days defending the homeland. The world did not collapse, and a thorough discussion began on the appropriateness of the list, identifying, among other things, 16,500 beneficiaries that participated in the war for less than 15 days. In 1 year, the state identified several thousand applications submitted by false veterans. One unit commander, for example, suggested eliminating no fewer than 150 veterans. In the first year, fifty-five names were legally excluded from the list, translating into €55 million in annual savings. Opponents of the disclosure of the register have constitutionally challenged the disputed law, so far without success.

The case exhibits the following pattern:

- A public controversy develops regarding an issue that, according to the public or an opposition party, points to irregularities or data suppression.
- The public starts a discussion that the disclosure of data will uncover fraud and lead to a fairer solution to the issue. The opponents of disclosure present a series of arguments pointing to the adverse effects of disclosure.
- A whistleblower appears, believing in the superiority of his or her arguments, and goes forward with the disclosure at his or her own initiative.
- The whistleblower's disclosure is incomplete; it contains some personal data, offering the opponents additional arguments to justify their position. At the same time, the disclosure sheds light on the irresponsible use of taxpayers' money.
- The state provides for the disclosure by law and ensures protection of personal data and completeness of records.
- Transparency starts to take effect. The records are cleaned up and the budget benefits. The instrument of social appropriations receives public support and is relieved of suspicion of irregularities.

Transparency and corruption more than clearly represent two opposite sides: transparency discloses and corruption suppresses. One of the main objectives of transparency is to ensure fair functioning of systems, whereas corruption aims to bypass them. Transparency aims to serve all equally and corruption prioritizes the select few. Transparency and corruption pursue completely opposite interests.

This is also confirmed by the findings of the global non-government organization Transparency International investigating the corrupt practices in different countries (International Transparency 1993). As general experience and logical reasoning suggest, the less transparent a society is, the more corrupt it will become, and the other way around. Along these lines, Transparency International found transparency to be inversely proportionate to corruption. This conclusion is based on in-depth and detailed opinion polls on corrupt practices that the organization conducted with a total of 181 companies in individual countries, with opinion polls serving as a tool in determining the corruption index, which is refreshed once a year. The most flagrant cases of corruption occur in large construction projects and major government procurements, including military equipment. In many countries, the public reacts to every major public project launched by the Ministry of Defence with what has already become a priori distrust and doubt. The doubt, which the media are all too eager to blow out of proportion, is certainly not unfounded because it is rooted in longstanding corrupt practices (Appendix 1, Chap. 3, Sect. 3.4).

Fang Yunyun was already a seasoned burglar when 1 day in May, in the city of Hefei, she picked a lock to make her way into the mansion of a functionary, a member of the committee on banking supervision for the province of Anhui [China]. This target was indeed extraordinary. And Fang had something to steal! Gold bars, donated shopping vouchers, unopened luxury gifts. Rummaging through the house she had broken into, she also found several real-estate ownership certificates, including one for a mansion measuring 3230 square feet. The little thief instantly realized that she had run into a big thief. Then she broke into another mansion whose owner was a functionary on the provincial committee for quality control of drugs and foodstuffs. And in this mansion, too, similar valuables caught her eye. She took some gold and vouchers and merely took photos of the rest... However, the surprise that Fang found on breaking into the mansions of distinguished functionaries was nothing compared to what went through the minds of investigators in spring when they entered the Beijing mansion of General Xu Caihou, a former member of the Politburo, vice-president of the central military committee, and currently still the highest-ranking military commander charged with corruption (Zhiyue 2015). The cash stored in his cellar was not measured in currency but in kilograms. They found more than a ton of American dollars, several hundred kilograms of the most precious jade, and a host of priceless ancient artifacts. The amounts were so inconceivable that the investigators had to order 10 military trucks and spend hours loading the “evidence” before the “mountains of confiscated items,” as some Hong Kong newspaper reported, were taken from General Xu’s house (Baković 2014).

Even organizations that should be shining examples of good governance are no exception as illustrated by the world's most influential anti-corruption organization Transparency International. This global organization, which aims to identify and combat the corruption and struggle for openness, became a target of serious accusations that it and its national branches are guilty of corrupt, biased and unethical conduct (De Swardt 2021). It looks like no one is immune. A whistleblower at International Transparency showed how practices of abuse, misconduct and cover-ups can easily arise at the leadership level.

Financial transparency is sometimes very easy to obtain, but it brings enormous positive results, a few examples of which we have used to illustrate this. According to calculations by the UK government, the admission procedure, combined with drawing up documentation and a student loan, costs a university £280. The price is 10 times lower if the procedure is carried out online—and, indeed, most applications are submitted and evaluated using this channel. However, the same does not apply in the case of the Rural Development Agency, which annually spends £727 for each of the hundred thousand applications for granting agricultural subsidies to farmers. The government estimated that an online transaction is on average 20 times cheaper than a transaction carried out via telephone, 30 times cheaper than one made through postal services, and 50 times cheaper than an in-office transaction. Nevertheless, in 2014, only half of the UK government administrative operations were carried out online. A transition to strictly online transactions would result in savings of almost £3 billion. The UK government tackled the issue by opening a very simple and transparent website (Transaction Explorer), presenting data on the government offices' costs of their transactions with citizens and the percentage of online services provided in the previous year. Registering with the website is voluntary, and the presentation of data is envisaged as an important mechanism of progress. Government drastically reduced the costs of state administration by introducing transparency with a very simple and purely technical move (Sheppard 2013).

Transparency helps us get to know each other better. Every state has a branching public sector with many institutions requiring a variety of often similar services. The transparency of their operations makes it easier for the state to determine whether it is buying the same services for each individual institution when a single purchase would suffice for all institutions. This particularly applies for purchases of information technologies. With transparency, state transactions in this area can be substantially economized by preventing ministries, agencies, and other public institutions from unknowingly buying the same things. Such transparency compels the state to start behaving as a joint enterprise rather than a group of individual entities, which brings enormous benefit to the taxpayers.

Americans must submit their tax returns every April 15th. The procedure has a long tradition, which started in 1861 under President Lincoln and with detailed instructions relating to the Sixteenth Amendment to the Constitution in 1913.

Pursuant to American legislation, citizens importantly participate in taxation by submitting their data. The tax return submitted to the Internal Revenue Service (IRS) must contain the sums of all revenues and suggest tax deductions in line with

legislation. The purpose of tax deductions is to encourage citizens to commit to what the state believes are useful endeavours. Tax deductions are usually related to business activities, real estate purchases, healthcare, and dependents (primarily children). Children are worth plenty of valuable tax deductions.

Such a system also makes it possible for citizens to cheat; for example, by not reporting certain revenues or by reporting fictitious revenues. Even though tax fraud will never be completely eradicated, modern computer-based financial tracking has prevented classic tax fraud or at least rendered it extremely difficult.

A crucial tracking element is the social security number, which must be stated in practically all transactions. This is perhaps also because it proved extremely useful in 1987. According to the bestseller *Freakonomics*, seven million children disappeared in the United States on the night of April 15th that year (Levitt and Dubner 2006). However, this was not the largest kidnapping in the history of mankind, but a result of IRS amendments to the instructions for filling tax return forms. From then on, in addition to their first and last names, tax return forms had to state the dependents' social security numbers. Overnight, this simple measure alone revealed that about 10% of dependent family members were fictitious and resulted in \$2.9 billion less in tax deductions. About 20% of the “disappeared” children had been unlawfully reported by both parents. Most of the other children probably never existed. In its report (by John Szilagyi), the IRS stated that in 1986 as many as 66,000 taxpayers reported four or more dependents and none in 1987. Rather than rest on the laurels of this discovery, the IRS used all its legal means to claim the growing number of thus unpaid taxes.

The examples from the United Kingdom and the United States exhibit the following pattern:

- The state prescribes a legal procedure that requires its citizens to report on their activities in a transparent way.
- Proactive transparency takes effect. Records are cleaned up, benefitting the state budget. The instrument gains support from the public, which no longer suspects the state of doing something behind its back.

The American Sunlight Foundation (Sunlight foundation 2023) manages the online project Clearspending. With the launch of the project, the foundation's analysis included a comparison of data on expenditures of government agencies that must be reported in congruence with legislation—the Federal Assistance Awards Data System (FAADS)—and data on projects financed by these agencies registered in the Catalog of Federal Domestic Assistance (CFDA). Covering the period between 2009 and 2011, the analysis evaluated the consistency, completeness, and currency of data, and identified deviation with a rough value of \$13.3 trillion. Most strikingly, the greatest deviations occurred in the data of the Ministry of Defence and the National Security Agency.

The foundation informed the public of its findings, which were also given extensive media coverage. The issue was raised how the state could be trusted when the data from its own sources deviated so horrendously. The legislation requiring the government to regularly report on its finances was obviously too loose to be enforced

effectively. The ensuing hearing before a congressional committee culminated in a detailed legislative proposal to remedy this issue.

The development of information technologies has made access to information on the public funding of various activities an increasingly important right and one of the central topics underlying reforms that seek optimized use of public funding. In September 2006, the Federal Funding Accountability and Transparency Act was passed in the United States, providing for, among other things, the establishment of an information system that would make it possible for civil society to monitor the use of budget funding on its web portal. The information system was launched on January 1st, 2008. Today, the website [Data.gov](https://data.gov) offers insight into the complete structure of the United States' public funding, except for the part that is subject to restrictions in the interest of national security.

The European Commission is setting up a similar system of budget monitoring. The first step in this direction was the Green Paper—European Transparency Initiative, drawn up in 2006 by the Commission of the European Communities (European Commission 2006). The aim of the initiative is to develop a mechanism for public supervision over the use of funds sourced from incentives, aid programs, and various EU funds. The Slovenian Ministry of Finance also developed a similar system.

Although the relationship between the public sector and the public media is not as transparent as that between science and scientific publishing, there are many examples of good practice in the public sector where the impact of transparency of results, processes and finances can be quantified. It seems that integrating transparency into any field of endeavour has similar effects as in science—processes are more efficient and the potential for corrupt behaviour is reduced, which is particularly important. Why then is transparency in the public sector a case-by-case matter and not a general rule as in science? We will try to answer this question in the next section.

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Chapter 4

Proactive Transparency



Abstract Examples of failed attempts to introduce transparency in Turkey, Russia and China show that political leaders often have a poor understanding of how society works. A prerequisite for introducing transparency in science was the autonomy of universities; in the public sector, however, institutions have low autonomy, especially in countries with authoritarian systems or those that have had such systems. This chapter therefore focuses on the Eastern European type of bureaucracy, where politics is deeply intertwined with expertise, and then offers a path to a solution. It starts with the Public Information Access Act, which is gaining ground worldwide and gives citizens the legal right to obtain public sector information of interest to them. The act is unquestionably a good start towards transparency, but it is only the first step. A real proactive approach would be a law on transparency (or even an amendment to the constitution) that should encompass all key elements of transparency (procedures, results, and financing) while ensuring information support and archiving. Due to their independence, analytical non-governmental civil society institutions can significantly contribute to proactive transparency efforts. Governments should allocate funding to support these institutions accordingly. The chapter also discusses social networks and the case of Taiwan, where social networks have achieved considerable credibility by introducing approaches similar to those used for scientific publishing.

Keywords Proactive transparency · Laws on access to public information · Law on transparency · Fake news · Civil society institutions

We start with an example from the local administration of the Turkish city of Yalova, which decided to introduce transparency in its operations in 2003. On its website, it started to publish information on the city council's deliberations, regular data on money flow, public competitions, the salaries and financial status of the local functionaries, and so on. The website offered a veritable treasure trove of information. Nevertheless, with the change of the local government, the new administration simply abolished the entire project (Sifry 2011). The society was not mature enough to

commit to such a change, and the Turkish proponents of a people-friendly transparent city can at least take consolation in knowing that such cities do now exist in other parts of the world; for example, Louisville, Kentucky in the United States (Louisville City 2010).

A similar story relates to the real estate registry in Slovenia which published online by the national Surveying and Mapping Authority. The real estate registry is a public record made available to all users, except for certain data that are subject to privacy protection. The beginnings of the project, which experienced its first major presentation and a wave of criticism in 2010, go much further back. As a public repository of real estate data, the register was compiled in June 2008 and the inventory was carried out 2 years before that. The system—meant to facilitate recording the actual real estate situation, simplify data maintenance procedures, and reduce the costs of procedures for both real estate owners and the state (data management and maintenance)—was met with criticism across the board. The reason? The documents, each separately endorsed and signed, authenticated, and sealed, had until then been left sitting in drawers. The general disarray in public administration is far from extraordinary, more an everyday practice, which one only becomes aware of once it is put online and made transparent. This is precisely what happened to the Surveying and Mapping Authority. Publishing the real estate registry online was a brave move. Promoting the mechanisms of transparency, it led to an enviably solid regulation of this segment of public administration and lifted the fog that shrouded talks about real estate taxes. Conversely, it also gave rise to the question regarding how far transparency can be taken. The Surveying and Mapping Authority ensured full access to all information on real estate and its owners, which, judging from the large volume of visits to its website, turned out to be of enormous interest to the public. Although some visits can be ascribed to pathological curiosity, as pointed out by the Information Commissioner, curiosity in itself is perhaps not only unhealthy, but it is also a reflection of the public wanting an explanation of how some could own expensive real estate that they could not have obtained through inheritance or their salaries. The ensuing dispute on the issue is not that important if one bears in mind that granting access to information was a giant step forward and that the ambitious introduction of transparency also pointed to its present social boundaries. As a result of the public criticism, the project went into oblivion for a few years, only to return later with much lower ambitions. Interestingly, the Director of the Surveying and Mapping Authority of the Republic of Slovenia defended transparency and open access to information by saying “I guess we surveyors are too Scandinavian-oriented and we would like to regulate real estate data in a transparent way” (Erjavec and Kovačič 2011). Transparency is very volatile; for those in power, who have every leverage to introduce it, transparency always seems to be the last of their priorities. This example is important not for the benefits it has brought—the improvements have indeed not been negligible, but there are many other good or even better practices of this kind in the world—but as an example of how good practices are being stifled in the state administration (Appendix 1, Chap. 4).

The role of transparency in the public sector is therefore, as these examples show, linked to the question of who is served by bureaucracy. An independent bureaucracy

can construct rules of conduct that increase its impact on society, similar to those of independent universities. If the bureaucracy is not independent, then it serves the master of the moment, who usually feels that transparency can be detrimental.

In some cases, transparency can also have tragic consequences. When confusion or corruption in the background are too big, their disclosure may, instead of leading to self-correction, trigger a systemic collapse. In the absence of simultaneous concern for maintaining the basic order within systems, many praiseworthy attempts may end in failure. Mikhail Gorbachev, for example, received a slap on the wrist in the 1980s, when he embarked on improving government transparency in the Soviet Union. Within the framework of *glasnost*, as his policy was named, he was opening archives as well as encouraging discussions and clarifications in all areas. He addressed the closed-off nature of communist society, national problems, economic absurdities, Stalinist purges, and so on. Such an attempt at coming to terms with the horrid past that still haunted the nation was supposed to help start the democratization of Soviet society. However, imposing transparency by force and without simultaneously seeking solutions to current issues proved to be a bad decision: the problems and chaos in the background were too severe. After the advocates of the old regime made a failed attempt to remove Gorbachev, he was succeeded through slightly more democratic means by Boris Yeltsin. The main attention was suddenly attributed to the national question, which had been effectively swept under the carpet for so long that it had never been considered a serious issue. The consequence of abruptly pointing out problems without seeking to resolve them was the disintegration of the state. Although Russia broke with the old system by drawing a line and turning over a completely new leaf, it paid dearly for it. The GNP per capita dropped to 30% of its former value and it has not fully recovered to date. Functional systems collapsed without being replaced by new ones, which resulted in irregular payments of salaries and pensions. Total collapse was just a matter of time. In the eyes of most Russians, the Yeltsin period was merely the prolongation and deepening of the agony (Gaidar 2003).

Then commenced the era of Vladimir Putin, a president who systematically filled the key government positions with former members of repressive bodies, especially security agents and military officers. In Yeltsin's period, they represented a few percent of civil servants, whereas in Putin's second term their percentage rose almost half. Under the administrative reform of 2003, agents of the FSB, the successor agency to the KGB, were also promoted to deputy heads of offices, services, and sectors within all ministries, agencies, and local authorities. And yet, Putin's popularity soared. He enforced greater payment discipline, stabilized the banking system, and restored the dignity of the state and its citizens. Freedom is a wonderful thing; however, it does not come without some degree of uncertainty and insecurity—and, when there is too much of it, freedom may become a source of anxiety and fear. Instead of freedom and uncertainty, Putin's voters chose security, regular salaries, and pensions, as well as a solid currency and stable economic growth at the expense of transparency. Despite their good intentions, all opinion polls ranked Gorbachev and Yeltsin as the most unpopular politicians in Russian history, whereas Putin and even Stalin occupied the top of the list. And sadly enough, Putin has

evolved into a similar personality. But this is completely new story (Cunningham 2022).

The problem with social transformation in former communist countries is not that they do not know where they want to go; the problem is in the path that they choose to reach this goal. The path depends on the situation a country was in before the communist regime was established, how long it lasted, and how radical it was. In this regard, central European countries such as Slovenia, the Czech Republic, and Hungary enjoy a significant advantage. Having formed part of the Habsburg and Austro-Hungarian Monarchy for six centuries, they introduced the communist regime only after the Second World War and, as economically and socially relatively developed countries, they more or less successfully reformed the system throughout their existence or sought ways out of it. Not surprisingly, they also adapted to the EU system relatively quickly.

On the other hand, Russia had a long-lived communist tradition, lasting from the October Revolution of 1917 to 1991, during which time the country also underwent the industrial revolution. After the Second World War decimated its population by claiming 20 million lives, the Soviet Union struggled with an economic crisis, its system was losing the capacity to adapt to changing conditions, and by the 1980s the economy was in shambles. In the early 1990s, following the end of communism, which spanned several generations and largely erased the collective awareness of any other system, Gorbachev stepped into the limelight with his commitment to thoroughly shift the course of the Soviet Union's socioeconomic development. He decided on swift changes, and Yeltsin as his successor took even more radical measures with a relatively clearly set objective: a capitalist economic system with western-type democracy and elections held every four to 6 years. What happened next is common knowledge: Russia's economy shrank by 70%, the welfare state collapsed, and Russia made no progress toward recovery until Putin came to power (Gaidar 2003).

The example exhibits the following pattern:

- A discussion develops on a problem that, according to citizens or opposition parties, points to irregularities or withholding data.
- The public agrees that the disclosure of data would shed light on the irregularities and lead to a fairer solution to the problem. The opponents of the disclosure present a list of arguments regarding its harmful effects.
- The state issues statutory requirements providing for the disclosure of data and takes necessary measures to ensure the protection of personal data and the correctness of records.
- Although proactive transparency takes effect, it is plagued by too many problems.
- Other values are disregarded, and the disclosure causes confusion. The project of accessing public information ends in failure.

The predominant part of the Russian elite and the general public is now following the Chinese example championing the economically liberal and politically conservative stance. Russia's Gorbachev found his counterpart in the former Chinese leader Zhao Ziyang. Initially as the third president of the Chinese government and

later as the senior party and state leader, Zhao Ziyang was a great reformer who endeavoured for political pluralism as well as freedom of speech and the press. However, despite his numerous reforms, the severe problems that China had long kept under the carpet ultimately exploded to the surface. Instead of a situation to improve, Chinese citizens were faced with high inflation and corruption in both politics and the economy.

The more the public knew, the more critical it became. The dissatisfaction in 1989 culminated in the student anti-government protests in Beijing's Tiananmen Square. After refusing to crack down on the pro-democracy movement, Ziyang was placed under house arrest, and the government sent tanks against the students, officially killing several hundred and unofficially several thousand. The senior leader of the Communist Party, Deng Xiaoping (who otherwise never held the office of state president, which he *de facto* led), decided to solve whatever could be solved. In the name of the future of the party and the state, he denounced his former colleague, adherent, and student Zhao Ziyang, who spent the rest of his life under house arrest. Paradoxically, the horrific suppression of the uprising and an offensive against political pluralism brought China better order and high economic growth (Vogel 2014).

The world is standing at a crossroads. If democracy is reinforced with transparency, the world will embark on the path toward democratic ideals; however, if democracy is curtailed by concealing information, the world will follow the direction set by Russia and China. Although the transition to transparency is by no means easy, it is urgently needed. The world only stands a chance of succeeding with a competent introduction of transparency, accompanied by a simultaneous introduction of order (Economist's Writers 2014).

All these failed examples have in common an idealism, whether of the individual, the institution or the political leader. In none of these cases—unlike transparency in the development of science—is there a sufficiently broad social consensus to give the idea a stable legislative basis, or to give institutions the necessary autonomy for legislative solutions to take place. The key social group that can bring transparency to the public sector is the bureaucracy. That is why we look at it in some detail below, because understanding its legalities can lead to the right legislative solutions.

4.1 Public Sector Autonomy

In the first part of the book, we looked at how science communication works. Academic institutions are dedicated to scientific activity and the scientific community knows that it is good for its development and the development of society as a whole that the results of scientific activity are recorded and communicated to the public in an orderly way. In scientific publishing, of course, not everything that scientists do is communicated, but the information is edited before publication. To an outsider, the work of researchers can sometimes seem quite chaotic, but this is only on the surface. Researchers are always striving for orderliness in their work,

for legality and clear communication, not least because they are compelled to do so by the principles of transparency.

The history of independence and autonomy is linked to the idea that systems can be managed more effectively if certain groups are allowed to make autonomous decisions. Important in Western history are the Magna Carta Libertatum (1215), which led to independence from the king (Magna Carta 1215 [n.d.](#)), and the French Revolution (1789), which led to a liberal state with separation of church and state (Livesey 2001). In countries that experienced Communism, the terms independence and autonomy are primarily associated with the independence of public institutions from government (Meyer-Sahling and Veen 2012). In the excellent book by economists Daron Acemoglu and James A. Robinson, *Why nations fail*, the authors convincingly explain, using historical international comparisons, that countries stable in the long run are those that, in addition to taking care of law and order and defence, do not allow any social subgroup within the state to have a complete monopoly (Acemoglu and Robinson 2012). The opposite is true for countries without internal autonomy, which is well illustrated by the situation in Ethiopia as seen by the Jesuit Manuel de Almeida in 1620 and which in its essence resembles many areas of the public sector today (Pankhurst 1961): It is so usual for the emperor to exchange, alter and take away the lands each man holds every 2 or 3 years, sometimes every year and even many times in the course of a year, that it causes no surprise. Often one man plows the soil, another sows it and another reaps. Hence it arises there is no one who take care of the land he enjoys, there is not even anyone to plant a tree because he knows that he who plants it very rarely gathers the fruit. For the king, however, it is useful that they should be so dependent upon him.

Scientific institutions have claimed and largely legitimised autonomy to fulfil their mission. As for the other parts of the public sector, a quick jump back in history shows that different countries allow different levels of independence and that asserting independence is a rather lengthy process. Let's take a closer look at autocratic countries and countries that have had autocracies in the recent past, especially those in Eastern Europe and the former Soviet Union.

The second chapter pointed out that universities that have achieved early autonomy are among those institutions that boast a high degree of autonomy, but this is not the case everywhere. For example, in Russia, Turkey and some Central Asian countries, the rector is chosen by the president of the country. A typical autonomous institution is characterised by the fact that it chooses its own director and members of its decision-making bodies, and this is no different for the public sector—the independent choice of the head of a public institution is one of the key guarantees of public sector autonomy.

In a typical independent institution, director and decision-making bodies are appointed by the council in which none of the stakeholders has a majority. The institution is independent because no single external stakeholder can make the decision alone. Examples of such institutions are e.g. public sector institutions (public administration, agencies, schools, hospitals, public press, etc.) where the state does not have a dominant influence, private sector institutions with an independent decision-making body. However, it is not only the choice of the director that is

important, but also operational independence, an independent decision-making body and independence of academic activities (Milas 2022). Staying with the part of the public sector related to academia, it is worth mentioning the quality assurance agencies in higher education. The European Association for Quality Assurance in Higher Education (ENQA) is well aware of the importance of the autonomy of these agencies, and enforces it by not accepting as members institutions that do not meet the standards of institutional and operational autonomy (ENQA 2015). Countries in the former Soviet Union and Eastern Europe have considerable difficulties in meeting this requirement, but it is this ENQA requirement that helps them to create an environment in which they can independently judge the quality of universities work and, through accreditation decisions, allow students to fulfil their obligations while studying abroad, for professors to share their knowledge more widely and for diplomas to have international validity. The geographical distribution of ENQA member quality assurance agencies is a good indicator of the level of autonomy of the higher education space in European countries. The distribution thus shows that autonomy is not guaranteed in some Central Asian countries, where also the university does not have autonomy in the appointment of the rector. In Eastern Europe, some quality agencies in higher education do not have a similar level of autonomy as universities (Milas 2022). Research agencies in Europe are coming together to form Science Europe, which does not impose similar requirements on its members as the ENQA (Science Europe 2023), which is why fewer of them have an autonomous position as quality assurance agencies. Until 2022, this was also the case in Slovenia, where the autonomy of both the university and the quality assurance agency in higher education has been established.

Today, we can say that all public sector institutions related to academia in Slovenia have a high degree of autonomy, which is a prerequisite for science to operate according to the principles of transparency, bringing Slovenia, which belongs to the group of Eastern European countries, very close to best practices. But let's look at the autonomy of other parts of the public sector in Slovenia (Demšar 2022) (Appendix 2).

There are approximately 3000 public sector entities in Slovenia, employing 160,000 people, or 20% of the total workforce, with education and sport accounting for 36%, health for 20%, ministries and constituent bodies for 18%, and agencies and funds accounting for 2% of the workforce. Slovenia has 600 utilities, partly or fully owned by the state, that employ another 20% of the country's workforce (MJU 2023). Each government newly appoints almost the entire management of ministries: heads of offices, divisions, services, heads of public agencies and funds, directors of public institutions, directors of state-owned enterprises. The only positive exception is education and science institutions, but even here there are many shortcomings limiting their independence.

Slovenia's legal system stipulates that ministers and state secretaries are political appointees, while the next-level posts, secretaries-general and directors of directorates, are non-political. How does it look in practice? During the 10-year period under review (2003–2013), all secretaries-general were replaced immediately on the arrival of new governments (Nahtigal and Haček 2013). The miraculous

exception was the secretary-general of the Ministry of Labour, who ‘survived’ several governments and even completed a full five-year term (appointed in 2009). The politicisation of the administration of line ministries is also reflected in the government’s human resources records on dismissals and the duration of the terms of office of individual directors of directorates of line ministries. On average, around 70% of directors of directorates of line ministries are dismissed in the first year of a government’s term of office; out of a total of 45 directors of directorates, 37 (82%) were dismissed by the 2004 government, 31 (59%) by the 2008 government and 36 (63%) by the 2012 government. Of these three governments, two were centre-right and one centre-left (Kralj 2016). The reason for the high number of replacements is the legal regime that allows such replacements in the first year of government. And what happens to the most senior civil servants who are not replaced by the government in the first year? Data from the government’s own human resource records show that few manage to complete a full five-year term in their job or post (less than 10%), and most do not even make it halfway through their term. The reason is the statutory composition of the Council of Officials, in which a majority of the members are politically appointed.

Directors of public agencies and funds generally reach the end of their term of office, so the autonomy of this segment of the public administration is much greater than in the civil service. However, the law stipulates that a public agency council shall be composed of representatives of the founder, users and the interested public, and specifically stipulates that there shall be no employee representatives on the council, and that the number of representatives of users of the public agency’s services shall not be more than half. As this definition is somewhat loose, the founders of most agencies have written into their founding acts a requirement for an odd number of council members, thus ensuring that the state has a majority on all management boards of public agencies. The boards are therefore constituted in such a way that the founder (the government) has a majority, and when a director’s term of office expires, the founder naturally uses its majority in the selection of a new director and—politically appoints a new director.

The state has a majority in all councils (management boards) and supervisory boards of public institutes, except in the fields of education, universities and science. In addition, any appointment of the head of a public institution (except for university rectors and school principals) requires the consent of the government. While this system seems to mitigate the staffing tsunami somewhat, in reality it only delays it until the end of the term of office of the directors of public institutions—the system therefore leads to similar results as in the bureaucracy: heads tailored to politician’ needs (Demšar and Zatler 2018).

For example, the selection of the Director of the Ljubljana University Medical Centre is decided by the Institute Council, which is composed of 11 members, namely representatives of the founder, who have a majority (6 members), and representatives of the employees (3 members), the City of Ljubljana (1 member) and the insured (1 member). The representatives of the founder are appointed by the

Government of the Republic of Slovenia, the representatives of the employees are elected by the employees of UMC Ljubljana, the representatives of the City of Ljubljana are elected by the City Council of the Municipality of Ljubljana, and the representatives of the insured are appointed by the health insurance company (UKC 2015).

There system in many public institutions in Slovenia is similar to that of UMC Ljubljana, and the state holds a majority share in the councils of all other public health institutions, including university medical centres, general hospitals, specialised hospitals, psychiatric hospitals, maternity hospitals and health centres.

The situation is similar in public institutes in the field of culture, which are made up of public institutes for the protection of immovable cultural heritage, archives, museums and galleries, libraries and theatres. Drama Ljubljana (an example of a public institute in the field of culture), for example, has 5 members on its board, 4 of whom are representatives of the founder and 1 is a representative of employees; there are no representatives of users or the interested public. The situation is similar in Opera Ljubljana (an example of a public institute in the field of culture): it has 7 members on its board, 6 of whom are representatives of the founder and 1 is a representative of employees, while nobody represents users or the interested public.

Finally, let us look at the situation in public social care institutions. These are social work centres, crisis centres for children and youth, crisis centres for women and children, victims of violence, older people's homes and occupational activity centres. The state also has a majority on the boards of these institutions, and, needless to say, uses it.

The state has a majority share in the management/supervisory bodies of public companies. The number of supervisory board members appointed by the state depends on the share of ownership, and often exceeds half of all members (ZGD 2006). The State appoints its representatives through the Slovenian Sovereign Holding (SSH). The Supervisory Board of the SSH has 9 members elected by the National Assembly with an absolute majority. 4 members, one of whom is nominated by the Economic and Social Council, are elected on the proposal of the Government, 4 members on the proposal of the parliamentary groups, and 1 member on the proposal of the Commission for Public Finance Control of the National Assembly of the Republic of Slovenia. The structure of the institution is therefore distinctly political. One of the SS's important tasks is to appoint the members of the supervisory boards of partly or predominantly state-owned companies, which means that these members are also appointed politically (ZGD 2006).

In a book *Omrežje moči* (Žerdin 2012) Ali Žerdin analyses Slovenia's economic networks and, with the help of the Pajek computer programme, sets out the facts with a graphic coldness—in 2005, when the new government takes office, a large part of the Slovenian economy is managed by a different staff than the year before; a third of the managers have been replaced. In the book, the author focuses

specifically on two groups of managers in the economy: the directors of over 200 largest companies in Slovenia and the members of their supervisory boards, more than a thousand in total.

The data show that of the 1161 people covered by the study in 2004, only 386, or a third, remained in place in 2009. The reason for the mass turnover: three governments changed in the meantime. People from the inner circle of the network (directors of Pension Fund Management and Slovenian Compensation Company) were replaced as soon as in the first week of the new government, while other important directors (NLB bank, Triglav insurance company) were replaced a little later. Žerdin illustrates this by showing that in 454 days—from just after the 2004 elections to the end of 2005—the list of central figures changed radically. Of the 30 who were central in 2004, five remained after slightly more than a year. The situation therefore closely resembles that of the management staff in the state administration. The analysis in the book ends with 2009, before the series of short-lived governments of three prime ministers, when the process continued with the same intensity, but at shorter intervals. The data in the book show that the background to the changes makes it abundantly clear that both left and right-wing political elites are behaving in the same way, lacking both the state-building consciousness and the skills of elites in countries with a longer state-building tradition.

Power relations in society are also reflected in the media, which in Slovenia are often an extension of different political options. Let us look at the case of the most important Slovenian public broadcaster, RTV Slovenia, which had 29 members on its Programme Council, of which less than a third are representatives of the founder (the National Assembly—5 members), less than half are representatives of employees (3 members), and less than half are representatives of users and the interested public (SAZU—1 member, the Hungarian community—1 member, the Italian community—1 member, the religious communities—1 member). This structure is complemented by the provision that 16 members are appointed by the National Assembly following the proposal of viewers and listeners of RTV Slovenia programmes, universities and faculties, associations, federations of associations or their organisations, in particular in the fields of art, culture, science and journalism, as well as other civil society organisations, with the exception of political parties and their organisational forms. The composition of the Council is therefore highly political—resulting in politically appointed directors and editors, who of course change with changes in power. A step in the right direction is shown by the new act, introducing a non-political regime with no members appointed by politicians, six members appointed by employees and 11 members representing different stakeholders.

The independence of the public sector in Slovenia in the context of autocratic states and the countries of the former Soviet Union and Eastern Europe, which had autocratic systems until a few decades ago, illustrates the dimension of the problem of autonomy. EU decision-makers could certainly contribute to greater autonomy if they included the independence of public sector institutions in the accession conditions, or international financiers such as the World Bank could make aid conditional

on an independent public sector. However, the example of accreditation agencies that require a high degree of independence to join their international network shows that the process could nevertheless be (too) slow. The question of whether there is a shorter route is certainly worth considering, but there is also the possibility of focusing on legal regulation related to transparency alone rather than on the process of autonomisation.

4.2 Laws on Access to Public Information

Not all stories illustrate failure, however. Legislators made the first steps toward transparency by passing laws on access to public information, which roughly stipulate as follows: because the work of public administration is public, every citizen has the right to inquire about any topic as well as obtain information, documents, and files—any information relating to public funding and other activities of the public sector. All countries have prescribed exceptions to protect personal data, national security, and ongoing public selection procedures. The first such law was adopted by Sweden as early as 1766 on the publication of laws and their mandatory accessibility through libraries. Other Scandinavian countries followed Sweden after the Second World War: the United States in 1966 (the Freedom of Information Act), and some countries in the 1980s (Escaleras et al. 2010).

Because a giant leap forward regarding accessibility has been made by the internet, it is no coincidence that after 2000 most countries adopted laws on the accessibility of public information. These laws undoubtedly represented major progress in exercising the right to know, and China made a very important decision in 2014 by passing a similar directive as the rest of the world, stipulating the disclosure of public information to be the norm and non-disclosure the exception. The directive regulates the role of the public in a legislative procedure—draft laws must be published to be supplemented by the professional community and the general public—and notably increases the volume of data that the government is obliged to proactively disclose. Many other countries have introduced proactive provisions as well. Coming under greater public scrutiny compels the state administration to work with greater integrity. Nevertheless, the scope of such public scrutiny is admittedly small.

There are also laws that are indirectly linked to transparency, such as the Personal Data Act, anti-corruption laws (along with commissions for preventing corruption), and laws on archives. They are enforced in many countries and, although their tenets can already be found in most state constitutions, their implementation varies from country to country. Many countries also have the institution of an information ombudsman, which actively ensures the exercise of these rights.

While these legislative solutions are excellent, they are not proactive enough, not targeted enough and do not allow for the systematic development of transparency of results, procedures and finances. But maybe a targeted law would be a step in the right direction?

4.3 From Law ...

One possible pitfall of excessive requirement for transparency concerns not so much information recipients as information providers; that is, civil servants, who are to diligently document every step of their work and publish it regularly (in a legible form) in a selected information system. This may burden civil servants to the extent that they are forced to devote increasingly more of their time to administrative matters. Therefore, when introducing transparency, a golden mean should be found to ensure optimum results on both sides (civil servants as well as journalists and the general public) and support tools developed to further improve and facilitate this work. In this was maximum stability is achieved.

Stability of solutions in public sector crucially rests on two elements: the highest possible quality information support, which should not pose any problem today, and the most solid possible legal framework. Processes that are regulated by statutory instruments have proved much more stable in practice. This is because amendments to a statutory act require approval of the government. An even more solid framework is provided by the mechanism of legal regulation, which allows for the laws to be changed every few years or even less.

Therefore, a step further would be imposing proactive transparency—a rule stipulating what the government should publish online at its own initiative. Although the existing laws on access to public information already prescribe certain basic elements of proactive transparency, the data encompass less than 1% of documents produced by the state apparatus (Wikipedia 2015). That makes it only logical for proactive transparency to be defined by a law, that would contain an exhaustive list of what the government should make public online. This—which according to users is perhaps the most crucial element of transparency for ensuring the greatest actual progress—has been splendidly accomplished in science, but regrettably not also in other segments of society.

Based on the conclusions made so far, let us now try to formulate a rough legal framework for effective transparency:

Article on publicly accessible transparent information system.

The state undertakes to establish a publicly accessible and transparent information system.

The system must include the structure of the public sector, results, procedures, and financial means (Darbishire 2010). The purpose of such a system is to ensure regular and systematic presentation of results achieved by all public institutions—museums and other cultural institutions, retirement homes, schools, preschools, administrative units, the audit institution, and so forth—that the general public still perceives as incomprehensible and introverted systems. The single information system must include minimum standards of proactive transparency that are already legally prescribed in many countries through laws on access to public information: basic data on an institution (telephone numbers and websites), organization data

(the structure of institutional management, areas of work, etc.), operative data (strategies, reports, etc.), legal acts, data on what an institution offers the public (brochures, forms, etc.), data on public authorizations, public lists, and collections of data. The main purpose of the transparent information system shall be to set up a database on all entities subject to public funding (Bugarič 2003).

Article on the transparency of results.

Budget users—organizations, groups, or individuals—shall regularly report to their financer on the results of their work. All results related to budget funding should be made available to the public. Apart from general data, the results should also include all available quantitative and qualitative data on budget users' activities; all data should be structured so as to make comparison possible.

Article on the transparency of instruments and procedures.

The financer shall ensure the transparency of instruments and procedures by publishing on a public portal one year in advance the plan of all calls for proposals, the methodology of evaluation procedures, the composition of expert evaluation bodies, and the timetable for implementing calls for proposals. In addition, it shall publish results that are presented in a way that allows the non-selected applicants to compare their performance with the selected ones.

Article on financial transparency.

The financer shall report on a public portal the data on all payments made that must be published regularly for each organization or, within it, all groups, projects, or individuals. In addition to the general data from the previous article, the reports must include all essential data that the agency has obtained together with the application to the call for proposals.

Article on personal data.

The state undertakes to inform, at regular intervals, citizens about all information regarding personal data that it has at its disposal. More details are presented in Chap. 5, Sect. 5.2.

Article on civil society institutions.

The state undertakes to provide financial support to civil society institutions that analyse and monitor data on budget-related activities. The state undertakes to supplement the laws on transparency in collaboration with civil society institutions. More details are presented in Sect. 4.6.

Article on archiving.

All data related to public funding that are the object of this act must be available for 10 years and then archived and made available on request.

The world boasts a wide variety of resources, both natural and manmade. We all admire the natural attractions of Yellowstone Park as well as feel inspired by architectural accomplishments of modern cities and libraries as depositories of knowledge. There are innumerable gems in the world, including those that we do not

recognize (as such). Herein, reference is made to data within the public sector, representing a remarkable repository of information with the potential to benefit both the public and private domains. The (re)utilization of this data can catalyse the advancement of innovative developments. However, these gems first need to be extracted and polished to truly shine—and a law on proactive transparency could contribute enormously toward this objective. But even more stability would come from enshrining it in the constitution.

4.4 ... to the Constitution

Part II of the Slovenian Constitution, which is very similar to many other countries' constitutions, addresses and defines the human rights and fundamental freedoms of Slovenian citizens. Currently, fundamental freedoms include equality before the law, exercise and limitation of rights, temporary suspension and restriction of rights, the inviolability of human life, prohibition of torture, protection of personal liberty, orders for and duration of detention, protection of human personality and dignity, equal protection of rights, the right to judicial protection, the public nature of court proceedings, the right to legal remedies, the right to compensation, presumption of innocence, the principle of legality in criminal law, legal guarantees in criminal proceedings, the right to rehabilitation and compensation, prohibition of double jeopardy, freedom of movement, the right to private property and inheritance, the right to personal dignity and safety, protection of the rights to privacy and personality rights, the inviolability of dwellings, protection of the privacy of correspondence and other means of communication, protection of personal data, freedom of expression, the right to correction and reply, freedom of conscience, the right of assembly and association, the right to vote, participation in the management of public affairs, the right to petition, the right to conscientious objection, extradition, asylum, freedom of work, the right to social security, the right to health care, rights of disabled persons, marriage and the family, rights and duties of parents, freedom of choice in childbearing, rights of children, education and schooling, the autonomy of universities and other institutions of higher education, freedom of science and the arts, intellectual property rights, expression of national affiliation, the right to use one's language and script, prohibition of incitement to discrimination and intolerance and prohibition of incitement to violence and war,

A country that also included the public right to transparency and the duty of public administration to implement transparency in the section of its constitution on human rights and fundamental freedoms would take a step in the right direction. In reference to each of the rights listed, the Constitution determines the manner in which the state ensures the right concerned. My dream would come true if the following were inserted after the article on the right to participation in the management of public affairs:

New article on Right to Transparent Public Administration

Access shall be ensured to all data on budget users that are a component part of:

- The transparency of the results of budget-funded activities;
- The transparency of instruments and duties implemented within relevant competences;
- The transparency of financing (down to the level of individual users);

To ensure transparency, the data shall be published on a public web portal. The detailed content of the data shall be legally determined.

The article would further state: “The state undertakes to notify citizens in a regular and transparent manner about all personal data that it has at its disposal.”

The search for answers is at the focus of this chapter, which begins with identifying the reasons why certain attempts at introducing transparency failed. It continues by pointing to the lack of autonomy of state administration. Nevertheless, the state administrations have splendid information support to help bring it into “good order,” and it cannot make any excuses for not making an effort. Where is the sticking point then? One solution is proactive transparency: the incorporation of transparency rules into national strategies, laws, regulations, and the constitution. At the end, following the example of science, the chapter proposes a framework normative regulation of the essential building blocks of transparency—results, procedures, and financing—for the entire public sector.

In the last decade, besides the standard media and websites, a third equal player of the information picture emerged: social media, which is not the focus of this chapter. We have already shown how scientific journals are a model for transparency, but this does not apply to the general media. Nevertheless, social media sometimes display professionalism, which gives them credibility. In the previous chapters, we have indicated that with some effort we could approach the ideal of scientific journals. Websites are very diverse, from personal to business to websites for public institutions, which we identified as a tool that could significantly raise the level of transparency in the public sector— with appropriate legislation. What about social media?

4.5 Fake News: How Taiwan Manages It

People use social media to a greater extent than websites, as well as participate in them actively. Unlike classical media and websites where we have an active writer and a passive reader, social media is a communication tool that allows symmetry; the reader and writer as equals. Social media has therefore brought and is still bringing forth unimaginable new opportunities for exchanging life-relevant, useful and enjoyable information without external censors. In politics, too, social media has opened up new possibilities for politicians to communicate with voters.

This makes it possible for politics to be closer to the people, which in turn makes politicians consider actual dilemmas in which voters find themselves. The example of the behaviour of former US President Trump and some other world leaders (Bolsonaro, Duterte,...) shows that social media, in addition to positive contributions, also has undesirable consequences. Fact checking, for example, showed that Trump made 30,572 false or misleading claims during his presidency, which spread intensely through various social networks (Krasner 2021). Interestingly, whether we believe fake news (false or misleading information presented as news) or not is strongly influenced by our political allegiance. Thus, individuals who report hating their political opponents are the most likely to share political fake news and selectively share content that is useful for derogating these opponents.

Another feature of fake news is that it is fake in a way that impresses readers and therefore spreads much faster than credible information (Greenemeier 2018). Analysis of the speed of spreading fake news has shown that in only a few hours, fake news spreads to almost full reach. The reasons for the creation of fake news are different, they are often associated with stakeholders or possibly hostile countries. For example, fake news flooded the world during the COVID-19 pandemic and contributed to the world's insufficient response in many ways. The relatively low vaccination coverage of the world's population, despite the high availability of vaccines in the developed part of the world, shows a sad picture that the facts portrayed in an exemplary and transparent way by analytical websites (e. g. Our world in data), are not successful against fake news traveling on social media.

The bright exception is Taiwan, which, with a combination of volunteers, experts, humour and governmental support, successfully limits the spread of fake news. When a computer system detects the rapid spread of certain information on one of the popular social networks (Twitter, Facebook, Instagram, ...), they check if the information on it meets the criteria for fake news related to public interest. Then they ask the ministry that is most closely related to the topic at hand for a short and quick (one hour) answer. It is desirable that it contains expert references. The system therefore works similarly to the process of publishing in scientific journals. However, since social media users are not scientists who have time to delve into the content in detail, a very important addition called humour vs. rumour is added to the system. The Taiwanese government employs creative teams with several hundred designers, comedy writers, etc. who add comedic commentary to the news. It has been shown that self-irony works best—either the Prime Minister or the relevant minister making fun of themselves. The author of this and similar procedures is the Taiwanese Minister for Digital Transformation Audrey Tang, who also wants to open new possibilities for the use of transparency by her own example. All conversations with her are recorded and published online, giving the conversing party the opportunity to disclose personal and confidential information (Demšar and Tang 2021).

4.6 Civil Society Institutions

People have always resisted transparency. In fact, information is such a precious commodity that those that own it will usually prefer to withhold it to retain an important advantage or a possibility to trade in it, even at the expense of slower progress for the community as a whole (Oliver 2004).

The notion of transparency was first developed in the eighteenth century by Jeremy Bentham, an English philosopher best known today as the conceptual founder of the panopticon. The panopticon was a completely new architectural and conceptual design of a prison with a central tower from which the invisible guard monitored the inmates locked away in their cells built next to each other and one on top of the other in a building encircling the control tower. The structure allows the guard to constantly keep the prisoners within his sight and hearing, but not the other way around. The invisible guard creates an impression of constant surveillance, regardless of whether he is physically present in the tower or not, consequently causing the prisoners to survey themselves. The perpetual feeling of being watched was conceived to prevent undesired behaviour among prisoners. Bentham also factored into his design the idea of transparency—in a purely practical form. Because the cells, designed as train cars, extended between the inner and outer building walls, each one had two windows, one facing inward and the other facing outward. The cells were thus designed as transparent and translucent units that enabled the guard to oversee the prisoners' movements. Although the panopticon was not constructed in Bentham's lifetime, the postulates of his logic now serve as the basis for many contemporary prisons. Michel Foucault, who extensively discussed Bentham's work in his volume *Discipline and Punish*, described him as one of the most important innovators in the technology of power and his principle underpinning the panopticon as the foundation of the vast majority of contemporary hierarchical structures, ranging from military and school institutions to factories and companies (Foucault 1977).

What is less well-known is that Bentham also tried to introduce the notion of transparency into politics by developing an effective system of surveilling the parliament and making all its deliberations public. His idea was to establish reliable publishing of events that took place in the parliament, recording speeches, questions, and answers, as well as open the parliamentary sessions to public. These measures aimed to force parliament members to perform their duty more diligently, to restore people's trust in politics, to help the parliament and the sovereign have a clearer sense of what the citizens want, and to equip the citizens with a sufficient amount of information to make well-informed and knowledgeable decisions. Because "the public will always proceed, speaking and judging of everything," Bentham believed that transparency could help transform unfounded judgments into enlightened opinions based on more reliable information. Because his contemporaries opposed their work being closely scrutinized, this was another of Bentham's ideas that did not come to life.

In the previous chapters we have illustrated in considerable detail how an idea like Bentham's has become firmly rooted in science, while appearing only sporadically in other parts of social activity. Transparency has been able to take hold in science because of the autonomy that science has won for itself, allowing it to translate the idea of transparency into good practice and later into legislation. In the previous chapter, we noted that the public sector generally lacks sufficient autonomy and therefore finds it difficult to develop good practices, but the state can choose to mandate transparency.

But what if neither is the case, if there is neither institutional autonomy nor legislation to encourage transparency? Modern societies know that the state cannot do everything for citizens, because it is ignorant of many of the details, so citizens organise themselves into an independent civil society that bridges this gap. This allows, as with science, good practices to be established, which then pave the way for legislation.

Civil society organisations often and very actively integrate the principles of transparency into their activities. They offer a wide range of solutions, publicly exposing results, processes and finances in the public sector and beyond. In many countries, such civil societies have fully embraced ideas like Bentham's. Let us take a few cases as an example.

To encourage the establishment of such institutions, the UK government has funded the Open Data Institute to sponsor non-profit organizations aiming to obtain as much useful information as possible from government data.

Such institutions are also emerging in other parts of the world, including the United States' Personal Democracy Media, which holds the annual Personal Democracy Forum. After the first conference held in 2004, the event grew into a global dialogue on the effects of internet technologies on governments, politics, and society. A particular virtue of the conference is that discussions on new internet-based solutions for the development of democracy include representatives of three major agents: government officials and politicians, IT (information technology) and other internet experts, and various public stakeholders, ranging from representatives of organizations to individuals. Also taking part in the forum are many eminent authorities in transparency, such as the conference organizer and co-founder of Personal Democracy Media Micah L. Sifry, the author of the splendid volume titled *WikiLeaks and the Age of Transparency* (Sifry 2011). The most outstanding lectures are published on Personal Democracy Media's website.

Sifry also helped establish the Sunlight Foundation, a visionary United States civil society institution that provides tools for acquiring and processing government data, and also draws up policy recommendations and press articles. Its aim is to influence decision-making on legislative changes and to improve transparency by disclosing regularly updated government data, especially regarding monetary flows in politics. Upon its establishment in 2006, the Sunlight Foundation placed the United States Congress under its scrutiny and gradually expanded its scope of investigation to also cover state, federal, and international levels.

The Sunlight Foundation's efforts have yielded tangible results that are frequently cited by eminent journalists worldwide; its data have triggered congressional hearings, and its tools have led to the revision of laws. In collaboration with thousands of programmers, local transparency activists, bloggers, and other active citizens, as well as journalists, the foundation has created several online data and supervision applications:

- OpenCongress (today GovTrack.us) has made it possible to monitor legislative procedures and the budget, including all relevant specifics.
- Influence Explorer systematically monitors voluntary contributions from various donors at the federal and state levels and compares them with appropriations that donor institutions and individuals obtain from the government. Many “generous donations” become clearly apparent in connection with subsequent contracts with the state.
- Open States collects timely data on the latest legislative developments in all states and on their budgets while also providing a list of all necessary contacts.
- Politwoops is a repository of tweets deleted by members of the congress.
- Poligraph tracks a network of connections between persons and institutions: when one copies a newspaper article into the program, the program identifies organizations and persons referred to, links itself to databases, and presents all their interconnections. In doing so, it sheds a different light on articles and personal opinions.
- AdHawk discloses advertisement funding: after installing the program onto a cell phone, whenever a commercial appears on television, the program provides a list of who paid for it and how much. This instantly reveals stakeholder groups behind the commercial, ranging from politics and influential associations to corporations.
- Churnalism verifies the authenticity of texts and labels segments that have appeared in other articles. One can easily see whether a text is copied, for example, from Wikipedia, ministry briefings, press releases, or other articles.
- Lobbyist Registration Tracker collects weekly updated data on lobbying and shows their frequency with graphs. In the United States, lobbying is well-regulated, and the lists of lobbyists and all their meetings with politicians are public. The application offers analyses that, among other things, reveal any possible deviations in individual groups' lobbying regarding important events, and it is also useful in employing an analytical approach to addressing this issue.

In addition to independent supervision methods and analyses of state operations developed at the initiative of civil society, other forms of active citizenship emerged, such as the aforementioned FixMyStreet project. E-Democracy.org, a forum-based online platform headed by Steven Clift, uses online forums to promote active co-participation of citizens in matters concerning their local communities. According to the newly established rule, participants are not allowed to remain anonymous, and they must state their full names and stand by their views. Forum members are

public stakeholders and civil servants responsible for the local community. Platform administers moderate 50 local forums in 17 local communities in the United States, the United Kingdom, and New Zealand.

To recapitulate: an institution can provide a good idea for improving transparency, a researcher can point to a pressing social issue, and a journalist can illuminate dubious state governance—yet nothing changes. A plan of action can easily fizzle out if it is not followed through by the endeavours of a non-government institution that has the time, means, and independence to saturate the media and the public with its ideas and to mobilize them to join forces in coercing the government to step up and take appropriate measures. Civil society institutions can attain transparency in two ways. The first is a top-down process, which is championed by residents of countries where the political establishment is too alienated from the citizens to provide them with proper services and ensure sound mutual collaboration. The second is a bottom-up process, which is more typical of developed democracies, in which citizens actively express their need for better governance. Civil society institutions also monitor the quality of government data, often detecting issues that they then try to resolve. Civil society therefore plays an indispensable role in implementing democracy in practice, as well as in monitoring, supplementing, and, whenever necessary, correcting data provided by the government.

Independent civil society is of paramount importance for successful and sustained implementation of transparency by exerting pressure on state institutions to disclose (quality) information. Not only that, civil societies often conduct quality analysis of this information and, unlike public administration, communicate it in a clearer manner to both the media and the public, which usually do not have such analytical services at their disposal (Dencik 2011).

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Chapter 5

Transparency Challenges for Business and Privacy



Abstract The book focuses almost entirely on transparency in the public sector—its legality, good practices, failures and the reasons for them. The conclusion also raises the question of the role of transparency in business and privacy. The business sector is an important part of society, driven by the laws of the market. A brief walk through this area suggests that the quality of activity in the business sector would increase if it operated more on the principles of transparency. Our view of privacy is based on the premise that citizens need to know what the state is doing, not on the premise that the state is controlling citizens. First, we look at examples of citizen surveillance and the harmful consequences it entails. We propose that citizens should be able to have insight not only into the workings of the state, but also into who is watching them (which companies, state bodies) and when. This should be a particular concern for countries, which should guarantee this for their citizens through legislation and/or internationally binding instruments.

Keywords Economy · Surveillance

5.1 The (Non-)Transparent Economy

According to the data that Transparency International obtained with its corporate surveys in 2014, as much as one-fourth of all business contracts worldwide are obtained through bribery—that is, corruption. One of its reports focused on 120 of the largest global multinationals and through extensive surveys obtained data on their anti-corruption programs, as well as organizational and reporting transparency country by country (Kowalczyk-Hoyer 2014). The pattern is gigantic: these companies make about one-fifth of the global GDP but show very poor results. Let us take a closer look. The best-performing companies according to the anti-corruption criterion are those that on average achieve 70% of the highest possible value, whereas the banking sector ranks the lowest. Speak of the devil—with a higher level of transparency in place, the world would have hardly slid into such a financial crisis as that of 2008. Judging from

its good results, the United Kingdom has obviously taken a successful approach: of all the companies covered by the survey, only 45% explicitly prohibit payments that usually lead to corrupt actions, whereas the presentation of multinationals' complex international organizational structure reveals an even lower percentage, 39%. The highest level of transparency is cultivated by German and Indian companies in compliance with their domestic laws. As for the transparency of reporting, there is, generally speaking, a significant difference between commendable Europeans and Americans, whose many companies pursue bad practices, including Apple, Google, Citigroup, and McDonald's. The worst results are seen in companies' financial country-by-country reporting—and understandably so, due to opportunities to increase revenues with reduced taxation. The average result equals a mere 6% of the highest value, and over 50 companies did not disclose these data at all. Overall, the poorest results are shown by the banking, pharmaceutical, and technological sectors, whereas, according to a country-by-country breakdown, European countries rank the highest and Asian countries the lowest, most notably China and Japan.

In his 700-page bestseller *Capital in the Twenty-First Century*, Thomas Piketty compiles economic data from the previous 200 years of world history and stresses in his discussion on possible positive trends in the development of the global economy that the most essential objective today is to establish democratic and financial transparency in connection with capital and income distribution: "The stakes for financial regulation are also considerable. The international organizations currently responsible for overseeing and regulating the global financial system, starting with the International Monetary Fund, have only a very rough idea of the global distribution of financial assets, and in particular of the amount of assets hidden in tax havens. As has been shown, the planet's financial accounts are not in balance. Navigating our way through a global financial crisis blanketed in such a thick statistical fog is fraught with peril" (Piketty 2013).

When speaking of transparency in the economy, importance should be attached not only to data regarding companies' operations but also to products and services that the economy provides. This picture is more encouraging because most countries prescribe detailed product specifications (Arratia 2017).

Transparency in the economy seeks equilibrium between two values: on the one hand, the right to privacy and inviolability of private property—in other words, the right that you can do whatever you want with your own property and that the fruit of your labour is no one else's business. On the other hand, the public has the right to access data that are in the public interest and that at first glance have no connection with taxpayers' money. The way that these two principles collide is well illustrated by the example of tax returns. In most countries, this category of information represents the essence of personal freedom. Sweden, Finland, and Norway, however, decided to make all their citizens' tax returns public. They did so for two reasons: the equality of citizens—if the salaries of public servants must be made public, why not also disclose the salaries of other employees—and because the money one earns in the private sector is not merely the result of individuals' work, but also of the country in which they live or the working and living environment that the state creates for them (Enskog 2023).

One example that withholding information impedes progress is the Chinese game Go, which hardly evolved for centuries because various schools concealed the playing strategies from their competitors. A breakthrough occurred only a few decades ago, when individual matches and their analyses became accessible to the broader public. Chess is a game with a much more recent origin, but a similar history. Replaying centuries-old matches, a contemporary chess master would quickly find that he or she plays better than his or her earlier counterparts because the game has significantly evolved since then through analyses of all matches. Although not as mysterious as go and chess, golf, too, slowly evolved for centuries until technology laid the ground for its lightning-fast development. Thanks to universally accessible quality video recordings, a member of the United States junior league now performs better than any of the top-ranking golfers from the beginning of the twentieth century. Competitive sports are, of course, one particular area in which the top athletes try to keep the secrets of their success to themselves, but sometimes a picture is worth a 1000 words. Modern technology, which has vastly contributed to progress—and the development of the internet, which has made possible a drastic rise in the quality of the aforementioned examples—also unselfishly shares this progress among everyone.

Transparency, indeed, has governed the developed world for centuries. To clarify, it has not exerted dominion over the world, but rather, it has been instrumental in fostering prosperity. It is so effective that it has secured a good life even for the 95% of the population that does not engage in science. Through the principles of transparency and prescribed working procedures, science has motivated creative energy. Has science evolved based on market principles? One could hardly say yes to that. Just as a point of interest, the term *science* has only been in use for the last 200 years as the successor to *philosophy of nature*. What both terms imply, however, is that the fundamental concern was with philosophy rather than profit. According to Bill Gates, companies do not want to invest in basic research (constituting the major part of science and yielding results that are not immediately tangible) for the same reason that governments do: because its results represent the public good (Gates 2015). Without public support for basic research, mankind would be deprived of many things today, including the internet, which made possible the emergence of hi-tech giants such as Microsoft, Apple, and Google (Mazzucato 2013).

This reluctance to invest in research that cannot show direct useful results, should and could be answered. Everything is based on innovations, not only new products but also innovative knowledge and ideas. These innovations can be encouraged by the triple helix of university-industry-government relations, a model of collaboration between university, government and industry which is based on cooperation, transparency and communication and basis for innovation that benefits all. The triple helix model denotes not only the relationship of university, industry and government, but also internal transformation within each of these spheres, as was already presented in second chapter. University has been transformed from a teaching institution into one which combines teaching with research. The arrangements between industry and government no longer need to be conceptualized as exclusively between national governments and specific industrial sectors. Strategic alliances cut

across traditional sector divides; governments can act at national, regional, or increasingly also at international levels. The driving force of the interactions can be specified as the expectation of profits. “Profit” may mean different things to the various actors involved and that is all right as long as all actors are satisfied (Etzkowitz and Leydesdorff 2000).

Although developed as a theoretical model, mainly to improve or remove previous mostly dual models, it is not easy to establish in practice. The triple helix model provides a programme where contributions from the different theoretical perspectives can be appreciated and used as the specification of relevant case studies. It is important to see that the Triple Helix can have negative and positive overlaps that means that inter-relations occur, and only from case studies we can extract them (Leydesdorff 2012).

Case studies have flourished but still not sufficiently. There are still very few studies which develop triple helix performance measurement tools and use them. The most interesting are the ones that analyse typical cases of ‘successful failures’ in a triple helix organization. We then review the literature regarding reasons for success or failure of triple helix organizations. These have found that transparency and credible sanctions for self-interested behaviour are important requirements for successful triple helix arrangements (Dankbaar 2019).

Especially interesting are examples from industry itself. According to the Swedish triple helix approach, that is the understanding that contributes to national economic growth. When the three stakeholders of government, industry and academia join forces, they coordinate strategic directions, programmes and funding for technology innovations that benefit all. They interact as equal partners, driving ideas and disseminating technologies that generate new formats for production; widening the knowledge base and applying it in new ways (SAAB 2020).

Human activities may be divided into two groups. Among the first are activities that arise from the joy of creativity, innovation, learning, and sharing. Most research activities can be classified under this group. Among the second are activities pursuing benefit, income, and superiority over others as their overarching objectives. The same divisions apply for people: even though nothing in life is black-and-white, some find more sense in the former and others in the latter. What about companies—industry? It is probably safe to classify them in the second group, which largely pursues its own interests and (financial) success and is particularly reluctant to disclose its technological solutions and business models. Interestingly, this group also includes the state model from 100 years ago, which primarily financed the military and small administrative apparatus from compulsory tax, usually the tithe. The data on its military readiness are a top state secret, and the government spies on other countries. Further parallels between the industry and the state can be found in their historical development: states emerged, expanded, shrank, waged war, and fell into ruin. Just like companies, they emerge, expand, shrink, and go under.

In the light of all these attributes, it seems safe to argue that such a model cannot secure optimum progress because civilization developed independently from it. Progress began with agriculture and domestication of animals, and it continued with metal processing technology, the development of tools and machinery, new

materials, means of transport, and so on. Societies adapted to and exploited scientific and technological advancements; armament systems, for instance, have always served as an explicit expression of a country's technological progress. The same is true for companies: 300 years ago, agriculture was the prevailing economic activity, 50 years ago, the richest man on the planet was the oil magnate John D. Rockefeller, and today major global corporations engage in telecommunications technologies. Over the last centuries, the economy has largely rested on scientific findings, which, coupled with technological advances, spurred the industrial revolution.

Furthermore, the last century brought about two world wars, the rise and fall of communism, as well as the Great Depression and economic meltdown in the United States. Not surprisingly, the same century also witnessed a rich and thorough discussion on the workings of the economy. On the one hand, Friedrich Hayek and Milton Friedman championed the neoliberal theory of free trade and the all-powerful market. On the other hand, Maynard Keynes analysed the labour market to develop the theory of state intervention, without which it is impossible to prevent imbalances created between supply and demand. The third avenue was the (failed) socialist economic experiment, which caused major imbalances in the market (Wapshott 2011).

Market regulation, having proved a successful method on the heels of the crash in 1929, prevailed until the 1980s. However, even this approach created serious disruptions in the functioning of states, indebtedness, and relatively ineffective state administration. The United States began to introduce elements of a freer market economy and shrinking public sector under Ronald Reagan and the United Kingdom under Margaret Thatcher. Given a tremendous new impetus after, among other events, the overthrow of Chilean President Salvador Allende and later the disintegration of communist Europe, neoliberalism based itself on two premises: swift and effective elimination of the imbalances created by the planned economy and the appetite of developed economies to exploit the economic opportunities that arose from the ashes of the socialist entities that now received a lesser degree of state protection than before (Chomsky 1999). In a similar vein, both the United States and Europe again urged prompt and effective state regulation on the heels of the financial meltdown in 2008. In retrospect, it seems reasonable to say that the previous century was largely underscored by Keynesian economics postulating that commodity prices are not sufficient to keep the market functioning and prevent it from crashing, as well as that free market requires regulation (Wapshott 2011).

For the sake of comparing the state and companies, attention should also be given to the more contemporary form of state, which finances from its budget not only the military, diplomacy, and the police, but also education, healthcare, culture, science, infrastructure projects, and economic regulations—in other words, activities that were previously left up to citizens themselves and provided by the private sector. If citizens had indeed felt such a great appreciation for the economy and rejected the public sector as inadequate, the public sector would have shrunk over the years. However, citizens do not merely want to receive their salary to spend it on all the rest; the trends show just the opposite to be true. A 100 years ago, the United States budget amounted to 10% of Gross National Product. Since then, it has

continuously grown, until reaching today's 40% of Gross National Product. Although major budget increases occurred in the interwar period, the budget more or less returned to prewar levels after both world wars. Most recently, a notable budget increase was observed after 2008 to overcome the financial crisis. Today, budgets in most developed countries represent over 40% of GDP. After losing much of their confidence in the free market economy over the last century, people have obviously opted for a strong state and the public good: providing services to citizens (Piketty 2013).

The period from 1990 up to now was marked by advances in internet technology and the transition from industrial to information society, with new communication channels creating an unprecedented range of networking possibilities (Stewart 2000). Consequently, the economic theories that arose in the previous century and under different circumstances are inevitably losing their explanatory power for understanding current economic developments, in which the primary role of the state is to provide its citizens with a higher quality of life and the primary role of companies is to maximize profit for their owners. The owners expect their companies to achieve optimum efficiency, just as national governments would do good by following their example. Although some countries are already developing quite a number of such good practices to a certain extent, transparency—one of the principles underlying scientific integrity—could further increase national efficiency. To draw a parallel: just as supervisory boards require companies to report on their work, citizens demand the same from the state. At a time when individuals and institutions, companies, and the state are increasingly tightening their belts, transparency is more than ever of paramount importance. The pressure to ensure transparency in public spending has grown over the last few decades, whereas the distress and destitution of many has made the fair distribution of funding indispensable to maintaining public trust in the state and its service delivery. Furthermore, transparency is also becoming a fundamental necessity in the growing competition for limited public funding. Ensuring easy access, transparency, and analysis of a wide variety of information, new information technologies have now also made this already well-justified requirement attainable. However, for a transparent system to be effectively enforced, it will take much more than merely making use of technical capacities and knowing what the users and the public at large desire. Transparency cannot take full effect unless public institutions consciously pursue this goal, a mission that is often thwarted by institutional memory and culture. An effective introduction of the principles of transparency in the public sector can serve as a motivation to maximize their efficiency in place of profit as the main motivational factor in the private sector. Transparency is “soft” leverage that steers society toward the desired goal without compulsion. Although advocates of the pure form of capitalism maintain that the economy is most effectively regulated by the market, transparency seems to guarantee an at least equal, if not even greater, efficiency because not only does it ensure interaction among economic operators participating in the market, but it also allows interested operators to exert influence on every component part of society that is relevant for them. Like the market in the economy, transparency is an invisible force pervading the entire public sector.

5.2 Transparency and Privacy: Big Brother(s)

The story from 2015 about a member of the British House of Lords, Lord John Sewel, caught sniffing cocaine from a prostitute's breasts, seems a bit more complex. The video leaked to the public was recorded on private premises rather than in public for all to see. However, whereas this story also culminated in the "protagonist's" resignation, a growing number of questions are being raised regarding the appropriateness of the recording itself (Blanchard 2015).

In the late fall of 2014, a video appeared on YouTube showing a school principal and a mathematics teacher caught having a sexual intercourse in the teacher's room of the high school where they both worked. Tabloids as well as serious papers and television programs seized on the event with a frenzy, and the issue instantly stirred up a furore nationwide. Although the principal and the teacher initially denied the incident, experts soon confirmed the authenticity of the video, which was probably recorded by a pupil attending the school. Then it struck like a bolt from the blue: the principal committed suicide, making this case even more controversial than all the previous ones. Sexual relations between a principal and a teacher are not relevant to the public interest, even though the intercourse admittedly took place in a public space (Zupanič 2014).

However, whereas in the aforementioned examples, the legal void governing privacy still leaves some room for far-fetched justifications of disclosing private data, this certainly cannot be said for the phone-hacking controversy in which British newspapers owned by the American media magnate Robert Murdoch tapped celebrities' cell phones and read their text messages. What is interesting is that privacy was violated by institutions that proclaimed their lofty mission, which they were nowhere near pursuing (Davies 2014). Another example of unauthorized disclosure belonging to the category of information abuse was made by hackers that cracked the website of the Ashley Madison Agency, an online dating service for people in committed relationships. Following the disclosure, several website users committed suicide, and the exact number of marital crises that the scandal produced will perhaps never be known (Finn 2015).

As can be seen, so-called transparency therefore also has its ugly side. What needs to be borne in mind is that transparency per se is never a wrong choice; the problem lies with people that misjudge specific contexts and roles that transparency can play in them. An extreme example illustrating how the concept of transparency can be abused is the original Big Brother. Whereas its name today is almost without exception associated with a slew of reality shows, only a few still remember the Big Brother watching us from Orwell's novel *1984*. In his imagined society run by the dictatorial Big Brother, the head of the Party and the State of Oceania, all individuals are under complete supervision by the state, which constantly watches over them through telescreens serving simultaneously as a kind of television transmitter and camera. Whereas Orwell's Big Brother became a synonym for the abuse of power and encroachment into every recess of an individual's privacy, the imposition of Newspeak, an official language that was constantly "improved" by the language

police, along with the mental re-education by Big Brother went a step further by exerting control over the way people think.

The question of where to draw the line between an individual's privacy and the extent to which the public should be granted insight into the workings of the ruling elites is more relevant than ever today, with Orwell's ideas written as early as 1949 often serving as a warning against choosing the wrong path. The aforementioned reality shows, which are based on the premise of *1984*—that is, constant surveillance (in this case over a group of individuals)—represent a rather interesting turn-about. In modern society, fear of being watched has turned into the desire to be watched, to be constantly seen. What should be borne in mind is that reality shows are primarily intended to entertain, and that when it comes to the concept of transparency, they represent its travesty.

However, all of the above is also reflected in social systems, especially distinctly in the unusual Chinese project of evaluating Chinese citizens, the so-called Social Credit System (Chinese: 社会信用体系). Although the idea seems very foreign to the western way of thinking, at least at first glance, it looks like it is accepted among the Chinese population with an estimated 80 percent of provinces, regions and cities having introduced some version of the system till 2022, or being about to do so. The new surveillance system, based on modern communication tools, is intended to keep a close eye on all Chinese citizens whose behaviour will be subject to evaluation—not only in terms of what company they keep and what they talk or write about (on the phone or on the internet) but also regarding traffic violations, smoking in non-smoking areas, bad shopping habits (e.g., too many video games), and so on—and then awarded or punished accordingly with a system of “social credit.” Citizens ranked with low social credit are subject to restrictions on train or airplane tickets, internet access, access to better schools, jobs, hotels, prohibition on owning a dog, public stigmatization, and so on (Ma 2018).

The true purpose of transparency is far from establishing such a surveillance system, and it most certainly does not imply encroaching on the privacy of citizens or installing cameras in their apartments in line with Orwell's vision. Every kind of surveillance must be based on reasoned and well-defined arguments. The “precautionary” surveillance in this case, however—unlike the use of ankle monitors worn by persons under house arrest—is not justified. An act of crime should come before punishment, not the other way around. The contemporary world is facing many issues in this respect. A good example is anti-terrorism cameras recording all passengers on metropolitan subways, with no guarantee whatsoever that the footage will be used strictly for preventing terrorism. The same logic could also be promoted in public administration, and some employees would certainly invoke it for introducing greater transparency. However, there is a significant difference between them and “ordinary” citizens. Whereas all individuals feel relatively free in their privacy (as long as exercising their freedom does not encroach on the freedom of others), civil servants are, at least in performing their duties, subject to other rules.

Similarly pressing issues are being raised by the example of Edward Snowden (Sifry 2011). The computer expert at the United States National Security Agency (NSA) exposed the secret (personal) data collection by tapping people's cell phones

and internet communications. The NSA was revealed to have been gathering data with a variety of tools and programs. Thus, for instance, in agreement with United States technological giants (Microsoft in 2007, and Yahoo, Google, Facebook, YouTube, Skype, AOL, and Apple in 2012), it used the PRISM surveillance program to access their computer servers, the Boundless Informant tool to track American citizens' international electronic communications, and the Bullrun program, developed with major infrastructure companies to leave holes in the protection of their electronic databases, allowing the NSA to enter the companies with its online applications. The disclosures are important because the idea of national security as the overarching ethical category was promulgated with complete disregard for the constitutionally agreed hierarchy of values defining personal freedom as the most important and inalienable human value (Greenwald 2014).

The credit for the aforementioned hierarchy of values and understanding of society goes to the authors of the United States Constitution, which set the foundations for the values of the democratic world. However, although the constitutions of the United States and other democracies allowed for a completely satisfactory delimitation of privacy and transparency in society 100 years ago, this seems more complicated in today's society, which is facing completely different challenges regarding online privacy and access to data on cell phone locations, on websites that individuals use, or on who they communicate with. The authors of the United States Constitution did not concern themselves with such questions and, because the document has not undergone any significant changes ever since, it fails to address this issue effectively. The constitution was drawn up by outstanding individuals with high ethical standards and a vast trove of knowledge. What if constitutional amendments in democratic societies were written by people holding different views of freedom? Is it really self-explanatory to uphold the standards of old democracies? And what country will set the rules in the future? Will it be the United States, India, EU or perhaps Taiwan?

In the future, regulation of transparency will most likely be among the crucial leverages in developing the (new) world centre. The Snowden case shows that such a regulation is far from self-evident; the boundary between private and public must first be redefined before any discussion on its shifting can begin in the first place. To reiterate, transparency is not Big Brother, but rather its opposite. It entails a general agreement on data that must be made available to the public as an agreement that must be respected by all and that requires everyone to properly adapt their conduct. Spying, personal data theft, unauthorized phone hacking and browsing through e-mails, and other Big Brother methods have nothing to do with transparency, which entails universal rather than elective accessibility.

Legislation currently governing privacy and transparency builds on the hierarchy of values—first personal freedom and only then national security, in the name of which encroachments on personal freedom must be very rare and well founded. In many countries, telecom giants are legally required to delete all text messages within 2 months. The NSA has been bypassing the law with its PRISM and Bullrun programs by archiving text messages obtained from telecom giants. Therefore, whereas big tech deletes text messages within the legally prescribed period, the NSA has continued to violate the same law by archiving them. The same holds for

individuals' e-mail activity or data regarding websites visited. Very different rules understandably apply to criminal offences, such as visiting paedophile websites, which are subject to police persecution, injunction, and strict monitoring of dangerous websites. A similar measure is legal phone tapping of persons suspected of committing a crime.

Most countries draw their security legislation to protect the privacy of their citizens while monitoring foreigners. In this regard, the NSA listening in on a foreign national calling a citizen of the United States does not raise any controversy. In the previous century, when calls of this kind were more of an exception, such a regulation functioned within the limits of acceptability. Today, national boundaries are blurred by new technologies—using global online networks, anyone can call from and to any part of the world. The NSA's tapping and analysing all this information with the Boundless Informant program is entirely incompatible with the postulates of democracy on which the western civilization is built and, of course, completely inconsistent with the notion of transparency.

The Snowden case exhibits the following pattern:

- A whistleblower appears whose leak of controversial documents highlights a social problem.
- The problem becomes the subject of public discussion. Opponents of the leak furnish a list of arguments warning against its harmful consequences.
- The whistleblower's leak contains data that are detrimental to the state, which serves as an additional argument by the opponents.
- The story may have two endings: first, the state legally determines its measures in controversial matters, and proactive transparency comes into effect so that democracy takes a step forward. Second, establishing that any change to the national security policy will be detrimental, the state decides to do nothing or merely settle with the injured party and close the case. This is precisely what happened after the disclosure that, in their global tracking of electronic communications, the United States secret services also tapped the cell phone of German Chancellor Angela Merkel, an important ally of the United States (MacAskill 2015).

In an interview for *The Guardian*, the Maltese expert on privacy protection Joseph Cannataci stated that surveillance and manipulation on the internet has reached heights worse than imagined in Orwell's 1984, and he pointed to the alarming lack of information that people have on the dangers of publishing their intimate data on Facebook, Twitter, and other social networks because he knew very well how easily the data can be abused (Aleander 2015). Cannataci's appointment as the UN Special Rapporteur on Privacy several years ago was especially significant in the light of his proactive approach, which is undoubtedly also largely owed to the Snowden affair. Cannataci urges the adoption of international legislation, a new "Geneva Convention" on the right to privacy that would be binding for all UN members, hence the entire world, and that would provide for the same control mechanisms as used in preventing nuclear weapons proliferation. The new legislation should clearly determine what the state and companies can do with the personal data at their disposal. It should also stipulate that these data may not be divulged to anyone and that they

should be regularly destroyed. The legislation should specify in detail how to deal with text messages, e-mails, phone calls, data on cell phone location, visits to websites, posts published in closed social networks, and so on. In the past, protection of personal data was a relatively easy task, whereas today just the opposite increasingly seems to be the case.

On the other hand, what does personal data protection have to do with transparency anyway? At first glance, they do not seem to have any relation; moreover, they appear to be in conflict because privacy protection entails restricted access to personal data, whereas the principle of transparency requires everything to be made public—including personal data, telephone conversations, random photographic and film recordings, data on cell phone locations, and so on, which are subject to personal data protection. True, this is transparency in the broadest sense of the term, and it is made possible by modern technologies. However, do we really want such transparency? Of course not, except when it is up to us to decide what to do with it—as, for example, when posting on Facebook or other social networks—and even in this case it raises the question whether their users are indeed properly informed.

What, then, is the relationship between transparency and personal data protection? Just as the state is obliged to proactively allow its citizens access to all public data in accordance with the laws on access to public information, it is also obliged to use its citizens' personal data for strictly prescribed purposes and not to divulge them to anyone beyond these purposes. The European General Data Protection Regulation (GDPR) is a tremendous step toward protecting citizens against predatory companies and state institutions agglomerating data on the privacy. The state should improve these rules further and regularly inform its citizens about what personal data it has at its disposal. Employing such transparency measures, the state would uphold personal data protection and minimize the possibilities of abuse. However, the state is clearly not the only entity that should not encroach on the personal data of other persons; the same also applies for companies, institutions, associations, individuals, and so on (European Parliament 2016).

The question whether the mere feeling of being watched affects one's conduct and encourages good behaviour was studied by a group of behaviourists, experts in the evolution of habits and behaviour in animals and people, at the Britain's Newcastle University. They investigated how the feeling of being seen affects bicycle thieves (Nettle et al. 2012). At three locations on the university campus where the highest number of bicycles were stolen, they mounted conspicuous warning signs featuring a photograph of eyes and an inscription above it: "Bicycle thieves, we are watching you!" Within the span of 1 year, the number of bicycle thefts in these locations fell by 62%.

It is more than obvious that we will have to prepare for a lifetime of being watched, concludes Dan Podjed in his book *Videni* (Seen), and he offers three possible scenarios of the concept of privacy in the future (Podjed 2019). According to the first one, we will simply have to forget about privacy as we knew it until a decade ago—it will no longer exist. The second scenario is more optimistic: countries will develop mechanisms of privacy protection, such as GDRP in the EU, and other mechanisms proposed in this chapter. The third possibility is that privacy will

become a commodity of the elite: the rich will be able to afford it by using various kinds of online and physical firewalls, and the rest of the population will not.

In conclusion, the relationship between transparency and privacy is, in our case, primarily linked to the relationship between the state and its citizens. The state must not hide information about the activities it carries out, but must provide it to citizens in a transparent and up-to-date way. The same applies to citizen' data collected and processed by the state, as well as by other institutions and private companies—every citizen should know what this data is and why it is being processed, but this is only possible if it is also made law. This is, of course, the role of the state.

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Appendices

Appendix 1: Personal Experiences of the Author

Abstract The appendix contains some events that happened to the author in the course of his public duties that illustrate different aspects of transparency.

Keywords Corruption · Follow the money · Conflict of interest

Chapter 1

I had served as the defence minister of Slovenia for just over a month when the chief cabinet secretary surprised me with a question concerning representation expenditures. They were unusually high for all the ministry's chief personnel, clearly too high, he said. But how, I thought, this being my first month in office. With so much work to do, I had no time to invite anyone for lunch, let alone hold an overextravagant protocol event. The chief cabinet secretary, of course, knew nothing about it; what he did know—and he presented receipts to prove it—was that the cabinet ordered 80 bottles of whiskey on a regular monthly basis. Unless the ministry had secret cellars in the size of a major distillery warehouse, this would mean that the whiskey was not being bought for stocks, for a rainy day, or just in case, but that all these 80 litters were consumed every month. Of course, it was probably not being consumed by the chief personnel, who are not allowed to drink during office hours anyway and are left with too little personal time to drink themselves to the grave. The idea that they stocked their close and distant relatives seemed likely, and I somehow doubted that they would choose such a strategy to bribe anyone (at least someone half competent and decent). No matter how one looked at it, something was off, I said, to which the chief cabinet secretary added that it had gone too far.

I thought to myself, God help me, if this place is even half as crazy as it looks. Perhaps I should send everyone to a disciplinary committee and get them fired. I could employ first-year students of communication studies; it would probably be easier that way. However, many had worked here for years; they had families; and, finally, knowledge and experience are just as important in this line of work as sober reflection and wise decisions. Therefore, after sober reflection, I wisely concluded that a disciplinary committee and firing everyone across the board would make no sense. Something needed to be done, but with a softer method. People tend to show their ugly side, especially when they think that no one is watching. So, the chief cabinet secretary and I drew up a simple form that let everyone know, in very straight terms, that they were constantly being watched, at least in the office. We drew up a common form documenting all entertainment requirements, which secretaries presented to their superiors to specify in their own writing what they needed the following month.

Of course, because everyone could see the entries of their peers, that month surprisingly closed with zero orders of whiskey bottles, and the alcohol-free trend happily continued for months. No one ever mentioned that anything was any different, and I am still wondering if they even knew that the form was my idea. I did not resort to any measures at all. I only used the mechanism of transparency, and the effect was incredible. Once people realize that they are not alone and that they are subjected to public scrutiny, they change their behaviour completely.

Chapter 2, Section 2.5

(a)

In 1997, I was paid a visit by a distinguished medical researcher. Scientists are smart, no doubt, otherwise they would not become scientists, right? Scientists themselves are well aware of this, too. Moreover, physicians are used to giving advice, which is part of their work. Therefore, when a physician-scientist enters your office, he has clearly not come to ask questions but to give advice. The only difference that a physician-scientist sees between you and a patient is that a patient seems to be slightly more obedient.

I may not be the most obedient person, but I do know how to listen, and I love doing it, especially when someone has something intelligent to say regarding my work. So, I listened. According to my interlocutor, the system was very good—and I agreed, waiting for the introductory pleasantries to develop into a piece of advice, which was the purpose of the visit. “Medicine is a specific area,” he said, adding that he would like to draw my attention to its special features. “I’m very interested,” I told him, meaning what I said. Before venturing into politics, I was a scientist in biophysics and medical physics, and I spent years in the United States working at medical schools. I was genuinely looking forward to talking (or listening) about the special features of medical science, for both professional and purely personal motives.

To cut a long story short, his advice went roughly as follows: although various fields of research share plenty in common, medical research is nonetheless somewhat specific. Many medical researchers are also physicians, and today's patients are different from patients from a few decades ago. Today, they want to know everything. They want to know who their physician is, how good he or she is, what he or she has accomplished, and so forth.

I agreed in my mind, yes, not even patients are what they used to be. Equipped with the internet and a partial understanding of the body's functions, they are sometimes difficult to give advice to. The role of physicians is changing as well, and the search for a new balance that will be good for both sides is a delicate matter, I could not have agreed more. I truly understood this part. "So, can you understand now that making physician-scientists' research results public could create a change in the relationship between a physician and a patient?" I understood very well, and I told him so. We continued to chat about this and that, but, before he left, he nevertheless wanted a confirmation that I took note of his piece of advice. "What exactly did we agree upon in connection with making researchers' bibliographies public?" "Dear professor," I said, "at the beginning of our conversation, you expressed your support for the new system. Then you pointed to some special features of medical research, which led me to conclude that the COBISS system should be introduced as quickly as possible, especially in medicine ...".

(b)

I started associating the military with science based on scientific findings and continued with recommendations for a healthy way of life and military discipline, which abides by these recommendations. When I decided in the spring of 2006 that something had to be done in this respect, I was already serving as the director of the Slovenian Research Agency. Because, apart from bad habits, excessive shock also wreaks havoc on the human body, I started slowly. First, I crossed sugar off my menu. The bitterness of mornings over cups of bitter coffee was sweetened by the pleasant warmth of spring calling me to step outside of what were then still cigarette smoke-filled bars and enjoy the fresh air. Little did I know. I swapped the smoke-infested anonymity for an open stage, where I had nowhere to hide. After I took the first sip of unbearably bitter coffee, I was caught by the radar of a professor and prominent representative of the political right. He wanted to know whether the agency had granted him funding after his appeal regarding the results of the call for proposals. It had not. He told me that I had a few months left before I was replaced. I tried to downplay his attack, thinking that he probably still had not had his morning coffee. After my second sip of the hopelessly bitter coffee, there was already another professor standing at my table, a former minister of the left-wing government. He, too, wanted to know whether his project had been approved following his appeal regarding the results of the call. It had not. And he, too, threatened me with the finality of my office tenure and my inevitable fall from grace. After that, I was no longer sure what the greater evil was—scientists or smokers. On the horns of such a dilemma, I was tempted to throw two bags of sugar into my espresso.

Chapter 3

One morning in 1999, when I was serving as Slovenian defence minister, I received a call from the chair of a parliamentary committee. Despite the early hour, I thought nothing of it. As a minister, I had to be available to partners at all times. We shared advice, opinions, concerns, and information. “Have you read the newspaper *Slovenske novice*?” a colleague from the opposition asked me reproachfully. For a moment, I thought it was a rhetorical question. The first thing I had to do after my morning coffee was to go through “serious” newspapers, a heap of mail and files, meetings, consultations, and decisions that would affect a substantial number of citizens. I personally considered *Slovenske novice* a tabloid newspaper that I would pick up as the last thing in the evening for entertainment, to help me fall asleep, or to suffer a bout of depression, depending on how successful my day had been. How could he know the first thing in the morning what *Slovenske novice* reported on that day was a question worth asking. I intended to explain this to the gentleman on the other end of the line, but all I said was “No.” “Read the frontpage article on. . .” I gave up and asked my secretary to bring me the newspaper. “British Women Bear Largest Number of Muslims”; “Policewoman on Rampage in Patrol Car”; “Prevent Hair Loss.” Hm, shocking, indeed.

“I can’t find it,” I called him back. “Yes, yes, sorry. I confused the dates. It will come out tomorrow. . .” Of course, I shared the story of the “press clairvoyant” parliamentarian with my friends on one of those rare occasions of relaxed socializing with friends over beer and peanuts. There is something about political gossip. It grabs instant attention and tends to elicit a vehement response from the audience, usually in the form of furore and genuinely addictive craving for more. Hearing this, my audience—conveniently composed of left- and right-wing sympathizers—first unanimously agreed that the man was a really bad character, but once their righteous ire cooled down a bit everyone demanded that the bad character be given a name. Once the identity of the parliamentarian was disclosed, my interlocutors responded in line with their political preferences. The opponents of the party that the parliamentarian in question belonged to were quick to recall all kinds of dirt that they heard or read in connection with him, whereas his supporters maintained that “yours” were the same and that, in fact, the dirty business that “yours” had done forced “ours” to dig in the mud in the first place. As always in such cases, it was clear from the start that the discussion was going nowhere, but we nevertheless took it to a (predictably) explosive end. Old habits die hard, and arguments in political discussions are an end in themselves. In multiparty systems, people will even change their religious beliefs more often than their partisan affiliations, and the only veritable turncoats in Slovenia are the politicians. The rules of the game are set, and each one of us roots for his own team. For an ordinary citizen, politics are a little less thrilling and a slightly more long-winded spectacle than a soccer match. Just like soccer club fans, we blindly believe in the superiority of our team, rejoice in its victories, and suffer its inevitable defeats. If we find the result too unfair, we take to the streets and explain our sense of fairness by throwing blocks of granite paving into store windows, facades, and the plexiglass barriers separating us from the other

club's fans. In the most extreme cases, we also beat up the referee for always cheating us out of victory. Political cheerleading has turned into a national sport, even though soccer and politics, although they have much in common, are not one and the same thing. May I be forgiven by all ardent fans of national soccer leagues and many undoubtedly excellent local clubs, but soccer is still above all a game that—despite providing some of a much-needed sense of purpose—apart from those few occasions in a year, does not decisively affect the quality of our lives, whereas politics can and often does make decisions on behalf of citizens as to how, where, and who we will live with, as well as what we live for. Whereas soccer is a game, politics is a serious matter. Although the reasons for choosing between soccer teams may be completely arbitrary and inconsequential, the time has come when, at least in rooting for a particular political team, we should ask ourselves: Do we really know what we are fighting for?

Chapter 3, Section 3.1

I will remember my first day in the office of the Slovenian Ministry of Defence with their Microsoft Word's features—it was my first day at the office, and as soon as I walked through the door, I needed to write a letter. So, I opened a new document and, without me doing anything, the label “confidential” appeared at the head of the letter. The IT department had obviously decided that every minister's thought was confidential per se. Just like every newcomer, I was probably more curious than the veteran staff, which had long since stopped questioning the logic of the established processes. There is something about human nature that makes people slowly lose their initial enthusiasm and see their work on a good day as a means of survival—and on a bad day as God's punishment. However, as I said before, as a complete novice and full of fervour, I started to inquire about the reasons for such an arrangement. I soon found out that I was nothing special after all; the label “confidential” appeared automatically not only on documents created by the minister but also the documents drawn up by all heads of departments. Before I could ask the rhetorical question “What have I gotten myself into?” the truth took on an even more conspiratorial tone. Not only were the acts and thoughts of all heads of departments treated as confidential, but confidentiality was also a privilege enjoyed by all employees at the Ministry of Defence, down to the very last one.

Chapter 3, Section 3.2

In 2000, I visited the Greek defence minister. I no longer have any memory of what our conversations were about; time has done its work. On the other hand, the human brain functions in bewildering ways, so instead of the content of our conversations, an entirely different story etched itself into the hard drive of my memory. I remember demonstrations sweeping across the country at the time, the target of which was my host, a Greek politician who in his career had occupied several ministerial

positions, including that of prime minister. After we were done conversing, a sizeable group of journalists was waiting for our statement—but, rather than our conclusions, they showed more interest in domestic policy issues. When we stepped in front of the microphones, I leaned toward him and asked him what part of our discussion I might reveal to the journalists. The man already had enough problems, and I did not want to cause him anymore. “What can you say? Everything,” he fired away, then paused for a moment and added with a cunning smile: “Just don’t go into detail. ...” Today, we all know what happens when politicians lay bare everything before the public and their European partners, except the details, simple figures about the debt, collected taxes, beneficiaries of social transfers, and such fine points. My interlocutor was well-versed in such an approach, or was at least one of its main promulgators. Before writing this volume, I was wondering what the minister was doing now, and I was not at all surprised to find that a few years ago he and a wide circle of his colleagues had been sentenced to long prison sentences.

Chapter 3, Section 3.4

As the Minister of Defence, I was examining in detail an overview of priorities regarding military purchases, according to which the weakest link of Slovenia’s military readiness was its air defence. Despite the decade-long popular jokes in connection to country’s small airspace and the apparent irrationality of any investment in air defence, the ministry decided to go ahead with the badly needed purchase of a Roland portable missile and tracking radar system to protect airspace against medium-altitude threats (4 miles), which proved to be the best of many options. The ministry’s choice was even supported by some strong political and economic lobbies. The offer, altogether amounting to a sky-high €25 million, was already about to be signed before my arrival at the ministry. It was probably the staggering figure that further encouraged me to seriously examine the purchase. It turned out that the price was so high above all because of the mediators through which the ministry was contractually obliged to purchase the necessary equipment. Because very few products are custom-designed for a single buyer, sooner or later, through official or unofficial channels, the word comes out regarding the identity of the buyer and the conditions of the purchase, who benefitted from the purchase, and who got burned. No one wants to be scammed. Or is that so? Knowing that Germany was buying the same system in large quantities directly from the producer, I reached an agreement with its Ministry of Defence and thus reduced the price to merely €10 million. I admit that I felt quite proud. In a society where voters cut the state budget at a bar table in line with their personal values and priorities, €15 million translated into more social housing, more incubators, more school grants or agricultural subsidies, and quite a few miles of road network.

To be honest, after carrying out the purchase, this was precisely why I was quietly expecting at least some sort of recognition, perhaps a congratulation or a reassuring pat on the back, if not from the media—which are understandably more eager to expose bad moves than good ones—then at least from my colleagues.

Cutting the costs of such an expensive project by three-fifths was, after all, not such an insignificant accomplishment. Instead, the purchase merely received superficial criticism from the media and an ice-cold reception from the leading politicians, who had until then been fervently rooting for the project. Taken aback by the reactions, I asked for the opinion of a senior ministry official, who had been the most responsible for making arms purchases under the Ministry of Defence. “Why,” I asked, “such an indisposition for the purchase?” Feeling as though I had met with a lack of understanding on the issue, I was trying to substantiate my question by explaining that the project had been in the works for years, that the Krško nuclear plant was now better protected against any possible air strike, and that the ministry had selected a system used by nearly all NATO countries, not to mention the extraordinary discount.

I interrupted his wise silence by enthusiastically explaining my vision for the future, according to which all major procurements should be made in the same manner. By concluding agreements with major countries, expensive mediators could be bypassed and the same transactions could be made for at least half the price. “This is precisely the problem,” my interlocutor finally showed me some mercy. “For as long as I can remember, this is the only weapons purchase that is of absolutely no use.” I did not understand what he was saying; I only knew that he was in an extremely bad mood. “What do you mean, of absolutely no use?” I could not keep my mouth shut. “What I mean,” he flew off the handle, “is that it will be of no use to anyone!” This was my first private lesson about state security: purchases made on its behalf are, in fact, not meant to protect citizens. Moreover, there are other circles and entirely different avenues to guarantee protection.

Chapter 4

This was very clearly shown in the implementation of public tenders and procurements, which are among the most important indicators of transparency. One of the first objectives at the Ministry of Defence was to implement all public procurements in strict accordance with the principles of transparency. With a bit of effort, the ministry soon published the plan of all public procurements on its website for 1 year in advance to provide all potential providers with timely information necessary for their successful participation in the tenders. The list comprised more than 30 pages and presented every procurement with a one-line specification. It was a long list and a good opportunity for both well-established and emerging companies. A system that leaves everyone satisfied can hardly be anything but good. And yet, the list disappeared from the ministry’s website just 3 days after the change of the government and it was never published again.

Transparency is very volatile; anyone who has ever wholeheartedly believed in it will come to this realization sooner or later. For those in power, who have every leverage to introduce it, transparency always seems to be the last of their priorities. I personally caught myself in this vicious cycle while serving as the Slovenian Minister of Defence. Even though I was in a position to demand transparency and I

set up systems to facilitate its introduction, I ended up on the losing end. This was very clearly shown in the implementation of public tenders and procurements, which are among the most important indicators of transparency. One of my first objectives was for the Ministry of Defence to implement all public procurements in strict accordance with the principles of transparency. With a bit of effort, the ministry soon published the plan of all public procurements on its website for 1 year in advance to provide all potential providers with timely information necessary for their successful participation in the tenders. The list comprised more than 30 pages and presented every procurement with a one-line specification. It was a long list and a good opportunity for both well-established and emerging Slovenian companies. As the head of a state institution, I felt proud to have found a mode of operation not only to ensure the highest quality and the most cost-effective purchases for the ministry, but also to collaborate with the greatest possible selection of suppliers—helping some further enhance their activities and serving as a springboard for others. A system that leaves everyone satisfied can hardly be anything but good. And yet, the list disappeared from the ministry’s website just 3 days after my departure and it was never published again.

Appendix 2: Political Appointments in Ex- Communist Countries (Lack of Autonomy in Slovene Public Sector)

Abstract As mentioned in the reflection on public sector autonomy in the Proactive Transparency chapter, the degree of autonomy of public institutions in autocratic countries or countries that have been so in the recent past (e.g. former communist countries) is relatively low. Discussion on low autonomy in public sector is also important because several countries with established democratic traditions are gravitating towards more autocratic governance models. One of the characteristics of non-autonomous institutions is politically motivated staffing—a term that sounds rather technical, but includes a range of practices that make it almost impossible for public institutions to act independently and consequently hampers the development of transparency.

Keywords Autonomy · Ex- communist countries

Over 15 years ago, the cameras happened to catch an informal conversation between two major players in Slovenian politics, the then Prime Minister and the then director of Mercator (a big state-owned company). In the video, prime minister says to director: “You know what you didn’t say? That I made you director, that politics made you director. Exactly: politics made you director; I made you director.” The conversation, which was recorded at a social event and published on YouTube (Youtube 2006), quickly went viral and has almost 200,000 views.

Each Slovenian government newly appoints almost the entire management of ministries: heads of offices, divisions, services, heads of public agencies and funds,

directors of public institutions, directors of state-owned enterprises. The text of the Constitution does not envisage the kind of state influence that every incumbent power claims in all these areas, yet it is exercised with reckless abandon, through laws and by-laws, and by the systematic overstepping of the powers of the ruling elite.

The civil service is destroyed, the public sector is in turmoil, state-owned companies are up for sale. Public sector wages are a mix of Socialist equality and non-transparent profiteering, rewarding the ingenious mediocrity systematically and the excellent public servant only incidentally. The public is gradually discovering the unregulated nature of professorial and medical earnings—each field has its own dodgy dealings.

Government departments do not work in a coordinated way, and the financing of different budget users is not subject to uniform standards. On the one hand, the authors of national strategies produce documents that are not backed up either by a budgetary commitment on the availability of resources or by clear objectives; on the other hand, accountants take decisions according to their own logic, which has nothing to do with the former. Moreover, the documents are sectorally uncoordinated and reflect a parochial approach. Governments do not work for the common good, but often decide from the point of view of sharing the spoils even when strategic national issues are at stake.

When the interests of parties and their leaders become the main levers of power, the consequences in the public sector are inevitable and catastrophic. Two problems are key: the incompetence in governance and the pursuit of vested interests. This chaotic situation, however, suits most. In chaos, it is easy to hide things, to blame or shift responsibility to others (given the frequent changes of government, it is those who have left who are to blame), or simply to refer to EU demands. With few exceptions, such politicians are also supported by the media, those who cover social events, of course. They are an equally chaotic part of society, and their approach to portraying reality is not subject to professional standards. In the face of all this, how can we expect the new rulers to respect their predecessors, to take into account the opinions of people who have done good things?

The state of Slovenia has three independent pillars of government: the legislative, the executive and the judiciary, which is a precondition of democracy. Another feature of functioning democracies is politically independent (autonomous) economy, public sector institutions as well as bureaucracy. Slovenia does not have minimum standards for the autonomous functioning of these areas. The country has not emerged from the one-party model of Communist rule, which does not recognise elites other than political ones. The management of public institutions and the state-owned economy is subject to the direct influence of politics. With governments changing every 4 years, and even more rapidly in recent years, these societal sub-systems are subject to periodic staffing tsunamis from both left- and right-wing governments. The consequence of such beheading of institutions is that essential parts of our country function worse than in developed democracies, and probably worse than in the last period of Communism.

The theory of the separation of powers was developed by the ancient Greeks, and later by John Locke and Montesquieu, among others. Whatever the times and circumstances, their basic tenets are still relevant. Philosophers' critical reflection on the vocation and capacity of rulers, which derive from the right of succession, could today be compared with the competence and capacity of politicians, who often irresponsibly interfere in the professional work of the public sector and even in the management of companies (Bondy 1989).

In this appendix, we examine the current situation in the Slovenian public sector, with a primary focus on bureaucracy. Under the Public Employees Act, public employees can be subject to changes by any government during the initial year of their term without being required to provide specific grounds for such actions. This process is exemplified through the narration of real-life events, with identities of the involved parties deliberately withheld. The use of real names is reserved exclusively for instances where we are citing statements made by Slovenian politicians or when discussing well-documented cases of politically motivated staffing. The objective of this appendix does not centre on assigning blame to individuals, as we maintain the perspective that it is the system itself that fosters such behaviours. While an individual may contribute to perpetuating the system, the core issue lies within the system's inherent structure. This approach is grounded in the Latin adage, "*Nomina sunt odiosa*" (names are to be omitted), and as such, the appendix is not directed "*ad personam*" (towards the individual), but rather "*ad rem*" (towards the matter at hand). Our belief is that by effectively addressing the highlighted issues, the state's functioning could be markedly improved, necessitating a departure from the current behaviours and the introduction of more suitable personnel within the administrative sphere.

The state has a majority in all councils (management boards) and supervisory boards of public institutes and majority- or partially-state-owned companies, except in the fields of education and science. In addition, any appointment of the head of a public institution (except for higher education institutions) requires the consent of the government. While this system seems to mitigate the staffing tsunami somewhat, in reality it only delays it until the end of the term of office of the government, therefore leading to similar results as in the bureaucracy: heads tailored to politicians' needs. The public sector pay system is also unregulated—the appendix analyses the deviations in paying fees and compensations for on-call duty at universities.

Politically motivated staffing and a disorderly pay system are major contributors to the unhealthy situation in the public sector. As a result, the code of ethics for public servants does not come to life, the good manners that are the basis for good relations in society do not find a place in public institutions, and employees do not identify with their institution. Successful companies and friendly countries are putting a lot of effort into this area. How about us trying it as well? Power relations in society are also reflected in the media, which are often an extension of different political options. As politics controls almost everything, the media also contribute to the degradation of the reputation of doctors, professors, civil servants, etc. Their depoliticization, however, is only possible by depoliticising society as a whole.

It is therefore a text about the relationship between the appearances and the things going on behind the scenes. It focuses not on the main substantive problems of the country, but on the shortcomings of the apparatus that solves these problems—because too often the public is concerned only with the problems themselves, but hardly with the ways to solve them. For example, in small country even if inhabitants wanted to, they cannot go to the Moon with own spaceship, even if they knew that there were priceless diamonds there. The country has not developed the appropriate technology; it is simply too small to do so. There are many activities that the country has not developed, and there is nothing fatal in not being able to build aircraft carriers and intercontinental missiles or reprocess nuclear fuel. It would be different if, for example, Slovenians would not know how to bake bread or manage water. Governance of the state, or the management of public institutions and the economy, is closer to the second case. In the appendix, we try to show that, unfortunately, Slovenians cannot do that either. What good are goals if we do not have the knowledge to achieve them and the underlying assumptions are wrong.

When Slovenian Research and Development Activity Act was amended in 2008 to give the government a majority on the boards of public research institutes, Prime Minister and president of the Slovenian Democratic Party, said that *whoever won the election must also have the opportunity to lead the country, to appoint the right personnel.*

When the amendment to the Slovenian Research and Development Activity Act was proposed in 2014, which, on my initiative, reduced the government's share in the board of the Research Agency from a majority to one, a member of the leadership of the Social Democrats and the then minister in charge of science, told me on the phone that *whoever won the election must also have the opportunity to lead the country, to appoint the right personnel.*

At the coalition negotiations after the fall of the government in 2000, the head of the Liberal Democracy of Slovenia negotiating group, declared that *all the changes made by the previous government have to be undone. These people can't stay where they are.*

During the first Slovenian coalition government, the doyen of the Slovenian right, president of the Slovenian People's Party, declared in 1990 that *people need to be replaced. It doesn't matter what they can do as long as they are ours.*

When the Chairman of the Board of the Motorway Company of the Republic of Slovenia was replaced in 2004, president of the Slovenian People's Party and former Minister of the Economy, stated that *it is, however, the fundamental task of every minister to build his own team.*

In a 2016 conversation with the head of the Health Committee of the Modern Centre Party, I learnt that the *Minister cannot do her job well because she is not free to appoint hospital directors and the director of the Health Insurance Institute.* In his opinion, Croatia's regulation in this respect is much better.

In 2013, president of the Democratic Party of Pensioners, publicly stressed that he *would not support someone's candidacy for the directorship of the University Medical Centre Ljubljana because he employs his opponent for a leading position in the party.*

In 2016, in a debate related to the parliamentary consent for the appointment of Director of the Health Insurance Institute, a member of the Modern Centre Party parliamentary group and former leader of the Pozitivna Slovenija parliamentary group and of the AB Alliance, said that *he was capable, otherwise he would not have stayed at the top of the Institute for ten years. But he doesn't cooperate with the politics.*

All parties, left, right, centre and less centre, are convinced that staffing in all segments of Slovenian society is the right they won. On this, there is full agreement. When leading politicians make such and similar statements, the media are more or less silent, taking them for granted. The decision-makers at the top of the parties and prominent party members generally do not take the debate on the harmfulness of such doing seriously at all. The politest phrase we can hear when we object to such a belief is: "Stop dreaming!" The analyses and conclusions of this appendix will therefore certainly be opposed by all political players.

Despite the grim picture, we can be optimistic, because global comparisons show that successful countries do exist, and they work differently—by not allowing any social subgroup to have a monopoly—as the eminent economists Daron Acemoglu and James A. Robinson have convincingly shown in *Why Nations Fail* (Acemoglu in Robinson, *Why Nations Fail* 2012).

As I neared the conclusion of my ministerial term in 2000, counsel was provided by numerous individuals, advising the consideration of securing less exposed positions for my colleagues, in accordance with the system's provisions. In practice, however, people are not only rewarded with jobs or positions; loyal adherents were also rewarded with other material benefits when governments changed, such as favourable purchases of official lodgings, or the conclusion of copyright, lease and other contracts, usually linked to public property, or concession acts. Some went even further. As political office-holders, they created completely unnecessary new public law entities in order to secure directorships in budget-funded institutions, agencies and similar public law entities in the post-election period.

Such matters were deemed indecent, not only by myself but also by all of my colleagues. At that time, neither I nor they possessed any foresight regarding the transformation of attitudes with the advent of the new administration. Presently, we are aware that what was once inconceivable to us has become routine during every change of government. Remarkably, the broader public remains largely uninformed about these occurrences. What was going on? After the new administration took office, the head of one of the departments spent the first week at the ministry until late in the evening, sometimes even until midnight, fighting with the minister to stop the plot instigated against him. He finally managed to prove that he was right. By way of apology, he was replaced after 3 weeks and it took him 6 months to find a new job. He was honest, and he knew how to take things coolly and soberly, so he ended up without personal trauma.

Another example is a colleague who is a capable lawyer. When she arrived at work the day after the change, she found her office torn apart and people rummaging through documents. Because she was a confident and knowledgeable lawyer, she coldly dismissed them and threatened them with consequences, which got them

to stop looking through her papers. She was moved to a remote room, had her pay cut and was left to fend for herself without anything to do. When colleagues met her in the corridor, they turned away, no one dared to speak a word to her.

Another colleague is a more impulsive person, reacting emotionally to a harsh attitude. She was mobbed for so long that she had a mental breakdown. She spent several months on sick leave and took years to fully recover. Someone was simply fired and a head of a department was demoted. The changing hysteria gripped everyone, including the secretaries, who for years have been regarded as diligent workers dedicated to their jobs. Only 2 of the 20 or so close colleagues continued their work uninterrupted: one was an elderly gentleman who had been in the Ministry's leadership from the start, and the other a person with superb communication skills.

But such developments at the Ministry of Defence were not unprecedented at the time—the government replaced almost all key civil servants in 2000 without any guilty conscience. When the government's term came to an end, I found myself in coalition coordination meetings. I was on the side of the political party SLS, while on the opposite side was the all-powerful party LDS, which—thanks in part to massive personnel changes—had won the elections. The LDS representative was carrying two thick spiral-bound notebooks. These are all changes carried out by the government, he explained. The material was carefully compiled by a member of the LDS who was state secretary and also held this position in the previous government. Then he added: If you want to be in our new government, you need to know that all these changes will be reversed; the people who are in place cannot stay in their positions. I was not influential enough to say anything, so I just sighed deeply. The senior LDS official gave me a cold stare.

In 2004, I became Director of the Research Agency. The then “right-wing” minister in charge of science wanted to get rid of a brilliant employee who had been put in a leading position by the previous “left-wing” minister. He replaced her with a person who was later dismissed by his “right-wing” successor, because she was not of the same political stripe. When the new minister was appointed, she was gone as well. All these dismissed staff members became excellent colleagues of the Agency, and we also got someone who could not stand the strained relations in the ministry and found refuge with us. We worked as a coordinated team, where politics never played a role.

The state administration is a system that baffles common sense and intellectuals alike. The late pianist Primož Lorenz once asked me how it was possible for the state to function with constant changes of personnel. “Should I answer you as a university professor or as a top musician?” I asked him. Primož would not be fooled: “If there are two answers, say both,” he said. This was my explanation: “Imagine that you get a new dean at your faculty, who immediately after his arrival does a complete shake-up. Two full professors are demoted to assistant professors, three assistant professors become associate professors overnight, and two assistants are promoted to full professors. Absurd, isn't it?” He thought so too. “But this is exactly what happens in the state administration when there is a change of government, time after time. Such behaviour robs civil servants of their dignity, professionalism loses its value, and other qualities, such as servility, become valued and practical.”

Lorenz did not want to continue the debate in this direction, perhaps being afraid of what else he might hear. “I hope the example from music is more reassuring,” he jumped to another area. “Let’s see. Imagine an orchestra that gets a new conductor. In the first rehearsal, he shows who the boss is: the violinists are now a pianist, a trumpeter, a drummer, a harpist and a trombonist. The pianist will play first violin, and the second violin... ah, let’s just dismiss the second violin.” Professor Lorenz looked at me in amazement. “Why such a look?” I spoke. “You know very well that when you study a particular instrument, you also acquire knowledge about other instruments on your way to the Philharmonic. Theoretically, of course, an orchestra could work in this way, why not? But the music would reflect it.” “Is it really that bad?” he asked. I briefly replied that I was not exaggerating. That was in 2006, and 10 years later the situation is much worse. If we measure the development of a society by the state and competence of its public administration, we have every reason to be concerned.

I told the above story last year in the company of two astute interlocutors, a holder of several functions from the right political bank and a former minister. It’s not that bad, was their unanimous response. Some people—although rare—will survive every system. And they each told their own story.

The “right-wing” functionary story.

I took Janez on because he showed great promise. I knew him back from when we were young. He was an A student in high school and completed his studies with a PhD. When he came to me, he took me as his boss—I will serve him and I will succeed, he thought. He was immensely eager to please. But I don’t appreciate such an attitude, I don’t like servants. I like people with a mind of their own, who contradict me, who argue with me. All my true colleagues know this—that they can succeed, above all, with good ideas that they can defend intellectually. Still, our cooperation was good. I was full of ideas about working efficiently, he smoothed out the frictions between employees.

Then I left for another post while he remained at the ministry. I have it on good authority that, after my term of office ended, he wrote a lengthy text containing all the details of my time as a minister, and sent it to the leader of one of the parliamentary parties. It’s true—we worked well together and he meant me no harm, and I read it carefully (I have my sources, too). The text describes my working methods in detail, and the leader of a political party I don’t want to have anything to do with gained a wealth of information about me. Later, he repeatedly distorted them, put them in the wrong context, combined them with lies, and thus hindered my career. After a few years, for example, an anonymous letter arrived at various addresses accusing me of mobbing.

This record, however, is not the only thing that Janez has used to cash in on his contacts with me. He used me as a means to succeed, to survive at the top of the bureaucracy. He became an information trader. Every now and then, he invited me to dinner. We always talked about daily politics, as he was gathering information. He behaved like all spies—I’ve got to know them so well over my years of service that I can recognise them from a distance. They don’t talk as people normally do, in

equal interaction with each other. The conversation takes the following form: you talk, he listens, and because he doesn't make any meaningful comments in between, he doesn't seem to understand anything. He's not really talking, he's just asking questions and trying to remember everything verbatim, because he will be writing his report late in the evening. Our conversations were like that, too.

Janez has been rewarded with the post of State Secretary. He's satisfied.

So, what is the ultimate insight of a “survivor”—a bureaucrat who survives all systems? Where can you end up with such emotional intelligence that casually buries all moral inhibitions? Or as a politician once said in cold blood: “Integrity is an emotional category, and serious people ignore emotions in their jobs.” It does not take much common sense to realise that you can only rise to high office if you are a member of a party or a good friend of one of its leaders. Many people know this maxim, but many still do not believe it. There are indeed a few who are so exceptionally capable, or so exceptionally lucky, that they can make it and keep going without being capable. But only until there is a change of power, after which they are mostly booted out. True wisdom that every survivor has goes a step further. Only those who hide their beliefs and adapt to the new authorities survive. But even that is not enough—when power changes again, they are quickly dismissed as traitors. In the end, it is usually only those who double as spies and faithfully serve their silent masters who survive. And they are not so few—they are everywhere, working hard for their clients, sending them reports, gathering information on important events.

What makes this type of people so successful? A well-developed social intelligence. Social intelligence is a great trait valued in all societies, from cold Nordic to warm Mediterranean. At the 2015 award ceremony for young researchers of the Technical Culture Association of Slovenia (ZOTK) at Cankarjev dom, the Prime Minister, told the young technicians and natural scientists that they could be happy to have such intellectual intelligence, but that they should never forget about social intelligence, which is often even more important. I am giving similar advice to my daughter, in the good faith that she will be able to use her knowledge in her life. But—can such advice be given by the Prime Minister? I do not think so. I think he should have said: “Dear students, you have shown so far that you have a high intellectual intelligence. But knowing our society well, I know that it's unfortunately so organised that such intelligence contributes little to personal success. In our country, only social intelligence can lead you to success. There's no order, no respect for knowledge—we are not a meritocracy, a system by which success is earned. So, I promise you that I'll do everything in my power to change that. I'll try to make our country governed by the rule of law, a country based on ethical standards and a country where it pays to be innovative. A country where there'll be plenty of room for breakthrough projects and people with good ideas, without social skills alone playing a decisive role.” Of course, the Prime Minister did not say this at the event—perhaps he understands it differently, or perhaps he does not know what to do to change the situation.

Story of the Former liberal democratic party Minister.

When I became a minister in a ministry about which I knew practically nothing, I needed an experienced person who had been there for a long time and knew the people, a person with high emotional intelligence whom I could trust. Marina seemed such a person. I knew her from her student days, she was very ambitious. Maybe bitter because her university career had failed, but no one can have it all. When I took her on, I was immediately impressed by her performance, and then even more so by her kindness and willingness to help me with any problem, no matter how small. She convinced me so much that I didn't even notice that she didn't have other skills in such abundance, quite the opposite: looking back now, she had very few, she was a below-average employee.

Then someone from her company rose in rank and invited her to join his team at the Government Secretariat. I was delighted in my own way—the institution I want to work well with will have a person well-disposed towards me.

Marina, however, chose a different tactics. First, she wanted to lure away my close colleagues in the ministry, but they refused to leave. Then she tried to wring different information out of them—my colleagues told me this, but probably not all of it. In her new environment, she met a big boss, the president of one of the political parties, who quickly let her know that he'd protect her and help her on her way if she stuck with him. That he would keep her safe.

Some leaders of political parties have a special charisma and their own way of suggesting to their colleagues that they'll be protected under their wing. But if you disappoint them, they become cruel and ruthless, ostracising you and hurting you at the first opportunity; they can wait years for revenge. Everyone around them knows this, which is why they're afraid of them. All the while, they carefully cultivate various links, not for protocol purposes, but so that they can make individual moves to help their own—to find them jobs, to get approvals for their projects, and so on.

Marina has thus gained an ally to whom she's very loyal and is steadily advancing in the civil service. In her new job, she immediately realised that it would help her a great deal with her new boss if she did harm to her old boss. She undertook it consistently, systematically. For example, everything the ministry wants or needs from the Government.

Secretariat has been done extremely slowly since then. Changes to the rules, which only require government approval taking up to three weeks, will only be given to the Ministry in a year. This is despite my constant efforts to make it happen faster—with regular weekly emergency calls, phone calls at every possible level.

This is how things work year after year. Then it's time to take a bigger step, to really confirm loyalty to the master. Marina has to take part in the "Putting Our Man in Charge" project, which involves intense plotting. What's needed is a coordinated media and political intrigue campaign, in which Marina is one of the key links.

One more thing about Marina. She left the faculty because she was intellectually unable to compete with her more intelligent colleagues. This was constantly eating away at her; she promised projects to her former colleagues, recruited friends,

bribed them, but all in vain. Maybe she'll finally make it. The State has, namely, entrusted her with a project that's almost impossible to fail, so she'll take credit for it. She's full of herself and contemptuous of others—she criticises them at every opportunity and probably informs her regular clients about them.

Janez and Marina are typical “successful” bureaucrats. Their behaviour at all times goes beyond formalities: they play a sincere role of friendly cooperation and commitment to the goals set, serving with good-natured advice. If you believe them, you will be sorely disappointed later. They are admired by their colleagues, who treat them kind. Why make trouble for yourself—it would be a bad idea to incite their resentment. You can gain a lot; however, you just have to help them, help them with useful data. Everyone knows this, but the result is a society with perverse internal rules.

Many bureaucrats therefore tend to follow tactics that ensure their (easier) survival: staying unnoticed, avoiding conflicts and making bold decisions, not making decisions or delaying decisions, not looking for solutions but always asking new questions, trying to meet the boss's expectations, even when they go against professional criteria, and thus trying to enjoy their clerical positions. Because they are scared and aware of their inactivity, they are tacitly counting on a change of government or at least a change of boss, because at least then they will spend some time in peace and without new tasks, while the old ones will be forgotten anyway, as is always the case. This creates staff for which the well-known “proverb” applies: the best bureaucrat is the one who works the least, because he who does not work does not err. Or to put it another way: no orchestra can play so slowly that bureaucrats could dance to it.

However, it is worth pointing out an additional weakness of the current system, which increases the risk of corruption. For many years, “irreplaceable” officials have been in post, taking advantage of their position in the administration for private purposes. Over the years, a network of “godfathers” from behind the scenes has built up around them. Although they hold the highest official titles, they are employed in less exposed positions and are generally not very prominent. Although these non-replaceable officials do not necessarily only carry out work directly related to corruption-risk contracts in public procurement procedures, they have a strong informal influence on their conduct. The commissions they regularly receive have given them the nickname “Misters 10%”. A generally known fact is that certain companies are heavily dependent on the state, often securing multi-year deals through loyal officialdom. Since control mechanisms do not work in practice and tools to strengthen integrity and reduce corruption risks are only on paper, such “loyal officialdom” outlives virtually all systems.

Failures to make changes and improvements show that our administration is succumbing to this kind of pressure, and most officials are unaware of how damaging the consequences can be. Lobbyists often covertly target the civil service, knowing that it will be easier and quicker to achieve their goals at civil servant level. Even leading lobbyists at EU level emphasise this when they teach modern lobbying techniques in their seminars and recommend a “bottom-up” approach, which they

consider much more effective than a “top-down” approach (lobbying ministers or MPs). European lobbyists use several lobbying techniques. They most often resort to the “Trojan horse” technique: they bring their own man to the group of experts in charge of drafting a European act, who covertly promotes the interests of a particular group. If the Trojan Horse technique fails, they employ the “donkey” technique, as they call officials that can be bought at a low price—they have a lot of carrots at their disposal (free trips and other help). When neither the “Trojan horse” nor the “donkey” produce the desired results, they use a strategy called “dentistry”: they try to extract the sharpest teeth from legislation that threatens their interests. This means that some key provisions are removed from the regulation (the toothless version), allowing lobbyists to protect their guild interests (Craig and Elliott 2012).

Slightly more ambitious but not too hard-working bureaucrats often systematically seek their opportunities. The best ones occur when there are changes of ministers and governments, which they closely monitor and analyse, calculating electoral forecasts, possible coalitions and, last but not least, information on possible candidates for ministers, state secretaries, directors and other key positions. Who knows who, and what friendships or other links exist with potential candidates, becomes a very important question. The next step is to seek contacts, solicit and recommend themselves through acquaintances, friends, former colleagues and political party intermediaries, or to offer themselves directly at the first opportunity immediately after taking office.

A friend told me how a not very bright and successful, but all the more ambitious bureaucrat had chosen the garage of a ministry to meet a minister who had accepted office only the day before. He unashamedly presented his unimpressive credentials and offered himself as the director of an agency. He might even have succeeded, but the government has already agreed on another director. The bureaucrat did the same with the minister before, who was, however, replaced too quickly to achieve anything. His perseverance and, as far as credentials are concerned, his long career as a bureaucrat and his wife’s political allegiance, eventually led to his appointment to one of the most important posts in the country.

By seeking opportunities with the help of political support, a colleague who sympathised with as many as four parties of both left and right—most likely post-election coalition—and sought support from all of them before the elections, managed to rise to the top of the state bureaucracy. His expertise was rather weak, which he compensated for by seeming cooperative and friendly, and by scheming behind the scenes. And last but not least: the lowest officials and even gatekeepers, who are also looking forward to new opportunities, discuss possible staffing scenarios for months before the elections.

The Peter principle that everyone rises to their limit of incompetence should clearly be revised, at least in the light of these and other similar examples: a bureaucrat can rise even further.

And yet: the ambitions of people in the public sector are perfectly normal and legitimate, and not only that, they are also a powerful motivating factor that contributes to innovation, modernisation and efficiency in the public sector. Ambition should therefore be encouraged. So, in principle, there is nothing wrong with

people: they find their way in established ways. The fact that the public sector is filled by unaccountable, unprofessional, incompetent and other unsuitable employees is an anomaly of a system that enables “survivalism” and is harmful in at least three respects: because incompetent civil servants can take jobs, because there is no real accountability, and because it is demotivating.

Older colleagues have told me that the rules are different today than they were in Yugoslavia, and even different than they were 10 years ago. Why is it so? Why does a change in the social system lead to a complete change in social relations? It is true that society evolves gradually, and that it takes generations for values to be put into practice. But it is not always so. The war in Bosnia, for example, wiped out laws overnight and put people in a completely new social environment. They responded accordingly: only relatives and neighbours still counted. Most of the values they had sworn by evaporated almost instantly. In his book *The Whisperers* (Figs, *The Whisperers: Private Life in Stalin's Russia* 2009), the English historian Orlando Figs explored the daily lives of members of different social classes in the Soviet Union, revealing how Stalin's laws transformed the social landscape of the Soviet Union, and how people immediately adapted to it: *“There were certain rules of listening and talking that we children had to learn,” recalls the daughter of a middle-ranking Bolshevik official in Saratov. What we overheard the adults say in a whisper, or what we heard them say behind our backs, we knew we could not repeat to anyone. We would be in trouble if we even let them know that we had heard what they had said. Sometimes the adults would say something and then would tell us, ‘The walls have ears,’ or ‘Watch your tongue,’ or some other expression... But mostly, we learned these rules instinctively. No one explained to us that what was spoken might be dangerous politically, but somehow, we understood. Informers were everywhere—in factories and schools and offices, in public places and communal apartments. By any estimate, at the height of the Great Terror (1937–1938) millions of people were reporting on their colleagues, friends and neighbours.*

The way a country is organised and its laws have a significant impact on how we behave as citizens, how we act in order to survive and thrive. If the organisation is bad, citizens' attitudes and behaviour degenerate; if it is good, citizens' success depends on their work, which is also reflected in their relationships with each other. In the last two decades, laws shaping the status of bureaucrats have created a group of people who disregard recognised ethical premises and live by their own rules. According to France Bučar, this situation is the fault of the ruling elite of each time, who, as a rule, have neither a sense nor an understanding of the role of governance in a modern developed society, which in the end leads to the state becoming nothing more than a prey to reward the winners who conquer power.

The inappropriate, dismissive and even hostile attitude towards the civil service goes back to the Communist era. The administration is supposed to play the role of a minion, doing what the ruling elite tells it to do. With such a basis and attitude, a top-class civil service could not (and should not) have developed. The new state has not made any real step forward in this area either, and we have remained at the level of a second-class country. The “negative” attitude towards bureaucracy has particularly negative effects on the issue of accountability. How can anonymous

professional staff, who are not recognised as colleagues in the decision-making process, be held accountable? A state that has not satisfactorily addressed the issue of accountability in public administration cannot achieve the standards of efficiency required by the complexity of contemporary social developments (Bučar 2011).

Genghis Khan, Peter the Great, Attila etc. conquer the world; how does it happen? The movement of troops, a technological and motivational advantage over the opponents, a battle. Victory. Followed by the killing of the seized men, the raping of women, the stealing of valuables, festivities. War strategies first differed according to the strategic decision of whether to impose rule over the conquered territory or continue the campaign or both.

Conquering foreign lands and natural resources, taking possession of someone else's acquisitions and thereby reaping the benefits at the expense of one's opponents were, still are and always will be the underlying motives for war and, at the same time, provide an excellent platform for separating "us" from "them". The Chinese, who have a successful history of conquests, have invented *go*, which is based on the principles of conquering territory. American boys, who killed the Vietnamese by the thousands, often did so without inhibition—even though just before the draft, they might have been genuinely horrified by a neighbour lying drunk outside their house on a Sunday morning after an all-night bender. An even more obvious example of the division between "us" and "them" and also one of the most dramatic in recent history can be found in the beginning of Communism: the first Soviet leaders—Lenin, Trotsky, Stalin—would be called terrorist today, but in Socialist times they were seen as revolutionaries. In any case, it is a fact that the revolution was carried out by force, property was nationalised and their opponents were tortured, humiliated and killed (Radzinski 2008).

The period of conquest was followed by the establishment of the state's new attributes, new internal relations. The essence of Communist regimes was a unified form of government—the Communist Party controlled all subsystems, exercising supreme authority. Communist (Socialist) regimes therefore became a kind of continuation of Russian tsarist regimes, circumventing the humanist Enlightenment ideas fostered in Europe from the seventeenth century onwards. It is thus no coincidence that, in addition to tsars Alexander II and Nicholas II, the brilliant Russian historian Edvard Radzinsky also wrote about Stalin (Radzinski 2008). There is an interesting anecdote about Russian tsar Peter the Great, the great reformer, who wanted to introduce the European way of life into Russian society. At the beginning of his reign, he set out on a months-long journey around Europe, stopping in England in 1679. He asked the English king if he could also meet the greatest scholar of that time, Isaac Newton, and was astounded to hear the king reply, of course he could, if Newton would see him (Tolstoj 1950). The king's response came as a real cultural shock to Peter the Great, unfamiliar with how the concept of an autonomous profession, unknown to autocratic regimes, worked in life.

Communist regimes were strangers to autonomous institutions; even universities, the autonomy of which is the integral part of their essence, were subject to various pressures, such as the renaming of the University of Ljubljana to the University of Edvard Kardelj or the expulsion of professors. The idea of a classless society in

the Communist regime was in fact a preteen to create a society with one ruling class, one political elite. The authentic account of Milovan Đilas, one of the architects of the Yugoslav socialist state, is a perfect illustration of this point (Đilas 2014):

The mechanism of the Communist government is probably one of the simplest imaginable, even though it leads to the most sophisticated tyranny and the most brutal exploitation. The simplicity of this mechanism lies in the fact that only one party, the Communist Party, is the backbone of all political, economic and conceptual action. All public life stands still, moves, lags behind or writhes based on what happens at party forums.

The state apparatus was therefore unconditionally subordinate to politics and devoid of power in terms of major decision-making. In Slovenia, Socialism led to many side paths that came with this type of system, but that is not the topic of this appendix. It is a fact that country's development is lagging behind its neighbouring countries with a liberal market economy and that it will be difficult to catch up. The damage is immeasurable (Bučar 2009).

Still, years went by, the times of conquest receded into the distance, the functioning of the state became more and more organised, Yugoslavia was opening up to the world faster than other Socialist countries, mechanisms were being established that achieved an efficient balance in many areas, including bureaucracy and staffing. Many things therefore not only worked, but worked well. The Socialist regime eventually set up a bureaucracy that was clearly better and more professional than it is today. The reason is simple: the government was radically involved in bureaucracy only at the beginning, then mostly trusted it and abstained from making unnecessary changes to personnel, thereby enabling the development of numerous professional bureaucrats who knew their job well.

With the country's independence came a new political system—parliamentary democracy. Parliamentarism brought with it a multi-party system, which differs from the one-party system in its separation of powers: the judicial, legislative and executive branches are independent of one another and not controlled by the party like in the one-party system. However, democracy and a multi-party system are not the same thing. True democracy, unlike the one-party system, also grants political independence to social systems—the public sector, bureaucracy, business. The autonomy of institutions holds an important social role, as it enables them to operate according to professional criteria which, based on familiarity with a particular field, can only be determined within the sectors themselves. *In a one-party system, the autonomy of any social system is unacceptable and was completely eliminated in Socialism. All social systems became nothing more than administrative departments or units of state administrations, and all their members, from doctors, teachers, scientists and public utility workers to police officers, etc. became workers with the same social status, differing only in their position on the pay scale—the sole and determining criterion being their importance to reinforcing and maintaining the position of the ruling elite, rather than professionalism. This social entropy remained intact throughout further social development even after the fall of Socialism and was, by function, the basis for maintaining the one-party system despite the formal existence of the multi-party system. The change in leadership did not bring about a*

change in leadership style. It could not, because it did not change the circumstances from which it emerged (Bučar 2009).

In independent Slovenia, we somehow managed to establish a separation of powers, but unfortunately not the autonomy of institutions.

The establishment of a non-political bureaucracy was first mentioned in Slovenia in the 2002 Public Employees Act, but in normative terms, it is yet to be enforced. What does it mean? In a one-party system, bureaucracy's political dependence affected the patterns of its behaviour, the main characteristic of which became servility. In a relatively stable one-party system, this attitude gradually evolved; it adhered to professional standards and became independent. With the implementation of a multi-party system, bureaucracy had to adapt to the new authority, thereby reviving its sense of servility, as it did not gain a decision-making autonomy. At least it's not worse, you're going to say, but that is not true. In a multi-party system, governments change, as a result of which bureaucracy, devoid of autonomy, must adapt to the current politics every time. This means that servility does not subside or die away but, on the contrary, becomes worse and more malignant. The first step of a new government is to replace "their people" with "our people", without any professional basis whatsoever. State administration employees accept this as a fact, regardless of the way in which this replacement is carried out. They are not even outraged anymore. With ministers changing every four years, sometimes even sooner—the most notorious example of this was after 2010 when we had a different government every year—such changes become devastating to the state's operation. The question that arises is whether this actually moves us further away from a democratic system. Instead of autonomous social systems, we have sub-mechanisms that enable the abuse of democracy, and the only truly democratic element is the elections, which is not enough for a functioning democracy.

"Kadry reshaiut vse" (the cadres decide everything) is a famous quote by Joseph Vissarionovich Stalin, who devoted particular attention to picking officials and senior state employees. This became the central doctrine of all Communist regimes, an incredible amount of energy was spent on HR (human resources) policy, which followed various party directives. The main purpose was of course for the leadership to reach a decision about something—a course of action, a decisive development plan, repression, etc.—and for the apparatus to follow it, to implement the directives. As the top authorities are always the same, bureaucracy remains unchanged only if it is completely loyal. Naturally, professionalism is important, but not as important as loyalty. As the system enabled the leader to remain in power for life (Lenin, Stalin, Brezhnev, Tito, etc.), the personnel had to listen to the top brass unconditionally and implement their directives. An administration that is afraid for its existence, meaning that the most senior officials work in fear, cannot function professionally in practice. That is clearly not good, neither for the development of the state nor of society, something that those in power should be aware of. So, do we really want that?

In independent Slovenia, a broader social consensus eventually prevailed with regard to the role of politics in bureaucracy staffing, which was institutionalised with the amendment to the Public Employees Act adopted in 2005: the government

obtained the right to dismiss the most important officials on a no-fault (political) basis. Paragraph five of Article 83 of the Public Employees Act thus reads:

A holder of public office or the authority competent for appointments may dismiss within one year of his or her appointment the director-general of a ministry, the head of a government office, the secretary-general of a ministry, the head of a body within a ministry, the head of an administrative unit or the director of a municipal administration or municipal secretary on the proposal of the holder of public office who is responsible for proposing appointments...

The first version of the amendment to Article 83 was even more radical, as it allowed the dismissal of a director at any time in his or her five-year term, but the provision had to be revised following a decision of the Constitutional Court. Even though the introduction of the (toned-down) amendment to the public employee legislation was fiercely disputed both by the opposition and the informed public (Žerdin 2005), the amendment to the Act remained in place. Not only that, the article suited more or less all subsequent governments, the left-wing, the right-wing and the coalition alike, as an institutional basis for perverted personnel changes in state administration.

In several surveys conducted among public employees in recent years, dissatisfaction with such actions of the people in power was expressed by those who are aware of the importance of a stable and smooth-running administration. A few years ago, this was the topic of an article in magazine *Mladina*:

Currently, sitting at the top of the state administration are secretaries-general, one at each ministry, and a few directorate directors at each ministry. They represent the top layer of administration and the line where politics enters into play. Within the hierarchy, they are just below politically appointed officials, i.e. state secretaries and ministers. The positions of secretaries-general and directorate directors have thus always been considered the litmus test of the HR policy of a particular coalition. Attitudes towards them have always reflected how far a coalition dares to go in terms of personnel changes and particularly if it is capable to restrain itself and draw a line between politics and other areas, such as the media and education. /.../ Due to the need for "personal compatibility", they have replaced all secretaries-general and directorate directors. As was to be expected, this move was followed by the politicisation of other areas. The purge among public officials was followed by a purge in the media, culture, education and, of course, business (Mekina 2012).

Frequent government changes only make the situation worse, as less and less properly qualified people or people with great qualities decide to go into politics for whom the top positions in administration are generally meant. It is no wonder then why we so often encounter apathetic public officials who do not believe they will succeed through honest work and personal commitment—during such turbulences, most people are only concerned with their survival. A good illustration of how politicians think about personnel is a newspaper article by a long-time politician:

If we disregard certain terminological details, we can say that, after 1990, Slovenia had: 17 years and a half of "central-left" prime ministers and seven years and a half of "central-right" prime ministers. Several conclusions can be drawn from this data: that "central-left" politicians (Communists, their sympathisers and successors) have had a disproportionate share of power and disproportionate possibilities to appoint their members

to key (and best paid) posts in the country, which was established and embraced democracy at the initiative of "central-right" politics or Demos... (Rupel 2015).

In the case of politically appointed officials, everything is usually prearranged (personal and political connections), as proven by the fact that most acting officials—generally appointed by the government when it comes into power—remain in their post even after an open competition is held. Of course, only until a new government is sworn in, after which the circle repeats itself.

Let us see how open competitions, which are supposed to ensure equal access to employment in public administration, prevent politicisation and contribute to a stable and professional administration, are carried out. What is the actual process of hiring top state officials?

The depoliticization of top posts in the country's administration (directors of ministerial directorates, secretaries-general, heads of government offices and bodies within ministries and heads of administrative units) is supposed to be ensured by the Officials' Council. The activities of the Officials' Council are not regulated in detail in the Public Employees Act, nor is the process of the appointment of members of a "special selection board" which, in practice, carries out a procedure to establish the suitability of candidates for each office holder position for a particular term. How is the board established? Who nominates its members? How are impartiality, independence and professionalism guaranteed? The head of the board is usually a member of the Officials' Council, while other members represent public employees, experts (faculties) and trade unions. But in reality, special selection boards do not choose the best candidate, as the selection of "the best" (mainly politically appropriate) is left to the politicians (in the case of a directorate director, the minister). The board merely puts together a list of appropriate candidates for the politicians to choose from and they pick the most appropriate who is not necessarily the best. A government politician always has the option not to choose any of the appropriate candidates, without giving any particular explanation. The procedure is thus repeated when the board fails to give the minister "the most appropriate" candidate. During this time, which often takes up to a year, the position of the highest official is performed by the acting official.

In addition to the procedure of appointment of special selection boards, the determination of the number of their members is also questionable. Practices differ and there are no detailed rules on this issue. Boards can consist of three, four or five members. As mentioned above, a selection board is appointed by the Officials' Council, but the Act offers a second option: a politically appointed official may decide to appoint the members of the board that will carry out the procedure of selecting an appropriate candidate. Unfortunately, it is not clear from the records of the Officials' Council how many times this option has actually been exercised. But we can ask ourselves why such an option even exists, if the appointment procedure is supposed to ensure the members' independence and an impartial decision on the most appropriate candidates.

The question of independence and impartiality also arises with regard to the Officials' Council members themselves, who are appointed by politicians and, like all top officials, can be replaced or dismissed in the middle of their term. So how are

they supposed to guarantee depoliticization? Let us look at a few particulars: the Officials' Council consists of 12 members, appointed for a six-year term. Much like the five-year term of top officials, this term was adopted in the Public Employees Act to ensure overlap, thereby preventing the influence of politics on administration staffing. According to the Act, the composition of the Officials' Council is as follows: three members are appointed by the President of the Republic, three by the officials themselves, two by representative trade unions and four by the government. Despite the highest representation, the government does not have a majority, but if we also count the members appointed by the President of the Republic, the influence of politics becomes more apparent.

The term of most government-appointed members generally runs out at the end of the government's term or they are immediately dismissed when a new government is sworn in. Data on the appointed and dismissed members of the Officials' Council is published on the website of the Ministry of Public Administration. For example, in 2006, a government-appointed official of the Government Office for Legislation was dismissed and replaced by a politically-appointed official—a government secretary-general. The story of dismissals and new political appointments also repeated itself during the term of the second Janša government. Not counting Pahor's government in 2009, when the government was represented exclusively by experts, government-appointed members always included current political representatives. If members of the Officials' Council are indeed "political", then the political connections of members of special selection boards also make sense, as they are appointed by the members of the Officials' Council. In the end, all of this is reflected in the number of newly-appointed politically acceptable personnel.

Are the activities of the Officials' Council and the conduct of open competitions for top administrative posts, particularly the heads of government offices, secretaries-general and directors of ministerial directories, therefore even sensible? Positions can be filled in advance through political or personal connections. Appointments depend on political affiliation, and statistics show that more politicians than experts are selected. The procedure of appointment through the Officials' Council is merely an illusion—the only thing that matters in practice is political acceptability. Add to that the vague system of appointment of special selection boards, which are supposed to be independent and, above all, professional, and it is clear that the entire system of staffing for top personnel has fallen apart. Are we not pointlessly spending money on a system that fails to deliver?

And the ministers not only appoint subordinate heads, but also hire ordinary public employees. And they do it the same way as everything else: based on political criteria, favouring relatives, following the suggestions of their staff—we have just seen how they are selected—or by simple inertia. Remember the phrase: first-rate people choose to work with other first-rate people, second-rate people hire third-rate people. And they do so with the help of the Public Employees Act: the latter prescribes only a six-month probation period for permanent employment and a very restrictive fixed-term employment, which the Act limits to substituting for temporary absent employees, an anticipated abolition of posts and project implementation. In state administration, fixed-term employment is therefore particularly rare.

This is how it goes in practice: a competition is published; a multitude of candidates apply and the subsequent course of events is haphazard. Some heads (ministers, directors) put in a lot of effort, others practically zero. In certain cases, the head of a department makes the selection, with similar results—the selection can be good or bad. A recommendation by a public institution employee is often taken into consideration—frequently motivated by a gesture of friendship—or the hiring is influenced by a party intervention.

What kind of public employee profile does this produce, if we overlook the exceptions that can be found everywhere? The selected employee soon, not even a year later, realises that they cannot lose their permanent job. Their zeal for work accordingly decreases. At least at the beginning, they must return the favour for their employment one way or another. They do not understand the meaning of healthy competition, honesty and the harmfulness of a conflict of interest—this is lost by the manner in which they were hired. They are only interested in their salary, not missing any opportunity for a formal promotion. They are usually not independent in their work and do not show initiative. They like to complicate things, drag them out. And they are not interested in results, taking care only not to make major mistakes.

Heads who are motivated of course read books about motivating people and undergo training at seminars, trying to inspire their employees. Sometimes they even succeed, but most of the time they fail as the employees know full well that in life, things happen through connections rather than good references. That also has an effect on their communication with users. Not seeing the ideal or mission of their profession, they do not put in any effort and usually disappoint a citizen who is in need of government services. If they are equipped with the typical grumpiness, they may manage to get things done, otherwise nothing happens. The only satisfaction that such public employees can find in their work is wielding their pent-up power over the users; if they are instructed to find a solution that will benefit the users, they are greatly surprised. But one cannot talk about the ethics and mission of administration if their key elements are outlined wrong. The tools contained in the legislation have completely failed.

A detailed description of politically motivated staffing in countries with an autocratic present or recent past reveals the dimensions of the problem of non-autonomous public institutions. But it also shows that not all countries are at the same point—some countries will have to do more than others to make public administration more efficient and fairer.

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