

OPENNESS AND TRANSPARENCY IN PUBLIC ADMINISTRATION

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ABSTRACT

The purpose of this paper is to highlight a series of elements referring to transparency as an ethical operational value in the practice of administrative action. We will develop a theoretical analysis on transparency as an ethical value, which becomes a principle of good administrative practice. Transparency promotes a series of constitutive values such as equality of chances and opportunities and respect for the dignity and autonomy of the individual in the process of administrative decision.

The starting point of this article is the normativity specific to the Romanian public sphere, but the ethical values and the principles derived have a universal applicability in the systems of administrative ethics based on responsibility towards non-presence.

Keywords: Bureaucracy, transparency, ethics in public administration, ethical decision.

Introduction

The functionality of bureaucracy, as described by Weber (1978), is strictly correlated with the regulated functioning and transparency of public administration. Functional bureaucracy will replace the arbitrariness of the political decision, both totalitarian and benevolent, with the rational public decision that is based on a clear set of laws.

Functional power, normatively regulated, replaces personal power. Functional power is intended to be abstract and indifferent to persons or groups who temporarily occupy certain public positions.

The purpose of this paper is to highlight a series of elements referring to transparency as ethical operational value in the practice of administrative action. We will develop a theoretical analysis on transparency as an ethical value, which becomes a principle of good administrative practice. Transparency promotes a series of constitutive values such as *equality of chances and opportunities and respect for the dignity and autonomy of the individual in the process of administrative decision*.

The starting point of this article is the normativity specific to the Romanian public sphere, but the ethical values and the principles derived have a universal applicability in the systems of administrative ethics based on responsibility towards non-presence. The deontological, traditional approach emphasizes the personalization of moral obligation both in the person of the moral agent and in the moral patient. Moral obligations are immediate, both spatially and temporarily. Moral duty is oriented towards those we interact with directly and personally. There is a very narrow ethical reflection referring to the possibilities opened up by the actions of a moral agent to Some/Other moral agents, so that they perform evil. Transparency in the functioning of public services is an ethical operational value in the sphere of public administration, as it targets the access of all interested persons both to the process of decision-making and in the practical functioning of public institutions.

Theoretical foundation of transparency as ethical operational value of administrative action

Transparency as the defining value of each communicative action derives from the postulation of value centred on alterity. The functioning of modern public administration is meant to serve the citizen as co-holder of sovereignty. If the traditional public servant is subordinate to the sovereign as the legitimate holder of power, the postmodern public servant acquires the role of interpreter of power and the politician is mandated to exercise it.

We could ground a philosophical ethics of transparency in public administration starting from the Levinasian relationship: Me, Other and The Other One. In this triad, the roles are interchangeable and belong in turn to the citizen, the servant and the politician. Transparency can be interpreted as an ontological drift of the responsibility of the subject towards The Other One. If responsibility represents the force that connects the Self to the Other One (Levinas, 1985), or otherwise the subject to the object of administrative action, then transparency represents the very field of administrative action as a vector of public responsibility.

We understand administrative action as a particular form of communicative action (Habermas, 1990). For Habermas, communicative action aims to gain consensus between the moral actors implicated in a public decision, unlike social action, which aims to modify the power report in the direction desired by the social actor. Communicative action aims to balance the scale of subjective power and the influence expressed by

one or other of the communicative actors. This balancing is based on consensus, which transforms ethics of social action centred on equality of opportunity into ethics of communication centred on the value of transparency. The environment of a legitimate communicative action cannot be other than transparency. Administrative action appropriates the nature of communicative action simply by adhering to the value of transparency as operational value.

The traditional nature of administrative action as strategic action is deconstructed on the side of efficiency. The traditional legitimacy of the old co-representative of the senior/holder of power is disavowed by the democratic processes which places public administration at the interference of the citizen with the authority. The deconstruction of authority from the position of legitimate holder of the constraint into that of public servant makes transparency and responsibility become legitimate instances of any administrative actions. Responsibility implies a two-way relationship between the holder (public servant) and its legitimate receiver (the citizen). Transparency makes the disparities of power fade away, the responsibility coming from the very field of communicative action (public participation) and not from a transcendent responsibility of the sovereign. The ontological Levinasian justification of responsibility towards the public function and towards the citizen as an object must be replaced with the transparent communicative responsibility of the administrative act, as generator of participation and consensus.

The postmodern idea of transparent society (Vattimo, 1992) refers to the society of mass, global communication. Transparent society is a result of global communication, but also of extended de-privatization of more and more fields of social and personal life. Transparent society can be considered a threat to privacy, due to the invasion of the public sphere in fields that usually belong to private life. Postmodern society is one of "permissiveness" (Lipovetsky, 1992), but also of generalized supervision (Foucault, 1979). If the transparency of private life can be a source of worry, specifically towards the state's interference in private life, the reverse is represented by the transparency of state functioning and the civilian control at all levels.

Decisional transparency and functional bureaucracy in public administration

Transparency mainly concerns access to public interest information (Giménez-Chornet, 2012; Borghetti, 2007) and the decisional transparency in elaborating public policies (Corrêa, Spinelli, 2011).

In literature, there is a connection between transparency and public trust, as constitutive value of democratic functioning and implicitly of public administration in the democratic systems. From our point of view, it becomes clear that transparency has an ethical value derived from that of public trust, which is operationalized at the level of administrative practice as social practice. In turn, public trust is funded as constitutive value for the practices of public administration on public participation, which is, in turn, constitutive value for the systems based on participative democracy. This emphasizes the value of the moral actor as political actor, having the capacity of autonomous and responsible decision within his/her communicative competences and interests of social action.

Transparency becomes a background value with a constitutive role for a series of institutions particular to public administration, whose mission is to implement ethics policies established at different levels of the administration (Sandu, Caras (Frunza), 2014; Caras (Frunza), Sandu, 2014).

As an example of such institutions designed to implement transparency in public administration and in general of ethics policies, we bring into discussion the institution of the counsellor of ethics, of the ethics

committees (in the administrative systems and in the fields in which it exists), the ethics audit and also the institutions for monitoring the compliance of ethical norms, such as, in Romania, the National Agency of Integrity. In order to understand the ethical value of transparency, we should see it in the context of the epistemic paradigm in which it was born and which pegs the foundation of modern administration.

We distinguish between the constitutive values, those that generate the necessity of the emergence of a social institution and the operational values that underlie its functioning (Sandu, Caras (Frunza), 2014; Sandu, 2015). This distinction is based on the idea according to which there is an ontological hierarchy of ethical values that generate and govern a certain social institution. Constitutive values are included in the institution through the normativity through which it was constituted. However, those values transcend the functioning of the institution, being therefore placed outside it. The implementation of those *constitutive* values requires the call to other values, which we call *operational*, that are inherent to the institution and can be operationalized as principles of practice. The references to transparency as a central public value (Stranger, 2012) allows us to highlight the fact that the concept of “central values” actually implies the existence of operational values, whose centrality guarantees the ethical functioning of the administrative systems.

Weber (1978) introduces the idea of functional bureaucracy, theorizing the functioning of modern state starting from this point. Bureaucracy grows with the development of administrative tasks and its empowerment towards the politics. Weber shows the interdependence between the modernization of the state and the bureaucratization of public administration, both at central and local level. Bureaucracy is essential for maintaining modern society, in Weber’s view it not being a deficiency of public administration functioning, but rather the key to the rationality of administrative action. The emergence and development of structured bureaucracy, with clear levels of expressing competences, is closely correlated with the development of the state functions, such as: taxation and tax collection, customs, education and public order. In Weber’s vision, the impersonal rules, the hierarchic order and the labour division represent the characteristics of functional bureaucracy. Weber’s epistemological perspective places public administration at the intersection between social rationality and public interest expressed through political will. The dependence from normative values in administration functioning represents, in Weber’s opinion, its modernization, starting from the elimination of the arbitrary in the public decision.

The reasonableness of the administrative decision cannot be ensured outside the public control. Expressing public control upon the administration can be understood as a first transposition in social ethics of the categorical imperative (Kant, 1997; 2012). In order for the autonomy of the administrative decision to be authentic, it needs to be subject not only to the control of the own rationality of the decision-maker, but also of other actors generating consent within the society, whose voice must be heard in the decision-making process. The democratic system therefore becomes a moral collective actor in which the process of moral reason is shared between the individual actors who are part of the public decision system. The rationality of the system is guaranteed by its transparency, without which the administrative decision loses its democratic nature.

The bureaucratic activity, regulated through norms, codes and regulations, is subject to control, both of the hierarchical one and by the civil society, both attempting to prevent the arbitrariness of the administrative decision. The control of civil society, and virtually of any interested citizen, is possible through ensuring the mechanisms of transparency of the administrative systems’ functioning. Ensuring administrative transparency becomes a source of legitimacy for their functioning. Postmodern society is facing a crisis of legitimizing any form of expression of power due to the deconstruction in the process of secularization and

modernization of legitimate structures (Sandu, Caras, 2013), based on the transcendent origin of power. The democratic power is legitimized through transparency and fairness, the two values being the only ones capable of balancing the disparities of power between the subjective holders (citizens) and those who actually exercise it. The splitting of the administrative apparatus from the political contributes to the normalization of that relationship of power, the administrative functioning as a neutral third between the two axes of power mentioned: citizens and the political. The administrative factor serving the citizens is the instance to which political will is implemented as public policies, and the administrative action as a particular form of communicative action.

Transparency as ethical value ensures the emergence of this function of administration, that of facilitating the communication between citizen and politics and of effective governance. Administrative bureaucracy is truly functional when administrative action is predictable, answering at least two requirements: public information and control from the citizens.

In the same direction of transparency and democratization of the public decision, the regulations regarding conflict of interests can be found, through which they prohibit obtaining personal benefits from a decisional position. The regulations regarding the limitation of conflict of interests are closely correlated with those targeting the ensuring of transparency, together resulting in the defence of certain moral values, such as equity and equality in the face of the law, dignity and fairness of opportunity etc.

Transparency in decision-making and administrative action

Openness and transparency are synthesized by the Romanian legislation into a principle – included in the Code of Conduct of the Public Servants – according to which the administrative activities are public and can be monitored by the citizens. The Code is limited in formulating the principle of transparency in public administration. Implementing the values of openness and transparency is reduced to the simple affirmation of the *possibilities* of control from the citizens. In fact, transparency is a result of public will of consensus. Ensuring transparency targets three levels, namely: public decision, implementing the public decision and communicating the results of the public action.

The mechanisms for ensuring transparency are achieved through early publication of the documents subject to the administrative or political decision. Publishing normative acts before they are adopted permits the access of the public to the debates that will take place in order to adopt those documents. According to the legal provisions, publishing (Law No. 52/2003) can be done both at the headquarters and on the website of the institution implicated in the public decision: government, parliament, public, central or local authority, public institution etc.

Persons that are interested must be able to easily find these documents, having, at the same time, efficient ways to communicate their opinion on the opportunity and content of the documents. The organizations of the civil society must also be able to formulate opinions in the case of decisions of public importance and be invited to participate in the drafting of the final documents.

The lack of transparency and the democracy deficit

Public decision is based on a process of negotiation between the actors involved in the collective decision. Particularly when the decision has normative value, a deliberative process, developed in the framework of a collegial body, generates more public trust through its democratic and participative side. In this process, precisely providing transparency of deliberation aims to exercise public responsibility. With regard to the administrative acts that involve the decision of a single person – mayor, prefect, minister, etc. – they should have an executive nature that would target the implementation of certain norms, without having a normative nature themselves. In certain cases, an administrative decision with normative nature is issued by an unipersonal organ, for example a ministerial order, after being discussed by a deliberative/consultative body subordinated by that decision-making organ. The administrative act must be possible to be challenged and be subject to the process of revision by an administrative superior body and/or by a court.

Transparency in the decision-making process is achieved by simultaneously ensuring the participative and deliberative democracy in the frameworks determined by the norms of the representative democracy. Citizens' participation in the process of public decision ensures legitimacy. Legitimacy of the administrative action can be placed in direct connection with the level of implication and of transparency in which it operates (Lodge, 1994).

The democratic deficit can occur when a public decision body is not representatively constituted (Habermas, 2013; Sandu, 2014). We believe that there is a democratic deficit even in the contexts in which the deliberative process is inconsistent, including due to the lack of transparency and limitation of public participation. We extend the meaning of the term democratic deficit to any system of public decision that has either the representative or the participative component diminished.

We consider the term democratic deficit as being applicable also to the bureaucratic decisions that elude the conditions of transparency: participation, deliberation and representation. In our opinion, transparency exceeds simple public control, being conditioned by the simultaneous existence of representability in the framework of the collective decisions, ensuring participation and deliberation. Our opinion is that the public decision that is based on a non-representative collective organism – which was not built by choice – maintains the nature of democratic deficit, therefore needing a different instance of legitimation such as public control, being absolutely mandatory to ensure transparency in terms of participation and deliberation. The lack of representability in establishing a decision-making organism does not necessarily mean a lack of transparency, which, in our opinion, compensate for the democratic deficit if the context of public participation – civic or political – and the deliberative dimension are ensured. A decision taken in the context of a democratic deficit, namely lack of transparency and public participation, is susceptible to lack of legitimacy.

Ensuring transparency through the instruments of e-governance is able to increase public trust in the context of increasing the level of participation of the citizens. The practices of e-governance should not be limited to the simple accessibility of information, but rather to the pursuit of a virtualization of the administrative action.

Levels of transparency of the public administration's activity

Like any ethical value, transparency can be interpreted normatively, at a minimal level, as the necessity of publicly communicating the administrative decision, through means of easy access to information by the interested public. To its full extent, transparency represents the facilitation of participation for all possible stakeholders in the decision-making act, taking inclusive measures where necessary in order to ensure participation. In our opinion, in order for the value of transparency to become truly operational in the functioning of public administration, this must be approached from an affirmative perspective, strictly linked to the participation of the citizens in the elaboration and implementation of public policies. An affirmative-appreciative approach of the ethical value of transparency requires the understanding of it as a virtue of the public systems or, in sociological terms, as a model of good practice in the relationship between public institutions and the citizen. Maximizing the transparency of public administration targets the existence of three levels at which it can and should be implemented:

I. Publication of the administrative decision (minimal level) and/or its communication through easy means for the interested audience.

II. Transparency of the implementation of the decisions and the existence of certain clear, predictable and transparent administrative procedures. Transparency of the process of implementing the administrative decision ensures the elimination of power abuse in exercising the public decision. The predictability of the administrative action is linked to the existence of certain procedural norms for implementing the administrative decision. The control over the execution of the executive act must be accessible both to the citizen and the civil society. The different types of e-government provide transparency simultaneously with equal opportunity.

III. Transparency of the results of the acts and administrative decisions implies the existence of impact studies regarding an administrative measure both on the predicting side and on that of the post-implementation efficiency. Establishing and publishing results of the activity reports of the public institutions ensures the implementation of transparency on the side of efficiency of administrative action. The results obtained in public management can be compared with those provisioned in the initial managerial plan, therefore measuring the efficiency and efficacy of the administrative actions of the public manager.

The origin of transparency as democratic principle lies in the continuous public pressure, meant to increase social control on the organs of public administration and in general on its functioning (Serban, 2009). If transparency initially targeted mainly the spending of public funds and the acknowledgement of the right of the taxpayer to be informed of it, gradually the concept of transparency is increasingly aimed towards the area of public decision in general. Taxpayers (transparency in using public money) is developed from the simple obligation to inform the citizens with regard to public spending and it transforms into the obligation to ensure equity of access to public funds for all interested suppliers who are qualified for the field in which the public auction will be held. Therefore, ensuring transparency guarantees equity in the access to public resources, but also maximum efficiency in their allocation. Equity, transparency and efficiency become regulating principles of the functioning of public services on models similar to the one applied in public acquisitions. Ethical values such as equity and transparency are operationalized in principles of practice, transforming from ethical values into administrative norms and economical principles of functioning of the public apparatus.

Code of ethics vs. deontological code

By implementing various ethical instruments, we aim to institute certain obligations with moral character that would act as professional standards even outside the area of direct application of legal dispositions.

The rules of professional ethics assume, not require, that a professional from a certain branch or organization agrees to regulate their own behaviour according to a series of ethical standards assumed “from bottom to top”. Prescribing desirable behaviours (Gilman, 2005), the code of ethics secures the superior standards of the professional activity (Danilet, 2011). The Deontological Codes’ objective should be the regulation of minimum standards necessary and mandatory for practising professions or activities of an organization. The Deontological Codes, usually issued by the public authorities in the field, regulate conduct of a general nature. They have a character of principles whose violation generates unacceptable behaviours that draw disciplinary sanctions (Danilet, 2011). Therefore, necessary minimum standards are included that are compulsory for the profession, or the development of the organization’s activity, which are strictly linked with the compulsoriness of respecting the law. The code of deontological conduct sets sanctions, being an instrument of coercion at the hands of the issuing authority. A certain preference for deontological regulation makes normative ethics privileged in the area of applied ethics and in particular of ethics in public administration. The attenuation of the distance between ethics (normative) and law makes ethics inefficient, the excess of normativity leading to ethics abuse – a syntagma developed through an analogy with that of *abuse of law* (Ignatescu, 2013). The activity of public servants in Romania is regulated through a code of conduct adopted by law.

The Code of Conduct of the public servants explains a series of ethical principles such as the ensuring of transparency in the exercise of the administrative role. The development of these ethical values is regulated in Art. 3, which gives details of approaches and particular contexts of application. For example, *quality* in public services is seen by the legislator as being achieved through active participation in making decisions and transposing them into practice by the public servant (Art. 5), which imposes the expression of transparency, not only as a value in itself, but also as a conduct of the public servant. Therefore, transparency becomes a professional virtue. The article mentioned asks the public servant to include administrative transparency as a way of gaining and maintaining public trust in the integrity, impartiality and effectiveness of public institutions.

The normative dimension of ensuring transparency in public administration

Transparency represents not only the legitimacy of the governing, but also a means of promoting good governance. Public trust can be stated through mechanisms of responsibility control, especially by those targeting participative democracy. One of the problems is generated by the lack of competence of the public towards the issues discussed. The real ensuring of transparency also aims to explain the decision that will be implemented, its purpose, the possible desired consequences, or the undesirable but anticipated ones and, in particular, the way in which public policy will influence the life of the people. Romanian legislation regarding transparency in public administration reflects the European policy in the field, initiated by the White Paper on European Governance, adopted by the European Commission in 2001, which concerns the implementation of certain principles, such as: openness, participation, responsibility, efficiency and coherence. The internal legislation has as its main reference points: Law no. 544/2001 regarding access to public interest information; Law no. 215/2001 of local public administration, supplemented and amended; Law no. 52/2003 regarding decision-making transparency in exercising public dignities, of public functions and preventing and punishing corruption.

The law aims to establish a set of minimum procedural rules for ensuring decision-making transparency in the functioning of the administrative-public authorities, both at central and local level, as well as other institutions that use public financial resources (Law 52/2003, Art. 1, Align. 1). The purpose of regulating decision-making transparency in public administration is represented by the increase of responsibility towards the citizens and the active participation of the citizens in the decision-making process. The legislator formulates a series of principles, among which are the following: prior and ex officio informing the people of public interest issues, consulting the citizens and the civil society in the process of establishing acts and active participation of the citizens in the administrative decision-making process (Art. 2).

The obligation of transparency which lies, according to this law, on the authorities of public administration, is to inform and publicly debate the projects of normative acts, to permit access to administrative decisions and to the minutes of public meetings. As we have seen, this is a minimal obligation that should be completed through good practices, established at the level of public institutions through their own codes of ethics. In terms of procedures, the law describes the method of implementing the obligations of transparency, by publishing the projects of normative acts and sending them to the representatives of the civil society for consultation. Usually, an administrative decision of normative nature can only be taken after consulting the civil society, with the exception being an emergency situation.

Equality of opportunity and treatment as dimensions of implementing transparency in public administration

The requirement to prove objectivity in evaluation is established through the code of conduct of the public servant (Art. 16, Align. 1 and 2). The legislator distinguishes between equal opportunity and equal treatment, both being considered mandatory in the process of selection and proposal of staff in a public position. In order to ensure equal opportunity to access a position, there needs to be a transparency in the selection process, by publishing the available positions, both on websites, at the headquarters and in the press. The current Romanian methodology calls for the positions to also be published in the Official Gazette of Romania, together with a large circulation newspaper. The inclusive measures developed by the Romanian legislator take into account the possibility of using the mother tongue in supporting the contests for employment, as well as supporting measures for people with disabilities.

Uniformity in assessing public servants is an obligation for public managers, for whom Align. 2 of the Code requires objectivity in assessing public servants who are subordinates and eliminating any forms of favouritism or discrimination (Art. 16, Align. 3).

Public servants are prohibited from any form of arbitrariness in exercising their public position and of the prerogatives involved in it. The ethics and transparency policies, especially those related to equal opportunities and treatment, propose values that are in competition with those of loyalty towards the appurtenance group, transferring loyalty to the reference group, represented by the institution that hired the servant. Loyalty towards the appurtenance appurtenance group – towards the ones we consider our own – is an ethical trans-generational value, which generates belonging and identity. Moving towards an ethics of equal opportunity aims to modify the relationship with the Alterity, from duty towards personal Alterity, to a social responsibility towards the generic and impersonal Alterity, represented by any holder of rights and interests. The ethics of the public position involves passing from a moral of individual duty – towards the people nearby, which also includes a duty of loyalty towards them – to one of collective responsibility and accepting alterity as complementary, imposing a series of new values: transparency, equal opportunity, etc. These values can be found in the individual moral as an application of the categorical imperative, but are best defined when they are perceived in the perspective of an ethics of communicative action.

From the need for transparency to the excess of ethics in the practice of the public administration

One concern of the Romanian legislator, and in general of the European one, is the prohibition of gaining benefits or advantages for oneself or for one's loved ones, or the illegitimate disfavour of certain persons when exercising a public position. This situation is unfortunately congruent with the public image of the corrupt official, reinforced by the Romanian mass-media, which presents almost daily images of arrests for corruption of state officials or public servants, or for conduct incompatible with their public office. The excessive concern towards such situations undermines the public trust in authorities, gradually eroding any initiative of good governance. The excess of ethics is likely to be just as serious as the lack of it, both rocking the public trust in the state of law.

Steps towards an ethical principlism in public administration

The ethics of the public servant could be synthesized as a principlism that is similar to that proposed by Beauchamp and Childress (2009) and used in bioethics. The existence of such principlism, not necessarily in an extended form in bioethics, would enable the professionalization of ethical expertise in the area of public administration and at the same time a greater degree of voluntary compliance of public servants to the codes of ethics, to the construction of which they were a part of.

The principle of beneficence can be expressed by the obligation of exercising the public position with professionalism and maximizing the quality of the services. The most extended formulation of the principle of beneficence in expressing the public function involves asserting the mission of the public servant to serve the citizen and act in favour of the public good.

The principle of non-maleficence can be translated through the interdiction of bringing material or moral prejudice to the different persons the civil servant interacts with. The prejudices caused by negligence and ignorance cannot be seen as being qualitatively different from those caused maliciously. The public servant must have a pro-active attitude in performing his duties, being imposed as a corollary the principle of practice exercised by the public servants and the transparency on all three levels discussed: the public decision, the implementation of normative acts and public decisions and the effectiveness of the administrative action. The principle of respect towards the autonomy and determination of the beneficiary leads to the symmetrisation of the relationships of power between the public servant and the citizen and the balance between the primacy of the public interest and the interest of the citizen. The principle of public responsibility exercised in a transparent administrative act requires a new form of responsibility towards the citizen as a stakeholder, simultaneous to the one towards the state, whose official representative (s)he is. Such responsibility should be intended - as previously stated - to place the public servant in the position of mediator of the balance of power in the very process of exercising power and public responsibility. Only the transparent exercising of the administrative action permits the expression of collective responsibilities by means of the public servant as an individual actor.

The ethics audit of transparency of the administrative systems

We support the need for auditing the decision-making transparency and the functioning of the public services. Transparency in public administration, as well as in business, can be formal, ensuring the access of the public to the relevant information. The non-transparent decision-making process uses communicative practices, meant to distort the reality of the decision-making process, either through "seductive strategies" that draw the attention of the decision-maker towards a certain side of the decision, or through evading the

“alternative voices” in the process of gaining decision-making consensus. The unequal power between the communicative actors diminishes the chances of reaching an interpretative agreement favourable to all members of the community. Public participation can be vitiated by the lack of information, the seductive strategies, the imprecision of the message, etc.

The audit of transparency must target the affirmative actions taken to include in the decision-making field all stakeholders who wish to participate in the process of making decisions.

Conclusions

As an ethical operational value, transparency should be transposed both at decision-making level and at the level of implementing public policies and their results.

The public servant, in the postmodern interpretation, is in the position of balancing the scale between the right holder of power – the citizen – and the political – a group entitled to temporarily exercise power. The social responsibility of the public function has an immediate nature that comes from this middle position that the public servant occupies in the balance of power. Fulfilling this responsibility targets the very transparency of power, the responsibility being a guarantor of the public decision’s equity. The transparency of the administrative action should be seen as a positive component of the idea of transparent society.

Exercising transparency can be seen at the very minimum as the obligation to publish the normative and administrative decisions. An affirmative understanding of transparency aims to ensure the expression of participative democracy, which becomes legitimate instance for the very administrative action.

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